

BOARD OF ZONING APPEALS

Springfield, Ohio

Wednesday, February 20, 2019

7:00 P.M.

City Forum, City Hall

Meeting Minutes

(Summary format)

Chairperson Dori Gaier called the meeting to order at 7:00 P.M.

MEMBERS PRESENT: Mr. Mathew Ryan, Ms. Jeannette Anderson, Ms. Rhonda Zimmers,
Mr. James Burkhardt, Ms. Denise Williams and Ms. Dori Gaier

MEMBERS ABSENT: Mr. Mark Brown

OTHERS PRESENT: Stephen Thompson, Planning, Zoning, and Code Administrator
Cheyenne Pinkerman, Community Development Specialist.

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SUBJECT: Approval January 23, 2018 meeting minutes.

Ms. Gaier asked if the board had any corrections to add to the minutes.

Ms. Gaier asked the board members to voice yes if they were in favor of approving the minutes.
Members voiced yes.

Ms. Gaier asked if any opposed to voice nay. Hearing none, Ms. Gaier stated the minutes stand
approved.

**SUBJECT: Case #19-A-05 Request from Vernon Donnelly for a conditional use for a
dwelling unit above the ground floor at 17 Section St in a CI-1, Intensive Commercial
District**

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the
staff report.

Mr. Thompson gave the staff report.

The applicant is requesting a conditional use permit to establish a dwelling units above the
ground floor of a warehouse. The owner is seeking this conditional use to better utilize the
building.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

1. Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: It would not.

2. Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: It is.

3. Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

4. Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes, it is an existing building.

5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: It will not.

7. Will have vehicular approaches to the property, which shall be so designed as not to create an

interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions for Mr. Thompson.

Ms. Zimmers questioned how many dwellings there would be.

Mr. Thompson explained the owner stated there would be one dwelling.

Ms. Anderson stated the building looked like it had three floors.

Mr. Thompson confirmed there was three floors and any floor could be used as a dwelling space with the conditional use.

Ms. Zimmers questioned if the dwellings would need additional approval from other agencies.

Mr. Thompson explained the dwelling would need approval from the building department because of the change of use.

Ms. Gaier asked if the board had any further questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant would like to speak.

Vernon Donnelly, 358 East High Street, stated he was the applicant.

Ms. Anderson questioned the type of dwelling.

Mr. Donnelly explained there would be two or three bedrooms on the second or third floor. Mr. Donnelly explained the bottom floor would still be used as commercial use. Mr. Donnelly explained there were six restrooms throughout the building.

Ms. Zimmers questioned what the building was used for.

Mr. Donnelly stated he bought the property in 2010 and it was used for food supply. Mr. Donnelly explained the structure currently used a warehouse and the children's memorial was in the rear of the property.

Ms. Gaier questioned if the board was only approving the use of the structure and if the rest would be handled by staff.

Mr. Thompson stated that was correct.

Ms. Zimmers questioned if there were any other structures that had similar use.

Mr. Thompson stated there were a few in the same area.

Mr. Gaier asked if the board had any further questions. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak at that time. Hearing no further discussion, Ms. Gaier asked if there was a motion to close the public hearing.

MOTION: Ms. Williams made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #19-A-05.

MOTION: Motion by Mr. Burkhardt to approve Case #19-A-05 request from Vernon Donnelly for a conditional use for a dwelling unit above the ground floor at 17 Section St in a CI-1, Intensive Commercial District. Seconded by Ms. Williams.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. It is a good use for downtown.
2. It is an appropriate conditional use.
3. There is no opposition.

YAYS: Mr. Ryan, Mr. Burkhardt, Ms. Anderson, Ms. Zimmers, Ms. Williams and Ms. Gaier.

NAYS: None.

Motion Approved 6 to 0

SUBJECT: Case #19-A-06 Request from David Snyder for variances from Chapter 1156.01(b) to allow for a privacy fence over 2.5 feet in a front yard at 648 Riverside Dr. in a RS-5, Low-Density, Single-Family Residence District

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

Mr. Thompson gave the staff report.

The applicant is requesting a variance from Chapter 1156.01(b) to construct a privacy fence over

2.5 feet tall in the front yard. The parcel in question extends from Riverside Drive to W Harding Road. In the Springfield Zoning Code, if a parcel is bordered by streets on multiple sides, each one of those sides is a front yard. There is a minimum 25 foot setback for privacy fences over 2.5 feet in front yards. The applicant is requesting to install a fence ten feet from the pavement of W Harding Road. The applicant states he is requesting the variance because he would like more yard area at the rear of the house for dogs and other activities. He states placing the fence 25 feet from the property line would result in the loss of use of this area of the yard. He also states there are similarly located fences in the area.

