

APPLICATION NUMBER

**5406**

A REQUEST FOR

**SETBACK AND BUFFER SEPARATION VARIANCES TO  
ALLOW THE CONSTRUCTION OF A 150' MONOPOLE  
TELECOMMUNICATIONS TOWER, SETBACK 4' FROM  
A PROPERTY LINE, AND 224' FROM RESIDENTIALLY  
ZONED PROPERTY; A 150' TOWER MUST BE SETBACK  
AT LEAST 150' FROM A PROPERTY 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-4, GENERAL BUSINESS DISTRICT.**

LOCATED AT

North side of State Street, 275'± West of North Broad Street

APPLICANT

**T-MOBILE**

AGENT

**DAVID WILKINS**

OWNER

**VANESSA MALONE GILL**

**BOARD OF ZONING ADJUSTMENT**

FEBRUARY 2007

The applicant is requesting Setback and Buffer Separation Variances to allow the construction of a 150' Monopole Telecommunications Tower, setback 4' from a property line, and 224' from residentially zoned property; a 150' tower must be setback at least 150' from a property 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-4, General Business District.

The applicant states that compliance cannot be met because of the necessary height required for the tower; that the property is different from other parcels in the search area because the owner also owns the two parcels immediately West of the subject site, and; there is space available and the owner is willing to lease.

The proposed tower site is at the rear of a vacant lot (except for a small shed) on the North side of State Street and is bounded on the West and North by residences, and on the East by two vacant lots, one fronting State Street and one fronting North Broad Street. All surrounding zonings are B-4, and the site is not within a historic district.

As required by Section 64-4.J.4.4 of the Zoning Ordinance, the applicant has submitted written, technical evidence from an engineer that the proposed Tower or Telecommunications Facilities cannot be installed or collocated on another Person's Tower or usable Antennae Support Structure located at the proposed site in order to meet the coverage requirements of the Applicant's wireless communications system. Propagation maps illustrating the need for the tower in the area have also been submitted. The applicant states that the proposed tower is designed to improve in-building coverage in the surrounding area and is designed for at least two future collocations.

The tower is proposed to be setback 4' from the East property line, 7' from the North property line, 10' from the West property line, and 123' from the South or front property line. There is no location on the subject site where the tower could meet the required 150' property line setback from any property line. The buffer separation requirement of 225' from residentially zoned property is almost met (224'), and that portion of R-3, Multi-Family Residential, along the East side of North Broad Street, which lies within the 225' requirement is currently used as a parking lot for governmental offices. Within a 225' radius around the location of the proposed tower, there are eight properties currently used residentially, although all are zoned B-4.

The intent of the Telecommunications 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 antennae support structures, and manage the number of towers to avoid a proliferation of towers on the landscape.

With regard to the setback, the proposed location of the tower is very close to two residentially-used properties, the lesser distance of which is approximately 7', and this practice is typically avoided in the locating of towers. However, the Board has recently approved a setback request from residentially-zoned property for less for a site in the Leinkauf Historic District with a higher density neighborhood residential use and zoning than the subject site. With regard to the buffer separation, the R-3 property just within the 225' requirement is not used residentially and any detrimental impact on the property would be minimal.

The applicant was granted Planning Approval by the Mobile City Planning Commission on January 18 to allow the tower in a B-4, General Business District subject to the following conditions: (1) approval of all necessary variances by the Board of Zoning Adjustment; (2) full compliance with the landscaping and tree planting requirements of the Ordinance for the entire site; (3) submission and approval of a subdivision application creating a legal lot of record prior to the issuance of any permits; and (4) full compliance with all other municipal codes and ordinances.

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.

