



## PLAIN TOWNSHIP BOARD OF ZONING APPEALS

### MEETING MINUTES

June 12, 2018

Chair, Mike Roberts called the Plain Township Board of Zoning Appeals Meeting to order at 7:00 p.m.

#### ROLL CALL

Attending the Plain Township Board of Zoning Appeals meeting were Mike Roberts, Valerie Jorgensen, and Richard Martin, Shane Clapham, and alternate Sara Rastegar. Chris Barrett and Assistant Zoning Officer, Mary Fee, were absent. Zoning Officer Ben Collins was also present.

#### ADDITIONS OR CORRECTIONS TO AGENDA

None

#### APPROVAL OF MEETING MINUTES

##### **May 8, 2018 Meeting Minutes**

Mr. Clapham made a motion to approve the meeting minutes of May 8, 2018 as submitted. Mr. Martin seconded the motion. All in favor. Motion Carried.

#### RECOGNITION OF VISITORS/ CITIZEN'S COMMENTS

Mr. Roberts indicated that the visitors and citizen comments would be held until the hearings began.

#### ZONING OFFICER'S REPORT

The township has had a couple of nuisance resolutions presented to the board of trustees. One regular nuisance property on Johnstown Road, just north of Rocky Fork has been acquired by new ownership and it has been cleaned up and is listed for sale. Mr. Roberts noted that the cars on Harlem Road are gone. Mr. Collins confirmed that one of the properties on Harlem Road has removed the numerous cars that were on the property. Mr. Collins indicated that the other property on Harlem Road is a work in progress and the township is staying on the owner to comply with township.

#### NEW BUSINESS

None

## OLD BUSINESS

None

## HEARINGS

**Conditional Use Application 05-08-2018-01 – 5180 Central College Road, Sections 206.03 and 600 of the Plain Township Zoning Resolution.** The Conditional Use, if approved, would allow the applicants, Steve and Cindy Dunbar, of 5180 Central College Road, Westerville, Ohio to construct a 120 foot monopole telecommunications tower on their property.

Mr. Roberts indicated that this case came before the Board of Zoning Appeals in 2014. Mr. Roberts asked if the application process was approved before, what is needed this time. Mr. Collins stated that township zoning provides that conditional uses are good for a period of 2 years and then it expires and goes away and then needs to come back before the township as a new application.

Mr. Collins introduced the application. It is largely the same application as in 2014. The property is zoned rural. The conditional use under rural zoning would allow the telecommunication tower to be constructed. It has several requirements that the site and tower need to meet. The application meets our specific requirements. Ohio Revised Code prevails over telecommunication towers and the process. The applicant is working through that process.

Mr. Ed Block, from the engineering firm GPD Group, representing AT&T, gave his presentation to the board. Nothing has changed with the site from the previous application. The tower height and style are the same. The tower will be at the very back of the property within the wooded portion. The site consists of the fence compound that is roughly 50' x 50'. The tower is a monopole style (a single pole). The only thing that did change is that the size of the equipment shelter on the ground was reduced from a 12' x 20' to an 8' x 8' building. At the request of the owner, there would be a new drive that comes back to the tower site separate from the home's existing drive. The fence is just around the compound. There will be a gate is at the street.

Mrs. Rastegar asked how about the height of the tower. Mr. Block replied 120' which is shorter than the typical 190' range. Mr. Roberts asked if other carriers would be using the tower. Mr. Block indicated that it needs to be approved as an "official" site before other licensed carriers look to use it. Mr. Roberts asked about the dimension of the triangular device at the top of the tower. Mr. Block indicated that this approximately 12' across and can handle 4 antennas per sector. Mr. Martin asked about the time frame for construction. Mr. Block indicated that due to the number of steps involved specifically for this site, it would be another month or two after approval before they would apply for a building permit. Mr. Roberts asked which authority issues the building permit. Mr. Collins replied that the State of Ohio issues permits for commercial projects. Mr. Block stated that cell phone usage is increasing the need for cellular towers. Mr. Clapham commented about the technology that has decreased the size of the ground building and inquired if that same technology could reduce the height of the towers. A discussion was held about the coverage area. A 120' tower is shorter than normal, that height would provide sufficient coverage in the area. In the rural areas where it is less densely populated, a taller tower is needed for a good signal. Densely populated areas that have currently towers where only fill in towers can use shorter towers like the 120' tower proposed for the subject site. 120' is the minimum height for a good signal. This height is the same height that was approved by the board in 2014.

Sara Rastegar asked about criteria for the fall zone of the tower. Mr. Block stated that the current requirement for cell towers is wind speed of 115 mph, so they are not designed to fall. Mr. Roberts asked if there had been any incidences of cell towers of this design falling. Mr. Block indicated that there had not been. Mrs. Rastegar asked if the tower was sitting in a concrete foundation. Mr. Block affirmed that it was centered in a concrete foundation. Mr. Roberts asked for confirmation that if the tower fell to the west, north and east, it would fall within the confines of the property where it is built. It was asked if there were any homes within the 120' fall zone of the tower. The fall zone was discussed. The State of Ohio Building department will review and make sure that tower meets the current codes.

