

The **Board of Zoning Appeals** of the City of North Royalton met on **June 27, 2011** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:30 p.m.

Present: Chairman Neil Price, John Ranucci, Diane Mastronicolas, Robert Jankovsky, Dan Kasaris, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

### **Public Hearing**

**BZA11-07 Ted Macosko / Southwest Unitarian Universalist Church** request a variance to **Chapter 1284 “Signs”, Section 1284.08 “Signs in Public Facilities Districts”, paragraph (a)**, of the City of North Royalton Zoning Code, for relief from the **minimum setback** requirement for this proposed **sign** from the edge of the street pavement, to be located on their property at **6320 Royalton Road, also known as PPN: 488-06-032.**

Public Hearing Notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

The Chairman recognized anyone wishing to be heard.

Mr. Price: Is there anyone here who would like to speak? May I have a motion to move BZA11-07 to the Open Meeting?

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **move BZA11-07 to the Open Meeting.**

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

**Motion carried (5-0).**

**(BZA11-08) Global Signal Acquisitions II LLC / North Royalton Board of Education** request a variance to **Chapter 1290 “Wireless Telecommunications Facilities”, Section 1290.03 “Public Facilities Districts”, paragraph (c)(3)A**, of the City of North Royalton Zoning Code, for relief from the **minimum setback distance to the District lot line** for this **161’-7” monopole structure** to be relocated on this property at **14709 Ridge Road, also known as PPN: 487-05-011.**

Public Hearing Notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

The Chairman recognized anyone wishing to be heard.

Mr. Price: Would you two gentlemen please raise your right hands. Do you both swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Presot: I do.

Mr. Thompson: I do.

Mr. Price: Please state your names and addresses.

Mr. Presot: My name is Jim Presot and I am representing the North Royalton City Schools, 6579 Royalton Road.

Mr. Thompson: Attorney Greg Thompson, here tonight on behalf of Global Signal Acquisitions, 18500 Lake Road, Suite 230, Rocky River, Ohio.

Mr. Presot: As indicated, we are here tonight to seek relief of the setback distance for the relocation of a cell tower that was already on our property. We want to relocate it to the western portion of our property due to our stadium renovation project that required us to take down the existing tower and attempt to move it to another location.

Mr. Thompson: He pretty much covered it for now. We can answer questions during the regular meeting. Thank you.

Mr. Price: Okay. Anybody else? Can I have a motion to move BZA11-08 to the Open Meeting.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **move BZA11-08 to the Open Meeting.**

Mr. Price: Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.

**Motion carried (5-0).**

Mr. Price: May I have a motion to adjourn the Public Hearing?

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **adjourn the Public Hearing.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

**Motion carried (5-0).**

**Public Hearing adjourned at 7:35 p.m.**

The **Board of Zoning Appeals** of the City of North Royalton met on **June 27, 2011** to hold an **Open Meeting** in the Council Chambers at City Hall, 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:35 p.m.

Present: Chairman Neil Price, John Ranucci, Diane Mastronicolas, Robert Jankovsky, Dan Kasaris, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

Mr. Price: May I have a motion to excuse Diane and Dan from the approval of the Minutes?

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **excuse Ms. Mastronicolas and Mr. Kasaris for cause with regard to the approval of the Minutes for the May 23, 2011 meeting.**

Mr. Price: Call the roll.

Mr. Price: Yes.  
Mr. Ranucci: Yes.  
Mr. Jankovsky: Yes.

Ayes – all. Nays – none.  
**Motion carried (3-0).**

Mr. Price: May I have a motion to approve the Minutes for May 23, 2011.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **approve the Minutes for May 23, 2011.**

Mr. Price: Call the roll.

Mr. Ranucci: Yes.  
Mr. Jankovsky: Yes.  
Mr. Price: Yes.

Ayes – all. Nays – none.  
**Motion carried (3-0). Minutes approved.**

## **OPEN MEETING**

### **New Business:**

**(BZA11-07) Ted Macosko / Southwest Unitarian Universalist Church** request a variance to **Chapter 1284 “Signs”, Section 1284.08 “Signs in Public Facilities Districts”, paragraph (a)**, for relief from the **minimum setback** requirement for this proposed **sign** from the edge of the street pavement, to be located on their property at **6320 Royalton Road, also known as PPN: 488-06-032.**

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **grant a variance of 12 feet less than the requirement as prescribed in Section 1284.08 (a) of the Zoning Code so as to allow relief from the minimum setback requirement for this proposed new ground sign from the edge of the street pavement.**

Mr. Price: Discussion.

