

# Minutes of the Yadkin County Board of Adjustment

## October 14, 2013

### Board Members Present:

Richard Foster- Chair  
Jeff Smith –Vice chair  
Gray Gentry  
Tim Swain

### Board Members Absent:

Charles Collins- Alternate  
Landon Wagoner

### Staff Present:

Mike Poston, Director of Planning and Development  
Dawn Vallieres, County Planner

### Guests Present:

David S. Robinson	Debbi Hoover	Freddie Wall
Anita Deair	Grace Taylor	Terry Taylor
Peter Deavin	Witt Yesl	Mildred Dryefe
Belinda Bodie	Connie Campbell	Mothell Vhlle
Octavius Burt	Dana Beach	Amy Crump
Debra Philpott	Larry Garris	Lewis Johnson

### Call to Order

Chairman Foster called the October 14, 2013 meeting of the Yadkin County Board of Adjustment to order at approximately 6:00 PM. Attendance and quorum were noted. No alternates were needed for this meeting.

### Approval of Minutes

Chairman Foster called for a vote to approve the minutes of the February 10, 2013 meeting. A motion to approve was made and seconded. The Board voted to approve the minutes 4-0.

The Wooten/ Strata Solar Farm application was withdrawn.

The Board Adjourned the Regular Meeting to a Public Hearing for the Farmington Rd. Cell Tower application.

### Public Hearing- American Tower on Farmington Rd

Conditional Use Permit Application- Article 10. Wireless Communication Towers. Sections 3 & 5. New Wireless Communication Tower for Atlantic Tower on Farmington Rd, Yadkinville, NC 27055.

Staff gave a PowerPoint presentation on the Farmington Road property.

A Board member asked about the fall zone area. Is the fall zone area outside that right of way (Duke Energy r-o-w)? Yes, the company did submit an engineer certified letter that the fall zone would be a more compact area, the 125' radius is larger than the required fall zone/setback; that if the tower were to fail it would crumple into a more compact zone. The fall zone is outside of the Duke Power right of way. It was not originally in the Board packets because we did not receive the letter until today.

Chairman Foster asked about previous stand alone ordinance on wireless communication towers....Michael Poston replied that the stand alone ordinance was repealed in 2003; the adopted standards are included in Article 10 of the current zoning ordinance.

Chairman Foster asked if there was anyone who wanted to speak for the cell tower. Mr. David Robinson introduced himself. He is an attorney for the applicants, American Tower Corporation. The business model of American Tower is similar to leasing an apartment building. This particular tower is a monopole style. The top floor is pre-leased to AT&T then at 10 foot increments there are platforms for three more users. Elevation of this site and different tower types/designs were discussed.

Chairman Foster asked if anyone wanted to speak against this project. Dr. Lou Argenta spoke; I live across from site. I'd like to speak to 5 points.

1. The top tower is apparently AT&T. I have lived there for 5 years. I have never missed a call or had a dropped call even from AT&T. I would say that this tower is not necessary. The other point related to this is these towers are rapidly becoming obsolete. Many countries are now on satellite. Outside of the fact that it makes money for whoever rents this land. I don't know who is going to be around in two years to take this monstrosity down.
2. I feel strongly that these towers are an environmental disaster. We bought 450 acres across from this for a retirement place for me and a couple of my sons. We bought this because it was pristine, it was incredibly beautiful. Building a monstrosity a hundred and ninety feet tall with flashing lights destroys the ecology. You are destroying the ecology not only for our generation but for three generations. That is something that once you destroy, you cannot get back. Every person that goes down that road would see this flashing in the middle of the night. One of my plans was to build a house directly across from there is just no way I'm going to build my house and see 190 feet of metal and flashing lights. I think if you need to build a tower there are many very remote areas where you can build that are unseen and doesn't bother anybody.
3. Property values are significantly decreased with the construction of these monstrosities. That has been shown in Ohio, Michigan, New York, where you have a lot of these towers built. It is my contention that this tower will decrease the value of my property for which I paid over a million dollars for.
4. Radio frequency radiation is hazardous to our health. (Dr. Argenta spoke at length on this point)
5. The synergy of the cell tower and the Duke high power electric lines will multiply the danger of these radiation effects.

Dr. Argenta spoke of the Board being the stewards of the land and reiterated his point on land values and health risks.

Michael Poston pointed out to the Board that Section 4 of our Wireless Communication section of our ordinance states: Radio Frequency Emissions. In evaluating applications or locations for Wireless Communications Facilities, information regarding radio frequency emissions shall not be deemed a public safety consideration or required by the County [NC G.S. 153A-349.52(a)]

Chairman Foster asked if anyone else wanted to speak against the tower. No one did.

Mr. Robinson responded...this is not dropped calls it is 4G (data transfer usage)...there will be no lights on this tower. American Tower is obligated to remove the tower when it is no longer in use per contract with the landowner.

Lewis Johnson spoke on behalf of Graham Herring who completed the impact statement submitted. This will not be a lit tower. There will be security lighting at the base below the tree line. The light will not be shining on the tower. It has not been found that there is any reduction of property values around the towers. Mr. Johnson offered to answer any questions.

Services & Development Director Michael Poston asked if the impact statement was done by a licensed appraiser. The gentleman was not a licensed real estate appraiser. He has completed roughly 1,700 impact statements for these types of facilities.

Octavius Burt is an engineer with AT&T. He discussed FCC and FAA regulations regarding cell towers. He discussed safety of RF waves and cancer. The Board asked several questions about the operation of the cell tower. The reception and transmittal of radio frequency waves was discussed, including uplinks and downlinks. How the towers worked was discussed.

Chairman Foster asked if anyone else wished to speak for the tower.

