

BOARD OF ZONING APPEALS
January 7, 2015

1
2
3
4 *Present: Michael Spearman, Frank Richardson, William Smith, Christopher Sullivan;*
5 *Absent: Joshua McDuffie, Susanne Cecere, Christopher Sullivan]*
6

7 Called to order: 3:22 pm

8 VICE-CHAIRMAN SMITH: I'd like to call the meeting of the Richland County
9 Board of Zoning Appeals to order and recognize the Board had a quorum today. Are
10 there any amendments from the Agenda, Mr. Price?

11 MR. PRICE: Not from the Agenda but there's an amendment to the case which I
12 can go over it once, during my presentation.

13 VICE-CHAIRMAN SMITH: Okay. Alright, is there a motion to move the Agenda?
14 To approve the Agenda?

15 MR. SPEARMAN: Motion to approve the Agenda.

16 MR. RICHARDSON: Second that motion.

17 VICE-CHAIRMAN SMITH: Alright. So moved. All in favor?

18 MR. PRICE: Those in favor: Spearman, Richardson, Smith, Sullivan.

19 *[Approved: Spearman, Richardson, Smith, Sullivan; Absent: McDuffie, Cecere]*

20 VICE-CHAIRMAN SMITH: Alright. In accordance with the Freedom of
21 Information Act a copy of the Agenda was sent to radio and television stations,
22 newspapers, persons requesting notification and posted on the bulletin board located in
23 the lobby of the County Administration Building. At this time I would like to call upon the
24 Board's attorney, Ms. Amelia Linder, to present the Rules of Order, please.

25 MS. LINDER: Thank you, Mr. Vice-Chair. I'd like to welcome you to this January
26 7th meeting. This Board, as you may know, is a *quasi*-judicial body which means the

1 decision they make today are final, subject to an appeal to Circuit Court. The Applicant
2 will go first and will have up to 15 minutes to speak. If there's any opposition they are
3 free to then speak and they will have three minutes to speak. If there is opposition the
4 Applicant has another five minutes to rebut the opposition. I believe we have one case
5 on the Agenda for today. If you're going to address your remarks to the Board, you will
6 be sworn in first. We would ask that you not make any demonstrations or reduce noise.
7 If you have cell phones or any of that just mute them or quiet them, please. Testimony
8 will be recorded. If you've got documents you want to submit you may do so. And then
9 the Board will make a decision and they could make a decision with conditions or
10 without, or they, they could deny it or approve it; that would be at their discretion. If you
11 are unhappy with the decision and you have a substantial interest in this decision you
12 can ask for it to be reconsidered prior to the next, the Minutes being approved at the
13 next meeting. And the request, if you're asking for reconsideration it must be based on a
14 specific error made by the Board. Just because you don't like the decision doesn't mean
15 you can ask for a reconsideration, but if you believe there's an error in something that
16 happened, you may. Are there any questions at this time? If you're planning to testify,
17 your name and address needs to be on the signup sheet. If the Board has any
18 questions where they need legal advice we could be taking an Executive Session and at
19 that time we would go behind closed doors. If there are no questions, anybody that's
20 planning to testify, coming to the podium and, and talking to the Board, I need you
21 stand, raise your right hand. Do you swear or affirm that the testimony you shall give
22 shall be the truth, the whole truth, and nothing but the truth, so help you God?

23 AUDIENCE: [Affirmative]

1 MS. LINDER: Everybody answered in the affirmative. Thank you.

2 VICE-CHAIRMAN SMITH: Alright, thank you very much. At this time we'll move
3 on to approving the Minutes from November 5th. Has everybody on the Board read the,
4 received the Minutes?

5 MR. SPEARMAN: I've got a question for you, Mr. Chairman.

6 VICE-CHAIRMAN SMITH: Yes, sir.

7 MR. SPEARMAN: If I read the Minutes correctly, Mr. Sullivan was not here at our
8 last meeting? So that brings us down to three and that's not a quorum to approve the
9 Minutes, even though we have a quorum for the meeting today. So won't these Minutes
10 have to move over to the next time we meet?

11 VICE-CHAIRMAN SMITH: I do believe so. Is that correct, Ms. Linder? Because
12 of – but I do believe so.

13 MS. LINDER: Yes, well. I guess I'd have to look at my *Robert's Rules*, if you
14 would take a time out, I did not bring my *Robert's Rules* with me.

15 MR. SPEARMAN: I was, I was under the impression, you know, since Mr.
16 Sullivan wasn't here he would, he couldn't vote on the Minutes to be approved and so
17 that would bring us down to three and that would not be a quorum to approve the
18 Minutes from the, from the last time we met, which was November.

