

APPLICATION NUMBER

5379

A REQUEST FOR

**HEIGHT, SETBACK, AND BUFFER SEPARATION
VARIANCES TO ALLOW THE CONSTRUCTION OF A
150' MONOPOLE TELECOMMUNICATIONS TOWER,
SETBACK 25' FROM A LEASE PARCEL LINE, AND 67'
FROM RESIDENTIALLY ZONED PROPERTY; THE
MAXIMUM ALLOWABLE HEIGHT IS 45', A 150' TOWER
MUST BE SETBACK AT LEAST 150' FROM A LEASE
PARCEL LINE, AND A MINIMUM SEPARATION OF 225'
(150% OF THE HEIGHT OF THE TOWER, OR 200',
WHICHEVER IS GREATER) IS REQUIRED FROM
RESIDENTIALLY ZONED PROPERTY IN A B-1, BUFFER
BUSINESS DISTRICT.**

LOCATED AT

East side of Shipyard Road, 890'± North of Crown Drive

APPLICANT

T-MOBILE

AGENT

DAVID D. WILKINS

OWNER

CYPRESS SHORES DEVELOPMENT CO., INC.

BOARD OF ZONING ADJUSTMENT

OCTOBER 2006

The applicant is requesting Height, Setback, and Buffer Separation Variances to allow the construction of a 150' Monopole Telecommunications Tower, setback 25' from a lease parcel line, and 67' from residentially zoned property; the maximum allowable height is 45', a 150' tower must be setback at least 150' from a lease parcel line, and a minimum separation of 225' (150% of the height of the tower or 200', whichever is greater) is required from residentially zoned property in a B-1, Buffer Business District.

The applicant states that this location was chosen due to the fact that there are no existing towers, water tanks, tall buildings, or other antenna support structures for collocation (within a half-mile radius) than can accommodate its coverage needs. The applicant goes on to say that this site is different from other properties in the search ring because: (1) there is a sewage lift station on the parcel and the site is adjacent to the lift station site; (2) there is an active railroad right-of-way running along the East side of the parcel; and (3) there is space available and the owner is willing to lease.

The applicant has applied to the Mobile City Planning Commission for Planning Approval to allow the tower in a B-1, Buffer Business District, and that application will be heard at the Commission's October 5th meeting. The Telecommunications Towers and Facilities section of the Ordinance establishes specific criteria for granting setback and height variances. The Ordinance states that a modification to the setback requirement should be considered in situations where "the only alternative is to locate the tower at another site which poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land." As proposed, this tower would be located approximately 500 feet or more from a residential structure, and approximately 1,000 feet from the nearest commercial structure. The site plan submitted illustrates a 24'-wide paved access drive with parking from Shipyard Road to the tower compound as required by the Ordinance.

The purpose of the Telecommunications section of the Ordinance is to protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities through careful design, siting, and landscaping. Furthermore, the Ordinance promotes and encourages the shared use/collation of towers and antenna support structures as primary options, rather than construction of single-use towers. The Ordinance also evaluates sites to ensure that towers and telecommunications facilities are compatible with the surrounding land uses. In this instance, the applicant has furnished an engineer's letter verifying the proposed tower's safety and compliance with current building codes, and the tower is designed to accommodate at least two additional collocations.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present sufficient evidence to find that the variance will not be contrary to the public interest, and that special

conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

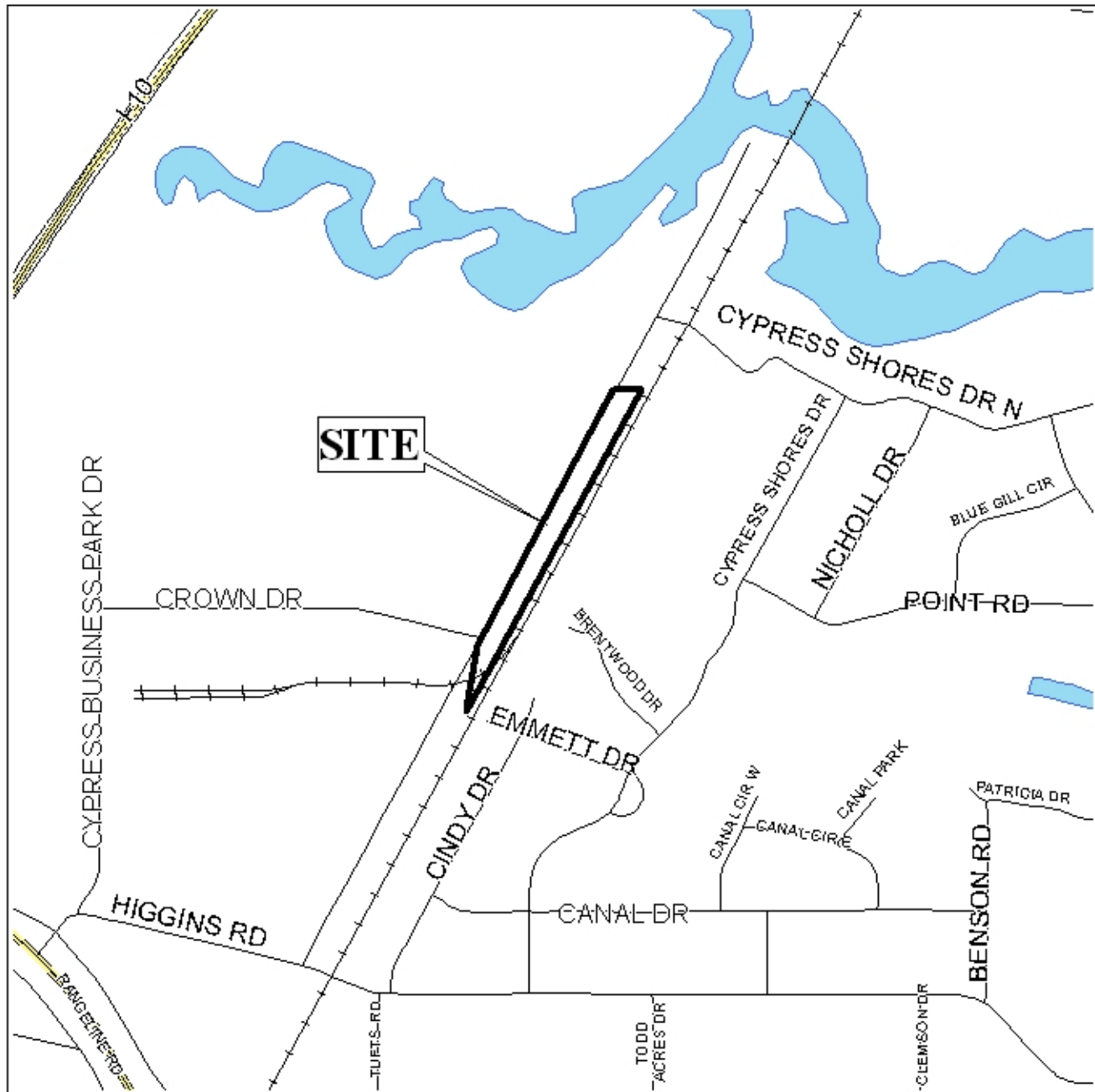
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant has submitted documentation illustrating the need for and the safety of the tower, and its capability to accommodate collocations.

RECOMMENDATION 5379**Date: October 2, 2006**

Based on the preceding, this application is recommended for approval subject to the following conditions: (1) full compliance with the landscaping and tree planting requirements of the Ordinance for the lease parcel (to be coordinated with and approved by Urban Forestry); (2) approval from the Planning Commission; (3) full compliance with all municipal codes and ordinances, including, but not limited to, the Telecommunications Towers and Facilities section of the Ordinance; and (4) that the applicant submit a Certificate of Insurance naming the City of Mobile as an additional insured.

