

- A. Call to Order: Chairman Mitch Wright** called meeting of the BOA to order at 6:00 p.m.
- B. Roll Call:** Board Members present were: Mitch Wright, Thomas Evers and Darrin Brock. Absent: Salena Wright-Brown, James Milner. There was a quorum.
- C. Invocation: Darrin Brock**
- D. Pledge of Allegiance: Chairman Mitch Wright**
- E. Approval of Minutes: March 12, 2013**

On Minutes of March 12, 2013, Page 2: Darrin Brock pointed out the three errors and corrections below:

Motion was made by James Milner to accept the variance from 5' to 4' was changed to "Motion was made by James Milner to accept the variance from 7' to 4'. (first paragraph top of page)

Motion was made to accept the Setback Variance from 5' to 4' was changed to Motion was made to accept the Setback Variance from 7' to 4'. (motion made to accept variance)

Motion to accept the Setback Variance from 5' to 4' failed was changed to Motion to accept the Setback Variance from 7' to 4' failed. (motion accepting variance)

Motion was made to amend the minutes to reflect 7' in the above three corrections rather than 5'.

Motion: Darrin Brock

Second: Mitch Wright

Motion to amend the minutes to reflect 7' in the above three corrections rather than 5' passed by unanimous consent.

Motion was made to accept Minutes of March 12, 2013 as amended.

Motion: Darrin Brock

Second: Mitch Wright

Vote Aye: Evers, Wright, Brock

Motion to accept Minutes of March 12, 2013 as amended was approved.

F. Public Hearing:

Caddo Warehouse – Setback Variance - Open: 6:05PM Close: 6:05PM

Matt Crossland, Project Manager, Morrison Shipley Engineers – Rogers Warehouse is requesting a 46.35' variance from the 100' front building setback requirement facing S. Lincoln Street and a 0.91' variance from the 100' front building setback requirement facing Commercial Avenue.

Concerns for parking in the future were about the visibility of vehicles turning off and onto Commercial and number of occupants requiring parking spaces. Also space must be sufficient for trees to be added.

Mayor Long suggested the board ask the applicant since the pre-engineered building is already fabricated, could it be filled fabricated certified by engineers to possibly fit this lot; in other words, maybe the reduction of a truss on each end, using the end walls and that type thing. Generally, these types of buildings, that type of modification would not compromise integrity of the structure.

Motion was made to deny the Caddo Warehouse – Setback Variance.

Motion: Thomas Evers

Second: Darrin Brock

Vote Aye: Brock, Wright, Evers

Vote Nay: None

Motion was made to deny the Caddo Warehouse – Setback Variance was approved.

USA Metal Recycling – Height Variance - Open: 6:21PM Close: 6:21PM

Tom Smith, USA Metal Recycling – project for consideration is to put a metal building over the shredder operation at USA Metal Recycling. We are asking for a height variance to better provide service to the equipment. The building at 75' doesn't allow us adequate room to provide the necessary service needed for the equipment on an ongoing basis and it cramps the area in that we feel we would be putting our employees in harm's way if we were to have the building at 75'. It doesn't make it feasible for us to erect it at 75' so we are asking for a height variance so we can move forward on the project. The purpose of the building is to further suppress the sound that the equipment creates and keep the sound level at even lower than the ordinance requires in the Southfork area.

When asked about his application requesting 10 extra feet, Mr. Smith responded he put on 85' because he didn't think he would use all of it. According to the plan it would be 81' but there may be some adjustment by the time the foundation is poured. He asked for more than he may use so he didn't have to come back to the BOA again. He thinks he will use probably 6'-7'.

Chairperson Wright asked Mr. Smith to talk about the safety of his employees. Mr. Smith said he asked for the additional height because at 75' the crane would not fit in the building. He services the hammers, if you will, on the equipment with the crane. He didn't want the crane to have the ability to hit the roof or the walls of the building. So, the width and depth of the building wasn't the problem, it was the height. If the crane hit the top and damage the building's integrity and/or the equipment, that would be a problem. He needs the building not to be in the way of the crane and vice versa. Occasionally, he will have to change the electric motor. The motors of this machine are manufactured in South Africa and every two years he will take them out and rebuild them. When it comes time for that, if he had the smaller building, the smaller building would have to be taken down to take the motor out and put the building back up again. He wants to make sure he has plenty of room for his employees not to run into the building and vice versa.

Chairperson Wright knew of a company that did remove the sheet metal every year from their three story structure and he knew it was a pain, but doable. Mr. Smith agreed it would be doable on that part of it, but what's not doable would be the general maintenance of the equipment on a daily basis with his employees operating the crane inside a building that's too short for the crane. There's not enough room to provide service in a safe manner on a daily basis and requires maintenance every day. The goal is to depress sound; that's its main function. The only function; it will have other functions that come along with it as far as weather and things of that nature. It will have a positive impact on appearance. It's a neutrally-colored building proposed which is the same color as our other buildings. The folks from Southfork will see a neutrally-colored metal building in the winter when the leaves are gone.