19 MR. SULLIVAN: I was at the November meeting. Oh, what day was that? Was it
20 the day after election?

21 MR. SPEARMAN: Well, it was November 5th and Ms. Cecere and –

22 MR. SULLIVAN: Yeah, that's the day after the election.

23 MR. SPEARMAN: - Mr. Sullivan were absent, so.

1 MR. SULLIVAN: Yeah.

2 MR. SPEARMAN: That's what the Minute say, so. Am I correct in that
3 assumption? I would hate to approve something and it would not be – I tell you, how
4 about we just change the Agenda and move to these to the back of the Agenda, to the
5 end, and we'll discuss it at that time. Then we'll go forward with the case instead of
6 having to allow the Applicant to wait any longer than they've already waited, if that's
7 okay. Make a motion –

8 VICE-CHAIRMAN SMITH: Make a motion to actually vote on Minutes at the end,
9 we'll talk about the actual issue.

10 MR. SPEARMAN: Yeah, I was gonna make a motion to amend the Agenda to, to
11 move the Minutes to the end of the meeting instead of right now.

12 VICE-CHAIRMAN SMITH: Okay.

13 MR. RICHARDSON: Second again.

14 VICE-CHAIRMAN SMITH: We have a proper second for moving the Minutes to
15 the end of the meeting, speaking on the Minutes. Alright. Okay, so Mr. Price?

16 MR. SPEARMAN: We need to vote on that, Mr. Chair, if you don't mind.

17 VICE-CHAIRMAN SMITH: Oh, I thought we, we voted on it. Okay.

18 MR. SPEARMAN: We have a motion and a second.

19 VICE-CHAIRMAN SMITH: We have a motion to make, to move the Minutes.

20 MR. SPEARMAN: Yes, sir.

21 VICE-CHAIRMAN SMITH: Alright.

22 MR. PRICE: Those in favor: Spearman, Richardson, Smith, Sullivan.

23 *[Approved: Spearman, Richardson, Smith, Sullivan; Absent: McDuffie, Cecere]*

1 VICE-CHAIRMAN SMITH: Thank you, Mr. Spearman. Alright, I'd like to ask Mr.
2 Price to call his first case.

3 **CASE NO. 14-06 SE:**

4 MR. PRICE: Okay, there were two changes regarding the content of the Staff
5 Report. On page 1 under Proposed Land Use, under the General Information, we have
6 the Applicant proposes to erect a 138' telecommunications tower within a 2500 square
7 foot leased area. It actually should be a 4900 square foot leased area, which would be
8 70 x 70.

9 VICE-CHAIRMAN SMITH: Okay.

10 MR. PRICE: And on page 2 under Discussion where, under the first sentence
11 where it says that the Applicant proposes to erect a 138' monopole telecommunication
12 tower which will be situated within a 4900 square foot fenced area, that should actually
13 be 2500. [Inaudible]

14 VICE-CHAIRMAN SMITH: Okay.

15 MR. PRICE: So I just had those backwards.

16 VICE-CHAIRMAN SMITH: Thank you, sir.

17 MR. PRICE: Alright, the first item is Case 14-06 Special Exception. The Applicant
18 is requesting the Board of Zoning Appeals to grant a Special Exception to permit the
19 construction of a communication tower in a GC, which is General Commercial, District.
20 The Applicant is Jonathan Yates representing Optima Towers IV, LLC. The location is
21 1709 Leesburg Road, the parcel is less than half an acre. The parcel is currently vacant.
22 As stated the Applicant proposes to erect a 138' telecommunications tower within a
23 4900 square foot leased area, and the tower will be enclosed within a 2500 fenced area.

1 The area, the abutting properties along Leesburg Road, they're mainly commercially
2 developed and a residential neighborhood is located north of the subject property. We
3 did visit the site. Looking at this particular request, Staff, the, there's a criteria for a, for
4 communication towers that's found in 26-152(D)(22) of our Land Development Code.
5 And in this particular case, subsection (c)(i), which is towers abutting a residentially
6 zoned parcel shall have a minimum setback of one foot for each foot of height of the
7 tower as measured from the base of the tower.

8 VICE-CHAIRMAN SMITH: Um-hum (affirmative).

9 MR. PRICE: And also subsection 26-152(D)(22)(c)(iii), which requires that towers
10 abutting a non-residentially zoned parcel without a habitable residential dwelling shall
11 observe the setbacks of the district in which it's located, which in this district is GC and
12 the setbacks are front 25', rear 10', and sides 0. Upon Staff's review of the application
13 package which you also have in your, your packet, the, the setbacks will be met for both
14 criteria. There's some additional criteria which as stated in the Staff Report, I feel that
15 during the presentation of the Applicant will be addressed. I'll go over the slides. This is
16 the location of the proposed tower. As you can see north of this site is a residential
17 neighborhood and everything along Leesburg Road is relatively commercial in nature.
18 This is the proposed monopole tower, again 138' in height. This shows the setbacks
19 that are being met, which you'll see is that from the rear property line the configurations
20 of the parcel are a little unique, but there are at least 138' from the residential abutting
21 property lines, and so that meets the requirements. And this is additional, this shows
22 that the tower will be 250' from the nearest residential structure. And this is the
23 proposed landscaping. What is required, I wanna point this out here, what is required is