ANALYSIS for Variance:

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Staff Comment: Yes. A privacy fence can be placed 25 feet from the property line.

2. Whether the variance is substantial;

Staff Comment: Yes. Placing the fence ten feet from the edge of pavement would result in a less than 2 foot setback from the property line.

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Staff Comment: There is a driveway to the east. A privacy fence may affect visibility exiting the drive.

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

Staff Comment: No.

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

Staff Comment: Yes.

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

Staff Comment: Yes. The fence could be located 25 feet from the property line.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Staff Comment: No.

STAFF RECOMMENDATION:

Denial for a variance from Chapter 1156.01(b) for a privacy fence over 2.5 feet in a front yard.

Ms. Gaier asked if for the reason staff recommend denial.

Mr. Thompson explained there were two staff members that recommended denial and they did not give a technical reasons for denial. Mr. Thompson stated he believed they were worried about the delivery of government services.

Ms. Gaier questioned if the similar fence in the area had been given approval.

Mr. Thompson stated he could not find any documents to prove they had the fence approved. Mr. Thompson stated he assumed the fence was put up and no one caught it.

Ms. Williams questioned if there were any objections.

Mr. Thompson explained there were some phone calls from people who had questioned and once he explained, the callers had no objections.

Ms. Zimmers questioned what was across from the property.

Mr. Thompson explained there was more residential housing.

Ms. Williams asked to see the rendering of what the fence would look like.

Mr. Thompson showed the rendering and explained it would be on the property and would not impact the public right of way, drainage or storm water.

Ms. Gaier explained there were no sidewalks on that section of the road.

Mr. Ryan questioned if the neighbor adjacent to the proposed fence was notified.

Mr. Thompson explained they were notified and they did not contact him.

Ms. Zimmers questioned how far away the property with the similar fence was located.

Mr. Thompson where the fence was located.

Board members discussed the location amongst themselves.

Ms. Gaier asked if there were any further questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant would like to speak. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing no further discussion, Ms. Gaier asked if there was a motion to close the public hearing.

MOTION: Ms. Zimmers made a motion to close the public hearing. Seconded by Ms. Williams. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #19-A-06.

MOTION: Motion by Ms. Anderson to approve Case #19-A-06 Request from David Snyder for variances from Chapter 1156.01(b) to allow for a privacy fence over 2.5 feet in a front yard at 648 Riverside Dr. in a RS-5, Low-Density, Single-Family Residence District. Seconded by Ms. Zimmers.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. It is a violation of the 25 foot setback, but would be appropriate for the property.
3. The neighbor next door did not express any concerns.

VOTE:

YAYS: Mr. Ryan, Mr. Burkhardt, Ms. Anderson, Ms. Zimmers, Ms. Williams and Ms. Gaier

NAYS: None.

Motion Approved 6 to 0

SUBJECT: Case #19-A-07, 08, & 09 Request from GPD Group for a conditional use and

variances from Chapter 1136.09(g) and 1136.09(l) to allow for a new cell tower that is 195' tall and within the required setback to property lines at E Home Rd. (Newcomers Cemetery) in a RS-5, Low-Density Single-Family Residence District.

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

Mr. Thompson gave the staff report.

The applicant is requesting a conditional use and variances from Chapter 1136.09(g) and 1136.09(m) to construct a new cell tower within the required setback from property lines and to a height of 195 feet. Chapter 1136.09(g) states towers shall not exceed 190 feet in overall height. The proposed tower will exceed this limit by five feet or 2.6%

Chapter 1136.09(m) states the setback from property lines shall be the same as the height of the tower, plus 25%. The proposed tower will be setback approximately 39 feet from the parcel to the west and approximately 94 feet from the south property line. The tower will be located in a fenced area of approximately 8,200 square feet.

ANALYSIS for Conditional Use:

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

1. Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

Staff Comment: It would not.

2. Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

Staff Comment: Yes.

3. Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

Staff Comment: Yes.

4. Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

Staff Comment: Yes.

5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Staff Comment: Yes.

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff Comment: Yes.

7. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval of the conditional use permit.

ANALYSIS for Variance:

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Staff Comment: Yes.

2. Whether the variance is substantial;

Staff Comment: No. The additional five feet in height accounts for 2.6% of the overall height.

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Staff Comment: No.

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

Staff Comment: No.

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

Staff Comment: Yes.

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

Staff Comment: No.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval for a variance from Chapter 1136.09(g) to allow for a cell tower of 195 feet tall.

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Staff Comment: Yes.

2. Whether the variance is substantial;

Staff Comment: No.

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Staff Comment: No.

