Date: April 29, 2021

Chair Flemming called the Board of Zoning Appeals Public Hearing to order at 6:37 p.m.

The board is hearing a variance application for Brad Laucher, Terry Bower and Cynthia Rafalski for parcel #041-15C-10-012 located at 9241 Friendsville Rd. Seville, OH 44273. This application is requesting a height variance for a cellular tower at 260 feet tall (Section 906 B) and a possible set back variance.

Attendance: Jim Stacy, Greg McGlashan, Andrew Thur, Greg Heimberger and Pat Flemming.

Also, in attendance are ZI Banfield, Trustee Horner, Schmidt and Patterson.

Exhibit A- variance application
Exhibit B- newspaper publication
Exhibit C- letter from Morning Star Farm Ministries

ZI Banfield reviewed the application with the board.

Sworn in are Arielle Anderson, 520 S Main St Suite 2531 Akron, OH and Brad Laucher, 1801 Watermark Dr Suite 210 Columbus, OH 43205. Laucher explained this property is within the search ring from AT&T. They reviewed other towers in the area and the heights of those towers. Laucher shared the tower is allowing colocations with other carriers. After discussion, the board determined the set back variance does not apply to this application as they are within set back guidelines. Additional information shared is that the cell tower will stay on even if power is out by use of a generator powered by diesel which is placed next to the shelter. This will be a lit tower with a flashing red and white light for FCC/FAA guidelines. This tower could have 5G technology. They will have farm gates on the access roads leading to the tower. The area around the tower will be gravel and weeds would be sprayed once or twice a year.

Sworn in are Tambry and Joseph Linden of 7545 Seville Rd, Seville OH 44273. They shared they are against this proposed tower as this will be directly behind their home. They think this tower will shine and blink lights in their windows. They are also concerned about radiation from the tower.

Sworn in is Terry Bower of 9241 Friendsville Rd, Seville, OH 44273. He is part of the The Morning Star Farms Ministries and shared that all six board members are on board with the cell tower. He added that he did not choose the location on the property, AT&T did. ZI Banfield added that none of the board members that signed in favor of the cell tower personally live next to this property.

Chair Flemming asked for any additional questions or comments.

Stacy made a motion to close the public input portion of the meeting. Thur seconded the motion. All members voted aye.

The board discussed the Duncan Factors.

1. Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance;
2. Whether the variance is substantial;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

4. Whether the variance would adversely affect the delivery of governmental services;
5. Whether the property owner purchased the property with the knowledge of the zoning restriction;
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

The board voted on the Duncan Factors. The variance will be or will not based on Duncan Factors 1-7 listed above.

	Will be	Will not be
1-	All members	
2-	All member	
3-	Stacy, McGlashan, Thur, Heimberger	Flemming
4-		All members
5-	Not applicable	Not applicable
6-	Thur	Stacy, McGlashan, Heimberger, Flemming
7-		All members

McGlashan made a motion to **not** approve the application for a height variance of 260' for a cellular tower at 9241 Friendsville Rd. Seville, OH 44273. Heimberger seconded the motion. Roll Call Stacy- yes, McGlashan- yes, Thur – no, Heimberger- yes, Flemming- no. **The variance is not granted.**

Chair Flemming said that concludes this meeting.

McGlashan made a motion to adjourn the meeting. Stacy seconds the motion. All board members voted aye.

Meeting is adjourned at 8:15 p.m.

Submitted by Julie Carr, Zoning Secretary

Pat Flemming

Jim Stacy

Greg Heimberger

Andrew Thur

Greg McGlashan