1 what you see around the tower, so this is, this is required. Talking to the Applicants,
2 they're showing some existing over-story oak trees, and all the vegetation that you see
3 in here is not required by Code, this is just something they put in there but during your
4 approval, if it is your, if you decide to approve this request the proposed 10' landscape
5 buffer area that they have against the residential property would not be required as part
6 of the conditions, just to let, you know, the Board decides that they would like to add
7 that as a stipulation. But that would not be included as part of the overall submittal.

8 VICE-CHAIRMAN SMITH: Okay.

9 MR. PRICE: This is also in your package, this shows the existing coverage which
10 the Applicant can go a little further into in this particular area, and the proposed
11 coverage that will take place if this tower is approved.

12 VICE-CHAIRMAN SMITH: Alright. Thank you, Mr. Price. And we have Jonathan
13 Yates signed up to speak in favor of the tower.

14 **TESTIMONY OF JONATHAN YATES:**

15 MR. YATES: Thank you so, Mr. Chairman. Happy New Year and thank you, sir,
16 for coming to join us this afternoon, I appreciate it. Appreciate having a quorum. Always
17 good to be back in Richland County. Before we get started I do wanna say again so
18 many thanks to Geo Price and his Staff and Mr. Busbee. I wish I could lure them to the
19 City of Charleston, I wish we had Staff like you guys have, but you, these are great
20 guys. This is interesting one for me this afternoon in that this is the second time I've
21 done this same tower. I apologize to you. This tower was actually originally approved by
22 this Board at 150', a little higher, back in February of 2009. If I can take you back to
23 2009, while it was a good time for Keith and I to be here before the Board, it was a bad

1 time for the United States. That's when we were plunged into a little bit of a recession,
2 so as with many other projects that were gonna occur in 2009, the cell carriers delayed
3 on this one till this year. Wish they hadn't delayed. Driving that area this afternoon, an
4 incredible need. As you saw from the coverage maps, we have an incredible need. And
5 what we're trying to do, and I had some discussion with some of my friends on the
6 Board earlier, a lotta what we're trying to do in the wireless business today is, in
7 particularly in a county like Richland County or where I'm from, Charleston County,
8 we're trying to achieve what we call in-building residential coverage. We first went out to
9 cover the roadways and major parts of the city. Now our mission has changed a great
10 deal in that folks, and lotta folks, they did what we call cutting the cord; particularly
11 during the tough times we just discussed during the end of, you know, 2008, 2009, '10,
12 when a lotta folks were in financial trouble. They, they took a look at the family budget
13 and they said, what can I cut? And a lot of folks took a look at their landline phone, the
14 old BellSouth or AT&T phone, they said, well that's \$50 or \$60 bucks a month, I have a
15 cell phone, I'm gonna go cell phone only. And that presented a, a good but additional
16 challenge for our industry where we no longer just could cover the roadways or where
17 people shopped or worked, but we had to get our coverage into where people live. This
18 is something we knew was gonna happen in the industry, I think the recession actually
19 pushed that along a little bit, and that's what we're here to today is to take this part of
20 Richland County, round about the intersection – and the area in question, the area
21 where we have a deficit, just to define it for you, you go, start Ft. Jackson in the north;
22 go down to Caughman Drive in the south; Ulmer Road to the east; and then the
23 neighborhoods just east of I-20 along Greenlawn Road, that defines the area that we're

1 trying to cover today. Again, this is the second time I did the tower cause unfortunately
2 with the recession and the shutdown we did not go to see Mr. Busbee and get building
3 permits on this one originally approved, so we're back to you today. If you, if, I don't
4 think anyone was here, from here last time but if you were sitting here in February 2009,
5 I apologize that you have to approve it twice. With that I'm gonna take a quick look –
6 Keith, what I think we're gonna do is I had two sets of criteria to work through today.
7 First I have the (D)(22) criteria, which are the criteria for all communication towers in
8 Richland County. And then we're gonna go to the 26-152 Special Exception criteria. So
9 what I'm gonna do is, my job, and as, as Ms. Linder pointed out today, we're here sitting
10 *quasi* judicially and it's a Special Exception. Under South Carolina law, Special
11 Exception, I need to show I meet the criteria so hopefully you guys can approve me not
12 once, but the second time on this tower. First question under (22)(a), this lays out the
13 zoning districts where the towers are allowed in Richland County, and you see included
14 in that list is the GC. We're on property owned by Stop & Save, Inc., the same folks that
15 have the gas station right next door. This was actually a surplus piece of property they
16 bought, and I think their plans, they were thinking about putting a restaurant there. That
17 did not happen, again with the recession, they bought this in 2007. So first and foremost
18 we're zoned General Commercial, that's what was required under (a). Under (b),
19 Richland County requires a maximum height of towers of 300'. We are only 138'. We
20 have the right to 300, but we're less than half of what we're allowed. Geo touched on
21 this so I won't belabor it but I'll go into it very quickly. Under section (c), (c) is the
22 setback section. We have two setbacks to deal with; we have a setback of tower height
23 from the residentially zoned properties that are there, there are two of them. One is