LOCATOR MAP



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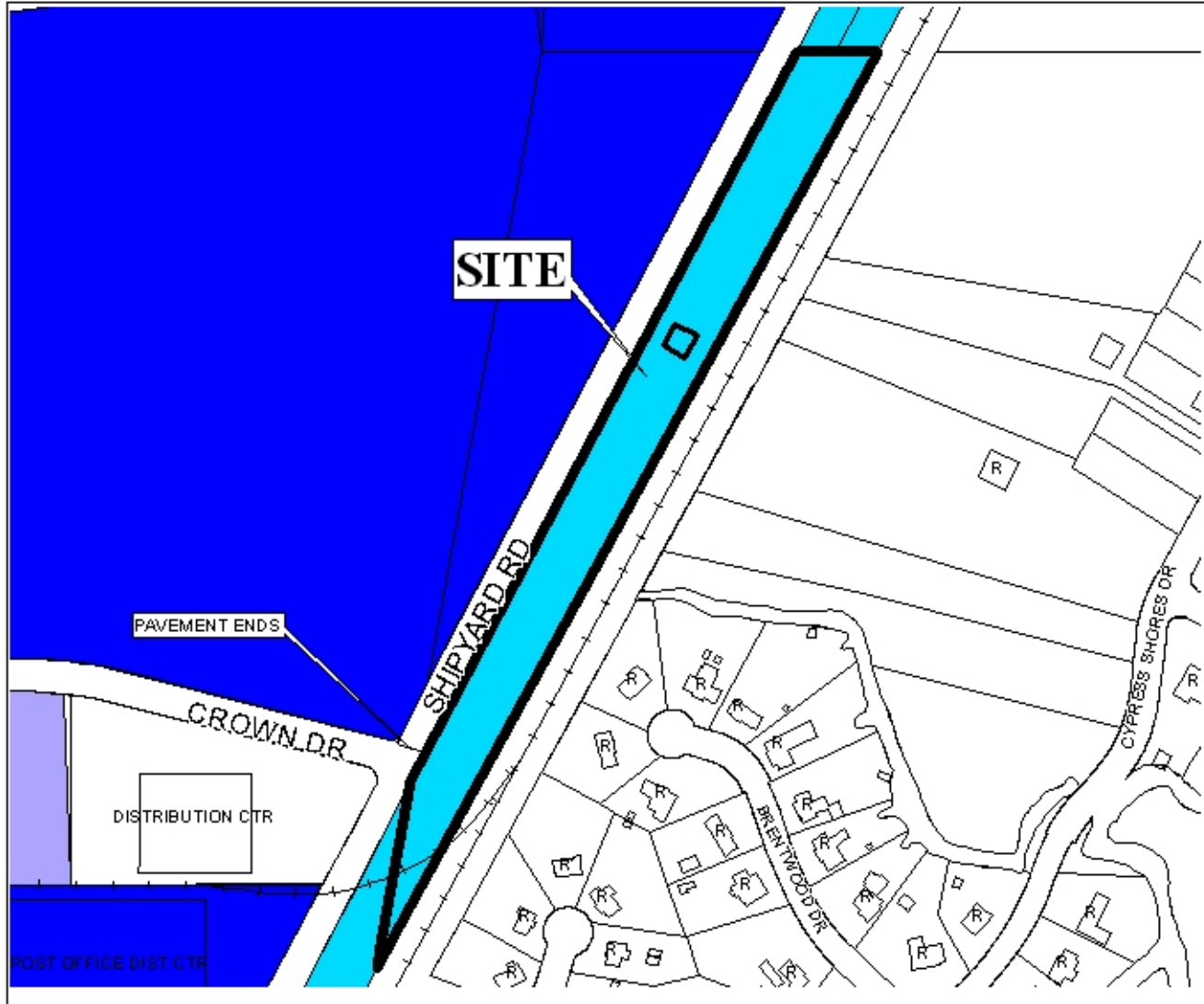
APPLICANT T-Mobile

REQUEST Height, Setback, Buffer Separation Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the east of the site.
Commercial land use is located to the south and west of the site.

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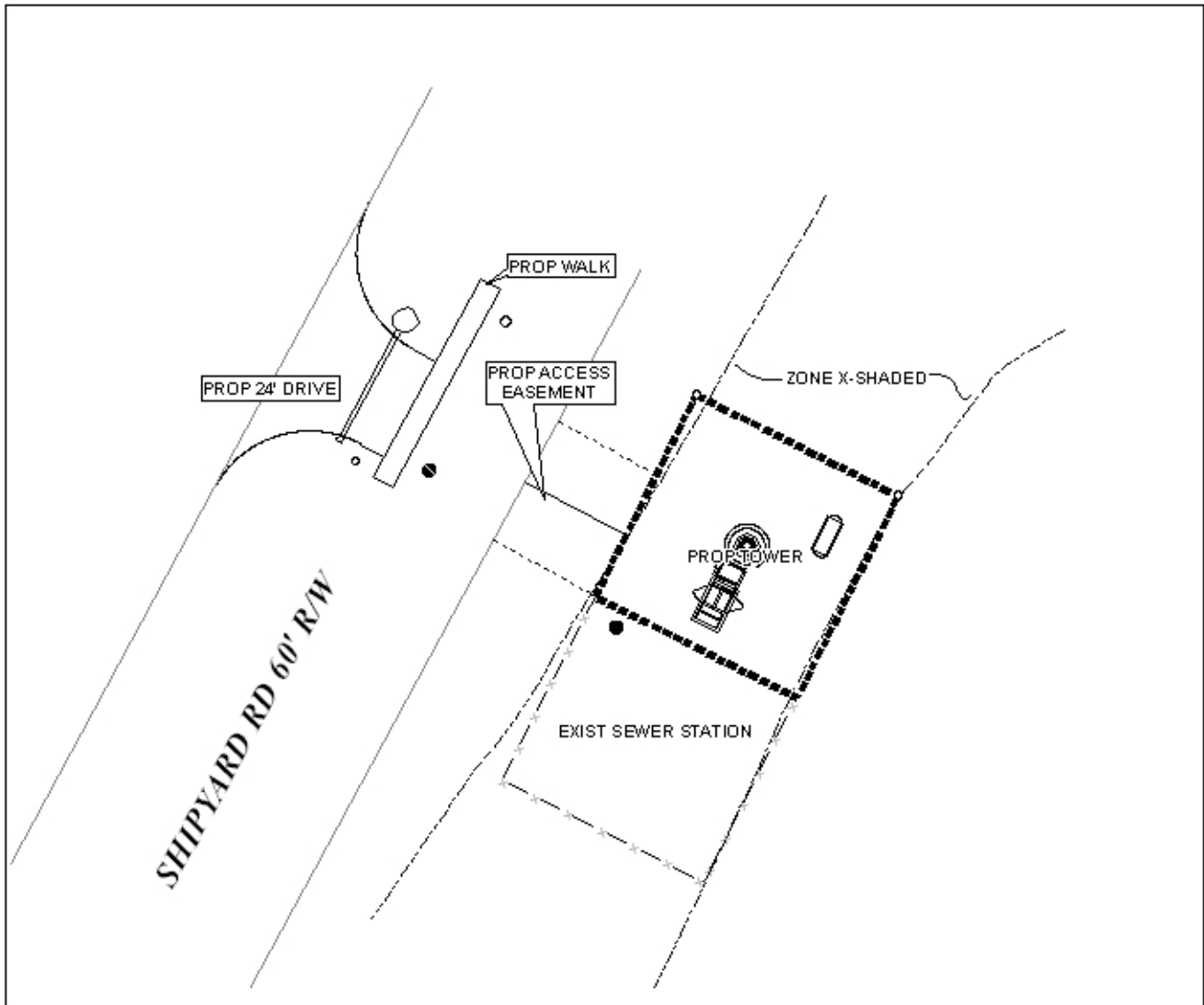
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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SITE PLAN



