

WEST VALLEY BOARD OF ADJUSTMENT

November 4, 2009

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

WEST VALLEY CITY BOARD OF ADJUSTMENT MEMBERS

Russell Moore, Scott Spendlove, Sandy Naegle and Necia Christensen

Those Absent: Mark Farnsworth and Sioeli Uluakiola

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Lehman, Jody Knapp, Hannah Thiel, Ron Weibel and Karon Jensen

WEST VALLEY CITY LEGAL DEPARTMENT

Claire Gillmor

AUDIENCE:

Approximately ____ (18) people were in the audience.

Necia Christensen, Board of Adjustment Chairperson, announced that the Board of Adjustment was privileged to have ten Boy Scouts and their leader in attendance at and noted that they were here to earn their citizenship merit badges.

B-13-2009

**Roger and Marcella Lomheim – Variance Request
4788 W. 3720 S.**

REQUEST:

Mr. and Mrs. Lomheim have filed a request with the West Valley City Board of Adjustment seeking a variance from Section 7-6-305 of the West Valley City Land Use Development and Management Act. This section requires that the minimum side yard setback adjacent to the garage be 10 feet in the R-1-8 Zone. The applicant is requesting a variance of 10 feet in order to allow a previously constructed carport, measuring 14' wide and 52' long, to remain attached to the existing dwelling.

BACKGROUND:

WEST VALLEY CITY GENERAL PLAN recommends low density residential land uses.

- The subject property is known as lot 32 of the Hopkins Meadows Subdivision Plat #1, parcel number 15-31-152-022. This subdivision was recorded with the Salt Lake County Recorder's Office in September 1985 and is currently zoned R-1-8.
- According to Salt Lake County records, the single family dwelling was constructed in 1987 and the original building permit did not include a covered carport. The carport in question today was constructed in 2007 and is presently in violation of City code.
- The property is a corner lot and is approximately 78 feet in width and 148 feet in depth.
- The applicants were recently notified that the location of the carport was in violation of City setback standards. Staff informed the applicants that the location of this structure not only presented zoning concerns but building code concerns as well. After discussing these concerns and outlining the variance procedure, the applicants determined that they would request a variance for the carport.
- The applicants have submitted a letter to the Board addressing the five criteria and explaining the reasons why the side yard has been covered.
- Photographs of the carport are included in the packet.

Mrs. Knapp presented the application.

Applicant
Roger & Marcella Lomheim
4788 West 3270 South

Mrs. Lomheim indicated that she had submitted a letter stating why she felt they should be allowed to keep their carport. She explained that they store snow removal equipment in the carport area in the winter so I can have access and clear the snow off of the sidewalks for the children. There are a lot of things that will not fit in the garage, so I use the carport to store those things. Our property is on a corner lot that has a designated crosswalk by it for children attending Jackling Elementary. After a snowstorm, West Valley City plows our street and dumps piles of snow towards the sidewalk in front of our house. So we have to get up early and remove the snow from the sidewalk. We have a snow blower that we store under the carport because if it is kept in the shed in back it is difficult at our age with the snow and ice to bring the snow blower to the front of our property and clear the walks.

Due to the fact of being located on a corner lot, we can't park our vehicles on the street so our carport is used for parking. The carport was also installed as a safety measure as we have had cars run over our fence and end up in our yard. A carport was constructed for safety reasons as it is unsafe to park our vehicles on the street in front of our house. When we constructed the carport, we made sure that it blends well with the house and is aesthetically pleasing to the neighborhood.

The applicant addressed the variance criteria:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.

During the winter, we store our snow blower underneath the carport. If it is stored in the shed at the back of the property it is extremely difficult for us to push it up the incline of the property and to the front of the property so that we can remove the accumulated snow. We are striving to be compliant with West Valley City's snow removal policy and need the easy access to our snow blower during the winter months. Thus, we need the protection the carport provides for this equipment.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district.

We have a corner lot that has been designated for the school crossing for the children attending Jackling Elementary. The crossing guard is stationed on the southwest corner of our property. It is our responsibility to make sure we remove the snow on the sidewalk so the children can safely walk to school. West Valley City's snow removal crew consistently dumps huge piles of snow on this same corner and it is necessary for us to use a snow blower to remove this pile of snow.

Our corner lot borders one main artery road, thus making it unsafe to park any cars on the side of the road. The other road which our property borders has proven to be unsafe in the past. We have had two cars ram through our fence, one was a police car. We find it very unsafe to park any vehicles on this road too. Thus, it is imperative that we have the carport for safe parking of our vehicles. We had the carport built on the east side of our house because the west side borders 4800 West and a carport on that side would hinder a clear view for drivers as they exit the subdivision.