Dr. Argenta asked to respond.... Discussed radiations negative health effects briefly again. Also stated that these property values studies were done in cities not rural agricultural areas. He is not opposed to these towers, just that they should be built where people do not live.

Services & Development Director Michael Poston requested that Dr. Argenta submit his qualifications and that all those who spoke on behalf of American Tower submit their qualifications. All parties did immediately submit paperwork to staff.

The Board closed the public hearing on the Farmington Road cell tower and returned to the Board meeting.

### **Regular Board Meeting**

The Board asked Services & Development Director Michael Poston to reread the NC statute regarding health effects of radio frequency waves. It is Article 10 Section 8 of the Yadkin County Zoning Ordinance “Radio Frequency Emissions. In evaluating applications or locations for Wireless Communications Facilities, information regarding radio frequency emissions shall not be deemed a public safety consideration or required by the County [NC G.S. 153A-349.52(a)]

That is referencing NC General Statute 153A-349.52(a).

The Board discussed the height and what was considered consistent with others in the County. Staff had completed a chart of 11 cell towers in the County...average height is 290 feet.

Chairman Foster asked for a motion...Tim Swain made a motion to approve the wireless communication tower. Jeff Smith seconded. Tim Swain asked if any Board member saw anything that was in conflict with the guidelines in the ordinance. Fall zones and setbacks were discussed. Chairman Foster asked for a vote to approve the wireless cell tower: it was 4-0 to approve.

The Board suspended the regular meeting to go into an open Public Hearing for the Center Road Cell Tower.

### **Public Hearing- SBA Communication- Wireless Communication Tower on Center Rd**

Conditional Use Permit Application- Article 10. Wireless Communication Towers. Sections 3 & 5. New Wireless Communication Tower for SBA Communications at 2301 Center Rd, Boonville, NC 27011.

Staff gave a PowerPoint presentation on the Center Road property.

Chairman Foster asked if there was anyone who wanted to speak for the cell tower.

Belinda Bodie spoke for SBA Communications. Primary tenant will be AT&T. Board members asked about the different design for this tower compared to the previous (Farmington Rd application). Ms. Bodie did state that the tower height could be reduced to 250'. Access to the tower site was discussed.

Chairman Foster asked if anyone else wanted to speak for the tower. No one came forward.

Chairman Foster asked if anyone wanted to speak against the tower.

Ms. Amy Crump introduced herself. She has some questions. She had not heard what type of tower it will be. Chairman Foster showed Ms. Crump the site plan and detailed drawings of the tower.

Belinda Bodie answered that it was a guyed tower, the difference being the wires coming off the tower. A latticed tower is different.

Ms. Crump asked how many antennas there would be. The collocation requirements were discussed. She asked why it was chosen...this location has lower elevation so requires a higher tower. Ms. Crump has concerns that it could devalue her property and that there are potential health concerns from the radio frequency waves.

Director Michael Poston reiterated the Zoning Ordinance Article 10 Section 8 regarding health concerns and new wireless communication facilities.

Board members asked exactly where the property was on Center Road. Landmarks in the vicinity were discussed. Limitations on tower height were discussed. Lighting was discussed.

The Board closed the public hearing on the Farmington Road cell tower and returned to the Board meeting.

### **Regular Board Meeting**

Chairman Foster asked for a motion... Gray Gentry made a motion to approve the wireless communication tower limited to 250 feet in height. Tim Swain seconded. Chairman Foster asked for a vote to approve the wireless cell tower: it was 4-0 to approve.

The Board suspended the regular meeting so we could go into an open Public Hearing for the Dana & Eva Beach petition.

### **Public Hearing- Dana & Eva Beach- Expansion of a Non-conforming MHP**

Conditional Use Permit Application- Article 17. Wireless Communication Towers. Sections 3 & 5. New Wireless Communication Tower for SBA Communications on Center Rd, Hamptonville, NC 27020.

Staff gave a PowerPoint presentation on the Eagle's Nest Manufactured Home Park property on Tiny Tot Lane off Old 421. Questions were asked and answered about the exact location. A board member asked how long this park has been in existence. It was pre 1993, it was originally the Helen Reavis MHP.

Director Michael Poston stated that it was non-conforming because there are not 30,000 square feet for each mobile home. A Board member clarified that this application had nothing to do with the existing mobile homes. It is replacing the existing brick house with a mobile home.

Chairman Foster asked if there was anyone who wanted to speak for the conditional use.

Mr. Dana Beach came forward to speak. He said the old home was in a state of disrepair and he would like to replace it with a single or double wide since the existing septic and well were already there.

The Board asked if the house had its own individual well and septic. It does.

Director Michael Poston pointed out that Environmental Health would still have to go out and give approval before the mobile home was approved.

There was some discussion regarding the adjacent property which was also zoned manufactured home park. There was discussion about the site plan. Questions were asked about exactly where the parcel lot line was.

Chairman Foster asked if there was anyone who wanted to speak against the use. No one came forward.

The Board closed the public hearing on the Center Road cell tower and returned to the Board meeting.

### **Regular Board Meeting**

Chairman Foster asked for discussion or comments from the Board.

Chairman Foster asked for a motion...A Board member asked that we make it approved with the condition that the new manufactured home meet all current buffers and setbacks. Chairman Foster asked for a vote: Jeff Smith made a motion to approve, Tim Swain seconded, the vote was 4-0 to approve.

### **Other Business**

There was no other business to discuss.

### **Adjournment**

With no other business to discuss, a motion to adjourn was made and seconded, the vote passed unanimously 4-0, and the meeting was adjourned at approximately 7:22 p.m.

Respectfully Submitted,

Dawn Vallieres, Secretary to the Board

Approved on \_\_\_\_\_

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Chairman