1 owned by Mary Francis Goth, the other one is owned by The Word of Truth Ministry. In
2 each case we're set back, the tower height 138' to The Word of Truth property, we're
3 actually set back 159' to the Goth property, and even though we're not required to do
4 this, there's a house on the Goth property, we're 250' from that. The other criteria in
5 question, the (c)(iii), (c)(iii) is our, dictates our setbacks to the two adjoining properties
6 on Leesburg Road; the Stop & Save property and oddly enough on the other side of us
7 another property owned by the Goth family. Both of those properties are zoned General
8 Commercial as we are, there are no residents, so in that case we have to meet the GC
9 setbacks, which are 25' front, 0 sides, and 10 rear. We're 27' to the front, on the sides
10 we're 10' on one side, 96 on the other, and again 138 to the rear, so we meet all the
11 setback requirements. Section (d), we must show proof of an attempt to co-locate on
12 existing towers in the search area and we also have to show that this tower is available
13 for co-location. There were no existing towers or structures in the search area, as they
14 weren't in '09. There are no, today also, there are no other towers there that could be
15 utilized. And this tower has been designed especially for four carriers. There's position
16 on the tower itself for four carriers and there's position on the ground below for all their
17 equipment, so we are available and open for co-location. Next question is, the tower will
18 be illuminated if required by the FCC, the FAA or other regulatory agency. I wanna say,
19 and Geo might correct me, I've been doing towers in Richland County for 20 years now,
20 this is the shortest one I've ever done at 138'. This is my shortest tower. Due to its very
21 short height the FAA will not require illumination. The closest landing, landing strip is the
22 Owens Downtown Airport, and I think that's about 3 ½ miles away, so we are not gonna
23 have to light it. So the beauty of this tower is what we call the monopole design, which is

1 visually, our most visually pleasing, it's just like a pylon sign you'd have outside a
2 Hardees or a Walmart, but we put some communication equipment up. And the good
3 news for the surrounding neighbors, no lights. So at around, if the tower was there
4 today had Keith built it in '09 and it was there today around 5:15 this afternoon you
5 wouldn't it cause it'd be dark outside. Next question, each tower shall be enclosed with
6 a fence at least 7' high. What we're gonna do is a 50' x 50' area, inside the 50' x 50' is
7 both the tower and the ground equipment of the carriers, we're gonna have a 7' fence
8 but we're gonna also take it a step further, we're gonna top the fence with three strands
9 of barbed wire as an anti-climbing device, so we're gonna go for a total of 8', only 7' is
10 required. Geo touched on the landscaping. In order to meet the requirements of 26-176,
11 what we're gonna do along the fence line, we're gonna do 17 Leyland Cypress, spaced
12 out along the fence line. They'll be approximately 6' at planting and the Leyland Cypress
13 here in Richland County generally grows out to about 40' in maturity, so what we like
14 about the Leyland Cypress is they grow thick and quick. They come up quickly in our
15 climate and give a nice, nice tree cover. It'll sorta hide the base of the facility quite
16 frankly. H, we cannot have any advertising signage on the, on the facility, we can only
17 have the property site identification emergency signage. That is Optima's policy on all
18 facilities. We only deploy the site identification emergency signage as required by the
19 Federal Communications Commission. Last is number I, any tower that is not used for
20 120 days by a communications provider must be taken down and the site restored. In
21 your packet you'll have a letter from Keith Powell of Optima where he commits to this in
22 writing, that if the tower's not used for 120 days it is removed. Keith, let's next go to
23 section 26-152. These are the Special Exception requirements for all Special