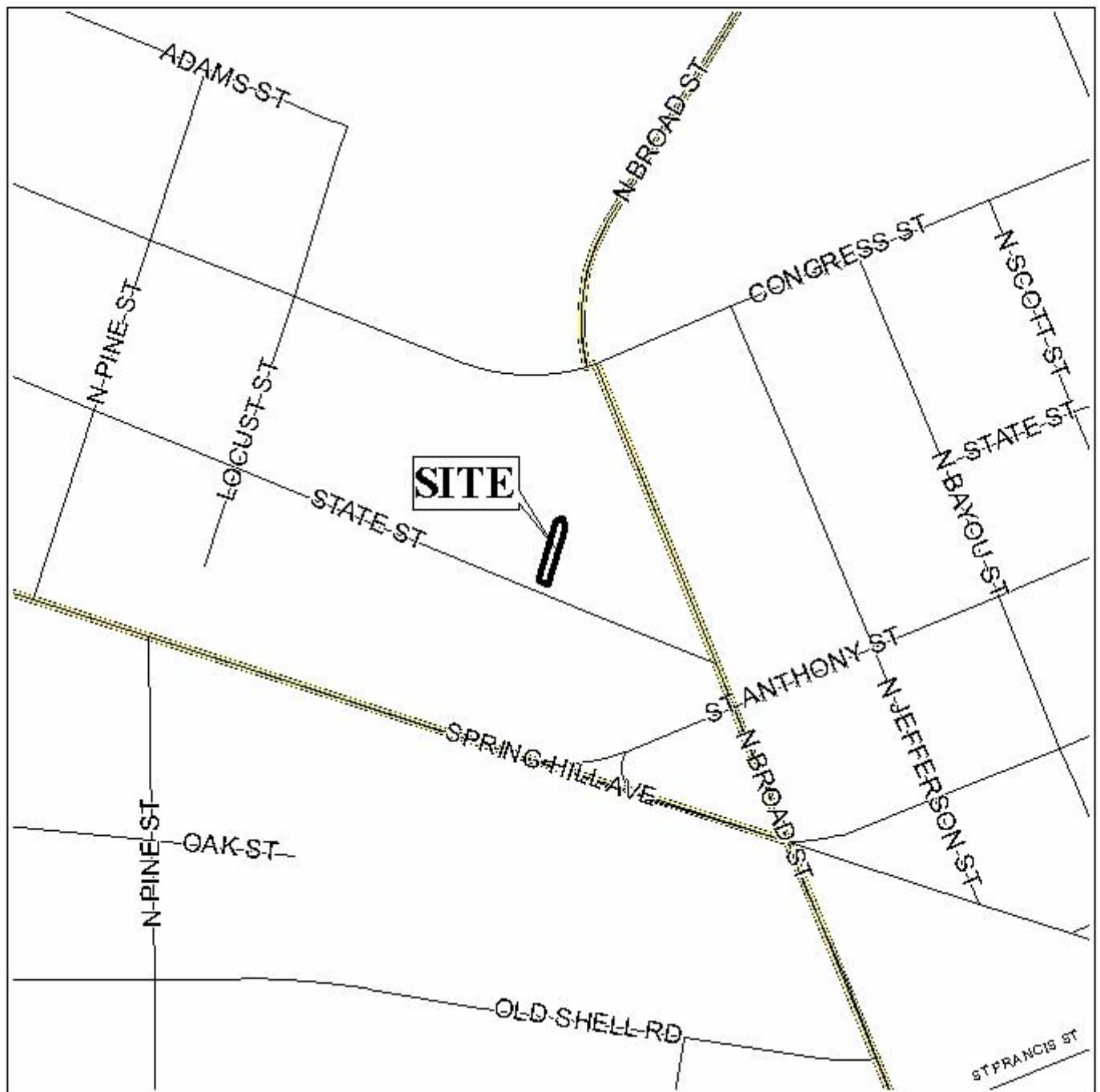
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The documentation submitted with this request indicates there are no available towers within ½ mile of this site and that "dead areas" exist in the network. The need for the tower has been illustrated, as has the provision for at least two additional collocations.

**RECOMMENDATION 5406****Date: February 5, 2007**

Based upon 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 entire site (to be coordinated with and approved by Urban Forestry); (2) full compliance with all municipal codes and ordinances, including, but not limited to, the Telecommunications Towers and Facilities Section of the Zoning Ordinance; and (3) that the applicant submit a Certificate of Insurance naming the City of Mobile as an additional insured.

