

PERRYSBURG TOWNSHIP BOARD OF ZONING APPEALS
26609 Lime City Road
Perrysburg, OH 43551

PUBLIC HEARING
May 17, 2011

The Perrysburg Township Board of Zoning Appeals held a public hearing/meeting on May 17, 2011. Russell R. Miller, Chairman, called the meeting to order at 6:02 p.m. A roll call was taken. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded. Mr. Miller said it would appear they then have a quorum to conduct business. He said he would request that those in the audience please either put their cell phones on vibrate or turn them off, if they would, please. And he asked a gentleman to remove his cap, and he thanked him for complying.

MEMBERS PRESENT: Russell R. Miller, Russell Sturgill, Bill Irwin, James Bennett, Jeffrey D. Justus, and Elsie Hetman.

MEMBERS ABSENT: Bob Warnimont.

APPROVAL OF THE 4/19/2011 MEETING MINUTES: Mr. Miller said the next item of business is approval of the minutes for the April 19, 2011 meeting. He asked if all the members had received copies of the minutes, and they all indicated that they had. He then asked if there were any corrections, additions, or discussion of the minutes. Mr. Bennett said he had a correction. It's stating that Mr. Justus was nominated to serve as temporary secretary and vice chairman, and Mr. (Inaudible) is vice chairman because he was in attendance. Mr. Miller said okay, and thank you. He asked if there were any objections to that correction of the minutes, and there were none. He asked if there were any other comments or changes, and there were none. He said the chair would entertain a motion to approve. Mr. Bennett moved with a second by Mr. Justus to approve the meeting minutes with the noted change. Mr. Miller asked if there was any further discussion of the minutes, and there was none. A roll call vote was taken. Yes votes by Mr. Bennett, Mr. Justus, and Mr. Sturgill. Mr. Irwin and Mr. Miller abstained. Motion carried 3-0-2.

Mr. Miller said the chair would like to express appreciation to those who were in attendance at the last meeting, and their efforts at assuring they had a quorum, and that business could be conducted.

Mr. Miller then asked if all those who were present who desired to give testimony before the BZA this evening please stand and raise their hand and be sworn in. Mr. Garn said if they are going to talk. Mr. Miller said okay. He then swore in all persons wishing to address the board this evening.

APPLICATION NUMBER 2011-6682, (CONDITIONAL USE). CONTINUATION OF THE 4/19/2011 PUBLIC HEARING. American Tower Corporation would like to construct a wireless telecommunication tower at 26852 West River Road. It is zoned A-1 Agricultural. Article IV Section A states that such a structure shall require conditional use approval from the BZA as per Article VII Section EE. They are regulated by ORC Section 519.211, and as a conditional use, the BZA can only require (1), landscaping around the base as per Article VII Section D 3 a; (2) certified evidence of the structure's stability; (3) evidence that the applicant has attempted to co-locate; and (4) evidence that adequate provisions are in place for the removal of the tower should it become obsolete.

Jamie Abbgly addressed the board regarding this application. He gave his name and address for the record. Mr. Miller said and they do have a notarized statement before them authorizing him to speak on behalf of the applicant, so he told him to go ahead with his presentation, please. Mr. Abbgly said thank you very much. He said he is here this evening on behalf of American Tower in their proposal to construct a new wireless communication tower at the location indicated in the plan provided to the board on the 26852 West River Road location. And he wanted to talk a little bit about the site selection, and the nature of the tower, and the nature of the growth of wireless communications over a period of time.

As they know, as the board is well aware, that the state has determined that wireless communication towers and the siting of them are to be treated similarly as a public utility, and largely because as time has gone on, they have become more and more a part of their infrastructure as folks go either away from hard-line wired communications, or at least to in addition to having a cell phone so that they can all have access, either for emergency purposes, or for important family reasons, or just for personal reasons as people are away from hard line telephones. He thinks they all are viewing that as an important convenience, and more and more a necessity in people's lives these days. When wireless communications were in their infancy, essentially it was for the sake of having a car, and those big old car phones everybody probably remember from years ago when somebody would have it in their car. They would drive down the road, they might need to be reached going from site to site to site, each one of the cell towers only holding a signal for a short period of time just so somebody could be reached in an emergency situation. Well, now folks have Androids, i-Phones, you know, live streaming video et cetera. The amount of band width that's being eaten up on all these wireless communication tower facilities is incredible, and it is requiring that more infrastructure be built to accommodate the use that everybody is putting on the towers now. And because of that, companies like American Tower, who is a tower developer in Clear Wire, who is the anchor tenant on the tower, is looking to build a site like this.

The question may be raised, why this particular site. Why this particular location. They believe this is an excellent location for a tower. It's in a large agricultural field that's

adjacent to the highway which then obviously allows coverage for the highway in that area. It sits far enough off the road in both directions that the height of the 150 foot tower is more than the height of the tower away from both 475 and from the road, from West River Road, adjacent to where the tower sits, or where the tower is proposed to sit.