The site plan illustrates the proposed tower location, access easement, drive and walk

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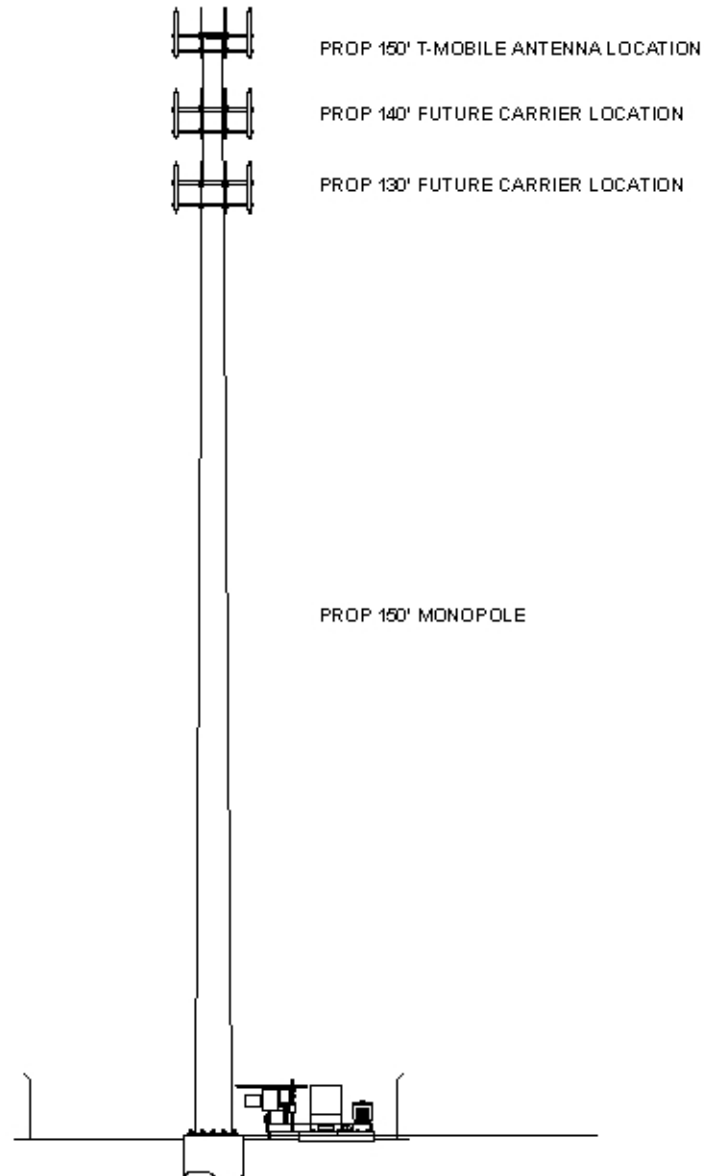
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TOWER DETAIL



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