



TOWN OF WAYNESVILLE Zoning Board of Adjustment

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Board Members

Joshua Morgan, Chairman
Edward Moore, Vice Chairman
Sam Hyde
Henry Kidder
John Mason
Carly Pugh-Alternate
Jan Grossman-Alternate

Development Services

Director
Elizabeth Teague

Assistant Development

Services Director
Olga Grooman

MINUTES OF THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 Tuesday, August 5th, 2025

THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT held a Regular Meeting on Tuesday August 5th, 2025, at 5:30 p.m., in the Town Hall Board Room at 9 South Main Street, Waynesville, NC 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

Joshua Morgan, Chair
Edward Moore, Vice Chair
Henry Kidder
John Mason
Sam Hyde

The following alternate members who sat in the audience:

Jan Grossman
Carly Pugh

The following staff were present:

Olga Grooman, Assistant Development Services Director
Alex Mumby, Land Use Administrator
Esther Coulter, Administrative Assistant
Ron Sneed, Board's Attorney

The applicant and their witnesses were present:

Michael Sandifer, with Vogue Towers, LLC
David Adams, Police Chief
Tyler Howell, President of the Waynesville Police Association

Zoning Board of Adjustment Minutes
Regular Meeting
August 5th, 2025

Chairman Joshua Morgan welcomed everyone and called the meeting to order at 5:30 p.m.

Mr. Morgan asked Assistant Development Services Director Olga Grooman if there were any announcements. Ms. Grooman stated there were not any announcements at this time.

Chairman Joshua Morgan asked for a motion to approve the May 6th, 2025, minutes.

A motion was made by Vice Chair Edward Moore, seconded by Board Member Sam Hyde, to approve the May 6th, 2025, minutes. The motion carried unanimously.

Chairman Joshua Morgan informed the audience that the board needed to elect a Chair and Vice Chair. He proceeded to ask for nominations.

Board Member Sam Hyde nominated Joshua Morgan to be Chairman, seconded by Board member Henry Kidder. The board voted unanimously for Joshua Morgan to be the Chairman of the Zoning Board of Adjustment.

Chairman Joshua Morgan nominated Edward Moore for Vice Chairman, seconded by Board member Henry Kidder. The board voted unanimously for Edward Moore to be the Vice Chairman of the Zoning Board of Adjustment.

Chairman Joshua Morgan read through the process and procedures for the quasi-judicial hearing.

Attorney Ron Sneed explained the criteria for having standing in the case emphasized the importance of expert testimony.

B. BUSINESS:

Two (2) variance requests related to the proposed placement of a monopole wireless communications tower at 311 Happy Hill Road in Waynesville, NC (PIN 8616-54-8639):

1. *Variance to allow the tower to be located on the property owned by the Waynesville Police Association, Land Development Standards (LDS) Section 3.10.4.B.1.*

Assistant Development Services Director Olga Grooman presented her staff report and stated that the property is owned by the Waynesville Police Association. The proposed 180-foot monopole wireless communications tower would be located at 311 Happy Hill Road in Waynesville. (PIN 8616-54-8639). Vogue Towers is partnering with Verizon Wireless on the project, and the proposed facility has a potential to accommodate multiple providers, including emergency services. The wireless communications towers may only be located above an elevation of three thousand five hundred (3,500) feet or on property owned by the Town of Waynesville or Haywood County. The applicant stated that they were not able to find suitable alternatives among the properties at elevations above 3,500 ft and are seeking the variance from this provision.

Ms. Grooman provided the following comments regarding the criteria for the findings of facts that the Zoning Board of Adjustment must consider in order to approve, approve with conditions, or deny the variance request:

- a) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

The applicant states that the LDS provision related to specific ownership of the property “creates an unattainable condition or physical ban to large portions of the Town, greatly limiting the opportunity to locate and develop solutions to improve wireless communication services as property is not available within a reasonable geographic area.” The applicant also states after the Town-owned property search was exhausted, the “applicant searched for parcels meeting the 3,500’ minimum ground elevation but could not identify any such property meeting that minimum ground level within ½ mile in any direction of the proposed parcel”. The applicant contends that “the proposed facility is needed to improve wireless service quality in the area.”

- b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.**

The applicant was unable to find a suitable property that met their needs for the tower which was either above 3,500 ft or which was owned by the Town or County. This property meets their criteria for siting a tower for needed and effective expansion of service, and it has flat space available to accommodate the tower, even though it is a site that has some steep terrain.

- c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.**

The applicant provides the following argument: “The hardships exist in attempting to comply with the ordinance as well as physical property limitations and existing uses on the property.” The applicant “attempted to comply with the ordinance, first seeking Town owned property as required, and then seeking alternative properties...” The location of the tower in this area is necessary for improved service, and the applicant attempted to find property that met the ordinance criteria within the target area for a tower but was un-successful.

- d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.**

The proposed tower is part of critical infrastructure that is essential for public safety operations. The applicant stated that the proposed multi-provider wireless communications facility will improve wireless service and safety in the area for residents as well as EMS and first responders. Quality wireless service is a part of the critical infrastructure necessary for public safety in emergency situations, such as accidents, crimes, health incidents, and natural disasters.

