

## Hamilton Township Board of Zoning Appeals February 13, 2024

Mr. Blomer called the meeting to order and announce the matters before the Board at 6:01 p.m.

Members present:

Michael Blomer  
Adam Paul  
Susan Erickson  
Garrick Horton

Mr. Blomer explained the procedures and guidelines the Board would use to reach a decision during the hearing. He asked any persons wishing to offer testimony or speak during the hearing to raise their right hand; an oath was administered.

Ms. Cathy Walton presented the staff report for a conditional use request at 3272 Ireland Road, Morrow, Ohio. The applicant is seeking approval for a conditional use permit to construct a telecommunications tower in a residential neighborhood. As part of the process, the applicant was required to notify neighboring property owners adjacent to and directly across the street from the proposed tower site, as well as the Township Trustees. If no objections were received, the tower would have been permitted by right. However, due to objections submitted to the Zoning Department, the applicant must now proceed with a conditional use application.

A legal notice of the hearing was published in the *Journal-News*, and notices were mailed to property owners within 200 feet of the property. During the review process, Ms. Walton went line by line through the conditional use standards, confirming that the applicant met all requirements outlined in Section 3.8.4 of the Hamilton Township Zoning Code, as well as the use-specific regulations for telecommunication towers specified in Section 4.8.5(H).

Mr. Blomer opened the floor for public comments and invited the applicant to address the Board.

The applicant is Crossroads Group, LLC, represented by Collin Camp, as Agent on behalf of Vertical Bridge with Pittsburg SMSA Limited Partnership. Collin Camp addressed the Board of Zoning Appeals to present a conditional use request. He provided a comprehensive handout detailing applicable state and local codes, relevant legal principles, and health and safety considerations. Additionally, Mr. Camp submitted Exhibits A through J, demonstrating compliance with all necessary requirements for the proposed cell tower service.

The exhibits included:

- Exhibit A: Memorandum addressing compliance with all conditional use standards.
- Exhibit B: Memorandum of option and lease agreement, outlining an initial five-year term with nine renewal options of five years each.
- Exhibit C: Signed and sealed zoning drawings.

- Exhibit D: Documentation of compliance with FAA and FCC requirements.
- Exhibit E: Efforts to minimize tower proliferation/ colocation
- Exhibit F: Proof of absence of wetlands.
- Exhibit G: NEPA report summary from Trileaf Corporation, confirming no further NEPA-related action required.
- Exhibit H: Verizon Wireless FCC licenses
- Exhibit I: Conditional Use Application and Owner's Affidavit.
- Exhibit J: Letters providing proof of notice to abutters, as required by the Ohio Revised Code (ORC).

Mr. Camp further explained the visual impact mitigation measures for the proposed tower. The base of the tower will be painted green and surrounded by evergreen landscaping to blend with the natural tree line. The upper portion of the tower will be constructed of galvanized steel to integrate with the sky. The site will utilize a shared driveway for access, including a designated turnaround area at the tower location.

Mr. Adam Paul inquired whether the FEMA map provided was the most up-to-date version and whether the tower height could be reduced. The applicant stated that the FEMA map was from 2023 but was uncertain if it was the latest version.

Ms. Susan Erickson questioned why Verizon prefers to place towers within a half-mile radius. Mr. Ryan Miller, representing Crossroads, explained that Verizon follows a specific grid system to reduce the number of towers while ensuring optimal coverage. The proposed tower height of 199 feet minimizes the need for additional towers and allows for up to three providers on the structure.

Mr. Blomer asked if the applicant was aware of a pole barn on the property and whether it was within the tower's fall zone. Mr. Camp stated that he was not aware of any pole barn on the property.

Mr. Paul also asked about the longevity of the tower. Mr. Camp responded that the tower is serviced quarterly and has an expected lifespan of 25 to 30 years.

Mr. Paul inquired about the benefits to residents. Mr. Camp explained that the tower would provide enhanced 5G coverage in the area, improving connectivity for the community.

Mr. Blomer opened the floor to those in favor of the conditional use request, to which nobody came forward.

Mr. Blomer opened the floor to those not in favor of the use.

Mr. Tim Byrnes, who resides two properties away from the subject property, prepared a presentation for the Board and introduced multiple speakers. The presentation addressed the following concerns:

- Health & Safety (Cindy Byrnes & Cindy Reis)

- Potential radiation exposure risks associated with 5G technology.
- Research highlighting possible biological effects and the outdated nature of FCC regulations (1996).
- Congressional discussions underscoring the lack of comprehensive health impact studies.
- Ecological Impact (Maria Wolf)
  - Potential harm to wildlife, including bees, birds, and aquatic species.
  - Disruptions to local farming and natural ecosystems.
- Neighborhood Aesthetics (Tim Byrnes)
  - The proposed tower's height significantly exceeds that of surrounding structures.
  - Concerning that the development does not align with the existing rural character of the community.
- Property Devaluation (Brad Wolf)
  - Studies indicate that homes near cell towers may lose up to 20% of their value.
  - Findings from the National Association of Realtors and HUD classifying cell towers as potential property devaluation risks.
- Petition (Tim Byrnes)
  - Out of 166 surveyed properties, 146 signed a petition opposing the tower.

Nathan Corbin, a resident living beside the proposed property, expressed concerns about increased development in the rural area where he has lived his entire life. He is worried about the future of the property and whether the company will acquire rights if the current owners decide to sell. He also questioned whether the existing pole barn complies with the fall zone requirements for the cell tower.

Ms. Walton clarified to the board that the pole barn did not require a zoning permit, as the property is agriculturally exempt. However, she was uncertain about the barn's exact location.

Dimitry Astapenko raised ethical concerns, noting that the property owner is an employee of the county's zoning department. Mr. Yoder responded that there is no conflict of interest, as the property owner is not on the Board of Zoning Appeals. He emphasized that no board member would directly profit from the decision and that the request followed the proper procedures, as any resident of the township would.

Brian Cranston, whose property is 350 feet from the proposed tower site, voiced concerns about potential health risks and the impact on his enjoyment of a new pond he plans to use with his family.

Adam Bradford, who operates a horse rehabilitation farm near the proposed site, expressed concerns about the health of his animals. He also opposed the tower's visibility from his porch, where he enjoys spending time each morning. He questioned the necessity of placing a tower in that specific location and Verizon's frequency of tower placement.

Miranda Paytes shared that she conducts homeschool activities on her property and enjoys outdoor experiences with her children, such as watching the northern lights. She requested that the cell tower not be placed so close to her home.

Mr. Blomer closed the floor to public comments and initiated deliberation. The board unanimously agreed that the case would not be continued and that they were prepared to vote on the request during the meeting.

Mr. Blomer stated that, despite efforts to camouflage the tower, he believed it would negatively impact the aesthetics of the area.

Ms. Erickson noted that she had not been provided with enough information or consideration of alternative locations.

Mr. Horton expressed concerns about potential decreases in property values and questioned the necessity of the tower since 5G service is already available in the area.

Mr. Blomer made a motion with the second from Ms. Erickson to deny the variance to allow an accessory dwelling in the front yard setback from the property at 3272 Ireland Rd., Morrow, Ohio 45152.

Mr. Blomer	Yes
Mr. Paul	Yes
Ms. Erickson	Yes
Mr. Horton	Yes

With no further business to discuss, Mr. Blomer made a motion with a second from Ms. Erickson to adjourn.

All in favor. Aye.