

OCONEE COUNTY BOARD OF ZONING APPEALS

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MINUTES

BOARD OF ZONING APPEALS

6:00, MONDAY, OCTOBER 23, 2017

The Oconee County Board of Zoning Appeals held a meeting on October 23, 2017, at 6:00 pm in Council Chambers at the Oconee County Administrative Building, 415 S. Pine St., Walhalla, SC 29691.

Members Present: Mr. Morgan
Mr. Lusk
Mr. Gilster
Mr. McKee
Mr. Medford
Ms. Fowler

Staff Present: Bill Huggins, Planner
Sherrie Williams, Planner

ITEM 1- Call to Order

Mr. Gilster, Acting Chairman, called the meeting to order at 6:00p.m.

ITEM 2- Approval of Minutes July 24, 2017

Mr. Morgan made a motion to approve the minutes and a second by Mr. Medford, unanimous vote 6-0

ITEM 3- Vote to Choose Temporary Vice-Chairman

Mr. Gilster tabled request until a full board is present

Motion – Mr. Medford

Second – Mr. Morgan

ITEM 4- Public Comment (Non-Agenda)

None

ITEM 5- Staff Update on Issues

No new submittals. The Planning and Zoning Department is currently working on enforcement of the International Property Maintenance Code, the Corridor Overlay, and Multi-Family in the Comprehensive Plan updates. A workshop is scheduled with County Council and the Planning Commission concerning several issues. We have a new employee Sherrie Williams, Planner for Oconee County.

ITEM 6- Special Exception for Application SE17-000004 – Special Exception request for the construction of a 165’ monopine wireless telecommunications tower at 615 N. Highway 11, West Union, S.C. – Tax Parcel ID# 147-00-03-087

Public Comment:

Staff stated this is a request for a 165’ cell tower on 615 North HWY 11 in West Union. The site has a 100 year flood plain, because of a creek that runs through the property. The cell tower site is not within the FEMA 100 year flood plain. The property is bounded on the North by a 25 acre farm and a 5 acre farm. The Industrial property, including Itron, is located to the southwest

across Cane Creek from the subject property. The Burns Mill residential subdivision is located to the East across HWY 11 from the subject property along with Dendy Subdivision. The property is a 25.24 acre site and is zoned CFD (Control Free District).

Applicant

Laura Baker of behalf of Verizon Wireless presented the proposed project to the Board. She stated that Verizon looked at doing a co-locator in the area and couldn't find a tower to co-locate on. The Verizon Wireless Engineer had created a search area map to determine the optimal location for the site. Verizon Wireless could not find a co-location site in the search area. Mary Pat Tyndall was the consultant who performed that search. According to Ms. Baker, the purpose of this tower is to off load wireless capacity. The setbacks require the tower be setback from the property line the height of the tower so if the tower fell it would fall within the site property. The application submitted states the requirements for a cell tower in Oconee County for a special exception. Ms. Baker stated the company's finding of facts based on the special exception criteria:

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- The tower is in accordance with the comprehensive plan and is consistent with the district.
- It is in the best interest of the county. The public is using more wireless phones, thus increasing the need for additional towers. The proposed site has met FAA requirements and the project is licensed by the FCC.

- In the Control Free District (CFD) towers are allowed by Special Exception. The tower will be a mono stealth tower setback 370 ' from HWY 11 and the trees around the tower will be maintained as a buffer.
- The tower will not have an effect on the area after construction. After construction it will be maintained by employees of Verizon Wireless.

Mr. McKee asked about an existing coverage map before and after construction.

Mr. Lusk asked if the applicant had information about how many users are in that area. Ms. Baker did not have that information at this time. Mr. Lusk also asked about the process for seeking other sites in the area.

Mary Pat Tyndall spoke about her role in the process. Ms. Tyndall receives notification from the carrier about what and where they need a tower or co-locator. She goes to the area and searches for a site to accommodate the carrier.