## LOCATOR MAP

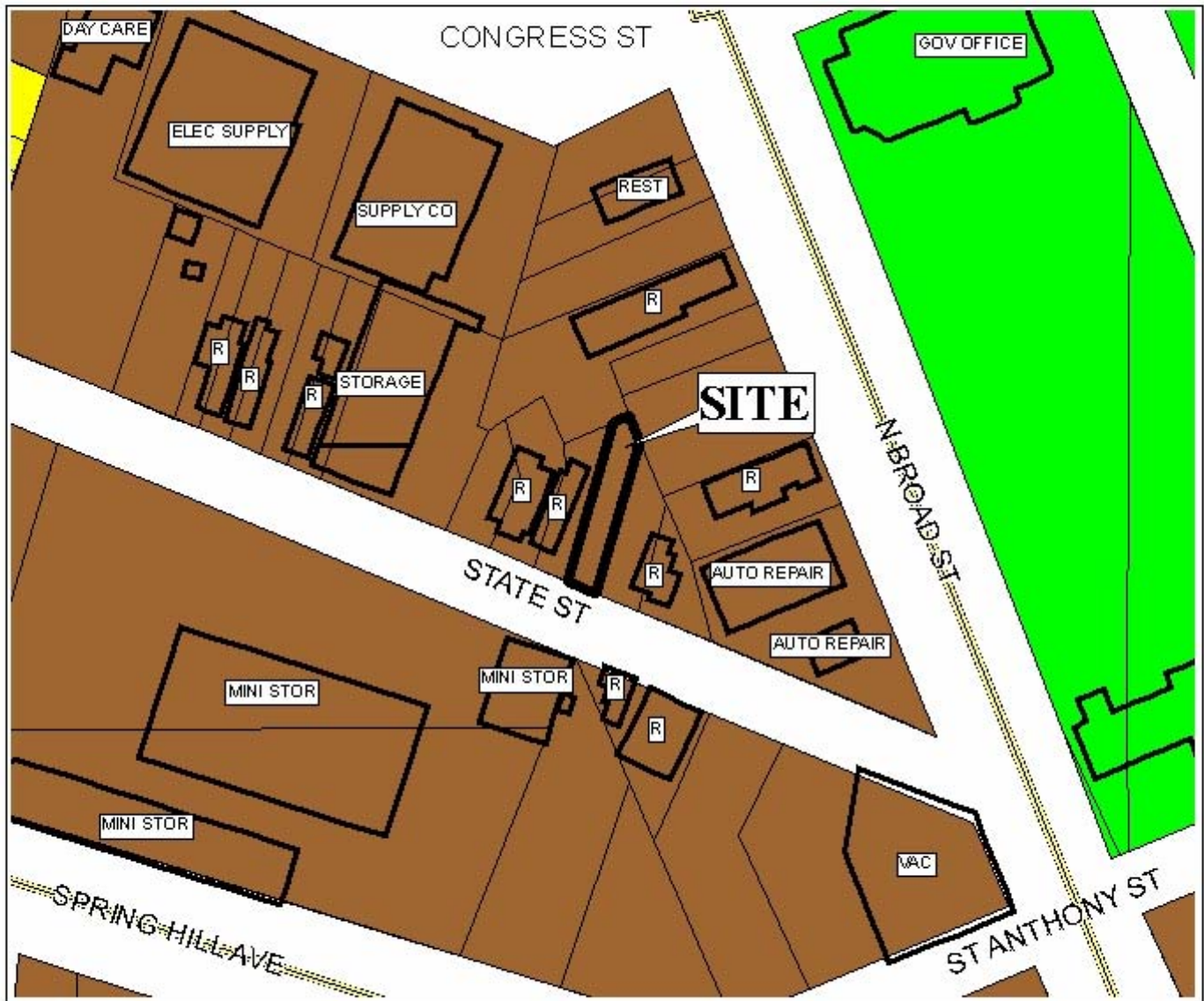


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APPLICANT T-Mobile  
REQUEST Setback, Buffer Separation Variance



