

CITY OF PIQUA, OHIO
BOARD OF ZONING APPEALS MEETING MINUTES
TUESDAY, FEBRUARY 23, 2010

MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

CALL TO ORDER

At 6:00 Chairperson Mr. Reindel called the meeting to order. The Chair read the Introductory Statement of BZA Duties and outlined the order of business to be followed. The Chair reviewed the meeting conduct procedures and swore in those persons in attendance. The Chair asked all persons present to stand and raise their right hand. The Chair administered an oath to all persons present to testify before the BZA asking them to swear or affirm to tell the truth, and to acknowledge their intent to abide by the oath administered by stating, "I do" or "opposed". All persons present stood and took the oath to tell the truth with all persons present stating "I do".

ROLL CALL

Members Present: Steve Reindel, Chair, Mark Spoltman,
Rebecca Harrison, Vice Chair and Pat Jenkins,

Members Absent: Jimmie Reedy

Staff Members: Chris Schmiesing, and Joni Kakatolis, Clerk

Attendees: Gale Hirst, Jeff Thompson, AT&T, Ed Black, GPD Associates.

The Chair moved to excuse board member Jimmie Reedy.
Mr. Spoltman seconded the motion and all members were in agreement.

MEETING MINUTES

Mark Spoltman made a motion to approve the January 26, 2010 meeting minutes. The motion was seconded by Rebecca Harrison and all voted aye.

OLD BUSINESS

None

NEW BUSINESS

1. Resolution BZA 05-10

A request for a variance to the height and setback requirements to allow for a cellular/communication tower to be located on a lot. Variance request is for a 190' tower height with a 152.4' setback to the east lot line and a 47.6' setback to the south and west at the property located at 1703 Commerce Drive.

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Ed Block with GPD Associates on behalf of AT&T addressed the Board identifying his thoughts regarding the need for a tower in this location. Mr. Block indicated that currently, there are towers on the east and south side of Piqua. This results in poor "in building" coverage on the west-northwest part of the city. Also, the Great Miami River runs through Piqua which presents coverage problems due to elevation changes in this area. Mr. Block indicated the proposed site location is on the west part of Piqua on a high elevation which helps with coverage. He also indicated that this location was chosen because it was located in an industrial area of Piqua, this minimizing residential impact.

Mr. Block went on to explain that this site was targeted for a 150' monopole but when the height was analyzed it was shown from the propagation plots that the 190' CL gives better coverage in the low elevation areas of Piqua to the north. Mr. Block also indicated that the higher center line will help with our hand off out of Piqua to surrounding communities.

Mr. Block presented the Board a map to show the lot and location of the proposed tower. The site plan indicated that there will be a fence structure with screening to hide the equipment and trees will be planted as well. Basically, from the public standpoint, the base of the tower would be difficult to see.

An FAA study was presented indicating there is no hazard to air navigation and therefore, marking and lighting on the tower is not necessary.

Mr. Spoltman requested information regarding the overall area of the tower to which Mr. Block responded indicating the tower would accommodate the city, passing traffic and the wireless industry as well.

In response to Mr. Spoltman's question regarding surveying the existing sites, Mr. Block indicated that one site was eliminated because it was torn down and the others were too far away. He stated that the farther away we get from the downtown area, the less coverage would be. The proposed tower would provide the best coverage for the city and still be in an industrial area. Mr. Block was not aware of the tower on College.

Mr. Reindel indicated there is a newer tower in town and it is closer to the downtown area. Jeff Thompson with AT&T indicated that that tower was evaluated and it was determined to be too low.

Mr. Reindel indicated that at Hartzell, they do not have a problem with reception and wondered if the reason for a new tower was for

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broadband issues. Mr. Thompson indicated that the purpose is for customer service. Mr. Block reviewed the maps showing existing coverage reviewing the poorer coverage area and the best coverage area.

Mr. Reindel expressed his concern regarding the safety aspect of the pole to which Mr. Block reiterated that the drawings presented are under state code of wind speeds to 100 mph and wind gusts of 90 mph. A company would come out and test the soil for stability and an 8' foot pole would go into the ground approximately 30-40 feet. Mr. Block also indicated that existing power lines are designed by the same standard.

Mr. Jenkins questioned why they would not consider the space just up the street where there is a new water tower. Mr. Block indicated the reason was that it was too far from town and not high enough.

Mr. Spoltman inquired as to other sites evaluated. Mr. Thompson indicated that AT&T had been working with the city staff and looked at 5 other locations and there were concerns by staff of the impact on residential areas. Mr. Block indicated that if they looked at other lots in this area there would be the same setback issues.

Mr. Schmiesing presented staff comments indicating there was a lengthy mailing list sent out regarding this issue and that he only received one phone call from Hartzell indicating they did not have any issue and would do their own checking with the FAA.

Mr. Schmiesing also indicated that he was approached last fall indicating they were looking at locations in the RM Davis water tower area, behind the new Kroger's, the area owned by the Blankenship family near Westview Drive and also the existing Sprint tower. At the end of discussions, it was determined this location was the best.

As to height v. power lines - the tower is subject to building requirements and they will have to satisfy the building code. A power pole is more likely to fail in a storm. The nature of the setback request is in effect a cause of the zoning conditions. BZA is to address the height and setback only. Staff does not think the reduction in the setback would cause harm to the residents in the surrounding area. The Planning Commission will address Special Use.

Mr. Schmiesing indicated that the only other stipulation that has been placed on cell tower installers in the past is that they agree to remove the structure at such time it is abandoned.

Public comment was opened and closed with no one stepping forward for comment.

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Mr. Spoltman addressed his concern regarding abandonment and wanted to know if it was part of their standard agreement to which Mr. Block responded that the land lease covers that issue.

Mr. Spoltman asked what they considered an abandoned tower and it was discussed that if others come in and add towers, they would determine if they wanted to continue and may offer that tower to other companies for rent, etc. They would be willing to provide something to the city if so required.

Chris Schmiesing indicated that the city has used a period of 90 days in the past and it could be addressed by the Planning Commission.

Mark Spoltman indicated to Pat Jenkins that as a structural person, he had faith that the tower would handle wind at 90 mph. Mark also indicated that he spent a lot of time reviewing the area and felt that there is not a lot of area that would accommodate the setback requirements.

Motion made by Pat Jenkins to approve BZA 05-10.

Mark Spoltman commented in the staff report and in the presentation there was a list of improvements and wanted to know if the intent was to have these done as presented. The response was yes.

Mark Spoltman seconded the motion to approve BZA 05-10 and a vote was taken. All were in favor except Pat Jenkins who voted NO. **BZA 05-10 passed with a 3-1 vote.**

2. Resolution BZA 06-10

A request for a variance to the parking lot allowing the change from asphalt to gravel in the private utility lot located at 1703 Commerce Drive.

The Clerk read the agenda item.

Staff comments were requested by the Chair. Chris Schmiesing presented staff comments indicating his recommendation for approval.

Mark Spoltman indicated he sees no reason to have asphalt in the lot. Mr. Reindel agreed. Mr. Spoltman indicated it is a low traffic area and not used by the public

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Rebecca Harrison made a motion to approve BZA 06-10. The motion was seconded by Mark Spoltman and all members were in favor of approval. **BA 06-10 was passed with a vote of 4-0.**

OTHER BUSINESS

It was noted for the record that there was no other business.

ADJOURNMENT

With no further business to conduct it was moved by Steve Reindel and seconded by Rebecca Harrison that the meeting be adjourned. With all those present in favor the meeting was adjourned at 7:15 PM.