

FRANKLIN COUNTY BOARD OF ADJUSTMENT

October 28, 2013

The Franklin County Board of Adjustment held its regular monthly meeting on Tuesday, October 28, 2013 in the Franklin County Administration Building, Commissioners Meeting Room, 113 Market Street, Louisburg, North Carolina.

Present: Shane Brantley, Scott Lerew, Robert Carlson, Jim Roberson and Stuart May
Absent: Armenta Eaton and Cynthia Hayes
Staff: Tammy Davis and Scott Hammerbacher

Chairman Scott Lerew called the meeting to order at 7:00 P.M.; and welcomed everyone in attendance. Stuart May made a motion, seconded by Jim Roberson to adopt the agenda as presented. The motion passed unanimously. Stuart May made a motion, seconded by Jim Roberson to approve the minutes from the July 22, 2013 meeting as presented. The motion passed unanimously.

- #1. Request for a Conditional Use Permit by American Towers LLC for Telecommunication Tower, 147 Acres, 4784 NC 581 Hwy, Cypress Creek Township, Agricultural Residential (AR) Zoning District.

Planning Director Scott Hammerbacher was sworn in, and stated that American Tower Corporation is petitioning the board for a conditional use permit to allow for the construction of a 250' lattice-type telecommunications tower. He explained that the Tower location meets the setback requirements from all property lines, and the applicant will be required to meet all Franklin County UDO requirements listed in Article 15 Telecommunications Towers and any other requirements of State or Federal Agency's including the FAA and FCC. The conditional use petition states that the proposed tower will increase and expand existing coverage in Franklin County. This tower site will provide coverage to NC 581 HWY, Lettuce Hall Rd., and surrounding areas. He explained that the Board may place any reasonable additional conditions on the property if it deems such action necessary.

George Condyles, President of Atlantic Technology, stated he has served as a consultant for 8 – 9 years for Franklin County. He stated carriers are providing wide wireless broadband of services to provide sufficient uplink for current technologies. He stated this rural area of the county has very little signal and the proposed sites would provide coverage. He stated the tower will not interfere with fire/rescue/law enforcement and their response time, if anything, it will enhance it. He stated he doesn't see any environmental or historic issue.

David Robinson, Attorney for American Tower, Graham Herring of Graham Herring Commercial Real Estate, and Azmat Ullah, (AT&T contractor) were in attendance and addressed the board on the proposed towers.

David Robinson stated that kids use technology for everything and all carriers are trying to improve. American Tower is one of the largest in the world. He presented the board with maps of current coverage which shows lack of coverage, and then showed a map with coverage after towers are installed.

Christy Shearin, 911 Director for Franklin County, was concerned with possible interference with the current 911 system. She stated the County's E911 consultants would like to view this information to ensure there will be no interference with the County's radio system.

George Condyles stated there needs to be a PATH study done and a statement addressing PATH and interference.

David Robinson stated they have no objection in putting the engineers together to ensure there is no overlap.

Scott Lerew questioned the problems Franklin County has. Christy Shearin stated there is interference with frequency and with interference with signals being knocked out from Wifi and cell phones.

Mr. Robinson reviewed the following findings of facts:

- (1) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Chairman Lerew closed the public hearing. The board affirmed the findings of facts and approved the conditional use permit with the following conditions:

- Submission of final tower and foundation design drawings,
- Registration with the FCC and securing FCC ASR number,
- Submission of a Phase I NEPA Assessment,
- Submit a response from NCSHPO,
- Adherence to all other UDO and NC Building Code requirements,
- Franklin County Emergency Services be allowed to collocate on tower if needed,
- OSHA fall safety devices to be installed for climber safety,
- Study for PATH/Interference to ensure no negative effect on Franklin County 911 Emergency Services,
- All building permits/inspections to be completed and finalized.

- #2. Request for a Conditional Use Permit by American Towers LLC for Telecommunication Tower, 43.38 Acres, 2472 NC 561 Hwy, Louisburg Township, Agricultural Residential (AR) Zoning District.

Planning Director Scott Hammerbacher was sworn in, and stated that American Tower Corporation is petitioning the board for a conditional use permit to allow for the construction of a 250' lattice-type telecommunications tower. He explained that the Tower Location meets the setback requirements from all property lines, and the applicant will be required to meet all UDO requirements listed in Article 15 Telecommunications Towers and any other requirements of State or Federal Agency's including the FAA and FCC. The conditional use petition states that

the proposed tower will increase and expand existing coverage in Franklin County. This tower site will provide coverage to NC 561 HWY, Duke Valentine Wynne Rd., and surrounding area. He explained that the Board may place any reasonable additional conditions on the property if it deems such action necessary.

David Robinson reviewed the four findings of facts:

- (1) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Chairman Lerew closed the public hearing. The board affirmed the findings of facts and approved the conditional use permit with the following conditions:

- Submission of final tower and foundation design drawings,
- Registration with the FCC and securing FCC ASR number,
- Submission of a Phase I NEPA Assessment,
- Submit a response from NCSHPO,
- Adherence to all other UDO and NC Building Code requirements,
- Franklin County Emergency Services be allowed to collocate on tower if needed,
- OSHA fall safety devices to be installed for climber safety,
- Study for PATH/Interference to ensure no negative effect on Franklin County 911 Emergency Services,
- All building permits/inspections to be completed and finalized.

