

**TOWN OF CLOVER
BOARD OF ZONING APPEALS
THURSDAY, MAY 26, 2016
CLOVER COMMUNITY CENTER
120 BETHEL STREET
6:00 PM**

MINUTES

MEMBERS PRESENT

William Pugh - 2016 - Chair
Martha Ashe - 2016
Linda Brown - 2017
Mike Carroll - 2017 - Vice Chair
Scott Freshour - 2018

OTHERS PRESENT

George Davis, VP & Managing Partner, TowerCom
Jonathan Yates, TowerCom Attorney
Andy Haldane, independent engineer
Al Haselden, Town Attorney
Kelly Reiter, Court Reporter
Luke Caldwell, Code Enforcement
Lt. Frankie Sadler, Clover P.D.
Allison Harvey, Town Administrator
Andrew Dys, The Herald

MEMBERS ABSENT

None

I. CALL TO ORDER

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

II. NEW BUSINESS

A. Election of Chairperson and Vice Chairperson

Mike Carroll made a motion to re-elect William Pugh as Chairperson. Scott Freshour seconded, and the motion carried unanimously. Scott Freshour made a motion to nominate Mike Carroll as Vice Chairperson. Chairperson Pugh seconded, and the motion carried unanimously.

B. Appointment of Secretary

Chairperson Pugh made a motion to nominate Cris Marine as Secretary. Vice Chairperson Carroll seconded, and the motion carried unanimously.

C. Rules of Procedure Amendment

Mrs. Harvey reviewed the proposed changes to the Rules of Procedure.

Vice Chairperson Carroll made a motion to approve the Rules of Procedure Amendment. Scott Freshour seconded, and the motion carried unanimously.

Vice Chairperson Carroll requested to be recused from the Appeal proceedings due to his employment with AT&T, which could be construed as a potential conflict of interest; Chairperson Pugh excused Carroll from the remainder of the meeting.

D. 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 #010-04-27-001)

Chairperson Pugh swore in the members of the audience who wished to speak. He asked Mr. Dees to speak and present his appeal. Mr. Dees stated that he lives directly across the street from where the cell tower would be built. He feels the tower will be an eyesore and he has a sick wife who would have to see it every day. He stated that cell towers are being built in poor neighborhoods and it would destroy the equity he has in his house.

Mrs. Harvey presented the Case Summation. She read the Appeal filed by Mr. Dees and presented the Staff Response. This included information regarding the fall zone and the landscaping buffer that would be provided.

Mr. Yates and Mr. Davis spoke and stated the tower was designed for present and future use. They presented a copy of a notebook to the Secretary filled with materials regarding the proposed cell tower. There are no plans to paint or illuminate the tower. The closest tower is currently one mile away. Mr. Haldane brought a small model of the cell tower and demonstrated how they are built. He discussed fall zones stating that the tower folds upon itself rather than falling over on the ground.

In his rebuttal, Mr. Dees asked Todd Blanton to speak on his behalf. Mr. Blanton asked for extra time and the board granted him two extra minutes. He stated that in relation to the fall zone, the plan had been prepared for layout and permitting purposes only. He said it was not a boundary survey or a certified survey, and had not been reviewed by a local government agency for compliance with any application of land development regulation. He said the TowerCom representatives present were employees of a private company (who manufacture cell towers), and were selling to Tower Com/Verizon. He stated that Mr. Dees works at Lowe's and has a sick wife at home. He asked the BZA to consider the evidence in the red notebooks he provided to them before voting. He said it would prove the errors made by the Zoning Administrator.

Chairperson Pugh asked if the BZA members had any questions. A question was asked about the geo tech report for a soil sample analysis and the fall zone.

A lightening rod will be attached to the top of the tower. Chairperson Pugh asked about the need for a cell tower. He was told that 50% of all households are wireless. The proposed tower will be used for voice and data coverage and additional capacity. 84% of 911 calls come from wireless phones. The tower will not only be for Verizon, but also three other carriers. Chairperson Pugh asked why the tower could not be less visible. He was told they were building it in a clean way and it would be less than 200 feet high and without lights. Mr. Davis stated the location was chosen because it was zoned Industrial. Members of the audience spoke one at a time to express their concerns about the cell tower.

