

March 10, 2014

The Union County Board of Adjustment met in regular session on March 10, 2014, 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: Darren Greene, Chairman  
Mark Tilley, Vice Chairman  
Rick Davis  
Louis Philippi  
Jennifer Stewart

ALSO PRESENT: Richard Lee Jenson, Land Use Administrator  
Bill Sturges, Board Attorney  
Susan Calkins, Secretary to the Board

Chairman Darren Greene called the meeting to order at 7:00 p.m. He announced that a quorum was present.

A request by the applicant to postpone the hearing of Agenda Item #D was granted.

**PUBLIC HEARING:**

"Special Use 2013-14" - American Towers LLC requesting a "Special Use" under Section 180E and Section 54 of the Union County Land Use Ordinance to construct a 186 ft. telecommunications tower and related equipment shelter. Located at Davis Road, being on Tax Map 05-126-002C; presently zoned RA-40.

Chairman Greene asked if any board member had a conflict of interest with this agenda item. It was determined there were no conflicts of interest.

Lee Jenson was sworn.

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

Mr. Tilley moved that the petition be heard; seconded by Ms. Stewart; motion carried.

There was no request for continuance.

Mr. Jenson presented the following staff analysis:

**Property Owner:** JAARS, Inc.

**Petitioner:** American Towers, LLC

**Location:** Davis Rd. (05-126-002C)

**Request:** To construct a 185' telecommunications tower and related equipment.

**Summary**

This petition seeks approval to construct a 185' telecommunications tower and related equipment.

**Existing Zoning**

North

The area to the north is zoned B-2 and 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 R-6, R-8, B-4, HI, RA-20, and RA-40.

Subject Property

The petitioned property is currently zoned RA-40.

**Existing Land Use**

North

The area to the north consists of institutional uses, medium density residential (apartments), and 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 mixed use development associated with the JAARS complex and 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.

Mr. Jenson answered questions posed by the Members.

Chairman Greene invited witnesses in favor of the petition to be sworn.

Pat Sarsfield, having first been duly sworn, testified as follows:

Mr. Sarsfield stated he was appearing on behalf of American Tower and explained the contents of the applicant's packet and the need for the cell tower for expanded coverage as far as safety concerns.

Mr. Sarsfield answered questions posed by the Members.

Graham Herring, having first been duly sworn, testified as follows:

Mr. Herring stated that he had researched the effect of property value should the cell tower be constructed and that he determined from his research that the construction of the cell tower would not adversely affect the value of the surrounding property.

Mr. Herring answered questions posed by the Members.

The following exhibits were received into evidence.

#1 - application

#2 - notebook

The applicant offered no further evidence.

Chairman Greene invited opposition witnesses to come forward to testify.

Chuck Daly, having first been duly sworn, testified as follows:

Mr. Daly stated that he was not necessarily in opposition to the application. He stated he was vice president of Transportation Services at JAARS and that since the tower was near their airport, it was in their contract that the cell tower be lighted day and night.

Mr. Daly answered questions posed by the Members.

Tim Staples, having first been duly sworn, testified as follows:

Mr. Staples stated he really wasn't in opposition to the application, but he voiced concern concerning the light issue, as well.

There was no further evidence in opposition.

Chairman Greene closed the public hearing and the Board deliberated.

Mr. Greene closed the public hearing and the board deliberated. .

Mr. Tilley made a motion and Mr. Davis seconded that the petition be approved. The motion carried.

The meeting adjourned at 8:30 p.m.