The initial reason that we built the carport was for the prevention of slips and falls that would result in broken bones. In the winter, the snowmelt from the roof would fall on our concrete pad and form ice. This resulted in Marcella falling down on the hard cement two times. In order to rectify this dangerous situation, we had the carport built.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district.

It is necessary for Marcella to park her work vehicle off the street and under the carport for protection from the weather and unsafe drivers. This work vehicle is too long to fit in the garage and thus the need for the carport. In addition, equipment such as radios, cones, flashing lights, vest, and hard hat that are essential for work are stored in a box in the bed of the truck. The carport is lighted by the side house light, which is left on at all times as a deterrent to potential burglars. We simply cannot park this vehicle on the street.

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

By having our carport we have made it possible for city workers to effectively carry out their work responsibilities. Parking off the street allows for the street cleaner to clean the curbs, the snow plows to remove winter snow, and the garbage and recycle trucks to pick up trash. We view the carport as an expression of courtesy to our neighbors. This reduces the off-street parking congestion that sometimes happens in the neighborhood.

5. The spirit of the zoning ordinance is observed and substantial justice done.

When we had the carport built we hired a contractor and were under the impression that everything was in order, including a building permit. We also designed the carport in such a manner that it would blend in with the existing structure of the house and look pleasing to the public from a curbside view.

Discussion:

The Board of Adjustment discussed the variance criteria.

- 1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.**

The applicant indicated that it is difficult to get their snow equipment out of the garage in the back and use the carport for access to remove the snow. Mr. Moore responded that there are other homes in the neighborhood that do not have a carport available and it is not an unreasonable hardship.

- 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district.**

Ms. Naegle remarked that a special circumstance is that the applicants need a place to park their vehicles off of the street, although that is not unique. Mr. Moore said that it is the resident's responsibility to remove the snow in a timely manner. They have adequate space to park their vehicles, it would just not be covered.

- 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district.**

The Board noted that there were several homes that do not have this type of awning and thus it is not a special circumstance to enjoy this right. The carport was constructed by a contractor without the benefit of a building permit and had he done so it would not have been granted.

- 4. The variance will not substantially affect the general plan and will not be contrary to the public interest.**

Mrs. Christensen noted that in this particular case the carport is right on the property line which is contrary to the public interest.

- 5. The spirit of the zoning ordinance is observed and substantial justice done.**

Mr. Spendlove stated that a lot of the reasons are specific to the individual instead of issues to the property which the Board cannot consider in granting a variance. Mr. Moore mentioned that this is a self imposed hardship and the carport should not have been built.

There being no further discussion regarding this application, Chairperson Christensen called for a motion.

Motion

Mr. Spendlove stated, I move that we deny the variance, B-13-2009, based on the fact that the variance criteria have not been met.

Mr. Moore seconded the motion.

A roll call was taken.

Mr. Uluakiola	Absent
Mr. Moore	yes
Mr. Spendlove	yes
Ms. Naegle	no
Mr. Farnsworth	Absent
Mrs. Christensen	yes

Motion carries – majority vote

____ - **B-13-2009** - ____

B-14-2009

**Angelle Thayer – Variance Request
3017 S Asplund Circle**

REQUEST:

Ms. Angelle Thayer has filed a request with the West Valley City Board of Adjustment seeking a variance from Section 7-9-108(2) of the West Valley City Land Use Development and Management Act. This section requires that the minimum driveway width accessing the primary garage or carport in residential zones be a minimum of 10 feet. The applicant is requesting a variance of 1.5 feet in order to access a proposed garage for her primary parking area and to keep her original garage converted to living space.

BACKGROUND:

WEST VALLEY CITY GENERAL PLAN recommends low density residential land uses.

- The subject property is known as Parcel Number 15-29-278-013. It is also lot 37 in Sunrise Pointe Subdivision Phase 1. This subdivision was recorded with the Salt Lake County Recorder's Office in 1998.