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

Staff Comment: No.

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

Staff Comment: Yes.

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

Staff Comment: No.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Staff Comment: Yes.

STAFF RECOMMENDATION:

Approval for a variance from Chapter 1136.09(l) to allow for a cell tower within the required setbacks.

Ms. Gaier asked if the board had any questions for Mr. Thompson.

Ms. Williams questioned if there were any complaints

Mr. Thompson explained that a gentlemen called in the morning and stated the caller did not like the idea of a cell tower and did not give a reason why.

Ms. Zimmers questioned if there was anything similar in the area.

Mr. Thompson stated the applicant would be able to answer that.

Ms. Zimmers questioned what needed approval.

Mr. Thompson explained the conditional to have a cell tower on the property. One variance is for the setback. Mr. Thompson explained along residential property lines, the required set back is the overall height of the tower plus twenty five percent. Mr. Thompson stated that would be 200 feet from the all residential property lines. Mr. Thompson explained the applicant is requesting 95 feet from the south property line. Mr. Thompson explained on the map where the tower would go. Mr. Thompson stated the tower would be set back 35 feet from the property to the west. Mr. Thompson explained the cell tower was the same height as the tower on Leffels lane but would be set back further.

Ms. Gaier asked if there were any further questions for Mr. Thompson. Hearing none, Ms. Gaier asked if the applicant would like to speak.

Brad Locker, 1801 Watermark Drive, Suite 210, Columbus OH, stated he was the applicant.

Ms. Williams asked why they needed to put the tower up.

Mr. Locker explained the tower was needed to improve cellular coverage in the area. Mr. Locker explained AT&T would be building the tower but other networks could use the tower as well.

Ms. Williams asked who the other networks would be.

Mr. Locker stated he did not know who the other networks would be.

Mr. Thompson explained that was a pretty standard throughout the industry to limit the amount of cell towers going up.

Ms. Zimmers explained her concern of starting a trend of cell towers going up throughout the city.

Mr. Thompson explained there were setbacks for towers in between towers. Mr. Thompson explained most companies would co-locate.

Ms. Zimmers questioned if we approved the cell tower for AT&T would that set a precedence for other networks to want to build towers.

Mr. Thompson stated that was not what the city would want and they would try and steer the towers in another location. Mr. Thompson explained there was a movement called small cell. Small cell consist of equipment that can be put on top of existing poles, however they only supplement the larger towers. Mr. Thompson stated he did not believe there would be a need for another tower that's 195 feet.

Ms. Gaier stated another network would contract with AT&T to locate on their tower and would save them money in the long run.

Mr. Thompson stated that he believed AT&T was trying to get ahead on the 5G roll out.

Ms. Gaier stated the previous tower had the split the conditional use and variance up in two different meetings.

Mr. Thompson stated that was correct and the tower in question has both variances and conditional use in one meeting to make the process faster.

Ms. Williams questioned why they chose the cemetery.

Mr. Locker explained AT&T provided a search ring of where they would like the tower located. Mr. Locker explained the original tower was closer to Osterlen and another on a city property. Mr. Locker explained one of the reason AT&T chose the city property as a candidate, in the code, it's beneficial to build on the city property. The city would receive revenue. Mr. Locker explained that AT&T met with City Manager, Bryan Heck, as part of AT&Ts lease, they would provide a new electronic fence and repave the asphalt in the section they would be using. Mr. Locker explained they would be improving the property.

Ms. Zimmers stated it would be benefiting the city.

Mr. Locker explained the different options for locations at the cemetery.

Ms. Anderson questioned if people were still being buried at the cemetery.

Mr. Thompson stated there were still open plots available. Mr. Thompson explained if a cemetery goes bankrupt it's up to the city to maintain the property. Mr. Thompson explained that is what happened with New Comers Cemetery. Mr. Thompson explained the condition of the drives were in bad shape.

Mr. Burkhardt explained the cemetery used to belong to Springfield Township.

Mr. Thompson explained the area was annexed and whoever started New Comers went bankrupt. Mr. Thompson explained at that point it was up to the city to maintain the property and locate new burial plots. Mr. Thompson explained that the city does not make any money off the property.

Mr. Ryan asked if the city operated the cemetery.

Mr. Thompson stated that was correct.

Mr. Ryan asked if they were required to operate.

Mr. Burkhardt stated he didn't believe the city sold the plots anymore but they do have existing plots that have not been used.

Mr. Thompson explained that all the available lots have been laid out and the city tells people what available.

Ms. Williams questioned if there had been any recent burials.

Mr. Thompson state he believed there had been.

Mr. Burkhardt stated the cemetery had been in operation since before the 1900s.

