

APPLICATION NUMBER

5426

A REQUEST FOR

**SITE VARIANCE TO ALLOW TWO CELLULAR
TELEPHONE DISH ANTENNAE AS ACCESSORY USES
TO BE ATTACHED TO AN ANTENNA SUPPORT
STRUCTURE A MINIMUM OF 28'-8" (CENTER) ABOVE
GROUND LEVEL IN A B-4, GENERAL BUSINESS
DISTRICT; THE ZONING ORDINANCE REQUIRES
ANTENNAS AS ACCESSORY USES TO BE ATTACHED
TO AN ANTENNA SUPPORT STRUCTURE AT LEAST 45'
TALL IN A B-4, GENERAL BUSINESS DISTRICT.**

LOCATED AT

50 NORTH LAWRENCE STREET

(North side of Saint Francis Street, extending from North Lawrence Street to North
Hamilton Street)

APPLICANT/AGENT

CLEARWIRE TECHNOLOGIES, INC.

OWNER

LEVEL 3 COMMUNICATIONS, LLC

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2007

The applicant is requesting a Site Variance to allow two cellular telephone dish antennae as accessory uses to be attached to an Antenna Support Structure a minimum of 28'-8" (center) above ground level in a B-4, General Business District; the Zoning Ordinance requires antennae as accessory uses to be attached to an Antenna Support Structure at least 45' tall in a B-4, General Business District.

The applicant proposes to mount the two subject antennae on the North and West exterior walls of an existing one-story telecommunications equipment facility projecting slightly above the top of the walls, one centered approximately 28'-8" above ground level, and the other at approximately 30'-0" above ground level. One antenna has been proposed to be mounted on the West wall, and one on the North wall. The proposed dishes are approximately two feet in diameter. The applicant has also submitted a Planning Approval application scheduled for the September 6 Planning Commission meeting to allow the antennae in a B-4 district.

The applicant states that it is necessary to place the antennae at this specific location, which is the Mobile network hub, to properly link with other antennae in its system located on the rooftops at Cathedral Place and the AmSouth Building. The applicant's engineer has presented evidence that there are no existing towers or usable antenna support structures within ½ mile of the proposed site with fiber optic connections available. It is further stated that the Mobile Historic Development Commission has reviewed and approved the proposed antennae, and one new tree will be planted on-site at the Commission's request. Documentation has also been furnished by the Alabama Historical Commission in support of the Mobile Historic Development Commission's approval and recommendations.

The intent of the Telecommunications Towers and Facilities section of the Zoning Ordinance is to regulate the construction of towers, such that adequate coverage is available to service providers while maintaining the character of an area and protecting nearby residential properties, as well as encouraging collocation on existing antenna support structures, and manage the number of towers to avoid a proliferation of towers on the landscape.