1 Exceptions in Richland County, so you see we first went through (D)(22), the tower
2 specific criteria. First question under 26-152 is, (a) traffic impacts. None whatsoever. It
3 takes Keith about 30 days to build out this facility. After he builds it out it is an
4 unmanned facility. The carriers on average, this equipment is well contained, it's
5 controlled remotely, on average the carriers will visit maybe four times a year. That's a
6 visit for about an hour or two in a light utility vehicle to tinker with the equipment, so we
7 do not create any traffic whatsoever, we'll be adding to Leesburg Road or to the roads
8 behind it. Next question is, vehicle and pedestrian safety. Here, and the record is clear,
9 not just in Richland County but throughout the country, wireless saves lives. We
10 enhance vehicle and pedestrian safety, primarily by providing effective access to 911,
11 first responders, fire, police, EMS. I wanna touch on this just for a second. The
12 importance of wireless to the emergency management folks throughout the county is
13 critical. In the old days if I was, say, driving down Leesburg Road late at night and I had
14 an accident I'd have to go knock on someone's door. We have a nice young lady here
15 who lives in the neighborhood, I maybe would have to go knock on her door and say,
16 "Hey can I borrow your phone?" Now if you have an accident, I pull the phone outta my
17 pocket and it does a couple things; not only do I have instant access to the first
18 responder, they have access to me throughout the emergency. Also if I'm not in good
19 shape but I'm able to get the call out, they're able to pinpoint exactly where I am. So we
20 enhance vehicle and pedestrian safety. Next question, potential impact of noise, lights,
21 fumes or obstruction of airflow on adjoining properties. We have no noise, we have no
22 lights, we have no fumes, we have no obstruction of airflow, no effect of properties.
23 Question (d), adverse impact of the proposed use on the environs to include the

1 possible need for screening from view. Looking again at this facility we have no adverse
2 effect on the environs. I think, and Geo might correct me, it's the shortest facility I've
3 ever done in Richland County. We're only at 138', we've gone with the very visually
4 friendly monopole design, it will not, cause of its height, it will not have lights, we placed
5 it on a very busy commercial corridor. It's on commercial corridor with the commercial
6 activity but it's designed to cover the residents on either side of the corridor. And we're
7 coming back in around the base with the 17 Leyland Cypress to give it that thick and
8 quick foliage to sort of disguise the base of it. So no adverse impact. Last question is
9 orientation and spacing of improvements or buildings. What we're gonna do with this
10 facility is bring it up closer to Leesburg Road where it will have, it's still where the
11 carriers need it, it can get the coverage into residential, but we're pulling it as far away
12 from the residential as possible. Get it up on the commercial strip, but give the greatest
13 distance to the residential in the back. I know that was a mouthful. It's a long ordinance.
14 I, I don't think anyone was here back in February '09, if there was I apologize. We had
15 to do this tower twice, okay, sorry to do it twice but we thank you for your time and
16 consideration. Again, thank Geo and his Staff. We're here for any and all questions for
17 chapter 2. Now what I will promise you, cause I, Keith Powell promised me, I won't
18 come back in three years on this tower. He is going to build it. He is going to build it.
19 The economy has come back around so he, I will not come for a third time with this one.
20 Thank y'all so much.

21 VICE-CHAIRMAN SMITH: Alright, thank you, Mr. Yates. Any questions?

22 MR. SPEARMAN: I've got one question for Mr. Yates.

23 VICE-CHAIRMAN SMITH: Okay.

1 MR. SPEARMAN: If you don't mind?

2 MR. YATES: Yes, sir.

3 MR. SPEARMAN: Mr. Yates, in our packet there's a letter here from a Mr. Ken
4 Patterson.

5 MR. YATES: Ken Patterson, air space expert, yeah.

6 MR. SPEARMAN: He, the letter is dated October 29th, 2015, and it says 'On
7 October 29th, 2015 I personally conducted an evaluation of the proposed
8 telecommunications site for Optima Towers.' Is that, that's just a typo, am I correct?

9 MR. YATES: Yes. Yeah.

10 MR. SPEARMAN: Okay.

11 MR. YATES: Yeah, and we, we will be – Ken, Ken is actually an old friend, Ken
12 is, he, he's former FAA air traffic guy who got into the consulting for towers, and he is an
13 expert at determining what the FAA is gonna determine. But I'm sorry for that typo.

14 MR. SPEARMAN: Since, since this has been submitted and it's gonna be a
15 record, could you maybe get him to –

16 MR. YATES: Yes, sir.

17 MR. SPEARMAN: - amend this letter with the appropriate dates?

18 MR. YATES: I will have him, I will have amended and get it back to – you know, it
19 takes me three months into a new year where everything I sign still says '14? He has
20 the other problem evidently. But we will get that fixed.

21 VICE-CHAIRMAN SMITH: Any other questions? I'd like to ask Mr. Powell if he'd
22 like to speak.

23 MR. POWELL: I'll hold back till any further questions by the Board.

1 VICE-CHAIRMAN SMITH: Okay. Well, that's the question now. Are there any
2 questions, any other questions from the Board at all? I'd like to ask Ms. Mary Ann
3 Burgess to come up, who is against the actual tower. Yes, ma'am? Make sure you state
4 your address, ma'am. Be sure you state your address.