Mr. Macosko: Did I miss the first part? I did not understand that. I thought that was strictly for the public to speak.

Mr. Price: You are part of the public.

Mr. Macosko: I did not know that that was my opportunity to present my case to you.

Mr. Price: Would you like to present your case now?

Mr. Macosko: That would be great.

Mr. Price: Would you raise your right hand please. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Macosko: I do.

Mr. Price: Your name and address please.

Mr. Macosko: Ted Macosko, 24 Glen Oaks Lane, Berea, Ohio. I am representing Southwest Unitarian Universalist Church. I am a member of the church and also their architect. We would like to put our ground sign in front of our church. I do have copies of the proposed sign, although this is not a sign request at this time but is a request for a variance. I would like to point out that the proposed sign is very close to the setback that the previously existing sign was at. It has since been torn down. We are under a hardship in that the building is very close to the road and it is a struggle between getting visibility for the sign and landscaping and so forth. I feel that this is a reasonable request given what has been there and what exists in the neighborhood as far as other signs that are similarly setback. I also feel that this would not be a hazard to either traffic or any neighbors because our property is surrounded by the cemetery. There are no intersections to be concerned about. I do not think that it would hinder anyone's vision. I would be happy to show you a concept of what we would like to do. (Mr. Macosko then submitted a schematic of what the new sign would look like, to be known as Exhibit A; 2 photographs of the church as it faces Royalton Road, to be known as Exhibit B; and 2 photographs of the church displaying the existing signage, to be known as Exhibit C.) You can notice the City of North Royalton sign in the parking lot there. Our sign will be a sculpted sign. Everything will be raised on it. The background will be in relief. It will be painted, not lit up. It will be a simple sign, roughly 6 foot by 5 foot.

Mr. Price: Anything else?

Mr. Macosko: No, unless you have any questions.

Mr. Price: Discussion.

Mr. Jankovsky: I would like to ask the gentleman if any thought had been given to checking with the Police Department as to whether or not this would provide any hindrance to the view to the west as someone would be exiting that gravel lot.

Mr. Macosko: We did not think of that. I do not think that it would be a problem. The sign is going to be higher and it is going to be set back.

Mr. Jankovsky: I think that you will have 7 feet between the sidewalk and the sign.

Mr. Macosko: I am sorry but I did not check that out.

Mr. Jankovsky: Do you have any examples of those other signs on neighboring properties that are only 13 feet from the road.

Mr. Macosko: No, I do not. I did all of this research about 6 to 7 months ago when we were thinking about it originally. I am sorry about that.

Mr. Jankovsky: One of my concerns about this, as I voiced the last time when you came to us for a variance on this property, is that we may be setting a preference with some of these things instead of making the main route in our City more conforming with the codes. We may be setting some preferences that are going to cause us problems down the road. I am just not sure. I do not think that this is a major issue in this particular case but it seems that pretty much everything that needed to be done on this property, after your clients purchased it, needed a variance. That is all I have.

Mr. Price: Has any thought been given to putting the sign parallel to the sidewalk as opposed to perpendicular to it -- up by the shrubbery as it was before.

Mr. Macosko: The Masonic Temple was always perpendicular. (Mr. Macosko referred to one of the exhibits, now known as Exhibit C, that had been provided.)

Mr. Price: That is a smaller sign though.

Mr. Macosko: No, it is about the same size. The reason for any signage is to sustain the visibility of what is going on inside of the building. We feel that this is the way that we would like to see it so that people can see it as they are going by without having to turn their neck sideways. They will be going over that rise and would not have a chance to see it ahead of time. We all agreed that perpendicular was the way to go.

Mr. Ranucci: Just looking at the lay of the land and the location of this sign, we are going to be slightly at a rise because that property slopes down to the road. Placing the sign 13 feet from the street will have cars "nosing" out as it is. My concern is that looking from the west, and also the traffic coming east to west and coming down from the slope ...