Thomas Evers asked Mr. Smith if the Building Inspection Department had seen a set of drawings yet?

Tom Smith answered that they have seen his plans. A set of plans was in the room.

Thomas Evers asked if by going to 85' which he was going to get and he wasn't going to cut metal on his property, it was going to be open to the west, in light of all the recent storms we have had, we're basically creating a sail because we are going to be open on three sides; but not knowing what engineering says about it, 85' is a tall building. Obviously for safety, he's for safety and he wants Mr. Smith's workers to be safe. As far as the extra features this would have to quiet the noise and possibly alleviating the noise issue over there, this is a compliment to Mr. Smith. He didn't see anything in engineering that said it **would** suppress the noise. He wondered if Mr. Smith was going to keep buying more things to help quiet the (noise) or did he pay an engineer who knows it will help quiet the noise?

Tom Smith – We had a sound engineer come in and do a survey in the beginning of this project and when we opted to put the sound barrier that's in place now, that has served its' function. The problem and the thing that was unknown at the time we chose to go that route and we clearly chose that as to what we are proposing today because of the cost. When we did that, it was in the summer time and the unknown, and we could certainly all go back and look and hear and see video of me standing here and saying, "I don't know what's going to occur when the leaves fall off." Because the original complaints started coming in on sound around December when the leaves started being blown off and late in Fall, and continued to occur and sometimes they still continue to occur just from unhappy people that were there that don't like us there but during the winter is where this thing is really going to serve its purpose when the foliage is gone. In the beginning when we put this thing forward, not to repeat myself, but we were unclear of the effect the foliage would have and the more negative effect of blocking the sound than was anticipated. As far as the building, it's designed and engineered to withstand all the elements that this part of the country has to offer. There will be substantial foundations poured into the ground to keep it anchored down. So, I understand what you are saying because it's going to basically going to be a catch all if the wind comes from the west but it will be designed to withstand what we tolerate here.

Darrin Brock – Like I said, I really don't have a problem with this variance personally. I do see the need to have a large enough building to encompass all the equipment that you can there and I certainly understand the equipment you are dealing with is a heavy industrial thing; that it is shredding up all kinds of heavy metal objects and I'm sure the maintenance on that it is somewhat a drag on resources to keep maintenance on something that has such work. We are just looking at a few feet in height. I don't know if it will make any difference esthetically, if it was 75' or 83' quite honestly. It's going to be a large building even at 75'; it will be substantial. I don't see where it will be a big problem. I personally am not having a problem with this one. I do appreciate the effort to appease the sound. I know that's a long-term fight.

Tom Smith – To address your question, "Are we going to continue addressing the sound complaints as we move forward?" As things change, we are going to address them to the best of our ability. This is what I would say is the grand finale of once and for all getting control of and keeping the decibel level much lower than it is. We gained, I don't remember, seven or eight decibels when we put the sound barrier up and this should do that much or more in different areas. We've learned in the past year a lot about sound that we didn't know. How it travels and why it travels and the best way to contain it is cover it.

Chairperson Wright right asked about the other reason Mr. Smith had besides safety of employees.

Tom Smith replied that safety for employees and sound were the two main reasons for the variance other than the purpose of the building.

Thomas Evers asked the attorney, Tom Kieklak, since this was a conditional use to put this business there in the first place and I guess we have no problems doing variances in locations that are conditional uses. But aren't we then adding to a potential non-conformity type thing?

Attorney Kieklak – There is no distinction between a variance request for a property that is conditional use and one that would be more of a use by right. There would be no distinction there.

Motion was made to grant the 85' height on USA Metal Recycling variance.

Motion: Darrin Brock

Second: Thomas Evers

Vote Aye: Brock, Wright

Vote Nay: Evers

Motion to approve the 85' height on USA Metal Recycling variance was approved.

Mr. Evers expressed his appreciation for all the efforts of Mr. Smith to quiet his operation, but he still had concerns with adding another 25' to the building.

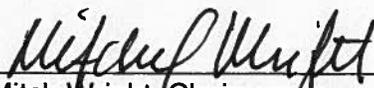
G. New Business: None.

H. Ruling of Staff Decisions and Clarification: 320 Bluff Drive – Accessory Building – Applicant pulled his request. It will be on agenda next month.

I. Announcements: None.

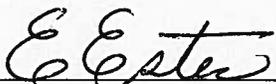
J. Adjourn: Chairman Wright adjourned the meeting at 6:32PM.

APPROVED:



Mitch Wright, Chairperson

ATTEST:



Elizabeth Estes, City Clerk



CITY OF LOWELL

BOARD OF ADJUSTMENT MEETING MINUTES

JUNE 11, 2013