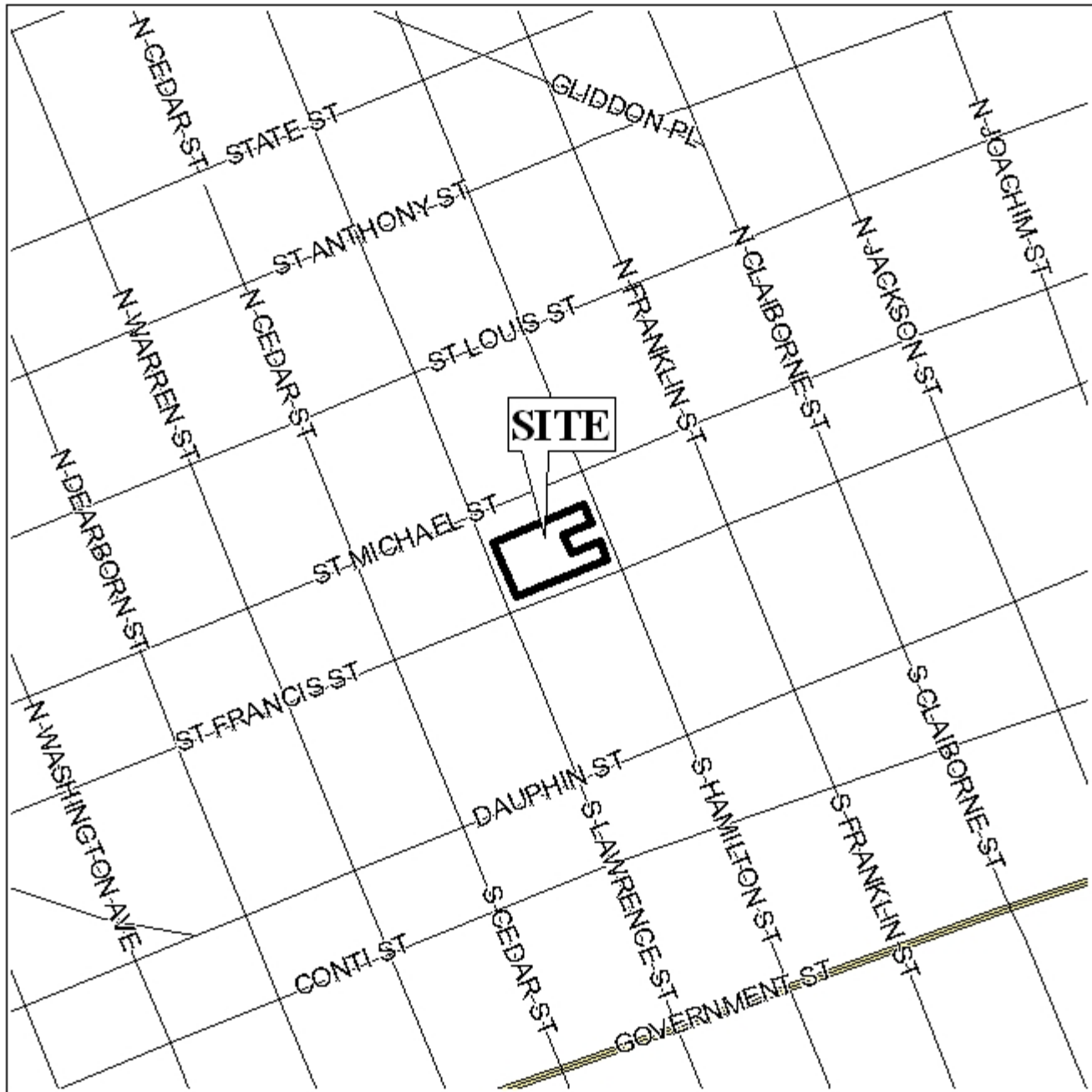
The antennae in question are very closely related to satellite earth station antennae which, if less than two meters in diameter, are exempt from the Telecommunications Towers and Facilities section of the Ordinance, with conditions. The subject antennae are less than one meter in diameter, and are allowed on an Antenna Support Structure at any height regardless of zoning category. In this instance, it is basically the use and definition of the antennae which require the applicant to seek a variance to allow the antennae to be installed.

The applicant has demonstrated that a hardship exists in finding another suitable site to locate the antennae. Also, due to the fact that the antennae differ only slightly from allowable earth station satellite antennae and the fact that the proposed locations for the antennae have received local and State historical agency approvals, the Board should consider this application for approval subject to conditions.

RECOMMENDATION 5426**Date: September 10, 2007**

Based on the preceding, this application is recommended for approval subject to the following conditions: (1) the location of one antenna on the West wall and one antenna on the North wall, as approved by the Mobile Historic Development Commission; (2) the planting of one Oak tree in the vicinity of the West wall antenna, with the location to be coordinated with Urban Forestry and the Mobile Historic Development Commission; and (3) subject to conditions required by the Planning Commission.

LOCATOR MAP



APPLICATION NUMBER 5426 DATE September 10, 2007

APPLICANT Clearwire Technologies, Inc.

REQUEST Site Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous landuse

APPLICATION NUMBER 5426 DATE September 10, 2007

APPLICANT Clearwire Technologies, Inc.