Mr. Macosko: I believe that the sign will be higher than the cars. The way that hill is right now I believe that there is about 5 feet to the top of the hill and we would be placing the sign close to the top of that hill. I do not think that it will obstruct vision for the cars in any way. I think that it will be higher than the cars. When you add 2 feet to the bottom of the sign to lift it off of the ground – I just do not think that there will be any hindrance there at all. Again, our use of that parking lot is pretty much one day a week. Not that people cannot use it during the week but the heaviest traffic is going to be for a very brief period of time on a Sunday morning when traffic on Royalton Road will hopefully not be that busy. We have not had any incidents at all so far or any concern about it from any of the parishioners. We have been there for almost one year.

Mr. Kasaris: Donna, when this goes before the Architectural Review Board, and I am assuming it will, what will they look at? Do they just look at the color of the sign and the aesthetics of the sign?

Ms. Vozar: Basically just aesthetics – the colors and the letters.

Mr. Kasaris: How far is the existing sign from the street?

Mr. Macosko: I believe that it is another 3 feet beyond what we are requesting. If that would better suit you I am sure that we could make an adjustment in that way.

Mr. Kasaris: My concerns, as echoed by my colleagues, is that it is really close to the street as it is and with the other parking lot there... I guess that I would feel more comfortable if I had a police officer here telling me that they shot the distance, like we had them do for Taco Bell, and in their opinion this would not create any accidents. I would feel a lot better if I had that.

Mr. Price: You had mentioned something about the landscaping – is the shrubbery designed to stay in the same spot and at the same size?

Mr. Macosko: It is there. We have no plans to take it out. We have maintained it and trimmed it up a little bit. There is a window well in front there.

Ms. Vozar: Were there any traffic studies done when you did your renovation of the building?

Mr. Macosko: No.

Ms. Vozar: I thought there was discussion at Planning Commission that they were going to do some traffic studies with the parking lot renovation. There was not anything done at that time?

Mr. Macosko: No.

Mr. Kasaris: If I may Mr. Chairman, what the Board of Zoning Appeals had talked about was to send it back to Planning Commission because Planning Commission had not considered whether or not there was a safety issue with regards to the renovation. I think that the Planning Commission had decided that there was not a problem or at least they were not concerned about it. I remember that we sent it back to them and specifically asked them that question before we granted the variance.

Mr. Price: You could move the sign back another couple of feet.

Mr. Macosko: Sure. If the 3 feet would sway you I would be much interested in that. Again, in my best judgment this is the best location for the life of the church. We have spent quite a bit of effort and time into renovating this building. Right now we have a 4' x 8' sign that has been there for about a year and has not caused any problem. It is practically on the sidewalk.

Mr. Price: So if we would move this back 3 feet, and the sign is 6 feet in length, we would have it 10 feet back from the sidewalk or 15 feet back from the street.

Mr. Ranucci: I think that I would be agreeable to that or give an approval contingent upon having the Police Department sign off on it.

Ms. Vozar: When we say the Police Department signing off on it, I would strongly recommend that if in fact you are requesting the Police Department ... Normally what happens is that the applicant is the one who provides us with documentation and traffic study reports. If that is the direction that you are looking at, if you are looking for some input from the Police Department, I would then request that we table it to allow the Police Department to review it and determine whether or not they can and will be willing to give us some type of report. Again, I am not sure that that falls within something that they would do rather than having the applicant do it. I would request that it be tabled rather than having it approved contingent on that in the event that they would be unable to do that and then we would obviously have to come back here anyway.

Mr. Kasaris: That is how we handled Taco Bell. I think that Patrolman Fyock went out and shot the distances and came back and said that it was okay.

Mr. Price: (To the applicant) How do you feel about that?

Mr. Macosko: I am weary of jumping through so many hoops but I am willing to do it if that would be a deal breaker. It just seems, to me, to be pretty straight forward. This existing sign was there and it had not been a problem for 30 years. It is a low use facility. It is one more expense but I will be happy to table it.