5 **TESTIMONY OF MARY ANN BURGESS:**

6 MS. BURGESS: Okay. [Inaudible] for the Record.

7 VICE-CHAIRMAN SMITH: For the Record.

8 MS. BURGESS: Okay, you want me to stand here?

9 VICE-CHAIRMAN SMITH: Yes, ma'am, please.

10 MS. BURGESS: Okay, well I am not a public speaker and this is a hard act to
11 follow. But my name is Mary Ann Burgess. I live at 1507 Alma Road.

12 VICE-CHAIRMAN SMITH: Okay, thank you.

13 MS. BURGESS: Two blocks from the proposed tower site. I'm here to speak out
14 about the proposed 138' monopole telecommunication tower to be located at 1709
15 Leesburg Road. I speak for myself and for the silent majority in my community who are
16 opposed to the construction of a communication tower that will overshadow and change
17 our community. In 1967, after my husband retired from the United States Army we
18 purchased the home on Alma Road. This was the first home we owned and we bought it
19 because it met all our needs. After paying off a 30 year mortgage we became payment
20 free homeowners. The community was made up of a nice mixture of families
21 representing all facets of the workforce in Columbia, including a judge, USC professor,
22 doctors, nurses. About 50% of our neighbors were military; retired and active duty,
23 families whose sponsors were scattered throughout the world, including Vietnam. As

1 military families we all sacrificed so finding a neighborhood that we all blended into and
2 met our family's need was surreal. Especially for our children. Within a few days the
3 children were playing in this yard and that yard, and a community harmony settled in
4 that has lasted throughout the years. Now many are gone, children have married, there
5 are grandchildren, great grandchildren, but the neighborhood lives on. Many properties
6 have been passed to next generation. I am not an expert on the issues before you
7 today, but I am a concerned member of the community. I know too, based on
8 regulations and information presented today, you have the responsibility to approve or
9 disapprove the tower. But my concerns are, number one, location and structure of the
10 proposed 130' monopole style wireless communication facility. Do the setback and
11 distance of the tower's fall zone include or exclude the portion of the 30' South Carolina
12 right-of-way? I hope I made that clear. Is the, and number two is, is the tower designed
13 to accommodate future antennae for additional wireless carriers, not included in the four
14 outlined in this request? And will requests for additional carriers be waived and
15 grandfathered into this agreement? My next concern is the visual impact on the
16 surrounding area. The proposed landscaping is not sufficient to provide an aesthetic
17 screen that will distract from the 138' tower. It will have a major visual impact on the
18 surrounding areas. Is my time up?

19 VICE-CHAIRMAN SMITH: No, you're okay.

20 MS. BURGESS: Okay. Okay, and the next concern is decreasing the value of
21 homes. Was a community market analysis done to determine the value and
22 depreciation of homes in close proximity of the communication tower? I work for a
23 property management company and I can tell you if I went out and looked at a house

1 after that tower goes up, I would know it would have an effect on the property. And lack
2 of co-colation [sic]. Was the .05 mile search the maximum criteria for meeting the
3 requirements for 138' or a 150' tower? And that's in the report. That, that there was a
4 need within .05. And, and what sources were used to verify this, newspapers, the MSS,
5 real estate agency and so forth? And how many were used? Were other towers
6 considered for use before submitting this request, including the water tower located
7 approximately one block from the proposed location of tower?

8 VICE-CHAIRMAN SMITH: Yes, ma'am.

9 MS. BURGESS: Okay. Was Ft. Jackson included in this request, and its impact
10 on the military installation? Each morning at approximately 3:00am a helicopter passes
11 over my home. In approximately 30 minutes it returns. I cannot say it is part of Ft.
12 Jackson but it's a military helicopter and I suspect it lands at Ft. Jackson. Will this tower
13 interfere with that? And I just have one other thing I wanted to add. I know that citing the
14 fact that it's a cell phone, that it will advance cell phones and phone-phones, I just
15 wanna say that I have had a cell phone since the first ones became available in the 19-
16 somethings, and I haven't encountered any problems without an additional tower. And I
17 keep my land phone because it is better for emergency calls to 911.

