

Approved 7/2/2020

**Cherokee County Zoning Board of Appeals
Virtual Public Hearing Minutes
Thursday, June 4, 2020
2:00 p.m.**

The Cherokee County Zoning Board of Appeals held a virtual public hearing on Thursday, June 4, 2020. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Vice Chairman Lisa Tressler, Tim Ragsdale, Melissa Range, and Marla Doss. In attendance for Cherokee County staff were Jeff Watkins, Director; Michael Chapman, Zoning Manager; Thomas Trawick, Planner; Tamala Davis, Planning Technician; Mike Haines, Assistant Director of IT; and Opie Bowen, County Attorney. The meeting was called to order at 2:00 p.m.

Prior to the meeting, Ms. Semler discussed the Virtual Public Hearing Process.

Case #20-06-035V Diamond Communication, LLC (BOC Dist. 4)

The applicant seeks a variance to Cherokee County Zoning Ordinance Article 7 - District Uses and Regulations, Section 7.7-12A(3)(ii)(a) Location of Towers or Antennas in order to allow a tower or antenna to be setback from any property line a distance less than the height of the tower or antenna. In addition, the applicant seeks a variance to Cherokee County Zoning Ordinance Article 7 - District Uses and Regulations, Section 7.7-12(A)(3)(iv)(a) Setbacks and Separation in order to allow a telecommunication tower to be set back a distance less than the height of the tower from any on-site property line. The property is located at 1973 Old Highway 92 in Land Lot 1134 of the 21st District and further described as Cherokee County Tax Map 21N06, Parcel 013.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning, and staff comments. Mr. Chapman stated the Planning and Zoning Department has not received any letters in support of or in opposition to this variance request on file. Mr. Chapman stated the lot on which the tower is proposed to be located is somewhat rectangular in shape. As a result, the tower, in its proposed location, will not be set back from the south property line a distance equal to the height of the tower. The area in question is adjacent to U.S. Army Corps of Engineers property to the south. Mr. Chapman stated that he reached out to the U.S. Army Corps of Engineers by regular mail and email, however, he has not received a response. Based on aerial photography, the area to the south does not present evidence of regular, day-to-day use. Therefore, the department does not object to the request and recommends approval.

Jonathan Yates represented this case. Mr. Yates discussed the location, layout of the property and current use. He stated this placement is essential for AT & T to provide improved coverage and capacity to the surrounding area and most importantly FirstNet Emergency capacity. He stated they are requesting the variance on the southern side of the property, which abuts a large parcel owned by the United States Army Corps of Engineers and will most likely never be developed. He stated the tower will be a monopole design with a fall zone radius inside of the 40 x 40 compound.

There was no one present to speak in support of or in opposition to this case.

Ms. Semler closed public comment.

Mr. Ragsdale asked Mr. Yates if he has discussed this with the Corps Property. He stated typically with Corps property they have found that they are there for a reason and this property has floodplain and drops off. He stated his understanding is there are no future plans for this property and this is a part of 17,700 + acres owned by the U.S. Army Corps of Engineers.

Ms. Range asked if there are other sites in the area. Mr. Yates stated the closest site is off Baker Road to the South.

Ms. Semler wanted to verify with Mr. Chapman that he has still not received anything from the adjoining Corps of Engineers property. Mr. Chapman stated we did send out our regular notification as an adjoining property owner as well as an email to Martika J. Wimberly and John P. Alvarez with the U.S. Army Corps of Engineers and to date have not received a response.

Ms. Semler made a motion to approve this application. Seconded by Ms. Range. Motion passed 5-0.

Ms. Semler made a motion to approve the May 21, 2020 Virtual Public Hearing Minutes. Seconded by Ms. Tressler. Motion passed 3-0. Ms. Semler and Ms. Range abstained since they were not in attendance for the virtual public hearing.

Ms. Semler stated she would like to resume the July Public Hearing in Cherokee Hall at the Administration Building. All members were in agreement. Mr. Chapman said he would make the necessary arrangements. Ms. Range stated she would not be able to attend the July Public Hearing.

Ms. Semler made a motion to adjourn. Seconded by Ms. Tressler. Motion passed 5-0. The meeting adjourned at 2:27 p.m.