Ms. Vozar: Mr. Chairman, if I could just add something. We are not trying to have you jump through a lot of hoops but we have our laws, our ordinances, and we have to comply with them. If you want to continue to use your existing sign you would not need to come before the Board. There would be no hoops to jump through. Due to the fact that you are requesting to make changes which are not in compliance with our Code - that is why we are trying to assist you. You could have done this in advance of coming to the meeting. You could have brought the information and anticipated that those were going to be issues. The Building Department or someone could have helped you. I just want to make sure that you understand that we are not trying to make it difficult on you. These are the realities that we have to deal with.

Mr. Macosko: I understand.

Mr. Price: In the long run this will make things a lot easier. If that being the case could I have a motion to table this item.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **table BZA11-07 until the next meeting of the Board.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

**Motion carried (5-0). Item tabled.**

Mr. Macosko: Do you know who I would have to speak to at the Police Department?

Ms. Vozar: I will contact them for you and have them contact you.

**(BZA11-08) Global Signal Acquisitions II LLC / North Royalton Board of Education request a variance to Chapter 1290 "Wireless Telecommunications Facilities", Section 1290.03 "Public Facilities Districts", paragraph (c)(3)A, for relief from the minimum setback distance to the District lot line for this 161'-7" monopole structure to be relocated on this property at 14709 Ridge Road, also known as PPN: 487-05-011.**

**Variance #1:**

**Moved by Mr. Ranucci, seconded by Mr. Kasaris to approve a variance of 202'-6" less than the requirement as prescribed in Section 1290.03 (c)(3)A of the Zoning Code so as to allow relief from the minimum setback distance to the District lot line to the west for this 161'-7" monopole structure to be relocated on this property.**

Mr. Price: Discussion. First question, have you considered any other location on your property for this tower?

Mr. Presot: We have looked at a couple of alternatives but we found that the space that we are looking at would be the most advantageous from the standpoint that it is kind of a "dead" area or an area that is not being utilized by the district for any function currently nor any planned for the future. The other locations that we looked at in terms that would actually comply with the Code would really put us into the middle of our property and areas where we have our athletic fields. We did look at a location, and you do have the one drawing in front of you which shows the proposed, the existing and then an alternative. The problem with the alternative was that as we got into discussions about it we found that it would be located right up against our building line and we actually have some significant drainage lines that go through that portion of the property which would require some major reconstruction and so forth and which would become a hindrance on the district as well as to Crown Castle. In looking at all of the proposed locations we determined that this would be the best location, that is, the location that we are proposing.

Mr. Price: You said that you did look at the end of the football field or the stadium complex.

Mr. Presot: Correct. One of the things that we are also looking at is that at the end of the field, and down the line, there are conversations and discussions about a wind turbine project. That would obviously have to come back to this Board and everybody else to look at another alternative that we would be looking to place a wind turbine on that property.

Mr. Price: Can you mount cellular equipment on a wind tower?

Mr. Thompson: Currently you cannot. They looked into that and it actually sounds like a very good idea but the problem is the vibrations from the wind turbine would not work so well with the cellular technology. One of the issues that the Planning Commission wanted us to address with the Board of Zoning Appeals tonight was also that the plans that were submitted were for the 161'-7" monopole. We also submitted plans so as to allow it to be buildable up to 193 feet. We would still need the same variances for the 193 feet. When this was initially approved back in 1998 it was under a different code. I think that the setback was 250 feet from a residential neighborhood and now it has changed to 350 feet from a District lot line. With this being zoned as Public Facility it is a unique parcel. In any direction you go you are going to be in a different zoning district. We are here tonight to get it approved for what we need to do, which is the 161'-7". I just wanted to clarify why it has also been proposed as extendable to 193 feet. This would be for future co-location if one, two or three more carriers come along and need to go on that tower. It would then be extendable to 193 feet. It poses a very interesting question as far as the B.Z.A. goes. If we get the variance to build it at 161'-7" would we then have to revisit the Board for an extension when a variance had already been granted?

Mr. Price: I can let Donna answer that.

Mr. Thompson: I have been doing this for a long time and it is a very interesting question. I am not sure how that would be handled.

Ms. Vozar: It is a very interesting question which is actually why I wanted to make sure that the Board was aware that that was a possibility in the future. It depends on how the Board rules today. They are obviously well aware of the fact that the height of the tower, in the future, could go up to 193 feet. I think that they need to take that into consideration. Generally, when a tower is approved, it does not come back before Planning Commission when they are given the use of a property. (Continued on next page ...)