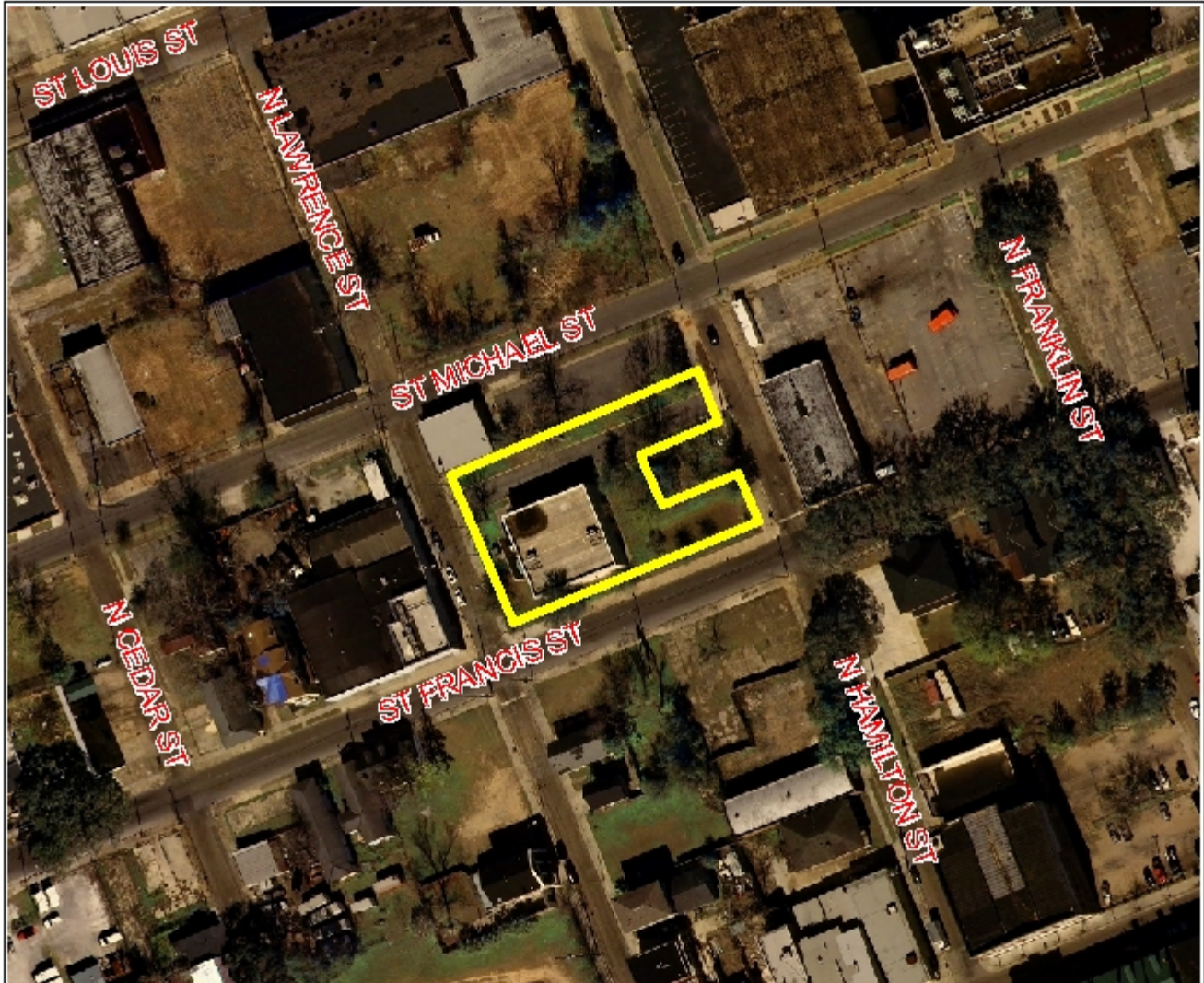
REQUEST Site Variance

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



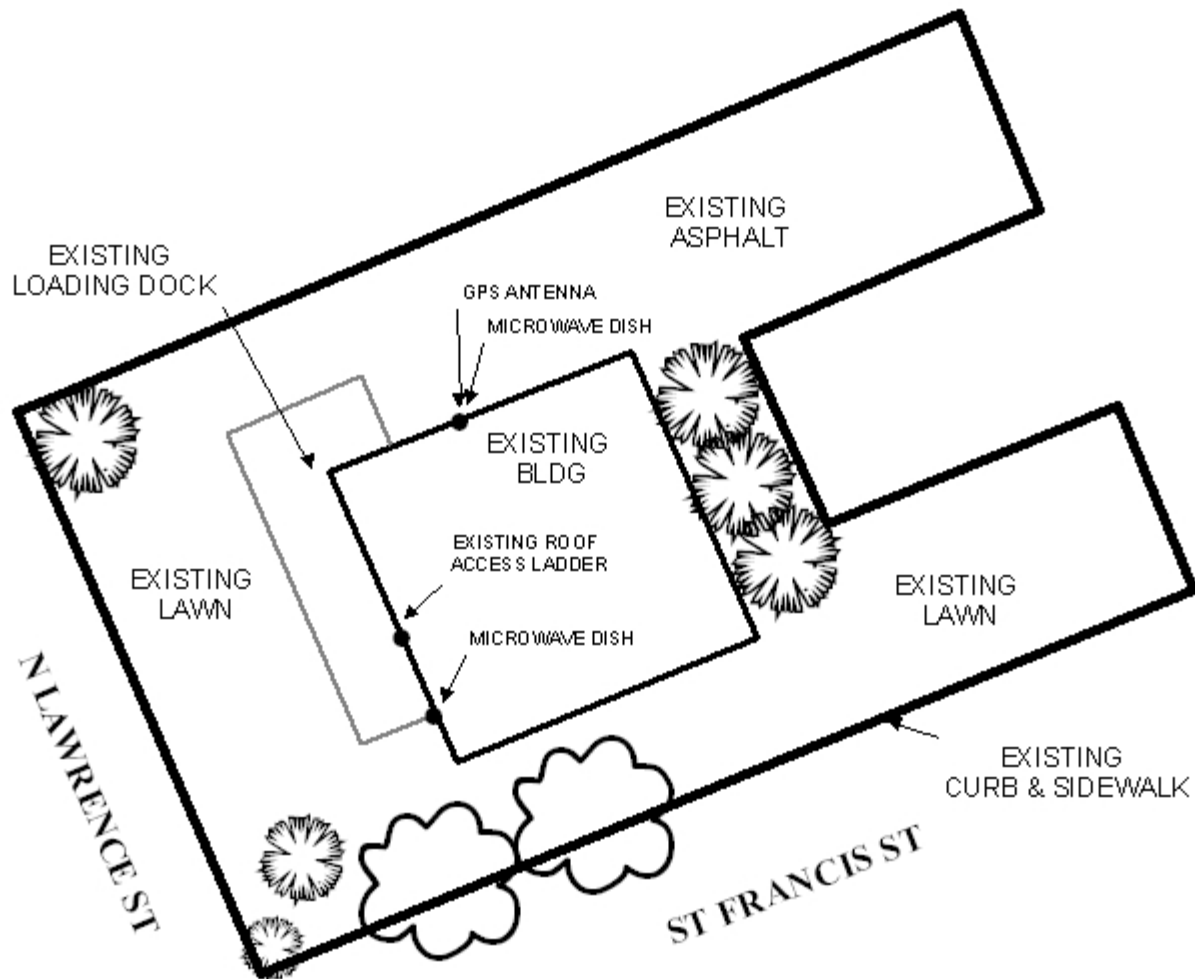
This site is surrounded by miscellaneous landuse

APPLICATION NUMBER 5426 DATE September 10, 2007
APPLICANT Clearwire Technologies, Inc.
REQUEST Bulk / Site Variance



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SITE PLAN



This site plan illustrates existing structures and landscaped areas.

