

Monroe County Board of Appeals September 12, 2022

The Monroe County Zoning Board of Appeals met September 12, 2022, in the Monroe County Court House, Waterloo, Illinois, with the following members present: Dennis Rodenberg, Vicki Taake, Mike Kovarik, George Obernagel, and Russell Gregson. Also, present: Chris Voelker, Laura Henry, and Laura Kipping.

Dennis Rodenberg opened the Public Hearing concerning John and Pam Rehling, who are requesting an Area/Bulk Variance to reduce setback from house from 10 feet to 5 feet for a proposed screened in deck. The property is located at 1214 Mill Street, Maeystown, Illinois. Parcel #10-32-382-003.

Dennis Rodenberg sworn in those wishing to speak.

John Rehling – Showed on map the location of the property. Green house with tin roof. Planning on or hoping to extend an area with a screened in deck. Showed on picture of the house where they want to put the screened in deck. Requesting five feet between the proposed structure and the summer kitchen. Many houses were built with the other buildings close together. The roof will be a tin roof. Showed a drawing the proposed screened in porch. Knows a concern is if a spark would go from one building to the next, but hoping with the tin roof, that would help. Believes it would fit right in with the style.

Vicki Taake motion to approve, Mike Kovarik second to approve the Area/Bulk Variance filed by John and Pam Rehling to reduce setback from house from 10 feet to 5 feet for a proposed deck located at 1214 Mill Street, Maeystown, Illinois. Parcel #10-32-382-003. Yes – 5, No – 0. Motion passed.

Dennis Robenberg opened the Public Hearing concerning Parallel Towers III, LLC, who are appealing the May 27, 2022 decision of the Zoning Administrator to deny a building permit for a cell tower located at 129 Hayden Drive, Columbia, Illinois. Parcel #04-23-100-008 Township 1 South, Range 10 West. This appeal was tabled at the August 10, 2022 meeting.

Dennis Rodenberg sworn in those wishing to speak.

Keegan Shae – Attorney represents SBA Towers, the owner and operator of a 180-foot tower at 1447 Frontage. Handed out letter from Shawn Welter, Site Marketing Manager with SBA Communication Corporation. AT&T said they needed the new tower to provide First Net services. Letter from Shawn Welter stated that SBA contracted with AT&T in 2019 to modify its equipment to provide First Net services. AT&T has a lease amendment (handed out lease agreement. You have also heard that SBA's tower is too expensive for AT&T. The tower was constructed in 2005 by St. Charles Tower specifically for AT&T. St. Charles Tower entered into a lease agreement with AT&T, 5-year terms with options to renew for 5-year periods. SBA buys the tower in 2013 from St. Charles Tower and inherits the lease agreement. Same rent from 2005, with the expectation of additional materials that is within the lease. Lease expires in 2025 with the option to lease again. SBA has agreed to, and I am authorized to offer tonight an

adjustment to AT&T's rent that matches the current rent less \$10. SBA just needs the documentation showing current rental rate. Client has given him authority to make the offer.

Deano Terdiou (AT&T representative - Has not seen the offer from SBA Towers. AT&T position is still with Parallel Towers. We have a lease agreement with Parallel Towers and that is what we will honor.

Georg Obernagel – The offer shouldn't be made with us (Board of Appeals) here. This is between SBA and AT&T.

Keegan Shae – Highlighted the vision of the Board of Appeals. Application doesn't satisfy the setback requirements. Passed out letter to Lucas Liefer from himself. The letter highlighted his reasons why the Board of Appeals should deny the appeal. Showed coverage map of towers. 500 feet is not going to make a difference with cell coverage. "Mandatory v. Permissive" handout that shows the statutes can be interpreted differently. Doesn't say the tower must or shall be permitted. It does not use mandatory language. Stands that given the language it is up to the Board whether or not to permit the tower.

George Obernagel – I would like to make a motion that we deny the appeal for this reason. We are in possession of the Application for Building permit dated April 5, 2022, and of a supplemental application for building permit with the same date of April 5, 2022 that includes AT&T as an applicant. The witnesses were sworn, and testimony was heard on August 10, 2022 regarding the denial of the application by the Monroe County Zoning Administrator for the reason that the proposed construction does not meet Monroe County area bulk zoning regulations for an R-3 parcel. Sworn testimony was heard from representative of Parallel Towers and AT&T indicating that AT&T was under contract with Parallel for this particular proposed site. That testimony was not credible. At the time the application was filed, it is clear that AT&T did not have an ownership interest in the proposed construction and was improperly included on the supplemental application as a party. AT&T should not be considered as a proper party to the Application under review by this Zoning Board of Appeals. It is clear from prior submissions from AT&T in the form of a written sworn statement that they do not bear any costs for construction of a tower owned by Parallel. It is clear from a review of the proposed drawings and plans submitted with both original Application and Supplemental Application, and a review of the relevant zoning regulations that the proposed construction of Parallel Towers does not meet the area bulk zoning regulations for a parcel zoning R-3.

Sasha Riedisser, Attorney for AT&T – We would like to speak before the vote.

Dennis Rodenberg – The motion has been made.

George Obernagel motion, Mike Kovarik second to affirm the decision of the Monroe County Zoning Administrator that the Application by Parallel for the proposed construction does not meet Monroe County area bulk zoning regulations for an R-3 parcel for reason stated. Yes – 5, No – 0. Motion passed.

George Obernagel motion, second Mike Kovarik to approve the minutes of August 10, 2022. All aye by voice vote.

Mike Kovarik, to adjourn, second Russel Gregson. All aye by voice vote.

Next meeting – October 5, 2022 – 7:30 pm