- #3. Request for a Conditional Use Permit by American Towers LLC for Telecommunication Tower, 153.65 Acres, 49 Gap Loop Road, Louisburg Township, Agricultural Residential (AR) Zoning District.

Planning Director Scott Hammerbacher was sworn in, and stated American Tower Corporation is petitioning the board for a conditional use permit to allow for the construction of a 250' lattice-type telecommunications tower. He explained that the Tower Location meets the setback requirements from all property lines, and the applicant will be required to meet all UDO requirements listed in Article 15 Telecommunications Towers and any other requirements of State or Federal Agency's including the FAA and FCC. The conditional use petition states that the proposed tower will increase and expand existing coverage in Franklin County. This tower site will provide coverage to Franklin Regional Medical Center, HWY 401, Ball airport, Dyking Rd., and surrounding areas. He explained that the Board may place any reasonable additional conditions on the property if it deems such action necessary.

David Robinson reviewed the four findings of facts:

- (1) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Chairman Lerew closed the public hearing. The board affirmed the findings of facts and approved the conditional use permit with the following conditions:

- Submission of final tower and foundation design drawings,
- Registration with the FCC and securing FCC ASR number,
- Submission of a Phase I NEPA Assessment,
- Submit a response from NCSHPO,
- Adherence to all other UDO and NC Building Code requirements,
- Franklin County Emergency Services be allowed to collocate on tower if needed,
- OSHA fall safety devices to be installed for climber safety,
- Study for PATH/Interference to ensure no negative effect on Franklin County 911 Emergency Services,
- All building permits/inspections to be completed and finalized.

- #4. Request for a Conditional Use Permit by American Towers LLC for Telecommunication Tower, 54 Acres, NC 561 Hwy, Goldmine Township, Agricultural Residential (AR) Zoning District.

Planning Director Scott Hammerbacher was sworn in, and stated American Tower Corporation is petitioning the board for a conditional use permit to allow for the construction of a 250' lattice-type telecommunications tower. He explained that the tower Location meets the setback requirements from all property lines. The applicant will be required to meet all UDO requirements listed in Article 15 Telecommunications Towers and any other requirements of State or Federal Agency's including the FAA and FCC. The conditional use petition states that the proposed tower will increase and expand existing coverage in Franklin County. This tower site will provide coverage to Highway 561, Laurel Mill Rd., Dorsey Rd., and surrounding area. He explained that the Board may place any reasonable additional conditions on the property if it deems such action necessary.

Mr. Robinson reviewed the following findings of facts:

- (1) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and

(4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Chairman Lerew closed the public hearing. The board affirmed the findings of facts and approved the conditional use permit with the following conditions:

- Submission of final tower and foundation design drawings,
- Registration with the FCC and securing FCC ASR number,
- Submission of a Phase I NEPA Assessment,
- Submit a response from NCSHPO,
- Adherence to all other UDO and NC Building Code requirements,
- Franklin County Emergency Services be allowed to collocate on tower if needed,
- OSHA fall safety devices to be installed for climber safety,
- Study for PATH/Interference to ensure no negative effect on Franklin County 911 Emergency Services,
- All building permits/inspections to be completed and finalized.

#5. Request for a Conditional Use Permit by American Towers LLC for Telecommunication Tower, 50.24 Acres, Hickory Way, Louisburg Township, Agricultural Residential (AR) Zoning District.

Planning Director Scott Hammerbacher was sworn in, and stated American Tower Corporation is petitioning the board for a conditional use permit to allow for the construction of a 250' lattice-type telecommunications tower. He explained that the tower Location meets the setback requirements from all property lines. The applicant will be required to meet all UDO requirements listed in Article 15 Telecommunications Towers and any other requirements of State or Federal Agency's including the FAA and FCC. The conditional use petition states that the proposed tower will enhance/expand existing coverage in Franklin County. This tower site will provide interconnectivity coverage to Highway 56, Hickory Rock Rd, and surrounding area near Louisburg. He explained that the Board may place any reasonable additional conditions on the property if it deems such action necessary.

Mr. Robinson reviewed the following findings of facts:

- (1) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Tommy Wester was sworn in and stated he has spoken with adjoining property owners and no one is opposed to this tower. He stated they welcomed being able to have better service. He stated he spoke with Mr. Lassiter and he did not have a problem with no buffers, and he also spoke with Bennie Fuller and there was not an issue with the private landing strip.

Martha Mobley was sworn in and stated she is the owner of Leonard Farms which is over 100 years old. She asked if this tower will affect her property value and asked what is a conditional use.

Mr. Graham Herring stated there is no significant or adverse impact on the value of the property in county or in state level.

