

**BOARD OF ZONING APPEALS
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, January 13, 2015
6:00 p.m.**

The regular meeting of the Board of Zoning Appeals was scheduled and held in the Council Chambers of the Municipal Center on January 21, 2015. Alderman John Barzizza called the meeting to order at 6:00 p.m.

COMMISSIONERS PRESENT:

Mr. Henry Evans, Chairman; Ms. Jennifer Sisson, Vice Chairman; Ms. Pat Sherman; Mr. Hunter Browndyke; Mr. Frank Uhlhorn; Alderman John Barzizza; and Mr. Mike Harless

DEVELOPMENT STAFF PRESENT:

Mr. Cameron Ross, Economic and Community Development Services Director; Mr. Wade Morgan, Chief Planner; Ms. Sheila Pounder – Planner; Ms. Regina Gibson, Administrative Secretary; and Mr. Alan Strain, Attorney

1. Election of Chairman and Vice Chairman

Alderman Barzizza called for a motion to elect a Chairman. Mr. Uhlhorn made a motion to nominate Mr. Evans and seconded by Ms. Sisson, with no further comments or discussion. Mr. Evans indicated that he would accept the position.

ROLL CALL: Mr. Browndyke – Yes; Ms. Sisson – Yes; Mr. Harless – Yes; Ms. Sherman – Yes; Mr. Uhlhorn – Yes; Alderman Barzizza – Yes; Mr. Evans - Abstain

Chairman Evans called for a motion to elect a Vice Chairman. Mr. Uhlhorn made a motion to nominate Ms. Sisson and seconded by Ms. Sherman with no further comments or discussion. Ms. Sisson indicated that she would accept the position.

ROLL CALL: Mr. Browndyke – Yes; Mr. Harless – Yes; Ms. Sisson – Abstain; Mr. Sherman – Yes; Mr. Uhlhorn – Yes; Alderman Barzizza – Yes; and Chairman Evans – Yes.

Chairman Evans reminded those in attendance that the Board of Zoning Appeals is a Quasi-Judicial body and as such, the latitude for acting on applications is somewhat limited by State Statute and City Ordinance. He also reminded those appearing before the Board that the meeting is recorded and they would need to identify themselves, give their address and be sworn in for the record. He then swore in the staff.

Chairman Evans stated that he would like to make note that the motions made in all meetings are of an affirmative nature. He stated this does not necessarily mean that the motion will be approved, but that the language will be in an affirmative nature when the motion is made.

2. Approval of Minutes for December 9, 2014

Mr. Uhlhorn moved to approve the Board of Zoning Appeals minutes of December 9, 2014, seconded by Ms. Sherman, with no further comments or discussions.

ROLL CALL: Ms. Sisson - Yes; Mr. Uhlhorn – Yes; Mr. Browndyke - Yes; Alderman Barzizza – Abstain; Ms. Sherman – Yes; Mr. Harless – Abstain; Chairman Evans – Yes.

MOTION PASSED

3. 8151 Poplar Ave – Request Approval of a Variance to Allow a 20 Foot Height Increase of an Existing 100 Foot Tall Wireless Transmission Facility in the “R” Low Density Residential District.

BACKGROUND: DATE PRINCIPAL STRUCTURE APPROVED/BUILT: The existing wireless transmission facility (WTF) was approved by the BZA at its meeting on April On April 10, 2001, and by the Planning Commission on June 4, 2001. The WTF was constructed under Project Development Contract 1076.

PREVIOUS VARIANCE REQUESTS: none

DISCUSSION: SPECIFIC SECTIONS OF ZONING ORDINANCE: Section 23-86(h)(3) sets a maximum tower height of 100 feet.

NATURE OF VARIANCE REQUESTED: The proposed tower extension will increase its height by 20 feet, to 120 feet maximum height, which is a variance of 20 feet from the WTF regulations.

APPLICANT’S JUSTIFICATION: The applicant states that a 3-story building (Solana senior living community) has been built on the adjacent property to the east which limits the use of the space on the tower. “In lieu of requesting the installation of a new cell tower in this area, we are seeking to co-locate on an existing tower with additional height to provide for the needed additional service coverage in this area.” The application notes that the maximum allowed cell tower height of 100 feet creates an extraordinary and exceptional situation, and the 3-story building on the adjacent property results in an undue hardship.

STAFF COMMENTS:

1. The applicant has provided cell phone coverage maps describing reception with and without the increased tower height.
2. Approximately 5,450 people are within the existing (100 ft. tower) coverage area vs 11,400 people within the coverage area with the 20 ft. extension.

PROPOSED MOTION: To approve a variance to allow a 20 foot height increase to the existing 100 foot tall Wireless Transmission Facility at 8151 Poplar Ave. in the “R” Low Density Residential District, subject to the staff comments contained in the staff report and the site plan submitted with the application.

Alderman Barzizza recused himself from this item.

Ms. Cindy Reaves, with SR Consulting, Steven Sullivan, and Adam (inaudible)w/Verizon explained that there is a major hardship on this site due to the construction of the Solana and Verizon’s need to provide better coverage to that area. The only other option is to build another new tower either on the same property or somewhere else in the immediate area. The only level that is available on the present tower is 66 feet and Verizon needs a level of 115 feet or higher for more coverage so they could better serve their customers in their homes. They requested the board to allow them to increase the existing tower to 120 feet.

After much discussion, Chairman Evans called for a motion.

Mr. Uhlhorn moved to approve the variance to allow a 20 foot height increase to the existing 100 foot tall wireless transmission facility at 8151 Poplar Ave., in the “R” Low Density Residential District, as discussed, subject to the staff comments contained in the staff report, and the site plan submitted with the application, seconded by Ms. Sherman.

Chairman Evans explained that he understood the applicant to be asking for a variance as a marketing tool to allow them to acquire a larger coverage area. He explained that this board is required to look for hardships when a variance is considered. They are obligated by the city to provide opportunities for cell providers to operate within our city limits but not obligated to guarantee 100% coverage. They are prohibited from considering a variance based on the monetary advantage or disadvantage of the applicant. It was his opinion that this request did not represent a hardship and would be voting no when the role is called.

Mr. Harless explained that he is voting no. He explained that if this board granted this motion that Verizon would come to them again later with another variance request to cover up more dead spots. This would be opening up the barn door for this board and would rather see them locating another spot rather than raising this tower.

ROLL CALL: Mr. Harless – No; Ms. Sherman – Yes; Ms. Sisson – Yes; Mr. Uhlhorn – Yes; Alderman Barzizza – Recused; Mr. Browndyke - Yes; Chairman Evans – No.

MOTION PASSED

ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:30 p.m.