Ms. Vozar: So when they decide to extend it, as long as they are within compliance, they just go to the Building Commissioner for that. My recommendation to the Board is going to be that they need to anticipate and assume that this tower can go up to almost 200 feet. So when you are looking at it and making your determination, whereas before you there is a request for a tower of 161'-7", they have the right to extend up to 200 feet according to our Code without coming back to any Board, whether it be Planning Commission for the Conditional Use, Council or this Board. I would assume for that matter that this Board needs to make that determination based as though it was a request for almost 200 feet.

Mr. Kasaris: What was the elevation of the old cell tower? The old site was higher than the current site. Is that true?

Mr. Thompson: Correct.

Mr. Kasaris: How much higher is the old site as opposed to the new site?

Mr. Thompson: I believe that, as far as the antennae height change, you are looking at about 30-35 feet.

Mr. Kasaris: So if you went close to 200 feet it would be about the same height as the old one.

Mr. Thompson: Right, because we are at a different elevation. The 161'-7" is basically making up for the rise in the ground.

Mr. Kasaris: It would be basically at the same height.

Mr. Thompson: Yes.

Mr. Kasaris: Thank you.

Mr. Price: My concern is that there was a great deal of effort by the residents in this community to go through the Master Plan and Zoning Code changes and the development, for a lack of a better name, the downtown area. Now to have this almost 200 foot tower loom over that area at a couple of hundred feet from the street in a driveway parking lot - I have a problem with the aesthetics of the whole thing. That is why I was asking if there was any other location that could be used. The school property has a lot of field and a lot of grassy area.

Mr. Thompson: As a point, the approval would be for up to 200 feet. The tower has been there, I believe, since 1998. I think that that is when the original application was put in. There has been one carrier, one tenant, on there since then. As of right now there have been no takers or any applications taken in to co-locate yet so we have gone almost 20 years without anybody looking to add on. Could somebody come along and wish to co-locate? It is possible. Being in an urban area right now the networks are pretty well built out. So there would be a possibility of that tower going up to 200 feet but, again, we have gone roughly 20 years already and no one has come along.

Mr. Price: Was the old tower used like a light tower? Did it have lights on it to light the stadium up?

Mr. Presot: Yes, for the football field.

Mr. Price: It was kind of a distracting addition to make it look less like a monopole structure.

Mr. Presot: If you look at the drawing of the existing tower and the proposed tower they are really in line with each other, only just going to the west. It is not really much closer to the street and so forth. In all actuality, under the current Zoning Code, we are looking for a variance for two parcels which would be for the fireplace shop to the west and the bank. Under the previous Code we actually touched three of the borders. So we are basically asking to put it back up about 100 plus feet to the west.

Ms. Vozar: The existing site never required a variance. Is that correct?

Mr. Thompson: I do not believe that a variance was needed. I did not see anything in the file regarding a variance. I believe that the Code at the time required 250 feet from a residential lot line. The two lot lines that we are asking for variances now are for TCD District or Town Center District.

Mr. Thompson: I did not even look to see what the status of towers are within the Town Center District. I do not know if they are permitted, not permitted or require a Conditional Use.

Mr. Kasaris: They are grandfathered in, at least the radio towers are.

Ms. Vozar: This is Public Facility though.

Mr. Thompson: An obvious argument would then be if they are permitted in those districts then asking for a variance from that district is not that harmful. In the spirit of most codes the concern is protecting residential districts and so forth. We are not asking, at this point, for a variance from a residential lot line. It is from a TCD District or a commercial natured district that we are asking for setbacks from.

Mr. Jankovsky: Mr. Chairman, maybe somebody can answer this for me because I do not know the answer. The existing Code which requires that the minimum setback distance to the District lot line be 350 feet – was that primarily for aesthetics or was it a safety factor in the event that one of these towers came down so that there would be a larger distance between the tower and the property line.

Mr. Price: I want to say that it was both but perhaps Mr. Alvarez could comment on this.

Mr. Alvarez: Mr. Chairman, I would have to agree with you. I think that it was for both reasons. Towers of this nature are typically not located to close to a residential district. I was not around when they put the new Code in so I can only assume that they really do not want these towers to be located to close to any other zoning districts as well. Since I have the floor, could you explain what would happen if there was a catastrophic failure and this tower would fall. How would this tower fall down? Would it fall by pieces or just come down?

