

December 9, 2013

The Union County Board of Adjustment met in regular session on Monday, December 9, 2013 at 7:00 p.m. in the Union County Government Center, 1st Floor Board Room, 500 N. Main Street, with Chairman Darren Greene presiding.

BOARD MEMBERS PRESENT: Chairman Darren Greene, Vice-Chairman Mark Tilley, Rick Davis, Jonathan Holland and Douglas Hutton

BOARD MEMBERS ABSENT: Louis Philippi and Jennifer Stewart

ALSO PRESENT: Richard Lee Jenson, Land Use Administrator, Susie Calkins, Secretary for the Board and Bill Sturges, Attorney for the Board

Chairman Darren Greene called the meeting to order at 7:00 p.m.

REGULAR MEETING

- A. Determination of a quorum. Quorum was determined.
- B. Approval of minutes from October 2013 and November 2013. These minutes were not ready for this meeting. Will be ready for January meeting.

PUBLIC HEARING

- A. Determination of any conflicts of interest for Special Use 2013-013 (Item B)
- B. "Special Use 2013-013" – American Towers LLC requesting a "Special Use" under Section 180E and Section 54 of the Union County Land Use Ordinance to construct a 199 ft. telecommunications tower and related equipment shelter. Located at Davis Road, being on Tax Map 05-120-006A; presently zoned RA-40.

Chairman Darren Greene asked Lee Jenson to come forward and be sworn in.

Chairman Darren Greene asked Mr. Jenson if the petition submitted was complete. Mr. Jenson stated the petition was complete.

Chairman Darren Greene asked if any Board member had a conflict with this agenda item. No one came forward.

Chairman Darren Greene asked for a motion to hear the petition. Doug Hutton made a motion to hear the petition; seconded by Rick Davis.

Chairman Greene asked if there was anyone present in opposition that would like this petition to be continued. No one came forward.

Mr. Jenson came forward and presented the following staff analysis:

*** PRE-HEARING STAFF ANALYSIS***

Special Use Petition No. 2013-013

Property Owner: William & Holly Stewart

Petitioner: American Towers, LLC

Location: Davis Rd. (05-120-006A)

Request: To construct a 199' telecommunications tower and related equipment.

Summary

This petition seeks approval to construct a 199' telecommunications tower and related equipment.

Existing Zoning

North

The area to the north is zoned RA-40.

East

The area to the east is zoned RA-40.

South

The area to the south is zoned RA-40.

West

The area to the west is zoned RA-40.

Subject Property

The petitioned property is currently zoned RA-40.

Existing Land Use

North

The area to the north consists of low density residential development and agricultural uses.

East

The area to the east consists of low density residential development and agricultural uses.

South

The area to the south consists of low density residential development and agricultural uses.

West

The area to the west consists of low density residential development and agricultural uses.

Subject Property

The subject property is currently vacant.

Proposed Land Use

The Union County, North Carolina 2025 Comprehensive Plan calls for this area to develop as low density residential 0-1 dwelling units per acre.

Lee Jenson submitted the complete Land Use application as Exhibit #1. He submitted slideshow presentation as Exhibit #2.

Rick Davis asked about the existing fence compound that was showing on the map. Mr. Jenson stated it was an existing sewer lift station and stated encroachment/driveway permits would have to be obtained from the NCDOT department if the Special Use application is approved.

Pat Sarsfield, representative for American Tower came forward and submitted Petitioner Exhibit #1 – binder. He stated they do comply with all ordinances and construction design as submitted in the binder. Pat Sarsfield stated due to significant studies that have been done, this area would be better for the needs in this area. He also stated they met all of the findings of fact that are required for a special use application.

Charles McDonald, Senior Engineer for A T & T came forward and explained the differences in the different signals in other surrounding areas that are shown on the diagram in Petitioner Exhibit #1.

Chairman Greene asked if there was anyone present to submit evidence in opposition to come forward. Douglas Brown came forward and stated he owned the property across the street from

the tower. He stated the information given tonight was misgiven. He stated that he has no cell phone issues with his service currently. He stated he did not feel there was a need for a tower in that area. He felt like the decision had already been made to approve the tower without the adjoining property owners being aware. The board stated that no decision has been made. The petition is being heard tonight in full.

Chairman Darren Greene closed the public hearing for discussions.

After discussions and deliberations were made by the Board, Mark Tilley made a motion to approve the Special Use Permit as submitted, seconded by Rick Davis. Motion passed unanimously.

There being no further business to come before the Board at this time, the public hearing was adjourned at 8:00 p.m.

Respectfully submitted,

Susan R. Calkins
Secretary to Board of Adjustment