- According to Salt Lake County records, the single family dwelling was constructed in 2002. The original building permit for this home included a two car garage that has since been converted to living space without having another garage onsite to park the owner's vehicles, which is the topic of this application and is presently in violation of City code.
- The applicant was notified that the conversion of a garage into living space is in violation of City standards unless a replacement garage is built on the property. Staff informed the applicant that the access width to a proposed garage presented zoning concerns. After discussing these concerns and outlining the variance procedure, the applicant determined that she would request a variance.
- As the property lot is narrow in design, the applicant would like the Board of Adjustments to consider that the minimum setbacks for the side yard of the home are 5 feet on each side which is inconsistent with the minimum access width of 10 feet for a detached garage used for the primary parking structure for vehicles.
- A Photograph is included in the packet showing the converted garage and space to the side property line, from the street. The property in question is 0.17 acres. The parcel has a frontage of 25.49 feet in width in the front, and a depth of 121.09 feet on the north side of the property. Other properties in the same circle as the subject property have similar frontages. However, the applicant's property does have a more narrow lot width than its neighboring properties thus creating less of an option for the builder when the home was placed on the lot. In addition, the existing home would maintain the minimum setbacks required for the home if a variance for the access width is granted.
- The applicant has submitted the criteria to the Board addressing the variance criteria in preparation of the hearing and is enclosed.

Mrs. Thiel presented the application.

Applicant:

Angelle Thayer

3917 S. Asplund Circle

Ms. Thayer indicated that she would like to keep the detached garage for her family as they need it and noted that they do not have a job.

Mr. Moore questioned, how many people live at the residence?

Ms. Thayer responded that she, her husband and two sisters live at the residence.

The applicant addressed the variance criteria:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.

My hardship is that I wish to build a detached garage in the rear yard to use as my primary garage so that I can keep my converted living space in my attached garage. The actual setback on the garage side of my home to the street is slightly greater than the required setback of five feet. Unfortunately, I don't have the required 10 foot setback for a driveway to my proposed garage.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district.

The width of my approved lot does not provide room on either side of my home for a driveway with the necessary width to this proposed detached garage. The area in which I need an access width that is less than the required 10 feet is only for a distance of 10 feet, just to get past the corner of my home that was built per ordinance.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district.

My home is in an area that is zoned for single family homes. My home also has 1584 square feet of living space which is just below the minimum required footage currently required for a multi-story home of 1600 square feet. By converting the attached garage to living space, I am able to use much needed space for my family. The conversion is not for a rental unit but my own use. Many built garages allowed in the City have vehicle doors less than 9 feet wide, so the proposed 8.5 foot access is wide enough for a regular sized car to access the garage in the rear yard.

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

The General Plan classifies my property as low density residential. I would simply like an opportunity to use my property to the full extent as the single family residential use. In the event of this variance request being granted, I will buy a building permit for the conversion and for the proposed detached garage that I will build.

5. The spirit of the zoning ordinance is observed and substantial justice done.

I am only asking for a smaller access width to my proposed garage for use with existing single family residential home.

Discussion:

The Board questioned staff if there were any violations regarding the garage since the applicant did not have a building permit.

Mrs. Thiel responded that the original building permit included a two car garage which the applicants have converted into living space without having a two car garage on the property to park the owner's vehicles. They are presently in violation of City code and would need to get a permit to be in compliance.

The Board of Adjustment discussed the variance criteria.

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.

Mrs. Christensen stated that this is a self imposed hardship. The only hardship and special circumstance is the width of the lot. The frontage is narrower than any other lot in this area.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district.

The special circumstance is that the frontage is narrower than other lots in the area. Mr. Moore remarked that the lot is not unique in this subdivision. Mr. Spendlove responded that the width of the lot is very narrow and I would consider this the hardship. Mr. Moore stated I do not believe there is a special circumstance. I believe it is a self imposed hardship.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district.

Mr. Spendlove noted that by the applicant converting the garage into a living space it was self imposed.

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

Mr. Spendlove stated that by converting the garage into a living space they were circumventing the need for building codes and building permits. It is a self imposed burden and should be addressed before the applicant requests a variance from the City.

5. The spirit of the zoning ordinance is observed and substantial justice done.

Mrs. Christensen remarked my understanding of single family is met, but by converting the garage into living space it created a self imposed hardship. I would suggest that none of the criteria have been met.

There being no further discussion regarding this application, Chairperson Christensen called for a motion.

Motion #1

Ms. Naegle stated, I move that we approve the variance request regarding application B-14-2009.

Motion Dies – Lack of second

Motion #2

Ms. Naegle stated I move that we approve the request for a variance of 1.5 feet in regards to the access way for a previously constructed home.

Motion Withdrawn

Motion #3

Mr. Moore stated, I move that we deny application B-14-2009 requesting a variance of 1.5 feet in regards to the access way for a previously constructed home.

Mr. Spendlove seconded the motion.