Chairman Lerew closed the public hearing. The board affirmed the findings of facts and approved the conditional use permit with the following conditions:

- Submission of final tower and foundation design drawings,
- Registration with the FCC and securing FCC ASR number,
- Submission of a Phase I NEPA Assessment,
- Submit a response from NCSHPO,
- Adherence to all other UDO and NC Building Code requirements,
- Franklin County Emergency Services be allowed to collocate on tower if needed,
- OSHA fall safety devices to be installed for climber safety,
- Study for PATH/Interference to ensure no negative effect on Franklin County 911 Emergency Services,
- All building permits/inspections to be completed and finalized.

#6. Request for a Conditional Use Permit by American Towers LLC for Telecommunication Tower, 138.1 Acres, 151 Firetower Road, Cedar Rock Township, Agricultural Residential (AR) Zoning District.

Planning Director Scott Hammerbacher was sworn in, and stated American Tower Corporation is petitioning the board for a conditional use permit to allow for the construction of a 250' lattice-type telecommunications tower. He explained that the tower location meets the setback requirements from all property lines. The applicant will be required to meet all UDO requirements listed in Article 15 Telecommunications Towers and any other requirements of State or Federal Agency's including the FAA and FCC. The conditional use petition states that the proposed tower will increase and expand existing coverage in Franklin County. This tower site will provide coverage to NC 56 HWY, Firetower Rd., Edward Best Rd., and surrounding areas. He explained that the Board may place any reasonable additional conditions on the property if it deems such action necessary.

Mr. Robinson reviewed the following findings of facts:

- (1) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not adversely affect the use of any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Christy Shearin stated there is a county owned tower near this location which was built to hold three (3) carriers. She stated only 911 is on the tower now.

Scott Lerew asked if this tower was taken into consideration.

David Robinson stated he is not familiar with this tower. He stated A T & T does a site evaluation and area survey, and if it would work they wouldn't put up a tower if they can co-locate.

Chairman Lerew made a motion to table this request. The motion was seconded by Jim Roberson, and passed unanimously.

- #7. Request for a Conditional Use Permit by American Towers LLC for Telecommunication Tower, 301.7 Acres, Wood Church Road, Goldmine Township, Agricultural Residential (AR) Zoning District.

Planning Director Scott Hammerbacher was sworn in, and stated American Tower Corporation is petitioning the board for a conditional use permit to allow for the construction of a 250' lattice-type telecommunications tower. He explained that the tower location meets the setback requirements from all property lines. The applicant will be required to meet all UDO requirements listed in Article 15 Telecommunications Towers and any other requirements of State or Federal Agency's including the FAA and FCC. The conditional use petition states that the proposed tower will increase and expand existing coverage in Franklin County. This tower site will provide coverage to NC 561 HWY and surrounding areas. He explained that the Board may place any reasonable additional conditions on the property if it deems such action necessary.

Mr. Robinson reviewed the following findings of facts:

- (1) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Chairman Lerew closed the public hearing. The board affirmed the findings of facts and approved the conditional use permit with the following conditions:

- Submission of final tower and foundation design drawings,
- Registration with the FCC and securing FCC ASR number,
- Submission of a Phase I NEPA Assessment,
- Submit a response from NCSHPO,
- Adherence to all other UDO and NC Building Code requirements,
- Franklin County Emergency Services be allowed to collocate on tower if needed,
- OSHA fall safety devices to be installed for climber safety,

- Study for PATH/Interference to ensure no negative effect on Franklin County 911 Emergency Services,
- All building permits/inspections to be completed and finalized.

#8. Request for a Conditional Use Permit by American Towers LLC for Telecommunication Tower, 95 Acres, 1558 NC 58 Hwy, Cedar Rock Township, Agricultural Residential (AR) Zoning District.

Planning Director Scott Hammerbacher was sworn in, and stated American Tower Corporation is petitioning the board for a conditional use permit to allow for the construction of a 250' lattice-type telecommunications tower. He explained that the tower location meets the setback requirements from all property lines. The applicant will be required to meet all UDO requirements listed in Article 15 Telecommunications Towers and any other requirements of State or Federal Agency's including the FAA and FCC. The conditional use petition states that the proposed tower will increase and expand existing coverage in Franklin County. This tower site will provide coverage to NC 58 HWY, White Level Rd., Fred Parrish Rd., and surrounding areas. The Board may place any reasonable additional conditions on the property if it deems such action necessary.

Mr. Robinson reviewed the following findings of facts:

- (1) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Chairman Lerew closed the public hearing. The board affirmed the findings of facts and approved the conditional use permit with the following conditions:

- Submission of final tower and foundation design drawings,
- Registration with the FCC and securing FCC ASR number,
- Submission of a Phase I NEPA Assessment,
- Submit a response from NCSHPO,
- Adherence to all other UDO and NC Building Code requirements,
- Franklin County Emergency Services be allowed to collocate on tower if needed,
- OSHA fall safety devices to be installed for climber safety,
- Study for PATH/Interference to ensure no negative effect on Franklin County 911 Emergency Services,
- All building permits/inspections to be completed and finalized.

With there being no further business before the Board of Adjustment, Chairman Lerew adjourned the meeting at 8:45 P.M.

Scott Lerew, Chairman
Franklin County Board of Adjustment

Scott Hammerbacher, Clerk
Franklin County Board of Adjustment