



TOWN OF NEDERLAND
BOARD OF ZONING ADJUSTMENT
Nederland Community Center
750 Hwy 72

Thursday, Nov 5, 2009
7:00 PM

Minutes

1) Roll Call

Board Members: Mark Stringfellow, Chairman, Mark Moll, Debbie Davenport, Steve Taylor, Ken MacFerrin and Trustee Liaison Kirk Barnett

Chairman Stringfellow excused himself from the meeting due to his involvement with the applicant. Mark Moll chaired the meeting.

2) Scheduled Business

A. PUBLIC HEARING TO CONSIDER an application for setback variance at 24266 Peak to Peak Hwy submitted by AT & T Mobility for location of a wireless facility

Staff gave a brief explanation of the application. Liz Walker, representing the applicant, explained that they wanted to locate a cell tower on the property in question and there were no other suitable locations on the property due to topography.

They are requesting the setback requirements be reduced from 60 feet on all sides to 15 feet on the west and 48 feet to the south.

The BZA members discussed the criteria they were to consider on an application for a variance as described in the Nederland Municipal Code chapter 16-232.

Members did agree that there were topography problems with other locations and that the higher elevation spot would be most appropriate for the tower to provide the best service. They also considered a letter of support to the public safety issues submitted by the Nederland Town Marshal.

Members also did not believe that this altered the nature of the neighborhood as it was a sparsely populated area. This was the minimum variance needed at this spot and, after discussion, they did not feel this hardship was created by the applicant.

A motion was made by Mark Moll and seconded by Debbie Davenport to approve the application for the variance as proposed for the location of a cell tower.

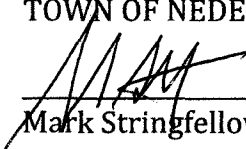
A roll call vote of the board resulted in the motion passing unanimously.

2) Adjournment

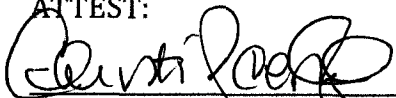
Upon a motion duly made, seconded and past, the Nederland Board of Zoning Adjustment adjourned the public meeting at 8:10 PM.



TOWN OF NEDERLAND


Mark Stringfellow, Chairman

ATTEST:


Christi Icenogle, Town Clerk



CERTIFICATE OF VARIANCE
TOWN OF NEDERLAND

Location of property 24266 Peak to Peak Hwy

Type of variance granted Setback Variance for location of cell tower

Conditions of variance: As shown on submitted drawings, 15 foot setback to the west and 60 foot setback to the south.

Date variance granted: Nov 5, 2009

Zoning Administrator :

Jim Stevens, Town Administrator

This variance was granted to you by the
Town of Nederland Board of Zoning Adjustments.