

Dickinson County Board of Adjustment
July 22, 2019
7:00 P.M.

The Dickinson County Board of Adjustment met Monday July 22, 2019 at 7:00 P.M. in the Community room of the Dickinson County Courthouse.

Members present were Alex Oponski, Tim Hemphill, Roxie Reekers, and Delmer Lee. Absent was Jeff Ashland.

Also in attendance was David Kohlhaase, Dickinson County Zoning Administrator.

Alex Oponski- Vice-Chairman, called the meeting to order at 7:00 p.m. The opening statement was read.

First on the agenda was Roll Call.

Second on the agenda was New Business.

1st item of New Business was Ronald & Lori Swanson, Variance, Lot 99, McClelland's Beach, Dickinson County, Iowa.

Ronald Swanson was here to represent the application. Right now they have one entrance, and they would like to add a second entrance due to safety reasons and the many visitors they have from their family. The original property was developed before zoning was established. When zoning came in, things became a little odd especially for corner lots. The addition they would like to add is very small and they don't feel that it is going to take anything away from anyone's views. Aesthetically it should bring up the value of the house. They are an active part of the McClelland's Beach organization, and their family has been in this area for about 40 to 50 years. They plan on using this for their permanent home in the future.

No questions from the Board.

Correspondence was read.

Oponski opened the meeting to the public.

Oponski closed the meeting to the public.

Hemphill motioned to vote. Lee seconded the motion. All were in favor.

Vote recorded as 4-0 Approve. Hemphill, Lee, Reekers, Oponski approve.

2nd item of New Business was Great Lakes Communications dba IGL Teleconnect, Variance, N 10 AC of the W1/2 of the NE Exc E100', Section 28, Center Grove Township, Dickinson County, Iowa. The variance request was read.

Adam Nelson introduced himself to the Board. He is the plant manager for Great Lakes Communications. They've looked at this site and others and have had some trouble around the lakes area to find a site that would work for them. This one is right in the middle of a residential potential for them. They contacted some of the neighboring tower sites, and tried to work with them to gain access to some of their towers, but that became cost prohibitive for Great Lakes. The other tower companies wanted too much money to be on their site. Great Lakes has an existing tower that they would like to relocate to this location. The tower is 90' feet tall and will service the target market they want to reach.

Oponski asked where the current tower is located that they are relocating to this potential site.

Nelson said it is located at their Spencer business office.

Hemphill asked if they've looked at any other locations in the County.

Nelson said that they have other tower sites within the County. Arnolds Park area is a tough area to find real estate in.

Hemphill said it is fairly close to the road.

Nelson said it is close to the road. Last year they built one by the water tower near East Lake. Due to that land being zoned A-1 Agricultural, they had to have a 50' feet setback and that tower is 190' feet. This is obviously a much smaller structure. The base of this tower is about 3' feet.

Hemphill asked how far the foundation goes into the ground.

Nelson said about 6' feet deep. They haven't had the engineering done yet, they wanted an approved application before going forth with that expense. Typically it is an 8' foot x 8' foot, 6' foot deep slab.

Hemphill asked if there is any way one can test how much wind it can withstand.

Nelson said the guidelines for the towers are met for our area. He said the max load is about 60 mph as max load, and they wouldn't be anywhere near that and that also takes into account an inch of ice on the tower.

Lee asked how far is the proposed tower from the existing tower on the adjacent site.

Nelson said he did not measure that distance.

Kohlhaase said that it is approximately 250' feet. That is based upon a correspondence that the board will hear at the designated time.

Oponski asked why the existing tower could not be used.

Nelson said that it is cost prohibitive. The tower is owned by another company.

Oponski asked why the tower could not be moved to the rear of the property to get the tower away from the road.

Nelson said that area would put them closer to the adjacent tower, and also this is the agreed upon location with the property owner, Leo Parks, Jr.

Kohlhaase said that there are no setbacks in the general commercial district, unless it abuts a residential area, which in this case it does not. It abuts the agricultural district.

Correspondence was read.

Hemphill asked if Nelson could address the concerns from the letter.

Nelson addressed the RF- Interference first. They should not have interference because they operate in an unlicensed band, meaning anyone can operate in that band. Under the FCC it is up to the parties involved if there is an interference to come up with a resolution. They do not operate in any of the licensed bands, which is where the cell operators are, they should not interfere at all. It is a relatively small tower at 90' feet, they have no desire to do anything other than to have a wireless broad band. They wont sublease to another wireless carrier, but there is technology coming down the wire that would allow for this, however it is not their intent.