Public Comment:

David Scealf spoke for his father, whose property is adjacent to the proposed tower site. The site map that was sent out was the search map, not the map for the proposed site. Mr. Scealf quoted SC State Law Article 5 Section 6.29.710 (A) 4, which refers to comprehensive planning elements, one of which is to protect and preserve scenic, historic, or ecologically sensitive areas. He stated that HWY 11 is a designated Cherokee Scenic HWY by SC State Law. The tower will be 169" tall with

the lighting rod. Mr. Scealf also cited the Oconee County Mission Statement: "It is the mission of Oconee County to provide our current and future citizens and visitors quality services while protecting our communities, heritage, environment and natural resources, in an ever-changing world." He also referenced the Vision statement for Oconee County: "A diverse, growing, safe, vibrant community guided by rural traditions and shaped by natural beauty; where employment, education and recreation offer rich quality of life for all generations, both today and tomorrow." Mr. Shealf also stated that using the coordinates from the balloon report provided by Gold, the distance between the residences is 1027' and that this is closer to his parents' house than Mr. Dunagan's. He stated that the tower will be significantly taller than the existing trees nearby. Mr. Scealf read a letter prepared by his father.

Staff stated that the reference to potential health and environmental issues can't be considered by the Board, as per the Communications Act of 1996 and subsequent case law.

Ms. Binder spoke about not getting the information in a timely matter and having little time to prepare anything or do any research. He added that when the leaves fall a tower will be more visible than is indicated by the submitted test photos.

Mr. McKee questioned if the required notification was given. Mr. Huggins answered that the legal notification requirement was met. He did note that the mailing that

went to nearby owners contained a map showing the optimum location for a tower based on the company study, not the actual site location. Letters were sent to property owners within a 250' radius of the subject property.

Ms. Quirk stated she did not get notification and had two objections: 1) aesthetics 2) She is a Verizon wireless customer, and she indicated that she has no trouble getting a signal. She also stated her belief that the visual study needs to be redone in two months when the leaves have fallen.

Ms. Vaughn stated that her property adjoins the proposed tower site. Ms. Vaughn asked if the Board members received a copy of her documentation from Danny and Wanda Knight and an email from Dave and Deb Miller. This community was given one week notification. Ms. Vaughn requested that the request be tabled until the community would have time to do research.

Mr. Dunagan stated that his battery usage drains on his property.

Mr. Codner stated that notification has been an issue in the past.

Mr. Huggins stated that the current State statutory requirement and local code requirement for notification has been met, and that no requirement for additional signage or direct mail notification of nearby property owners has ever been approved by County ordinance.

Mr. Scealf stated that notification is a problem, but that even with additional notification, the position of opposing property owners would likely not change.

Ms. Goode stated that this project is a capacity off load from a tower 1.6 miles to the south and that it is not a coverage tower.

Mr. Ruket asked why the tower could not move to one of the other quadrants of the proposed site.

Mr. Gilster questioned whether the hearing needed to be continued to allow for more discussion or interaction between the property owners and Verizon.

Mr. McKee stated that the tower approval process needs to be looked at as a County-wide issue.

Mr. Gilster asked whether the Board needed to vote on the Special Exception with one motion or to vote on of the required criteria at a time.

The consensus of the board and staff was to vote on each one individually.

Mr. Gilster recited the Sec. 38-7.2. – Special Exception standards:

(1) The project is In accordance with the comprehensive plan and is consistent with the spirit, purposes, and the intent and specific requirements of this chapter, to include the definition and intent of the district in which the special exception is being requested:

Motion: Mr. McKee, second Ms. Fowler. Motion passed **5-0**

(2) In the best interests of the county, the convenience of the community and the public welfare

Motion: Ms. Fowler, second Mr. McKee

Mr. Lusk stated that he did not believe enough research had been done on the area and that he did not believe the project is in the best interest of the community. He was of the opinion that there are a number of parcels in the area that could serve the same area.

Denied 3-3

Mr. Lusk, Mr. Morgan, Mr. Medford – opposed
Mr. Gilster, Mr. McKee, Ms. Fowler – in favor

Staff stated that a tie vote defeats the motion.

ITEM 7-

Old Business

None

ITEM 8-

New Business

None

Adjourn-

Motion Mr. McKee, 8:02