A roll call was taken.

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

Motion carries – all in favor

_____ - B-14-2009- _____

B-15-2009

Chhour Variance

4768 West 3720 South

R-1-8 Zone

REQUEST:

Kim Chhour, representing the property owner, is requesting a variance from Section **7-6-305** of the West Valley City Code. This section requires that the minimum side yard setback in the

R-1-8 zone adjacent to the garage be 10 feet. The Chhour's are requesting a variance of 9.5 feet in order to keep an existing carport which is attached to the single-family dwelling.

BACKGROUND:

WEST VALLEY CITY GENERAL PLAN recommends low density residential land uses.

- The subject property is known as lot 30 of the Hopkins Meadows Phase 1 Subdivision. This subdivision was recorded with the Salt Lake County Recorder's Office in 1985. The existing single family dwelling was constructed in 1990. The property is currently zoned R-1-8.
- The applicant was recently notified that the carport attached to the east side of the dwelling is in violation of City setback standards. Section 7-6-305 of the City Code states that the required setback on the garage side of the dwelling shall be 10 feet. The existing carport extends from the dwelling to within 6-inches of the east property line. Thus, a variance of 9.5 feet is being requested by the applicant.
- As part of the variance process, the applicant visited with staff and explained that the dwelling was constructed with a two car garage. The carport was added approximately 10 years ago and according to the applicant, serves multiple purposes. In a letter to the Board, the applicant explains that the family uses this covered area for religious practices, for family gatherings, and off-street parking.
- The property in question is typical of other lots in this subdivision. The property has a frontage of 66 feet and a depth of 148 feet. The current frontage requirement would be 80 feet in the R-1-8 zone. However, at the time this subdivision was approved, the City's frontage requirement in the R-1-8 zone was 65 feet.
- Staff has included a letter from the applicant along with their responses to the variance criteria. In addition, a letter from a nearby property owner has been submitted in support of the variance request. Should the Board grant this variance, the applicant will need to obtain the necessary building permits from the City's Building Division.

Mr. Lehman presented the application.

Mr. Lehman indicated that he had a few calls regarding this application. I spoke to Lanette Hong and he stated that he did not have a problem with the carport. I received one other phone call, however he also indicated that he did not have any issues with the variance request.

Applicant
Ovleng Chhour
4768 W. 3720 S.

Agent
Kim Chhour
4768 W. 3720 S.

Favored
Christine Neilson
4738 W. 3720 S.

Kim Chhour
4768 West 3720 South

Ms. Chhour indicated that she would be speaking for her father, Ovleng Chhour, tonight regarding this variance request. She indicated that they had resided at their home for over 15 years and explained that they need a variance due to the carport that was constructed on my property approximately 10 years ago and serves multiple uses. Our family hired a licensed contractor to construct the carport and he assured me that he would obtain all the necessary building permits. I have submitted a letter to the Board of Adjustment explaining that the family uses this covered area for religious practices, for family gatherings, and off-street parking. I have also submitted a letter to the Board addressing the five variance criteria. Ms. Chhour added that there are three storm drains that will drain onto our property to ensure that it doesn't negatively affect our neighbor's property.

The applicant addressed the variance criteria.

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.
 - **The carport is fully located on my property and does not interfere with neighboring properties.**
 - **Narrowing the carport to comply with the code would limit access of vehicle and limit the functionality and practicality of the carport.**
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district.
 - **The carport cannot be constructed on the west side of my property because it would be inaccessible due to an existing fence that resides around the property and a side west fence separating the front and back of the property.**
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district.
 - **The carport is on the east side of my property and was built on that side because it provides protection from the weather and allows for easy access to the back garage.**

- **The carport also provides protection during the ceremonial traditions and observances practiced by my family year round which consists of setting food outside and lighting incenses.**
 - **A couple other houses in the neighborhood also have a carport.**
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
- **I have the full support of my neighbor.**
 - **There are two storm drains built into the carport which drains onto my property and not my neighbors.**
 - **The carport will allow me to use my property to the full extent as a family residential use and my side yard for various traditions and religious purposes.**
 - **I will obtain the necessary building permit if the variance is granted.**
5. The spirit of the zoning ordinance is observed and substantial justice done.
- **The spirit of the zoning ordinance is observed as I am only asking to keep my carport because it serves many purposes and allows my family to enjoy our property.**
 - **Carport has been in place for nearly ten years and substantial justice would be done by allowing the carport to remain.**

Kim Chhour (relative)
4768 West 3720 South

My name is also Kim Chhour and I live in the same neighborhood as the applicants. I am in favor of the requested variance and believe that their family should be able to keep the existing carport. My uncle has had the carport for over 14 years. I have no complaints and I live in between them. They have spent a lot of money on the structure.