Oponski asked for clarification that if there are any modifications to the tower, would that come back to the Board.

Kohlhaase said it would only come back to the board if it is an agreed upon condition attached to an approval.

Lee said what you are saying is you can build and erect the tower cheaper than being on the neighboring tower.

Nelson that is correct especially since they already own the proposed tower and are relocating it.

Oponski opened the meeting up to the public.

Dale Kilts owner of the property to the south and east of the subject property. He objects to the tower, simply because of the location. He believes the original permit to build a cold storage building required them to be setback 50' feet from the property line. If they put this tower on the west end of the storage building, he would not have any objection to it. Part of the objection, the present cell phone tower on his property, it seems like every time lightning strikes that tower, they have electrical problems. They only explanation that he can give is that the tower is putting

a heavy enough charge back into the ground and that is making its way to their house. The only objection is the location. If they would move it to the west side of the boat storage buildings they would have no objection.

Nelson said the lightning is a tough thing, he knows that Iowa Lakes just rebuilt some of the electrical grid in that area. They ground their towers, giving lightning every chance to get away from the towers. They've only had 3 tower strikes since 2012, he cannot say that it is not going to affect Mr. Kilts, but this tower is shorter than theirs and it is just above the trees in the grove.

Lee asked the reason for the tower's location.

Nelson said that is where Mr. Parks said the tower can go. It is an unusable location, he doesn't know what Mr. Parks has in store for the rest of the property.

Lee said that they are doing a lot of grading in that area.

Kohlhaase said that it wasn't too long ago that the property was zoned A-1 Agricultural, and the future land use showed it as commercial, since the zoning was changed to General Commercial where communication services are a permitted principal use, they no longer need a 50' foot setback. The General Commercial district does not have any setbacks unless abutting to a residential neighborhood. What you are looking at today, is whether not to allow the height variance. One question, what would this tower do and how essential is it to the community, what is the need.

Nelson said that they've gotten contacts from some of the home owners associations in the vicinity that they would like to have another competing service to what is there. The people in the area don't feel that their current provider is being fair with their pricing. The only way they can provide this service is with this tower, there is no way we can get to this area from our current tower sites.

Hemphill asked how big of radius will this cover.

Nelson said it is kind of determined by them and how they set it up, but his plan is about 3-4 miles. They'll reach to Pelican Ridge, north shore of East Lake, Lower Gar and Bridges Bay.

Lee asked if they would cover Kelly's Beach, Twin Hills, etc.

Nelson said that it will be strictly line of site, if you can see the tower they can get service to you.

Kohlhaase asked if the tower were to have some unusual winds or a tornado, what would happen to the tower, would it lay down or collapse.

Nelson said that each leg has three bolts that go 5' feet down into the concrete, no engineer is going to tell you exactly how a tower will fall, but what he has found on a tower that fails that it usually happens a quarter to half way up, because the base is just so strong. If it was to come down, it would hypothetically bend over about 20' feet up, they are fairly solid pipe that will bend, but not break off.

Hemphill asked about the anti-climb shield.

Nelson said that will go about 8' feet in the air, so they don't have to build a fence around the tower.

Kohlhaase asked if there would be anything else built around the tower.

Nelson said that there will be a small box built around the base of the tower.

Kilts said that he wouldn't have an objection if they would move it further west, it is only 150' feet away from the house.

Oponski asked if he has an objection to the height.

Kilts said that if it were to fall down, it would be very close to the house.

Oponski asked if the board wanted to consider any stipulations.

Hemphill said that he doesn't know if they have any relevance.

Reekers motioned to vote. Hemphill seconded the motion. All were in favor.

Vote recorded as 4-0 Approve. Hemphill, Reekers, Lee, Oponski

Third on the agenda was Old Business. There was none.

Fourth item on the agenda is approval of the minutes from May 28, 2019. Lee motioned to approve the minutes. Oponski seconded the motion. All were in favor.

Fifth item on the agenda is Communications. There was none.

Seventh item on the agenda is Unknown Business. There was none.

Eighth item on the agenda was Adjournment. Hemphill motioned to Adjourn. Reekers seconded the motion. All were in favor.

(For more information see BOA 07 22 19)