

**WEST VALLEY BOARD OF ADJUSTMENT**

**January 2, 2008**

This meeting was called to order at 6:00 p.m. by Chairperson, Necia Christensen, at 3600 Constitution Boulevard.

**WEST VALLEY CITY BOARD OF ADJUSTMENT MEMBERS**

Russell Moore, Scott Spendlove, Mark Farnsworth and Necia Christensen

**Those Absent:** Sandy Naegle and Sioeli Uluakiola

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Ron Weibel and Karon Jensen

**WEST VALLEY CITY LEGAL DEPARTMENT**

Nicole Cottle

**B-17-2007**  
**Clearwire U.S.**  
**2500 S. 5600 W.**  
**M Zone**

The applicant is requesting an expansion of a non-conforming use to locate equipment on an existing telecommunications monopole located at 2500 South and 5600 West in a manufacturing (M) zone. The existing monopole is non-conforming due to height and type of antenna arrays currently on the pole.

The equipment the applicant is proposing to mount on the monopole is to provide wireless broadband internet service. It consists of three panel antennas measuring 42” high, 6.1” wide and 3” deep, and three microwave dishes measuring two feet in diameter. One antenna and one dish will be mounted on each of the three sectors. All ground equipment will be installed in the existing fenced area. All equipment on the monopole will be installed at a height of 77’. The other carrier currently on the monopole is at 100’. A co-location on an existing tower will eliminate the need to build an additional tower or structure to accommodate this new service.

Chapter 7-18-106, relating to nonconforming uses, reads:

(4) Nonconforming Use of Buildings and Structures. The nonconforming use of a building or structure lawfully existing on the effective date of this Chapter may be continued and may be expanded or extended throughout such building or structure provided no structural alterations, except those permitted by law, are proposed or made for the purpose of extension. The addition of a solar energy device to a building shall not be considered a structural alteration. If such nonconforming use is discontinued for continuous period of more than one year it shall constitute an abandonment of the use and any future use of the building or structure shall conform to the provision of the zone in which it is located.

(6) Alterations of Modifications to Nonconforming Use. A use which has been declared nonconforming shall not be enlarged or moved except as provided in this Section. The Board, after a public hearing, may allow an enlargement or modification provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this ordinance. The proposed change shall not impose any unreasonable impact or burden upon the land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility.

**STAFF ALTERNATIVES:**

1. The Board may approve the request for expansion of the nonconforming use based on the information the applicant has submitted.

2. The Board may continue the application in order to receive new information based on testimony and/or questions presented in the public hearing.
3. The Board may deny the applicant's request for expansion of the nonconforming use if it finds that the applicant has not met the criteria outlined for such approval.

**Keven Crowther**  
**993 East 250 South**

Mr. Crowther stated that he is representing Clearwire U.S. The applicant, Clearwire, is basically their own company and similar to Comcast or a service that you would connect in your cable television. Although it is not cable, they are a high speed broadband wireless facility striving to provide a service that is a little bit faster than anything that is currently out on the market. Basically, the service is designed for everybody, however it will primarily provide coverage for homes within a mile and a half radius. Currently, there are not a lot of homes in that area and that is part of the coverage they are trying to add for future use. Clearwire is proposing to build at the end of this year or in the first part of 2009.

Mrs. Christensen questioned, so this is primarily for a broadband kind of use?

Mr. Crowther replied that it is like an internet and would provide the same service as a DSL for your computer. There is a small box that can be carried with you from city to city that has Clearwire service. For example, if you travel to Seattle or some other part of the country that has Clearwire established throughout that City and can also be placed in your hotel room. You can just dial up and would have the same speed as you would at home. In other words, there is no special connection needed, if you travel to a hotel or visit family. The dish makes things much quicker than using the phone line.

Mr. Farnsworth inquired, is this basically WiFi Technology? The reason I am asking for the disclosure of the internet name is because I have high speed internet at my home and want to make sure that there isn't a conflict of interest.

Mr. Crowther remarked that basically it would be in the same ballpark. Are you asking as far as conflicting with a certain broadband?

Mr. Farnsworth responded, I wondered in case we were ready to do business with your company and thought that might create a conflict of interest.

Mr. Crowther noted that service hasn't even been established. In fact, they don't have any pricing yet.

He explained that it is not intrusive and is actually a much higher band width and everything is licensed. It is much higher than cellular and consequently doesn't travel quite as far, but that's good because the waves are not as dense and there are not any health issues associated with the service.

Mr. Spendlove inquired if the cables were internal or external.

Mr. Crowther replied that the cables would be internal.

Mrs. Christensen asked if they would be attached to the pole or inside the pole.

Mr. Crowther explained that they would always prefer to go on the inside. Some of the other carriers, like T-Mobile, require them to be placed on the outside because everyone uses the larger coax for cell phones in an effort to save whatever space is left inside of the big monopoles. So that requires a little more of a challenge.

Mr. Moore questioned, is there also a support building for the equipment?

Mr. Crowther responded that it is 32 X 32 X 50 inches tall and is stainless steel.

## **Discussion**

Mr. Moore commented that this proposal is very similar to applications that the Board has done in the past and I don't think the public is even going to notice the change. The only thing they will notice is the change in the service that they will get on their wireless internet. I believe it is good for the infrastructure of the broadband industry and I am in favor of the application.

Mr. Farnsworth acknowledged that he likes to see competition in the City and so bringing more internet services strengthens our position in being able to recruit competition. I believe this will also bring improved rates and better services and technology to our City and would help recruit people and businesses who are desirous of this service.

## **Motion**

Mark Farnsworth stated, I move that we approve the request for an expansion of a non-conforming use for application, B-17-2007, Clearwire U.S.

Mr. Moore seconded the motion.

A roll call was taken.

Mr. Uluakiola	AB
Mr. Moore	yes
Mr. Spendlove	yes
Ms. Naegle	AB
Mr. Farnsworth	yes
Mrs. Christensen	yes

**Motion carries – all in favor**

**OTHER**

The minutes from **December 5, 2007** were approved.

There being no further business the meeting adjourned at 6:20 p.m.

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Karon Jensen, Executive Secretary