

The Board of Zoning Appeals of the City of North Royalton met on **October 9, 2008**, to hold a Public Hearing, in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:00 pm

Present: Vice Chairman John Ranucci, Paula Recker, Councilman Dan Kasaris, Tony Caraballo, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Julie Broestl

John Ranucci: I need a motion to excuse Neil Price for cause.

Moved by Paula Recker, seconded by Dan Kasaris to excuse Neil Price for cause.

John Ranucci: Call the roll.

Paula Recker: Yes.
Dan Kasaris: Yes.
John Ranucci: Yes.
Tony Caraballo: Yes.

Ayes – all. Nays – none.
Motion carried. (4-0)

(BZO8-30) T-Mobile / John Sindyla request a variance to Chapter 1276 “Business Districts”, Section 1276.05 “Use Regulations for Motorist Service Districts” of the City of North Royalton Codified Code to allow a wireless telecommunications tower to be located on this property which is located at 12950 Albion Road, PPN: 481-05-030 and PPN: 481-05-031.

John Ranucci ask for anyone wishing to be heard on the subject.

The following residents spoke at the meeting in objection to this variance:

Ken Thorkelson, 12652 Albion Road, North Royalton. Mr. Thorkelson was sworn in by Vice Chairman John Ranucci. Mr. Thorkelson submitted a six page letter that is attached to the back of these minutes. He is in objection to this variance and stated that he feels that T-Mobile has not proven a hardship and that a cell power in this location will be a detriment to the surrounding properties. He also addressed the issue of property devaluation if this cell tower is put up in this area. He discussed his concern of the health effects regarding cell towers. Mr. Thorkelson questioned why this cell tower is permitted in a residential neighborhood and why not put this tower on city owned land, an example would be on the property that contains the sewer plant. He stated that he objects to this proposed telecommunication tower to be located in this area.

Mr. Nicolas Priban, 13200 Northpointe Circle, Strongsville. Mr. Priban was sworn in by Vice Chairman John Ranucci. Mr. Priban is in objection to this variance and stated that he is concerned about the health risks regarding cell towers also.

Donna Vozar stated that the discussion of health risks regarding cell towers is not allowed to be addressed at this meeting.

Mrs. Kim Priban, 13200 Northpointe Circle, Strongsville. Mrs. Priban was sworn in by Vice Chairman John Ranucci. Mrs. Priban spoke in opposition to this variance.

Frank Feleppelle, 12706 Albion Road, North Royalton. Mr. Feleppelle was sworn in by Vice Chairman John Ranucci. Mr. Feleppelle spoke in opposition to this variance. Mr. Feleppelle wanted to know what evidence has been presented for reasons to have the cell towers in this location. Why in a residential area.

The following residents submitted notarized testimony in opposition to this variance and is attached to the back of these minutes:

The Lamorgese Family, 13176 Northpointe Circle, Strongsville.

Mary Ann Zizak, 12550 Albion Road, North Royalton.

Mary Ann Kaczorek, 10403 Abbey Road, North Royalton.

Brooke and Greg Trzcinski, 9541 West 130th Street, North Royalton.

Mr. John Sindyla, Attorney, 7425 Royalton Road, North Royalton. Mr. Sindyla is the Attorney for T-Mobile. He was sworn in by Vice-Chairman John Ranucci. He presented evidence and testimony regarding the cell tower. Mr. Sindyla stated that this is an exceptional circumstance. T-Mobile is in need of a cell tower in that location due to the fact that this area is a dead zone and is in need of service there so that customers of T-Mobile have uninterrupted service. The parcel or lot is DeJans Body Shop and has been an impound lot for over forty-years and this would be a good location being a commercial area. Mr. Sindyla informed the Board that the closest neighbor to the cell tower would be approximately 280-feet and our Zoning Code allows telecommunication towers in Industrial Districts. He feels that commercial and industrial are somewhat the same districts. The tower would be a flag pole and it doesn't necessarily have to have a flag at the top. The Board inquired that if there was a flag that it would have to have a light on it at all times. Mr. Sindyla stated that the light would come from the ground up. Mr. Sindyla stated that if the Board or the audience has any more questions regarding the cell tower that Mr. Alex Zefka from T-Mobile would be happy to address it. Mr. Sindyla presented to the Board current T-Mobile coverage without site document for review.

The Board members discussed the variance and the following issues were addressed:

Paula Recker addressed the issue of the cell tower in this location being a detriment to the surrounding area, the residential homes and the businesses.

Tony Caraballo mentioned that maybe the tower could be located in the wooded area on this parcel.

Dan Kasaris questioned T-Mobile height of the flag pole, whether 120-feet is actually necessary. Could the tower height be brought down to 90-feet.

Mr. Alex Zefka from T-Mobile addressed the question. He stated that he would have to go back and re-do the numbers considering the height of the tower.

Based on the evidence presented before the Board on October 9, 2008 meeting, the following are the findings of facts and conclusion of law: The applicant is T-Mobile, with John Sindyla as their Attorney. The variance being sought is to allow a 120-foot high flagpole wireless telecommunications tower to be located at 12950 Albion Road, PPN: 481-05-030 and 481-05-031, which is contrary to Section 1276.05(a)(1) of the Zoning Code. Mr. Sindyla presented evidence to the Board. Many residents were present who were opposed to this variance. Some Board members feel that hardship was not established, therefore, the Board voted and denied the variance.

Roll call:

Dan Kasaris:	No.
Paula Recker:	No.
Tony Caraballo:	Yes.
John Ranucci:	No.

Ayes – one. Nays – three.
Variance Denied. (1-3)

Due to mechanical difficulties the minutes were not recorded. Notes from the Board and Secretary prepared these minutes.

Approved as submitted: _____

Date: _____

Attest: _____