Mr. Thompson: A monopole design is designed to fall down in sections.

Mr. Alvarez: It is not like what you see in the movies – it would not come straight down.

Mr. Thompson: No. The way that these towers are engineered they are, I believe, able to sustain winds over 200 miles per hour. If it is going to get hit with something that hard it is designed to kind of snap, snap, snap. It is kind of going to fall almost straight down in sections, probably 25-50 foot sections. As far as it just falling 161 feet – it is designed specifically **not** to do that.

Mr. Price: So it is more of a collapsible structure.

Mr. Thompson: Yes. It would take some serious wind to make that tower collapse.

Mr. Jankovsky: That is good information because looking at the existing location, even though it would have affected three other districts other than two as in the proposal, the length of the structure itself would still have been farther away from any of those three and whereas now that would not be the case. You would be at close proximity to the rear of the parking lot behind the properties on Route 82. One other question for Mrs. Vozar. If for some reason there was a catastrophic failure with this tower and it did not collapse like it is designed to and it fell on one of the properties close by because it is higher than the distance between them, would the City or the Board be in a position of liability?

Ms. Vozar: The City and the school and the tower company are all going to probably be named – the question is whether or not the City would have any liability. Again, this Board is permitted to grant variances when the criteria are met. One of the issues for the height of the tower is safety. If you look at our Code under Section 1290.03, towers are permitted in a Public Facility District. They are also permitted in General Industrial Districts. They are also permitted in other districts but subject to certain criteria. I think that it is important to note that while the applicant has indicated that this is to be referred to as a relocation of an existing tower it really is akin to a new permit from the standpoint that each site is very specific and when you look at the Code and look at the requirements for all that they need to do, this truly is akin to a new application rather than a relocation. Again, we have to apply all of the same criteria that we would have applied the first time that they came before us with all of the existing Code that is before this Board. Does that answer your question?

Mr. Jankovsky: Yes. Thank you.

Mr. Presot: We applied last year, just to make you aware, for our Albion Road property. The conditions were very similar due to the fact that we were so close to the property line. The height of the tower and so forth was taken into consideration and the location, being right next to the Elementary School building. As was indicated before, the tower is designed to be collapsible so it does kind of fall into itself. The concern there was the proximity of the tower to the school and the students there. The engineering people said that, in theory, they are designed to collapse on itself.

Ms. Vojar: I think that in that case, and I believe that the record would probably reflect it, the entire tower would have fallen on your property or in a wooded section. That is not the case with the request before us. I think that is what the committee has indicated.

Mr. Price: I have one other question. The bus parking area has been relocated right now but are there plans that it will return to that area?

Mr. Presot: I did not bring our drawing of the stadium complex but that whole area right now is going to pretty much be our grandstands – the whole field is shifting 30 plus feet to the west. That bus compound area is gone and will not return there. The new bleacher structure is actually being constructed on that side for the home side. That was another limitation as to relocating it in that area.

Mr. Ranucci: Mr. Chairman, just looking at the plan before us and understanding the hardship presented with the stadium expansion and the 193 foot radius of where this proposed tower is to be located, there is really just a small section of property that would be in what I will call the “fall-zone”. That is even assuming that the tower will ever go as high as 193 feet. Considering that the tower was already there once, located more or less in the center of this property zoned as Public Facility, it is probably as far away from the road as you could get from an aesthetic standpoint. I do not really see a problem with this and I will probably be going to approve it.

Mr. Price: After listening to the testimony and the discussion which followed I would also vote for approval. This tower is going to be 30 feet lower in elevation than it was originally. As Mr. Presot pointed out it is going to be parallel to where it was before. As was noted by Mr. Ranucci, it is only going to cover a very small area in a “fall-zone”, if you would want to call it that. The rest of the interest is on school board property. From an aesthetic standpoint I do not think that there will be much of a change. It is not going to affect any governmental services. If there are special conditions there is a limited space to construct this structure. I do not see how the property owner could overcome the limitations that have been placed other than to go at this location. I will be voting for it.