APPLICATION NUMBER 5426 DATE September 10, 2007

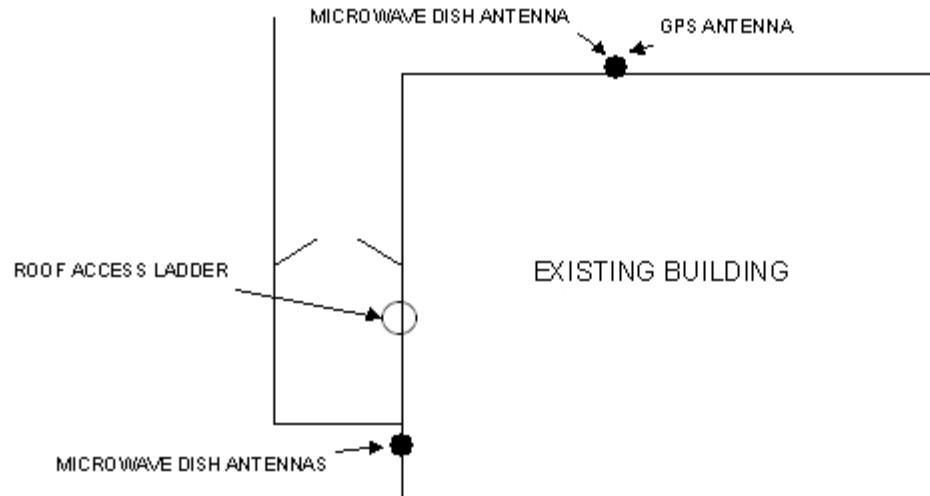
APPLICANT Clearwire Technologies, Inc.

REQUEST Site Variance

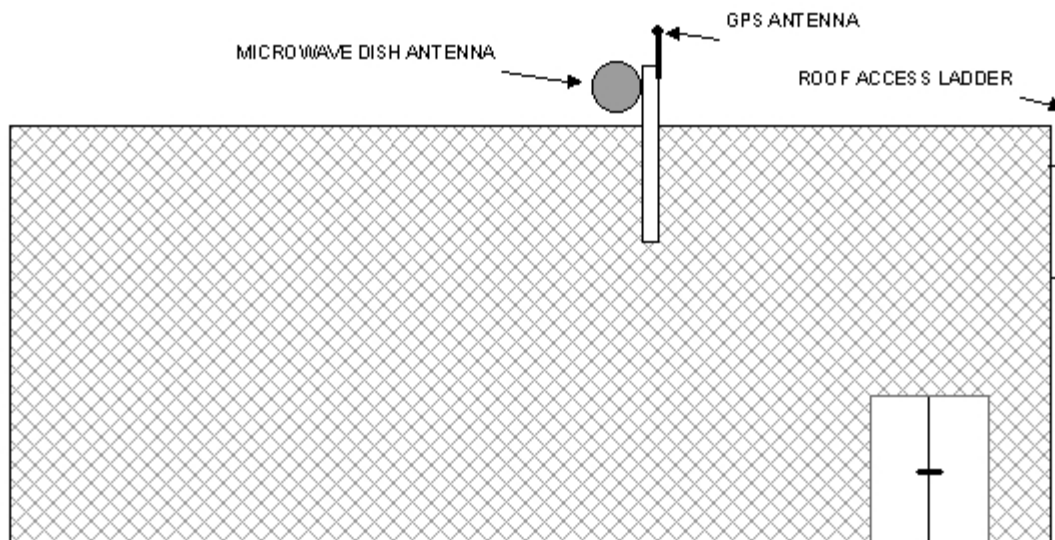


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DETAIL SITE PLAN



ROOF PLAN



NORTH BUILDING ELEVATION

APPLICATION NUMBER 5426 DATE September 10, 2007
APPLICANT Clearview Technologies, Inc.
REQUEST Site Variance



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