18 VICE-CHAIRMAN SMITH: Alright. Thank you, Ms. Burgess.

19 MS. BURGESS: Any questions for me?

20 VICE-CHAIRMAN SMITH: We appreciate you.

21 MS. BURGESS: Thank you.

22 VICE-CHAIRMAN SMITH: Alright, are there any other questions for Ms. Burgess
23 at all? Okay.

1 MR. YATES: Thank you so much. And Ms. Burgess, thank you for coming. And
2 we're gonna be available afterwards to answer any concerns of Ms. Burgess. A couple
3 things to address; yes, this is designed fully for co-location by all the licensed carriers.
4 There was a water tank a block away but it was not elevated. It's a ground water tank so
5 it didn't have the elevation, we always look at that. There were no other towers in the
6 area. And when she's talking about the military helicopter, under FAA rules if they're
7 flying over an urban area like that they should be flying at 1,000' AGL is what they're
8 required to fly over an urban area, so I would think they stick to that. I don't know if DOD
9 gets, but they can't fly at 138', so. In a nutshell what I wanted to talk about, this is a
10 short, non-illuminated monopole and it's purpose is to serve the neighborhood. The
11 purpose of this facility is to provide what we call wireless for 21st Century infrastructure.
12 The neighborhood is presently served by telephone poles, power poles, and
13 underground water and sewer. Wireless infrastructure is 21st Century infrastructure that
14 folks are depending on, but the beauty of wireless infrastructure versus having to run
15 every linear foot, whether it be above ground with the power and telephone poles, below
16 ground water and sewer, from select vantage points we can cover an entire
17 neighborhood as you saw from the coverage map. So I, I empathize with her issues, we
18 will talk to her. What we have found, particularly for the young and middle aged
19 homebuyer, this actually enhances property values. Folks are looking, when they walk
20 through a house the first thing they do, the younger buyer is they pull these things out
21 and they start reading how many bars. So we are infrastructure, we're a necessary
22 infrastructure, and we enhance livability throughout the neighborhood. So I thank you so
23 much for your time today and we're here for any and all questions.

1 VICE-CHAIRMAN SMITH: Alright, thank you, Mr. Yates. To the Board, are there
2 any more, any other discussion you're willing to have at all? Any other questions?

3 MR. SPEARMAN: I don't have any questions.

4 VICE-CHAIRMAN SMITH: Alright. Would anyone like to –

5 MS. BURGESS: [Inaudible]

6 VICE-CHAIRMAN SMITH: Yes, ma'am, come to the microphone, please.

7 MS. BURGESS: [Inaudible]

8 VICE-CHAIRMAN SMITH: You need to come to the micro –

9 MS. BURGESS: [Inaudible]

10 VICE-CHAIRMAN SMITH: I'm sorry, you have to come to the microphone.

11 MS. BURGESS: [Inaudible], I'm new at this.

12 VICE-CHAIRMAN SMITH: No, not a problem. I understand.

13 MS. BURGESS: Thank you. He stated that the helicopter, Army helicopter are
14 required to fly at 1,000'.

15 VICE-CHAIRMAN SMITH: Yes, ma'am.

16 MS. BURGESS: Descending and ascending would be lower and under, much
17 lower when they come in for a landing.

18 VICE-CHAIRMAN SMITH: Okay.

19 MS. BURGESS: So, and we are on the gate, the border of Ft. Jackson.

20 VICE-CHAIRMAN SMITH: Okay.

21 MS. BURGESS: Thank you.

22 VICE-CHAIRMAN SMITH: Alright, thank you. No problem. Alright, well thank you.
23 Now would anyone like to go through the Finding of Facts? Mr. Spearman, could you?

1 MR. SPEARMAN: Sure, Mr. Chairman, no problem.

2 VICE-CHAIRMAN SMITH: Thank you, sir.

3 MR. SPEARMAN: This is Case 14-06, Special Exception. The location of the
4 property is 1709 Leesburg Road. The tax map number is 19203-14-11. The property's
5 zoned General Commercial. Notice was published in a, notice was published for this
6 hearing, the date and time to take place. The notice was published in a newspaper of
7 general circulation within the county not less than 15 days prior to the public hearing on
8 the matter, yes. And getting back to number 2, this is the posting of the property and the
9 property was posted as county regulations require. Number 4, the proposed tower will
10 have a maximum height of less than 300'. The Applicant has stated in their testimony
11 that the height of the tower will be 138'. If the proposed tower will be located on a
12 building – that is not applicable, that's 4(a), 4(b) is non-applicable as well. Is the base of
13 the proposed tower located at least 1' from a residential zoning district for each foot of
14 height of the tower, 5(a) is yes, and also 5(c) is yes. These are the, 5(c) deals with the
15 setbacks under General Commercial, and the Applicant has testified in the affirmative
16 that they will meet all the setbacks required. Number 6, has the Applicant shown proof
17 of the attempt to co-locate on existing communication towers? Yes, we have written
18 documents in our packet that were presented that state that they tried to seek co-
19 location but there was nothing available. Is the Applicant willing to allow other users to
20 co-locate on the proposed tower? The Applicant testified in the affirmative that they had
21 not only their antenna but other antennas that could be affixed to the tower, as well as
22 their equipment on the bottom to serve the other carriers' needs. Will the proposed
23 tower meet the illumination requirements of agencies? That is non-applicable since the