Mr. Kasaris: I also support it for the same reasons that you have just stated. In addition, the fact is that it is being moved because we are constructing a community facility that is very much needed.

Ms. Mastronicolas: I will vote in favor of this as well; however, I hope that you did exhaust all other options because I am very familiar with the lay of the land as my kids go to school there. We have a beautiful new stadium that is being constructed and I just cannot get past what it will look like aesthetically. Is there any way that this tower could be located behind one of the diamonds or some place tucked back in the corner? I have got to believe that you exhausted all other options because I am concerned that it will look like an eyesore after all of this construction has been completed. So under the pretense and the hopes that you have exhausted all other options to an alternative location, I will support this.

Mr. Jankovsky: I guess that I will acquiesce with the astute comments of my colleagues and I will also support this variance.

Mr. Price: Anybody else?

Ms. Vojar: The proposed findings of fact and conclusions of law are submitted for the Board’s review as to Variance #1, a variance of 202’-6” less than the requirement as prescribed in Section 1290.03 (c)(3)A of the Zoning Code so as to allow relief from the minimum setback distance to the District lot line to the west for this monopole structure to be relocated on this property. The findings of fact are based on the following. The attorney for the applicant was here and argued the reasons for establishing practical difficulty as established by Section 1264.08 (c) of the Zoning Code. Mr. Presot was also here on behalf of the school and presented testimony.

(Continued on next page ...)

Ms. Vozar: The Board finds that, due to the location and the height of the proposed cell tower, including any proposed extensions up to the approved 200 feet, pursuant to our Code, it meets the establishment of practical difficulties under Section 1264.08 (e). The Board finds that the variance is the minimum necessary to make reasonable use of the land. Based on the new proposed location it will be lower in elevation and the topography of the land and the use of the land requires that this variance be granted. It will not affect the essential character of the adjoining properties nor will they suffer substantial detriment. There will be no affect on the delivery of governmental services. There are special conditions that Mr. Presot has discussed as to why the other proposed alternatives would not work. There are no other reasonable options available to the applicant. As such, practical difficulties has been established as far as Variance #1. I submit this for your review and comment or changes, if any.

Mr. Price: Any changes or comments? Call the roll.

**Variance #1:**

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Ayes – all. Nays – none.

**Variance granted (5-0).**

**Variance #2:**

Moved by Mr. Ranucci, seconded by Mr. Kasaris to **approve a variance of 38 feet less than the requirement as prescribed in Section 1290.03 (c)(3)A of the Zoning Code so as to allow relief from the minimum setback distance to the District lot line to the east for this 161'-7" monopole structure to be relocated on this property.**

Mr. Kasaris: For the reasons that were already stated for Variance #1, I will also be supporting Variance #2, which is for only a variance of 38 feet.

Mr. Price: I also support Variance #2. We just granted a variance of 202 plus feet and this is only for 38 feet. I support it for all of the same reasons.

Mr. Ranucci: I will also be voting in favor of this for the same reasons as stated for Variance #1.

Mr. Jankovsky: I agree with my colleagues once again for all of the same reasons as stated in Variance #1. I will be supporting this.

Ms. Mastronicolas: You have my vote as well.

Ms. Vozar: The proposed findings of fact and conclusions of law as stated for Variance #1 are re-stated as to Variance #2, a variance of 38 feet less than the requirement as prescribed in Section 1290.03 (c)(3)A of the Zoning Code so as to allow relief from the minimum setback distance to the District lot line to the east for this monopole structure to be relocated on this property. Is there anything else that the Board wants to add?

Mr. Price: Any additions? Call the roll.

**Variance #2:**

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

**Variance granted (5-0).**

Mr. Thompson: Thank you.

Mr. Presot: Thank you very much. We understand that we do need to go back to the Planning Commission on July 6<sup>th</sup> – is that correct?

Ms. Vozar: Correct.

Mr. Price: Anything under Miscellaneous? Could I then have a motion to adjourn.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **adjourn the B.Z.A. meeting for June 27, 2011.**

Ayes – all. Nays – none.

**Motion carried.**

The Board of Zoning Appeals Meeting **adjourned** at 8:23 p.m.

Approved: Neil E. Price  
Chairman

Date: July 25, 2011

Attest: Lupe M. Briskman  
B.Z.A. Secretary