Teresa Hurst said there were errors on the zoning permit application and that Luke Caldwell should not have signed the permit because he was not a building official.

Kaja Morrow, youth pastor with Will of God Ministries, read a bible passage about the tower of babel to the board members. He is also a photographer and lives at the parsonage.

Shirley Williams, evangelist with Will of God Ministries said she had concerns about children playing there.

Hattie Currence attends Will of god Ministries and felt the cell tower was a hazard, could make you sick and possibly cause cancer.

James Zurn made a comment about the permits and the expired license of the former building official. He was concerned about the fall zone and radiation from the cell tower which could be an environmental hazard.

Dianne Wyatt felt the tower would lower her property value.

Debbie Shelton was concerned about runoff from the old mill which could become a health hazard.

Sammy McCarley was concerned about the value of her property for resale.

Allison Love said the cell tower would look bad aesthetically and should be placed at a different location. She said the board should ask TowerCom how many additional towers are planned to be built.

Johnny Grayson was concerned about the location of the cell tower. He said the fall zone is 42 feet and wondered how many have fallen. He urged the board to read all the materials presented before making any decisions.

Bruce Henderson mentioned the U.S. Constitution and stated that the republic helps minorities to find mistakes, flaws, oversights and even illegal things.

Craig Poole asked why the people in his neighborhood could not be allowed to vote before issuing building permits. He asked if there were escape routes planned. He would like the cell tower to be placed in a different area.

Todd Blanton was concerned that the 42 foot fall zone was a safety issue. He mentioned the 2022 Comprehensive Plan and disputed the zoning.

Ed Joye offered for the cell tower to be built on his property located on Hines Road in Clover.

Linda Brown asked Mrs. Harvey about C.J. Dover's expired state license. She also inquired about Luke Caldwell's ability to sign permits. Mrs. Harvey thanked Ms. Brown for asking and stated that Mr. Dover was allowed to sign zoning permits because he was a Code Enforcement Officer and such permits don't have to be signed by a building official. She also said Mr. Caldwell, who signed the building permit, has a provisional license from the state of SC. Ms. Brown asked Mrs. Harvey why the permit was not totally filled out and Mrs. Harvey said that it is not uncommon for information to be left off zoning permit applications and that the pertinent information was on the tower application form.

Mr. Haselden said he didn't think that the board had the authority for reviewing and making a decision based on the building permit issue, comprehensive plans or things such as that. He stated that the zoning ordinance was passed by the Town Council. You have to apply the ordinance and look at the facts.

Chairperson Pugh stated that this was a closed session between the board and counsel. He asked everyone to refrain from public comment, so they could deliberate. He said he had an issue with the zoning being Industrial, at one time being zoned Residential. He said he didn't see a paper trail or anything recorded showing that the zoning was changed. Mrs. Harvey showed the board a zoning map pulled from the archives, which was dated November 1990, which showed the entire parcel zoned as Industrial. She said it had been approved by Town Council. Mrs. Harvey showed another map from 1998, that also had the parcel zoned Industrial. This map also shows three properties on Hampshire Lane zoned Residential. She said any additional information about the zoning could be obtained at Town Hall.

Scott Freshour made a motion to keep the permit (uphold the zoning administrator's decision to issue the zoning permit). There was no second to the motion. Chairperson Pugh asked if anyone wanted to make a motion to deny the permit. Linda Brown made a motion to deny the permit and Martha Ashe seconded. Chairperson Pugh also voted to deny the permit stating that there were some discrepancies. He said even though there were maps, something went awry with the zoning on the county level. He couldn't see where it had been proven to have concrete evidence that the property was zoned Residential or Industrial. Chairperson Pugh said all in favor of denying the permit, say aye.

Martha Ashe said aye. Linda Brown said aye. Chairperson Pugh said aye. Chairperson Pugh said all opposed? Scott Freshour said opposed. Therefore, the decision of the zoning official was reversed and the permit was denied.

III. Adjournment

The meeting was adjourned at 7:53 PM.