1 height of the tower is less and it does not have to be illuminated. And number 8, will the
2 communications tower and associated buildings be enclosed within a fence at least 7' in
3 height? The Applicant has answered affirmative to that. And the Applicant also has
4 answered yes to number 9 which deals with landscaping. He has agreed to landscape
5 the, provide the appropriate landscaping for the tower and compound as well. Number
6 10, has the Applicant agreed to place no signage to any portion of the communications
7 tower? The answer is yes, the only signage that will be there will be for identification
8 purposes only. Number 11, the Applicant has agreed to dismantle and remove the
9 communications tower within 120 days of the date the tower is taken out of service.
10 Testimony was given and the Applicant answered yes to that as well. Will traffic be
11 impacted by this proposal? The answer is no. Will the proposed, or will this proposal
12 effect vehicle and pedestrian safety? It will not have any impact on vehicle or pedestrian
13 safety per what the Zoning Administrator and also the Applicant in the Applicant's
14 testimony. Is there a potential impact for noise, lights, fumes or obstruction of airflow on
15 adjoining properties? No. Does the proposed communications tower have an adverse
16 impact on the aesthetic character of the environs? No. Is the orientation and spacing of
17 improvements and buildings appropriate? The answer is yes. The Applicant has stated
18 very clearly about the location of the buildings and, and other appropriate improvements
19 for this tower. That's the Finding of the Facts -

20 VICE-CHAIRMAN SMITH: Alright.

21 MR. SPEARMAN: - Mr. Chairman.

22 VICE-CHAIRMAN SMITH: Thank you, sir. Is there any discussion regarding the
23 Finding of Fact at all? Is there a motion at this time? Yes, sir?

1 MR. PRICE: If there's, if it's the Board's pleasure to recommend approval of this,
2 it's requested that you provide, also require the following stipulations, I have two.

3 VICE-CHAIRMAN SMITH: I'm sorry?

4 MR. PRICE: Require the following stipulations as part of your approval.

5 VICE-CHAIRMAN SMITH: Okay.

6 MR. PRICE: That FAA letter on page 40 of your package be updated to reflect
7 the correct year. And also that the landscaping plan labeled as L1, excuse me sheet
8 number L1 on page 17 of your package, be amended to remove the proposed 10' wide
9 landscape buffer, as that is not a requirement but because they will meet the Code
10 requirements of landscaping around the actual fenced area.

11 VICE-CHAIRMAN SMITH: Okay. Thank you, sir. Is, any motions at this time?

12 MR. SPEARMAN: I'd like to make a motion, Mr. Chairman, incorporating the
13 Zoning Administrator's statements just a moment ago as conditions, move for approval
14 of 14-06 SE, with the stipulations that Mr. Price has stated.

15 VICE-CHAIRMAN SMITH: Okay. Do we have a second?

16 MR. RICHARDSON: Second that motion.

17 VICE-CHAIRMAN SMITH: Alright. Alright, we've been seconded by Mr.
18 Richardson. And I wanted to be able to know if there's anybody opposed at all? All in
19 favor, excuse me.

20 MR. PRICE: Those in favor: Spearman, Richardson, Smith, Sullivan.

21 *[Approved: Spearman, Richardson, Smith, Sullivan; Absent: McDuffie, Cecere]*

22 VICE-CHAIRMAN SMITH: Okay, no one opposed? Mr. Yates, your Special
23 Exception has been approved.

1 MR. YATES: Thank you.

2 VICE-CHAIRMAN SMITH: Alright. Now let's go back to the Minutes, okay?

3 MR. SULLIVAN: And I do wanna thank Ms. Mary for her input as a citizen and
4 resident.

5 VICE-CHAIRMAN SMITH: Thank you. Alright. We're moving back to the Minutes
6 from the beginning of the meeting.

7 MS. LINDER: Because there were four people that voted in favor of, of the last
8 rezoning request you only need three people that were present to approve the Minutes.

9 MR. SPEARMAN: Okay.

10 VICE-CHAIRMAN SMITH: Alright, so –

11 MR. SPEARMAN: On advice of, of our counsel, you know, we only need three
12 votes to approve these Minutes. I make a motion to approve the Minutes from the
13 November 6th [sic], 2014 Board of Zoning Appeals meeting.

14 VICE-CHAIRMAN SMITH: Alright, is there a second?

15 MR. RICHARDSON: Second.

16 VICE-CHAIRMAN SMITH: Alright. All in favor?

17 MR. PRICE: Those in favor: Spearman, Richardson, Smith.

18 VICE-CHAIRMAN SMITH: Opposed? No.

19 *[Approved: Spearman, Richardson, Smith; Abstained: Sullivan; Absent: McDuffie,*
20 *Cecere]*

21 VICE-CHAIRMAN SMITH: I wanna thank everybody. I'd like to adjourn this
22 meeting, thank you.

23

1

[Meeting Adjourned at 4:05pm]