



City of Clemson
PLANNING & CODES ADMINISTRATION

1250 Tiger Blvd., Suite 4 • Clemson, SC 29631-2662 • (864) 653-2050 • Fax (864) 653-2057 • www.cityofclemson.org

BOARD OF ZONING APPEALS
August 20, 2015 – 6:00 P.M.
CITY COUNCIL CHAMBER

Members Present: Jon Silkworth, Marvin Dixon, Mindy Spearman, Elaine Richardson and Ray Brown

Members Absent: Cynthia Robinson and Brian Roberts

Staff Present: Todd Steadman, Zoning and Codes Administrator and Beth Connor, Recording Secretary

1. **Call to order:** Chairman Mindy Spearman called the meeting to order at 6:00 P.M.
2. **Board Business:** Staff proposed the changing of the September meeting date from September 17, due to a football game to September 16. Ray Brown moved to change the meeting date to September 16. Marvin Dixon seconded the motion. Motion approved unanimously by show of hands.
3. **Adoption of Minutes: July 16, 2015 Meeting:** Jon Silkworth moved the Minutes be adopted as amended. Ray Brown seconded the motion. Motion approved unanimously by show of hands.
4. **Advisory/Action Items:**
 - a. **2015-SE-05:** A Special Exception request to allow the placement of a temporary cellular tower in the rear of 163 Old Greenville Hwy, which is the current location of Larry's Restaurant.

Ms. Spearman proceeded to explain the process for the Public Comment section of the meeting including the swearing in for sworn testimony. Ms. Spearman informed the audience that the factual testimony is limited to 10 minutes with the Board members able to extend the time by 5 minute increments. Ms. Spearman also told the audience that the Public Comment portion is limited to 5 minutes with no extension of time. Ms. Spearman asked for a show of hands of those wishing to speak. Ms. Spearman proceeded to conduct a swearing in ceremony.

Staff Report: Todd Steadman reported that Sprint is requesting a Special Exception to erect a temporary and portable cell tower at the rear of 163 Old Greenville Highway. This property is zoned CM which allows cell towers up to 40' in height. Last football season there was a tower there without authorization, which the City made them remove because they didn't go through the approval process.

Mr. Steadman said that the City does not differentiate between a temporary/portable cell tower and a fixed tower he is applying the standards adopted for a fixed tower.

Mr. Steadman explained the conditions for a Special Exception approval, which begin with the base standards:

- Traffic impact
- Vehicle and pedestrian safety
- Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property
- Adverse impact of proposed use on the surrounding area, including the aesthetic character of the area

- Orientation and spacing of improvements or structures

Mr. Steadman advised the Board that they may prescribe appropriate conditions and safeguards to relieve or reduce an adverse impact.

Mr. Steadman addressed the other specific standards, conditions and application requirements. Mr. Steadman discussed the copy of standards mailed to Board members in the packet of information, explaining that the items in blue had not been satisfied, such as:

- A code compliant landscape plan. Code calls for a ring of trees which, in this case, is illogical and may be mitigated.
- A line-of-site analysis showing the potential visual and aesthetic impacts on adjacent residential districts. This analysis was presented making this requirements satisfied.
- Written indemnification of the city and proof of liability insurance or financial ability to respond to claims of up to one million dollars (\$1,000,000) in the aggregate, which may arise from operation of the facility during its life, at no cost to the city, in a form approved by the city attorney. Mr. Steadman said that we have the insurance policy but no letter.

Mr. Steadman informed the Board that they have the ability to provide relief from the landscape requirements.

Mr. Steadman said that he had received questions from the public such as, but not limited to:

- How will it be hidden
- Will it have advertising on it
- Why was it going to be on this particular piece of property
- Why is it not on the University campus
- Why not put it in the bell tower at the Episcopal Church
- Why can't the tower be raised and lowered as needed

The allowed 10 minutes for the presentation had been used. Marvin Dixon moved to extend the allowed time by 5 minutes. Elaine Richardson seconded the motion. Motion unanimously approved by show of hands.

