

Meeting Minutes of the Board of Zoning Appeals Tuesday, August 14, 2018

The Board of Zoning Appeals met in City Hall Council Chambers on Tuesday, August 14, 2018 at 5:15 P.M. with the following members in attendance: Don Bramblett, Anne Poliakoff, Jim Badger, Leana Melnichuk, and Livia Cantrell. Ryan Gaylord and Reed Teague were absent. Representing the Planning Department were Natalia Rosario, Planner III; Apoorva Kumar, Associate Planner; and Julie Roland, Administrative Assistant. Assistant City Manager, Chris Story also attended the meeting.

Roll Call

Mr. Bramblett, the Chair, called the meeting to order and stated that public notice of this meeting was given twenty-four (24) hours in advance, limited to a request for pre-litigation/mediation or an appeal to the Circuit Court, to be filed within thirty (30) days after the decision of this Board in accordance with Section 603.6 of the City of Spartanburg Zoning Ordinance.

Roll call was taken – Five members of the Board were present, constituting a quorum.

Approval of Agenda for the August 14, 2018 Meeting

Mrs. Poliakoff moved approval of the Agenda for the August 14, 2018 meeting, and she was seconded by Ms. Melnichuk. The motion was unanimously approved by a vote of 5 to 0.

Old Business – None.

New Business:

SE 18-04-04 Special Exception Request from Baker, Donelson, Bearman, Caldwell & Berkowitz, PC; Joel Hargis, Roger Hall & Cara Cochran, Attorneys on behalf of Verizon Wireless, Applicant, on behalf of Spartanburg School District 7, Owner. The Applicants are asking for a Special Exception in order to construct a 100 foot (stealth) wireless communication tower and related appurtenances at '0' Dupre Drive, Parcel #7-13-10-009.00. A Special Exception is required in order to construct said tower in the R-15, Single Family Residential Zone.

Ms. Rosario, Planner III came forward and was sworn; and she submitted the meeting binders the Board Members received late last week, and tonight's presentation into the Record as Exhibit A. Ms. Rosario explained to the Board Members they would hold a public hearing tonight and get feedback from the public and see if they had additional questions; but due to additional information still needed by Staff and their Consultant, City Staff had suggested and the Applicant had concurred the item should be tabled at tonight's meeting; and the applicant would not be present tonight. Ms. Rosario said a Special Exception was required in order to construct a cell tower in the R-15, Single Family Residential zone. The request was to construct a 100' monopine wireless communication tower to resemble a pine tree. Slides were shown of the proposed vacant parcel across the street from Spartanburg County School District 7 Administrative Building and some examples of what various monopine towers looked like in order to better illustrate the request. Ms. Rosario explained the applicant was in compliance with the Ordinance regarding design, height, landscaping at base, setbacks, etc. She explained some additional information still needed was regarding additional radio frequency, engineering and co-location on nearby School District 7 light poles; design and specific rendering of tower; additional mounts for other carriers (taller towers); and since the property is located in the Flood Plain it would require special construction that would be acceptable to the Building Department. Ms. Rosario said after tonight's meeting, the request would come back for another public hearing at the September 11, 2018 meeting of the Board; and it would be re-noticed, letters would be sent out to all of the adjoining and abutting property owners, etc.

Board Questions:

- Mr. Bramblett asked Ms. Rosario about required lighting.
- Ms. Rosario explained a 100' tower would not require lighting.
- Mrs. Poliakoff said she thought it was 109', but with appurtenances still might be under lighting requirement.

- Mr. Badger read from the petitioner's binder regarding the exact description and height of the proposed tower.
- Mr. Bramblett asked whether there was any indication it might interfere with flight plans for Spartanburg Airport.
- Ms. Rosario explained the petitioner had taken all of that into account and she read from that portion of the petitioner's notebook; and she said the proposed tower would not have any effect on any of the users nearby.

Mr. Bramblett opened the public hearing portion of the meeting and asked anyone who wished to speak in favor of the request to come forward and state their name and address for the record. No one came forward. Mr. Bramblett asked anyone who wished to speak in opposition of the request to come forward and state their name and address for the record.

- Mr. Bill Rhodes of 106 Sydnor Road came forward and said he was concerned about how this would affect property values in the neighborhood; he thought the monopine tower he had seen in Boiling Springs did not look very good. Regarding the Cottonwood Trail and easement; he wondered how much woods would need to be removed for such a tower; and he said there were a lot of elderly people in the neighborhood that had some of these same concerns and could not attend the meeting tonight.
- Mr. Claude Hodge of 715 Dupre Drive came forward and said he shared a lot of Mr. Rhodes concerns, and also his main concerns were: regarding noise from the emergency generator, where it would be located (inside or outside), what day and time would it be scheduled to come on, and what the construction time line was if it was approved.
- Mr. Joe Fogle of 703 Dupre Drive came forward and said he was also concerned with property values, and whether or not a tower nearby would impact home owners property in a negative way. He was concerned about the property values for his children and grandchildren as well. He also wondered about the process of how this request even got before the Board of Zoning Appeals with it being requested in a residential neighborhood; and he would like to see some form of documents from the petitioner that indicated there was not enough signal strength in the area already to suggest the need for another tower.

Mr. Bramblett asked did anyone else wish to speak regarding the request.

- Mr. Bill Rhodes who spoke earlier came forward again and said he was in the judicial race; and in the event that he could not be in town on September 11, 2018 when this request came back before the Board, he would like for all of his comments tonight to be in the record.
- Board Member Melnichuk asked Ms. Rosario would it be possible to get Verizon's responses that would be needed at least a week in advance of the next meeting.
- Ms. Rosario explained.

Board Deliberation:

Ms. Melnichuk moved to table the request to the September 11, 2018 meeting; and she was seconded by Mrs. Poliakoff. The motion was unanimously approved by a vote of 5 to 0.

Staff Announcements

Ms. Rosario welcomed new Board Member Livia Cantrell to the Board and thanked her for her willingness to serve on the Board.

Mrs. Roland said Board Members Reed Teague and Anne Poliakoff were reappointed to serve another term on the Board by Mayor and City Council on June 25, 2018. She reminded the regular Board Members that needed 2018 credits, the ACOG was having a Continued Education Training Class on October 17, 2018 hosted by the City of Spartanburg. She explained she would work with the new Board Member over the next year to get her scheduled for her required Orientation Training.

There being no further business the meeting adjourned at 5:58 P.M.


Don Bramblett, Chair

Edited by Julie Roland, Administrative Assistant

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