Christine Neilson
4738 West 3720 South

Ms. Neilson said she and her husband have lived in their home since 1987. She indicated that she was in favor of the variance and felt that the carport was an improvement to the neighborhood. The neighbors who have carports tend to park their cars off the street and

under the carport which we are supportive of. Over the years, our street has generated an increased amount of traffic and most of the homeowners now seem to own more than two cars per residence. I believe that the homeowners that have a cement pad next to their homes for parking are helping alleviate congestion problems and helps create a safer environment in our neighborhood. Parking off of the street also allows for City maintenance vehicles to clean the streets and plow the snow in the winter. My husband and I appreciate our neighbors who have made improvements to their property and benefit the entire neighborhood and are parking off the street and under the protection of their carports.

Discussion:

The Board of Adjustment discussed the variance criteria.

- 1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.**

Mr. Moore stated that the awning does impose on the neighbors because the code requires a minimum setback of 10 feet and the awning is in violation of this code and they are encroaching on their neighbors.

- 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district.**

Ms. Naegle remarked that she did not believe that the applicant's justification for special circumstances meet the criteria. There are other properties in the neighborhood that are very similar to the applicant's property. Mr. Moore agreed and stated that in this subdivision many of lots have the same configuration so there is not a special circumstance.

- 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district.**

Mrs. Christensen stated that the applicant does not meet the criteria.

Mr. Spendlove remarked that religious reasons are not a decisive factor that the Board can use to approve hardship criteria. The Board is bound by law and it is not a property right to encroach on a neighbor's property.

- 4. The variance will not substantially affect the general plan and will not be contrary to the public interest.**

Mr. Moore stated that granting the variance would be contrary to the public interest and if neighbors came in and applied for a building permit the permit would be denied.

5. The spirit of the zoning ordinance is observed and substantial justice done.

Mr. Moore indicated that it would be an injustice to the neighbors who do not have this opportunity to have a structure like this.

There being no further discussion regarding this application, Chairperson Christensen called for a motion.

Motion

Mr. Moore stated, I move that we deny application, B-15-2009, requesting a variance of 9.5 feet in order to keep an existing awning.

Mr. Spendlove seconded the motion.

A roll call was taken.

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

Motion carries – all in favor

_____ - B-15-2009- _____

B-12-2009
Clearwire, U.S.
2635 South Constitution Blvd.
M Zone

The applicant is requesting an expansion of a non-conforming use to locate equipment on an existing telecommunications monopole located at 2635 South Constitution Blvd 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 approximately 42” high, 6.1” wide and 3” deep, and three microwave dishes measuring approximately two feet in

diameter. There will also be an area for ground equipment measuring 7' by 7'. All equipment on the monopole will be installed at a height of 90'. The other carriers currently on the monopole are at 70', 80' and 100'.

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.

Mr. Weibel presented the application.

Applicant

Clearwire Wireless
2635 S. Constitution Blvd.

**Jeff Colantino
Clearwire Wireless**

Mr. Jeff Colantino, representing Clearwire Wireless, indicated that Clearwire Wireless is not proposing to expand the compound and is simply requesting to add another array. The existing monopole is non-conforming due to height and the type of antenna arrays currently on the pole. He explained that the proposed equipment is to provide wireless broadband

internet service and will consist of three panel antennas and three microwave dishes. Mr. Colantino noted that the other carriers currently on the monopole are at 70', 80' and 100'. In addition, there will also be an area for ground equipment and all equipment on the monopole will be installed at a height of 90 feet.

Discussion:

Mr. Moore stated that most residents would not notice the modification, but would enjoy the benefit of better internet services. The Board of Adjustment did not voice any concerns with the application and felt that the modification would not be noticeable to most residents and would be an improvement to the community.

There being no further discussion regarding this application, Chairperson Christensen called for a motion.

Motion

Mr. Spendlove stated, I move that we approve application, B-12-2009, requesting a modification to an existing non-conforming use for a cellular tower to add panel and dish antennas to an existing monopole.

Mr. Moore seconded the motion.

A roll call was taken.

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

Motion carries – all in favor

_____ - B-12-2009- _____

OTHER

The minutes from **July 1, 2009** were **approved**.
There being no further business the meeting adjourned at 7:10 p.m.

Karon Jensen, Administrative Assistant