The type of tower they proposed here is a monopole style tower. There are essentially three types of towers that are your typical tower builds. The first is the guide wire style. The board has seen those. Those are typically the tallest towers. They will oftentimes have lighting on the top, and have wires running all sorts of different directions to hold the tower up. Universally those are considered the most visually obtrusive towers. They are the ones that nobody wants in their communities. That's not what they are going for here. The second type of tower is the self support tower. You see those. They sort of look, it's either three or four pegs at the bottom, and then they go up in an angular fashion with criss cross bracing rods to hold them up. Arguably and on he would say that is probably the second most obtrusive type of tower in a community. The least obtrusive tower is the one they are going for here, and that's a monopole style tower. It's essentially, he likes to think of it as an extra thick telephone pole. That's really in terms of its visual impact on a landscape. It does not give much more of a visual impact than a large telephone pole would.

This particular tower, the height they have chosen is 150 feet for it. It keeps it under the FAA regulations that would require lighting on the top, so there will be no lighting on the top of this tower. All these things were part of the selections that they chose when they decided they wanted to build this tower, because they understand the community has other values besides having wireless communications, and they wanted to be, he guesses what he thought would be a good citizen in the community, but also be able to get the coverage they need for their client.

Let's see. This tower also will be built in such a way that it will be able to accommodate at least three other tenants on the tower. So if you look at the drawings, you can see, and he will go to the page with them. On page Z-3 you have got the Clear Wire installation shown at the top of the tower right at 150 feet. And then you have three proposed, and there are not any proposed right now. He thinks that should say proposed future carriers is how he is used to seeing it on the drawings. But that's what it signifies, that this tower will be built in such a way that it will be able to handle three additional tenants as well, so there won't need to be another tower going up in the area to accommodate another carrier any time soon. This one will have plenty of capacity to handle additional carriers that come up in the future.

That's essentially what they are planning to do, why they are planning to do it. And again, they think the design and the plan of this installation is friendly to the community in both providing an important service, and also the siting choices he thinks were done

in such a way that it's to be as least obtrusive as they can be to the community. And he would be happy to handle any questions at this point.

Mr. Miller said okay. Thank you. He asked the board if there were any questions for the applicant. Mr. Miller said he had one question. He went out and looked at the site, and it appears that their proposed site is fairly well grown and has a good bit of foliage on it at this point. He asked if that was correct because they have a green space next to the interstate, then a cultivated area, and Mr. Abbgly said yeah. And Mr. Miller said and then he believes there is some heavy foliage. He asked if they were intending to retain pretty much that level of foliage there. Mr. Abbgly said that is correct. They are going to go in the open field near the, there is an easement for another public utility right in that same area, and the Williams folks who own the farm there want them to have the minimal impact on their farming operation. So they wanted them to be near that utility easement, and that's where they are going to place it. Mr. Miller said very good.

Mr. Miller then asked if there were any other questions for the applicant, and there were none. He said thank you to Mr. Abbgly, and Mr. Abbgly said thank you. Mr. Miller asked if there was anyone present in support of the application, and there was no one. He then asked if there was anyone in opposition, and there was no one. He then said if not, discussion from the board or a motion. Mr. Garn said something, and Mr. Miller said oh. Mr. Garn said he needs to be sworn in.

A gentleman addressed the board and said would it interfere with the, like dish network, the dish network or something like that, would it interfere with it. Mr. Abbgly said no interference with any dish network or anything similar to that. The folks they will be putting on the tower all have licensed frequencies, so they have the rights to operate within the frequency bands that they are operating in. And dish network has the same thing, and it's done in such a way that they don't interfere with each other. Mr. Garn said he should identify himself, and Mr. Miller said pardon. Mr. Garn said could he identify himself for the record. Mr. Miller asked the gentleman if he would mind giving them his name just so they can note it. The gentleman said Stefan Jakimczuk, and Mr. Miller said to him that he will have to give them that spelling in a little bit if he does not mind, and the gentleman said Stefan, Jakimczuk, J-A-K-I-M-C-Z-U-K. Mr. Miller said okay. Thank you. He also said to him that he does not believe that he was sworn at the time they did that, but he just had an inquiry of the applicant, and they will kind of let that go. But they wanted to note that for the minutes.

Mr. Miller asked if there was any other discussion among the board or a motion. Mr. Irwin moved with a second by Mr. Sturgill to accept the motion. Mr. Miller said he has a motion and a second. He asked if there was further discussion, and there was not. A roll call vote was taken. Yes votes by Mr. Irwin, Mr. Sturgill, Mr. Bennett, Mr. Justus, and Mr. Miller. Motion carried 5-0-0. Mr. Abbgly said thank you very much to the board. They appreciate it very much. Mr. Miller said thank you.

APPLICATION NUMBER 2011-6696, (VARIANCE). FedEx Ground would like to build a salt storage accessory building at 100 J Street which is zoned I-2. This property has frontage on more than one street. This proposed accessory building would be built in the front yard between the main building and J Street. Article VII Section B 2 b (2) states "No accessory structure shall be permitted in a lot's front yard. A detached accessory structure shall not be located closer to the road right-of-way than the principal structure." This proposed building is not allowed because it would be located in the front yard between the main structure and one of the streets.

