

CITY OF SULPHUR SPRINGS
ZONING BOARD OF ADJUSTMENTS AND APPEALS
MEETING MINUTES
SEPTEMBER 22, 2020
5:30 P.M.

Present: Chairman Brad Burgin, Vice-Chairman Matt Johnson, Board Member Kevin Mohl, Board Member Kyle Robinson, Board Member Jay Julian

Staff: Tory Niewiadomski, Community Development Director, Jennifer Graham, Admin Asst., Community Development

Other: Jim Albaugh

CALL MEETING TO ORDER:

Chairman Brad Burgin called the Zoning Board of Adjustments and Appeals Meeting to order at 5:30 P.M.

DISCUSSION/ACTION ON ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING MINUTES OF JUNE 16, 2020.

Consider for approval the Zoning Board of Adjustments and Appeals meeting minutes of June 16, 2020. Board Member Jay Julian moved to approve the meeting minutes. Vice-Chairman Matt Johnson seconded. Motion carried, all voting aye.

SETBACK REQUIREMENTS TO CONSTRUCT A NEW SINGLE FAMILY HOME AT 1041 MULBERRY STREET

The applicant is seeking a variance to construct a new home that will encroach the secondary front yard setback of the property. This area was platted in 1950, and was intended to have a future road extended off from Mulberry called Dike Street. Dike Street was never put in. In order to develop Dike Street, it would involve the construction of a lift station and is likely not feasible for a limited housing development.

The applicant needs a variance to encroach the front yard setback along Dike Street and is proposing to establish a 10 foot setback line from the right-of-way. On corner lots, if a subdivision were to be established today, the applicant does have the option to establish a reduced setback where it can be set at a 10' side yard setback for a secondary front yard which is consistent with this request.

Vice-Chairman Matt Johnson made a motion to approve the request. Board Member Jay Julian seconded. Motion carried, all voting aye.

DISCUSSION/ACTION ZBA 200901 ON PUBLIC HEARING REQUEST FOR A SPECIAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A 150' SELF-SUPPORT WIRELESS COMMUNICATION TOWER AT 1212 W. INDUSTRIAL DRIVE (NOW 683 GOSSETT LANE).

The applicant is requesting a Special Use Permit per Article 20 to construct a 150' (156' overall height with appurtenances) on behalf of AT&T for a self-supporting cell tower on the approximate 0.36 acre site with a 75' x 75' fenced compound to house equipment and infrastructure. The

location of the cell tower is proposed to be directly west of the Coleman Lake Water Tower which is 94' in height.

The City has four cell towers within the city limits, McKinsey Drive, Wildcat Way and 1228 Jefferson.

Due to the proximity to the City's Airport, the applicant is required to notify the Federal Aviation Administration (FAA) and would need to receive a determination letter of no hazard from the FAA for the proposed facility. The proposed tower is located approximately 2.2 miles south of the airport runway and is within the flight path of the airport. The FAA conducted an aeronautical study to determine its effect upon airspace. The FAA study did indicate an obstruction exceeding 15 feet into the airspace. The Director of the Airport responded to the study with an objection to adverse impact of the proposed structure. In speaking with Airport Director, he would have no objection if the tower height was reduced by 15 feet so as it would not have an impact to the airspace.

Staff recommends two options:

Option 1- To deny the request due to an adverse impact to the City's municipal airspace as referenced by the Airport Director.

Option 2- To approve the request with the following modification:

1. The applicant complies with all requirements from the FCC for preclearance.
2. The applicant reduce the overall height by 15 feet or 141' overall height so it does not exceed obstruction standards.

The Planning and Zoning Board recommended to the Zoning Board of Adjustments approval of the request with the stipulation that Option 2 be enforced.

Board Member Jay Julian made a motion to approve the request as presented. Vice-Chairman Matt Johnson seconded. Motion carried, all voting aye.

ADJOURN

With no further business the meeting was adjourned at 5:51 P.M.