Mr. Thompson explained that was one of Brian Hecks duties to mark the graves when someone wants one.

Ms. Zimmers questioned if the city had anything in place, as far as code goes, how many towers are allowed within city limits and if there had ever been any discussion on camouflaging the towers.

Mr. Thompson stated there was no maximum number of towers as far as code. Mr. Thompson explained in every district it would be a conditional use permit and would be up to the board to decide when and if there were too many and they become visual clutter. Mr. Thompson stated as far as camouflaging, wireless technology is a hot topic as far as federal courts. Mr. Thompson explained a lot of power has been taking away from state and municipalities to regulate them at all. Mr. Thompson explained there was very limited ability to make people camouflage them and a lot of detail goes into proving why they are needed. Mr. Thompson explained courts are ultimately deciding in the wireless communication operator's favor. Mr. Thompson explained at some point it may not be appropriate for the board to hear these type of cases. Mr. Thompson explained in the rights of way, towers can go in wherever and the city is capped at only charging five hundred dollars per year no matter how many towers go in. Mr. Thompson explained that was a recent court ruling. Mr. Thompson explained any steps taken towards camouflaging the towers could be challenged in the courts and the city would most likely lose.

Ms. Gaier stated even though there was not a maximum number of towers allowed per code, there would still be limitations because there are setbacks for the size of the city would place that limit.

Mr. Thompson stated that was correct and there would be an area component to that maximum number. At some point you could not have any more because it would mess up the signal.

Ms. Zimmers questioned the stronger the signal, the farther apart the towers can be.

Mr. Thompson stated that was correct and when your co-locating on the same tower that reduces the need for multiple towers.

Mr. Ryan questioned if the city could only make five hundred dollars per tower.

Mr. Thompson stated that would be if they were in the right of way. Mr. Thompson explained if a company wanted to put fifty of the small towers on the city poles, the maximum they could charge would be five hundred dollars.

Ms. Zimmers questioned if that was based on the state.

Mr. Thompson explained it was federal. Mr. Thompson explained it was ruled that municipalities were limited on what they could charge and what they could do.

Ms. Zimmers questioned if the city had anything in place for restrictions.

Mr. Thompson stated on private property that was correct.

Ms. Gaier asked if there were any further questions for the applicant. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked if there was a motion to close the public hearing.

MOTION: Ms. Williams made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #19-A-07.

MOTION: Motion by Mr. Burkhardt to approve Case #19-A-07, Request from GPD Group for a conditional use for a new wireless communication facility. Seconded by Ms. Zimmers.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. It will generate money for the City of Springfield.
3. It will help improve the property with the partial new fence and partial re pavement.

YAYS: Mr. Ryan, Mr. Burkhardt, Ms. Anderson, Ms. Zimmers, Ms. Williams and Ms. Gaier

NAYS: None.

Motion Approved 6 to 0

MOTION: Motion by Mr. Ryan to approve Case # 19-A-08 a variance to allow for a cell tower 195 feet tall. Seconded by Mr. Burkhardt.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. It is a minimum variance.
2. There is no opposition.
3. It will increase cell coverage for the area.

YAYS: Mr. Ryan, Mr. Burkhardt, Ms. Anderson, Ms. Zimmers, Ms. Williams and Ms. Gaier

NAYS: None.

Motion Approved 6 to 0

MOTION: Motion by Mr. Ryan to approve Case# 19-A-09 A Variance to allow for a cell tower within the required setback. Seconded by Ms. Anderson.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. Revenue will help maintain cemetery
3. A Board member would like to see the cell tower set back further.
4. It will improve cell coverage in the area.

YAYS: Mr. Ryan, Mr. Burkhardt, Ms. Anderson, Ms. Zimmers, Ms. Williams and Ms. Gaier

NAYS: None.

Motion Approved 6 to 0

Board Comments:

Board members asked what goes into staff recommendations and Mr. Thompson explained it comes from several different departments and the decision is made in conjunction with the Community Development Director.

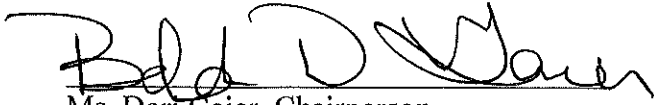
Staff Comments:

None.

Subject: Adjournment

Ms. Williams made a motion to adjourn the meeting. Seconded by Mr. Burkhardt.

Ms. Gaier adjourned the meeting at 7:50 pm.

A handwritten signature in black ink, appearing to read "Dori Gaier". The signature is written in a cursive style with a horizontal line underneath.

Ms. Dori Gaier, Chairperson
Ms. Denise Williams, Vice-Chairperson