Mr. Steadman said that the reason that this tower could not be put on the University campus is because Sprint would have to buy into their contract and it would be cost prohibitive for just 7 home games.

Elaine Richardson asked who received the notification of this request. Mr. Steadman said that the notifications are mailed to property owners within 200 feet of the property. Ms. Richardson feels that all property owners within the site line should be notified.

Applicant Report: Walter Tanner, VCI, representing Sprint, Winter Park, Florida reported to the Board that this temporary cell site will be a full blown site, with full capacity. Mr. Tanner said that this request is only for this fall only, used only during home football games.

Mr. Tanner spoke in regards to the landscape plan. Mr. Tanner said that this is a 4-5 month scenario and having shrubs around would increase maintenance and would prove to be unattractive. Mr. Tanner proposed an 8' chain link fence with dark screen around the 3 sides.

Mr. Tanner said that the mast would be taken down after the home game, probably Sunday or Monday.

Mr. Tanner said that Sprint is trying to meet with the City Attorney in regards to the indemnification letter. The City wants a blanket coverage which Sprint is not in agreement with. Mr. Tanner said that they have presented a Certificate of Liability to the City and would be willing to add the City as also insured.

Ms. Richardson asked if the truck would remain in place. Mr. Tanner said it would.

Ms. Richardson asked if, during use, the motor or a generator would be running. Mr. Tanner explained the power system to the Board and said that there would not be the motor or generator running.

Mr. Tanner explained that when the mast is down it would be 18' above ground level because of the antennae. When the mast is raised it will be at 40'. But Mr. Tanner also pointed out that Addison Lane is 6' lower and the further back in line-of-site you're going to see trees, poles and the antennas would blend in.

Marvin Dixon asked Mr. Tanner to describe the proposed fencing. Mr. Tanner said that because this would be an unmanned facility, the fence would be for security and locked. The fence would be around all 3 sides.

Ms. Richardson asked about the power line from the pole. Mr. Tanner said that an Electrician would pull the line from wherever Duke Energy says.

Mr. Dixon asked when the truck, etc. would be removed. Mr. Tanner said that it would be the first business day following the last home game.

Mr. Tanner reminded the Board that this temporary cell tower will help with the 911 capacity.

Factual Testimony Session open: No one wished to comment.

Factual Testimony Session closed

Public Comment Session open: No one wished to comment.

Public Comment Session closed

Marvin Dixon moved that the Special Exception request be approved allowing the temporary cell tower until November 23, 2015, located at the rear of 163 Old Greenville Highway, which is the current location of Larry's Restaurant; absolved of the landscape requirement but with an 8' tall locked chain link fence with screening. The telescoping mast will only be up Friday, Saturday and Sunday and lowered on Monday for home football games

Mr. Silkworth asked what the consequences would be if it was not removed by November 23rd. Mr. Steadman assured the Board that he would look into any extenuating circumstances and exercise judgement as to whether or not a citation should be issued.

Mr. Steadman also informed the Board that the property owner will be demolishing the restaurant after the football season or at the end of the semester.

Jon Silkworth seconded the motion. Motion approved unanimously by a show of hands.

5. Reports: None.

6. Other Items: Vote to correct scrivener's error in by-laws to reflect deadline for application be 21 days prior to meeting date.

Mr. Steadman reminded the Board that the by-laws indicate 28 days prior to meeting date. This was a scrivener's error and needs to be changed to reflect the application deadline be 21 days prior to meeting date. Board unanimously approved the correction by show of hands.

Elaine Richardson expressed concern that Applicants do not provide all documentation along with Application for the meeting.

Mr. Steadman shares her concern but doesn't prescribe what to provide. This particular request was a unique case. Mr. Steadman said that Staff would accept the Application, but the item would not be put on the Agenda until all standards are met and materials are received. Mr. Steadman pointed out that this happens regularly for the BAR meetings.

7. Adjourn – 6:56 p.m.

Respectfully submitted,

Beth Connor
Recording Secretary

Note: Proceedings of this meeting have been recorded.