2. *A setback variance to reduce the distance from the southern property line, LDS Section 3.10.4.B.5.*

Ms. Grooman stated that the subject property has a steep topography with elevations ranging between 2,650 to 2,795 ft. The proposed placement of the tower- slightly west of center of the lot- is in a flat area of the site. To the north, the site is adjacent to the Dellwood Residential Medium Density (D-RM) zoning district. The proposed 180-ft tower would be surrounded by residentially zoned properties, therefore, the required setback is 180 ft from all property lines. The applicant is seeking to reduce the required setback from the southern property line from 180 feet to 74 feet, 6 in, a setback reduction variance of 105 ft, 6 inches.

Ms. Grooman provided the following comments regarding the criteria for the findings of facts that the Zoning Board of Adjustment must consider in order to approve, approve with conditions, or deny the variance request:

- a) **Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

The applicant proposes a 180-ft self-supporting monopole tower with a reduced fall zone and argues that the required setback unnecessarily restricts the use of the land. The engineering documentation shows that “the tower will be designed such that the top 40% will collapse over onto itself in the event of a catastrophic failure,” reducing the fall radius. The fall zone remains fully within the parcel boundaries meeting the spirit of the ordinance.

- b) **The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.**

The applicant explains, “the property is mostly atop a knoll with steep terrain on multiple sides limiting the use of the property. The location and size of existing uses, including the existing Duke Energy transmission lines and associated 50-ft wide easement across the property, existing multi-use building, existing access drive/road, and existing firing range utilized by the Town, greatly limit available locations within the parcel to comply with this minimum setback requirement.”

- c) **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.**

The property has physical limitations and existing uses that constrain the placement of the tower. “The setback hardship exists in locating the facility on the property to best support the property owner’s use, as well as providing sufficient distances from other existing structures on the property. And, as noted above, the engineered fall zone for this proposed facility will be contained within the subject parcel, not endangering any surrounding properties.”

d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

The proposed tower facility will be unmanned, located within a secured, fenced compound, and visited periodically by a technician. The applicant emphasizes the growing need for additional wireless infrastructure in the area and provides the following statistics highlighting the growing reliance on wireless communications, including for public safety:

- “240 million 911-calls are made annually. In many areas, 80% or more are from wireless devices.” National Emergency Number Association, 9-1-1 Statistics (January 7, 2019)
- “The average North American smartphone user will consume 48 GB of data per month in 2023, up from just 5.2 GB per month in 2016 and 7.1 GB per month in 2017.” Ericsson Mobility Report, November 2017.
- “More than one-half of American homes had wireless only homes.” CDC’s 2018 Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January-July, 2018.
- “In North America, the average household has 13 connected devices with smartphones outnumbering tablets 6 to 1.” IHS Market Connected Device Market Monitor: Q1 2016 , June 7, 2016.

Items Entered into Evidence:

- Staff Report
- LDS Sections 3.10.4.B.1 and 3.10.4.B.5
- Maps: property, zoning, ETJ, street view
- Application materials with payment
- Articles of Incorporation for the Waynesville Police Department Association, Inc.
- Public notices
- Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference.

Applicant:

Michael Sandifer, with Vogue Towers, gave his presentation referring to what Ms. Grooman had presented. Mr. Sandifer gave statistics of cell calls and emergency calls over a period of time showing the need for another tower.

Public Comment:

- **Marie Ingle** expressed concern with health issues from radio frequency, increase in cancer, biochemical changes, noise pollution from existing gun range, metal contamination, and traffic impact.
- **Bill Duckett** expressed concerns with building setbacks to his property and wanted to know if back in the 1950’s the site was a landfill area. He also wanted to see the design of the proposed tower.
- **Patsy Cook** expressed concerns for the nearby homeowners, specifically her children and grandchildren who could potentially build a home on her property. She said people don’t want

to build a home and have a tower in their back yard. Ms. Cook also added that gun noises are very disruptive.

- **Dustin Mull** expressed concerns with health issues related to radiation, cancer, headache, sleepiness, cognitive disabilities, and fertility issues. He was also concerned about mudslides, tower falling, and the conflict between interests of the community and the financial profits from leasing space for the tower.

Mr. Morgan asked the Applicant to answer some questions and inquired whether the design of the tower included lighting.

Mr. Sandifer explained that they follow an FAA process, and anything under 200 ft does not require lighting. He also commented that every site goes through an environmental assessment, and they also test the quality of the dirt before foundation is constructed.

Mr. Morgan asked for a motion to close the public hearing.

A motion was made by Board member Sam Hyde, seconded by Board member Edward Moore to close the public hearing at 7:02 p.m.

The board deliberated on each variance separately.

Board Member Henry Kidder made a motion to approve the first variance for the location of the tower, with the hardships listed as accurate. The motion was seconded by Board Member John Mason. The motion passed unanimously.

Board Member John Mason made a motion to approve the second variance for the setback from the property line, with the hardships listed as accurate. The motion was seconded by Vice Chairman Edward Moore. The motion passed unanimously.

Chairman Morgan mentioned that the Planning Board will hold a public hearing on this project on August 18th, 2025.

C. AJOURN

Chairman Joshua Morgan adjourned the meeting at 7:15 p.m.

Joshua Morgan, Chairman

Esther Coulter, Administrative Assistant