

Board of Adjustments

May 14, 2013

Third Floor County Board Room

Call Meeting to Order: Kyle Noonan, Taylor County Zoning Administrator, called the meeting to order at 9:05 a.m.

Members Present: David Krug, Ray Mallo, Leroy Jensen

Other Attendees: Linda Daniels, Kyle Noonan, Sue Noland, Mike Schaefer; Taylor Electric Manager, Fred Ebert; Airport Manager

Elect Chairman. The first item of business was to elect a Chair for the meeting. It was moved by Mallo, seconded by Jensen, to elect David Krug as Chair. A unanimous vote cast, the motion carried.

Briefing and introductions by Zoning Administrator. Kyle Noonan gave a summary of Taylor Electric's request to construct an antennae tower. Mr. Noonan went thru all the maps, elevations and documentation presented to the committee. The proposed tower is to be located near the offices of Taylor Electric Cooperative; the property description is part of the SW¼ NE¼ , Section 12, T30N-R1E, Town of Little Black. The antennae tower is proposed to be placed in an area controlled by Airport Height Limitation Zoning map and exceeds that height by 28 feet. Based on the information available to the zoning office, the Zoning Administrator had to deny a permit for the structure. An appeal was filed to the Board of Adjustments. The committee will have to decide if an area variance is acceptable based on hardship. The following are considerations to grant a variance:

1. The matter will result in unnecessary hardship on the applicant.
2. Due to special conditions unique to the property.
3. That such variance is not contrary to the public interest.

Approve Agenda. A motion was made by Jensen, seconded by Krug, to approve the agenda. A unanimous vote cast, the motion carried.

Presentation by Taylor Electric. Manager Michael Schaefer was present to discuss the need for the antennae tower. The construction of a tower would provide enhanced communication capabilities to the Co-op's four substations located in the rural areas four to eight miles from their existing office. Taylor Electric has funding for the proposed tower. They explained that the tower would give them the capabilities to utilize more applications to be added in the future, i.e., tablets and iPads which fiber optics could not do, going with fiber optics with TDS would be more costly (approximately \$100,000.00 vs. \$20,000.00 for the tower), and the possibility of going with prepaid metering in the future. The determination from FAA was that there would be no adverse effect on the airport if the antennae tower was constructed. Mr. Schaefer pointed out that a 125 foot tower had previously been onsite which they voluntarily removed. He also indicated that the proposed tower may be used for a short time as other technologies become available.

Comments by Airport Manager/Public input. Fred Ebert, Airport Manager, expressed that he took the tower issue and the findings from FAA to the Airport Committee. The Airport Committee had no objection to the construction; however, the Airport Committee did state that they approved the construction with the stipulation that a beacon would be placed on top of the tower.

Summary and Action on Appeal. The Board met all three of the tests to vary this ordinance:

1. Unnecessary hardship is present due to the fact that communication needed to be updated and with fiber optic being much more expensive, being able to utilize more applications to be added in the future for tablets and iPads which fiber optic could not do, and possible use of prepaid metering to be used in the future.
2. Special conditions unique to the property are that where the antennae tower is placed in the township, a beacon would be put on the top of the antennae tower, and the specified height limitation will be exceeded.
3. The variance will not be contrary to the public interest because there were no objections from the public.

It was moved by Mallo, seconded by Jensen, to approve the appeal to exceed the Airport Height Limitation Zoning ordinance by 28 feet. No matter where the tower is placed it will exceed height limits. The area variance will not be contrary to public interest. Special conditions as part of the appeal approval are to have a beacon on the antennae tower. A unanimous vote cast, the motion carried. The appeal is granted.

Adjournment. A motion was made by Jensen, seconded by Mallo, to adjourn at 9:25 a.m. A unanimous vote cast, the motion carried.

Secretary: Linda Daniels