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial land use

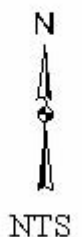
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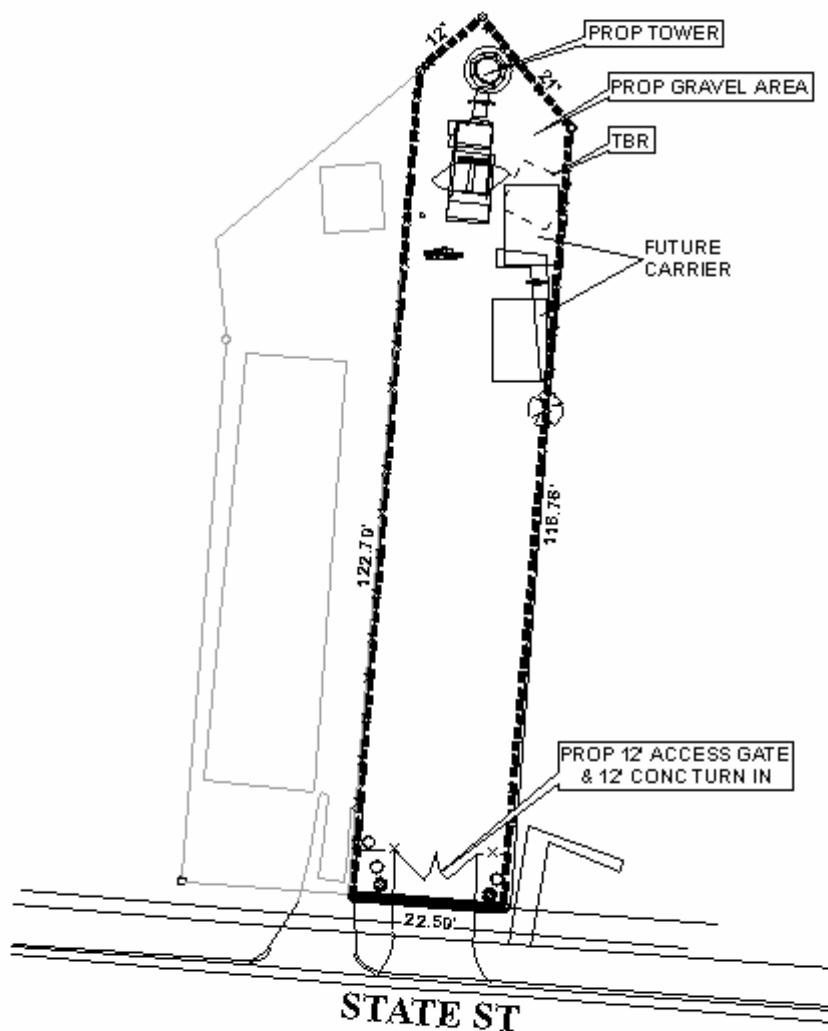
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LEGEND

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 and improvements

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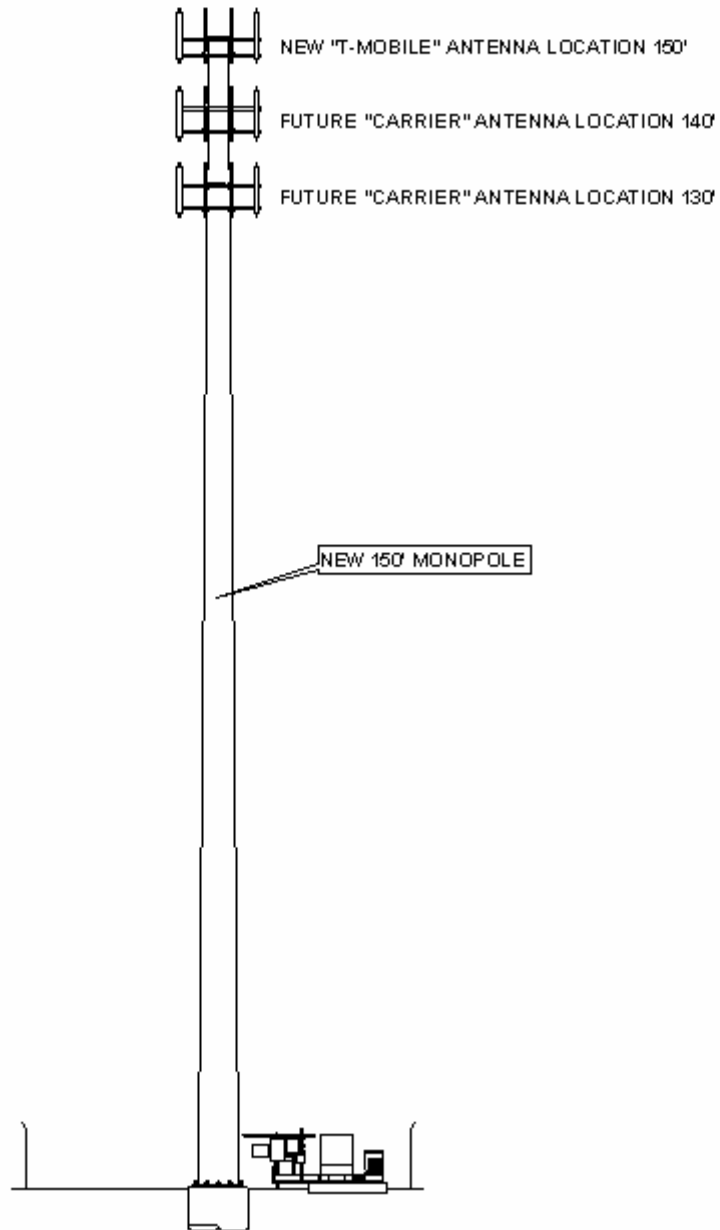
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# TOWER DETAIL



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