Mr. Rick Lemmons, President of the Home Owners Association for Upper Albany West and Mr. Dale Hillis were sworn in by Mr. Roberts. Mr. Lemmons stated that FHA financing rules require that structures must be outside of the fall zone of the tower. Mr. Lemmons also indicated that Homewood Builders has homes proposed to be built within the fall zone. Mr. Roberts indicated that Homewood would need to disclose that fact to potential buyers. Mr. Collins stated that Homewood was notified of the application and hearing. Mr. Roberts stated that the board had not received any notification of objection by Homewood. Mr. Collins pointed out that Plain Township zoning limits cellular tower height to 150' and also requires that the tower be placed at least 150' from any other structure. Since the tower is 120' there is an additional 30' safety zone.

Mr. Hillis stated that he is encouraged to hear that it is a cellular tower being constructed and not homes, it may encourage the building of homes further away from him. Mr. Hillis asked if there was any communication from AT&T to the homeowners to let them know what is going on. Not everyone can get on the internet to research. Mr. Hillis asked about radiation from the tower. If there is any radiation, this cell tower is ground zero to us. Is there any discussion to move the tower more to the center of the Dunbar property? He hates to lose the view of woods that he currently has. Is there landscaping proposed for the site, is a camouflage tower possible for this site? Mr. Hillis read a document that he found on the internet. He just wants some reassurance. Mr. Roberts stated that Mr. Hillis' questions were addressed in 2014. Based on the 2014 meeting, there is no credible evidence that there is a health hazard from a telecommunication tower for a home located outside of the minimum of 120' fall zone requirement and greater. Mr. Roberts recognized that we live in a time where telecommunication waves are everywhere. Mr. Hillis asked if there was an option to move the tower to an undeveloped area, is that the perfect spot? Mr. Roberts replied that this is the site that was requested. The site meets the township requirements and there is no reason for this board to ask the applicants to reconsider and move the tower.

Upon the conclusion of the hearing and following the presentation of the facts and testimony, Mike Roberts made a Motion to Approve **Conditional Use Application 05-08-2018-01 – 5180 Central College Road, Sections 206.03 and 600 of the Plain Township Zoning Resolution**, allowing the applicants, Steve and Cindy Dunbar, of 5180 Central College Road, Westerville, Ohio to construct a 120 foot monopole telecommunications tower on their property.

Richard Martin seconded the motion; a roll call vote was taken:

Mike Roberts	Yes
Valerie Jorgensen	Yes
Richard Martin	Yes
Shane Clapham	Yes
Sara Rastegar	Yes

The motion to approve the application as stated above Passed.

**Variance Application 05-08-2018-02 5450 East Walnut Street – Section 406.02 – accessory structure in excess of the permitted square footage.**

Mr. Collins introduced the application. This is a residential site zoned rural. The property has a number of existing accessory structures. The applicant wants to locate a new structure on the property. The other structures are pre-existing/grandfathered and permitted under zoning. Adding another structure would require a variance. Mr. Roberts indicated that he has not visited the site, but he understands that there are 2 sheds and an existing barn/garage. What is the condition of the other structures on the site? Mr. Bailey stated that there are 2 serviceable buildings and one that needs to be razed. The new accessory structure would replace the building that needs to come down.

Mr. Matthew Hollis was sworn in by Mr. Roberts. Mr. Hollis is the neighbor directly across the street and wanted to recommend that the structure be approved by the Board of Zoning Appeals.

Upon the conclusion of the hearing and following the presentation of the facts and testimony, Shane Clapham made a Motion to Approve the application for 5450 East Walnut Street requesting a variance from Section 406 to allow an accessory structure in excess of the permitted square footage.

Valerie Jorgensen seconded the motion; a roll call vote was taken:

Mike Roberts	Yes
Valerie Jorgensen	Yes
Richard Martin	Yes
Shane Clapham	Yes
Sara Rastegar	Yes

The motion to approve the application as stated above Passed.

**Variance Application 05-08-2018-03 5600 East Walnut Street – Section 240.04.3 – Side Yard Setback**

Mr. Roberts introduced the application.

This property is Eaton Plumbing located at the Corner of Harlem Road and East Walnut Street. The property's history was discussed. Mr. Max Eaton indicated that his intention is to do approximately \$300,000 of improvements to the property, both to the interior and exterior. Mrs. Rastegar asked if Mr. Eaton was going to continue the same business. Mr. Eaton confirmed that it would be the same business.

Upon the conclusion of the hearing and following the presentation of the facts and testimony, Valerie Jorgensen made a Motion to Approve the application for 5600 Walnut Street, requesting a Variance under Section 240.04.3 of the Plain Township Zoning Resolution to allow the applicant, A. Max Eaton, a variance to reduce the required side yard setback of 50' to 25' to allow construction of an addition.

Shane Clapham seconded the motion; a roll call vote was taken:

Mike Roberts	Yes
Valerie Jorgensen	Yes
Richard Martin	Yes
Shane Clapham	Yes
Sara Rastegar	Yes

The motion to approve the application as stated above Passed.

**BOARD MEMBER COMMENTS**

None

**PUBLIC COMMENTS**

None

**ADJOURNMENT**

Mr. Roberts adjourned the meeting.

The regularly scheduled public meeting of the Plain Township Board of Zoning Appeals was adjourned.

**\*\*AS APPROVED\*\***



Ben Collins  
Zoning Board of Appeals Secretary