

**TOWN OF CLOVER
BOARD OF ZONING APPEALS
THURSDAY, JANUARY 14, 2016
CLOVER COMMUNITY CENTER
120 BETHEL STREET
6:00 PM**

MINUTES

MEMBERS PRESENT

William Pugh – 2016 - Chair
William Vaughn – 2017 - Vice Chair
Martha Ashe - 2016
Linda Brown - 2017
Steven Mayer - 2018

OTHERS PRESENT

George Davis, VP & Managing Partner, TowerCom
Jonathan Yates, TowerCom Attorney
Al Haselden, Town Attorney
Luke Caldwell, Code Enforcement
CJ Dover, Building Official
Allison Harvey, Town Administrator
Emily Collins, Fox 36 News
Renee O’Neil, CN2 News
Andrew Dys, The Herald

MEMBERS ABSENT

None

I. CALL TO ORDER

William Pugh called the meeting to order at 6:00 PM.

II. NEW BUSINESS

A. Election of Chairperson and Vice Chairperson

Vice Chairperson Vaughn made a motion to re-elect Chairperson William Pugh and Vice Chairperson William Vaughn. Linda Brown seconded, and the motion carried unanimously.

B. Rules of Procedure Amendment

Chairperson Pugh asked if the members had reviewed the Rules of Procedure Amendment. Vice Chairperson Vaughn made a motion to approve. Linda Brown seconded, and the motion carried unanimously.

C. Appeal of the Zoning Administrator’s Decision, #VA 12/14/15, filed by William Edward Dees, Jr., to permit a communications/cell tower at 210 Walnut Street, (Tax Map #010-04-04-013)

Chairperson Pugh swore in the members of the audience who wished to speak. Mr. Dees asked for a rehearing and stated he had spoken with Mrs. Harvey and requested to have his appeal revised because the BZA had been instructed to review only 1 of the 7 regulations of Section 3.2 of the Zoning Ordinance regarding Communication Towers and Antennas. He presented the members with a copy of his appeal. This included Duke Energy Right of Way, questions about rezoning, power grid, set back and fall zone concerns. He said the tower would be built 40' from his home across the street.

Mr. Mayer arrived five minutes late for the meeting and stated that he had several concerns regarding the cell tower.

Mr. Yates stood up to speak, but was out of order and asked to wait for his turn. He asked for the record to state he objected, and he sat down.

Mrs. Harvey presented the Case Summation. She stated the Zoning Ordinance was adopted in 2015. She said the building permit for the cell tower was approved on October 14, 2015, and issued on December 11, 2015. The property is zoned Industrial. Communication Towers and Antennas are allowed as a conditional use under Section 3.2. All seven of the conditions and requirements had been met.

She reviewed the appeal filed by Mr. Dees. In her Staff Response, she stated the Site Plan shows the fall zone of the tower as 42'. The closest distance from the edge of the fall zone to Mr. Dee's property is 36'. The closest distance from the edge of the fall zone to his home is approximately 150'. Two engineers provided her with written documentation regarding the fall zone. The lower portion of the tower is reinforced to bend and buckle- not fall over at the base. The noise will be minimal. A 15' bufferyard with Leyland Cypress trees will be provided.

Chairperson Pugh asked about the zoning of the property. Mrs. Harvey said the oldest zoning map found was from 1990 and showed the zoning as Industrial.

Mr. Yates introduced himself and Mr. Davis. He stated that time for appeal (15 days) had run out. He said TowerCom had studied Section 3.2 of the Zoning Ordinance and that the location met all of the requirements. The existing cell tower site is maxed out. A second site was needed. They are trying to improve cell phone use inside of homes. The cell tower must be set back from the property line for the fall zone. The 180' cell tower has a fall zone of 42'. The cell tower will be able to withstand winds up to 115 miles per hour. TowerCom confirmed they would be responsible for maintaining the landscaping including replacing trees. A power pole will be at the curb and Duke Energy will provide power. Verizon will locate on the tower. He stated there would be no lights, odors or fumes emitted from the cell tower.

In his rebuttal, Mr. Dees stated that he was concerned because he said the tower would only be 40' from his front porch.

Members of the audience spoke to express their concerns about the cell tower. Teresa Husrt asked when the property was rezoned. She asked for proof that other areas were researched for the cell tower. She asked if radio frequency research was done. She referred to the Preservation Act of 1966. She said the former office on the property should qualify as a historical base. She asked if Mr. Benfield, owner of the property, was in violation of any codes in Clover.

James Zurn asked about the trees dying in Clover. He said we need trees to live. He also spoke about tornadoes and school children.

Thomas Hill was worried about a decrease in his property value. He said that the tower should be placed in the field beside the old mill.

Debbie Shelton said her uncle lives near the property. He is worried about the cell tower giving off radiation.

Laurin McCarley questioned the fall zone and manufacturing details. She would like a guarantee that the cell tower would not fall on cars and houses. She asked if a radio frequency engineer had been brought in. She was concerned about tax values and health dangers.

Todd Blanton said he lives 14 house away. He felt that all 7 requirements should have been looked at. He said that only the fall zone had been addressed.

Craig Poole stated that he was concerned about the fall zone. His back yard has a Duke Energy Right of Way. He felt the cell tower would create a huge eyesore and depreciate his property value.

Mr. Johnny Grayson has several rental properties near the site. He was concerned about the property values, health concerns and radiation.

Bruce Henderson lives 2 blocks from the property. He said the cell tower would adversely affect his property tax values. He agreed with the citizens that another location would be more suitable.

Chairperson Pugh asked Mrs. Harvey what options the board had and if the appeal could be amended. She asked Mr. Haselden to answer the question. Mr. Haselden stated that according to SC state law and Town of Clover ordinance, the time frame to file and/or amend an appeal had passed. Mr. Haselden stated that the BZA could ask for more information if needed and have another meeting within 60 days.

Chairperson Pugh asked Mrs. Harvey for clarification on what they were voting for. She stated the BZA was voting on if the Zoning Administrator approved the zoning permit for the cell tower in error.

Vice Chairperson Vaughn stated that he felt the ordinance requirements had been met.

Chairperson Pugh made a motion stating that no error had been made by the Zoning Administrator in issuing the permit for the cell tower. Vice Chairperson Vaughn seconded. The vote was 3-2 in favor of no error being made. Chairperson Pugh, Vice Chairperson Vaughn and Steven Mayer voted in favor that no error had been made. Martha Ashe and Linda Brown voted against.

III. Adjournment

The meeting was adjourned at 7:31 PM.