Mr. Miller asked if the applicant could identify themselves. Mark Reinoehl introduced himself and gave his address for the record. Mr. Miller said very good. He said he would note that they do have a notarized letter from FedEx Ground authorizing him to speak on their behalf. He told him to go ahead with his presentation. He also said they have someone else present, and he asked the gentleman to identify himself. Dave LaFounten introduced himself for the record. Mr. Miller said all right, and told them to go right ahead.

Mr. Reinoehl said thank you very much to the board. He said FedEx is proposing a self storage structure, and currently it's going to be located at the location where they have the self storage right now, an existing 30 by 30 concrete pad located at the, he thinks it's the northwest corner, and he was corrected by a couple of people that it's the southeast corner, and he said southeast corner of the site which fronts J Street. And this structure that they are proposing is a pre-engineered, prefabricated structure which drawings were submitted to the members on the panel here. It is a concrete precast T that is approximately 8 feet high, and then on top of that is a pre-engineered truss system, metal truss with a fabric awning covering over it. And to conceal the salt, and this cover is white. And he knows that the ordinance says that it's fronting on a major street, but J Street is a street that fronts additional industrial. And this site is located, or the proposed site is located most ideally because the FedEx is proposing major expansions to their site, and this is the most logical spot right now for them to locate it. Mr. Miller said okay, and thank you.

Mr. Miller asked if there were any questions of the applicant from the board. Mr. Bennett had a question. He was out looking at this site today. The building that they are proposing will go up on top of the slab that's presently there. What he was wondering is is there going to be any footing required, a wrap wall or anything like that, or is it just going to sit on the existing concrete slab. Mr. Reinoehl said the existing concrete slab will have to be tested to see. He does not know whether it's 8 inches or 6 inches.

Mr. LaFounten said when it was initially installed, he was thinking it was an 8 inch slab that was put in 2 years ago. He does not quite remember. But there is, and they had discussed prior that there is a small addition of the concrete that they will have to add on. He believes it's a 6 foot area, which when they made this, it would be closer to his

pump house, and Mr. Bennett said right. Mr. LaFounten said so they are going to go another 6 feet towards the west, he guesses it would be. Mr. Reinoehl said yes, and the intent is that the T walls will sit right on top of the concrete. There is no additional foundation that has to be installed for this structure. If it's beyond the pad, then a granular fill compacted so that the bottom of the pre cast T's sit right on top of this, so there is no digging any foundation.

Mr. Sturgill asked what are the dimensions of this building. Mr. Reinoehl said the dimensions are, it's a 30 by 30 building itself, T, and is approximately, he thinks the prefabricated height is around 14 to 15 feet he thinks it is. Mr. Bennett said that was why he was questioning it, because when he measured it, the present slab is just over 30 by 30, and Mr. Reinoehl said right. Mr. Bennett said okay. Now they are saying that they need to make an additional pour next to it, and Mr. Reinoehl said that's correct, and Mr. Bennett said but the building itself is going to be 30 by 30. Mr. Reinoehl said that is correct. Mr. Bennett said okay. It's just that they are going to have concrete on either side of the building, and Mr. Reinoehl said that's correct. Yes. Mr. Bennett said okay.

Mr. Justus said the prefab, the roof system that is going to be on this, the white material they are talking about, what kind of material is that. Mr. Reinoehl said the material that was called out on the specifications, and it's also shown on sheet A-121 is a translucent fabric. Mr. Justus said like a polypropylene type, and Mr. Reinoehl said that is correct. Mr. Justus said okay.

Mr. Miller asked if there were other questions, and there were none. He said thank you to Mr. Reinoehl, and Mr. Reinoehl said okay. Mr. Miller asked if there was anyone else who wanted to speak in favor of the application, and there was no one. He then asked if there was anyone who wished to speak in opposition to the application, and there was no one. He then asked if there was any discussion among the board or a motion. Mr. Justus moved with a second by Mr. Bennett that the application be approved. Mr. Miller said it's been moved with a second, and he then asked if there was any further discussion, and there was not. A roll call vote was taken. Yes votes by Mr. Justus, Mr. Bennett, Mr. Irwin, Mr. Sturgill, and Mr. Miller. Motion carried 5-0-0. Mr. Miller said very good.

Mr. Miller asked if there were any other items to come before the board, or items for the good of the order. He said if not, the chair will entertain a motion to adjourn. Mr. Bennett moved with a second by Mr. Justus to adjourn. A roll call vote was taken. Yes votes by Mr. Bennett, Mr. Justus, Mr. Irwin, Mr. Sturgill, and Mr. Miller. Motion carried 5-0-0. Mr. Miller said they stand adjourned. Thank you. The meeting was adjourned at 6:25 p.m.

Respectfully submitted,



Grant W. Garn, Recording Secretary