

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 2, 2012****CASE NUMBER**

5695

APPLICANT NAME

Alabama Realty Company, Inc.

LOCATION

2600 McVay Drive North
(North side of McVay Drive North, 290'± West of Navco Road)

VARIANCE REQUEST

HEIGHT: Height Variance to allow the construction of a 130' telecommunications tower in a B-1, Buffer Business District.

SEPARATION BUFFER: Separation Buffer Variance to allow the tower within 50' of residentially zoned property with no landscape buffer or buffer fence.

SETBACK: Setback Variance to allow the tower within 69.8' of the North lease parcel line, 50' of the West lease parcel line, and 103.5' of the South lease parcel line.

SURFACING: Surfacing Variance to allow aggregate access and parking.

PARKING: Parking Variance to allow no designated parking.

LANDSCAPING AND TREE PLANTING:

Landscaping and Tree Planting Variance to allow no landscaping or tree plantings.

**ZONING ORDINANCE
REQUIREMENT**

HEIGHT: The Zoning Ordinance restricts structures to a maximum height of 45' in a B-1, Buffer Business District.

SEPARATION BUFFER: The Zoning Ordinance requires a 200' residential buffer separation with either a 10' wide, 6' high vegetative buffer or a 6' high wooden privacy fence.

SETBACK: The Zoning Ordinance requires the tower setback to be equal to the height of the tower (130') from all lease parcel lines.

SURFACING: The Zoning Ordinance requires all accessways to be surfaced with asphalt, concrete, or an approved alternative surface.

PARKING: The Zoning Ordinance requires at least one designated parking space.

LANDSCAPING AND TREE PLANTING: The Zoning Ordinance requires landscaping and tree planting areas in a B-1, Buffer Business District.

ZONING

B-1, Buffer Business District.

AREA OF PROPERTY

1.1 Acres±

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 4

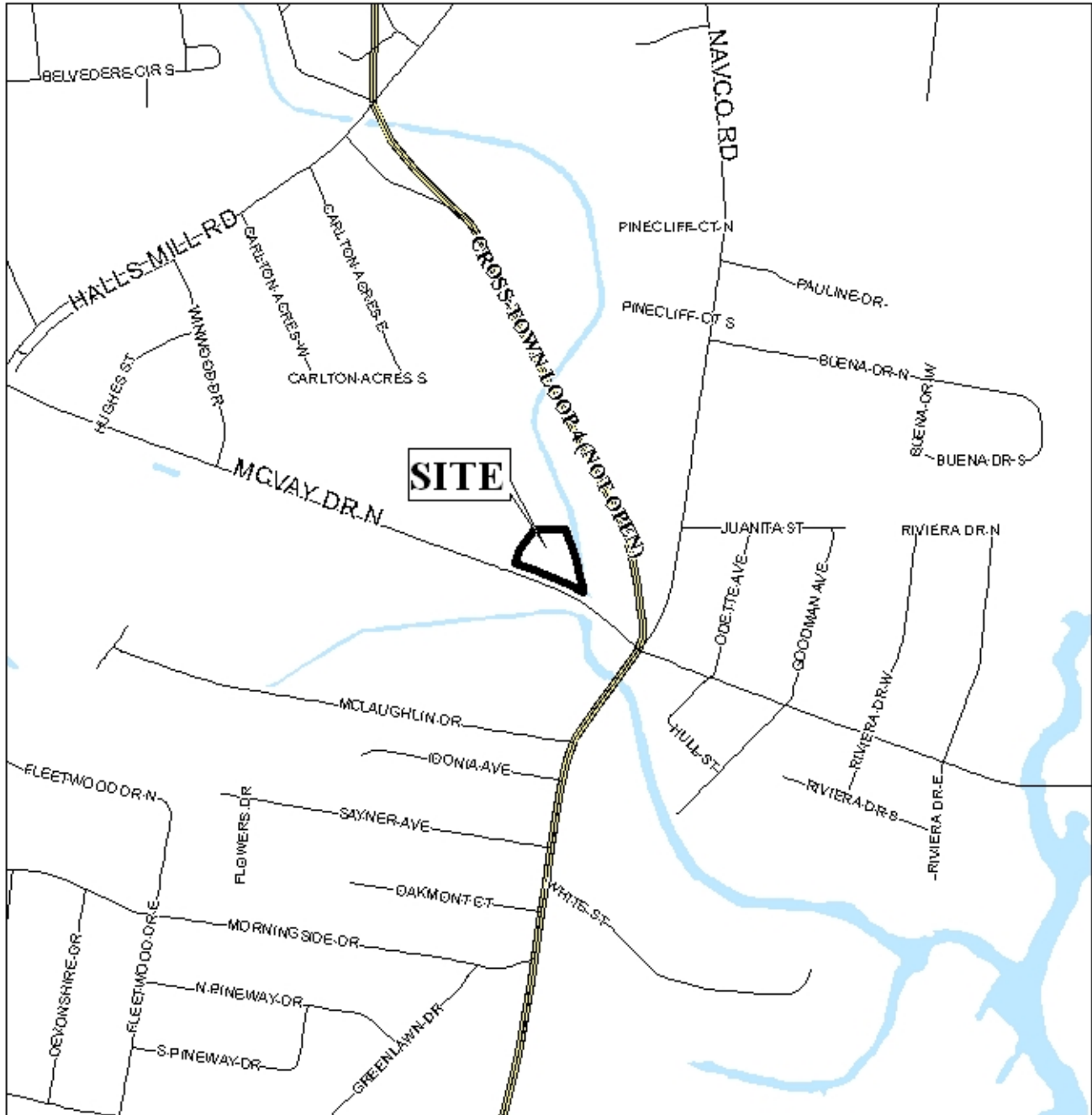
ANALYSIS

The applicant is requesting an extension of approval for a Height, Residential Buffer, Setback, Surfacing, Parking, Landscaping and Tree Planting Variances to allow the construction of a 130' tall communications tower within 50' of a residentially zoned property with no landscape buffer or buffer fence, and within 69.8' of the North lease parcel line, 50' of the West lease parcel line, and 103.5' of the South lease parcel line, with a gravel access drive, no designated parking, and no landscaping or tree plantings in a B-1, Buffer Business District; the Zoning Ordinance restricts height to 45' and requires a residential buffer of 200' with either a 10' wide, 6' high vegetative buffer or a 6' high wooden privacy fence, setbacks of 130' from each lease parcel line, all driveways to be surfaced with asphalt, concrete, or an approved alternative surface, at least one designated parking space, and tree plantings and landscaped area in a B-1, Buffer Business District.

Since the original approval on September 12, 2011, the applicant has submitted for a building permit to construct the tower and site improvements. The plans are in the review process and the permit has not been obtained within the specified six-month period following the original approval, hence this extension request. Extensions for variance approvals are not uncommon for appropriate reasons, and further time to complete the review process and obtain permits would be considered an appropriate request. However, as variance approvals are good for a six-month period, such is also the case for extensions. Therefore, the granting of a six-month extension would be appropriate.

RECOMMENDATION: Based on the preceding, this application is recommended for approval for six months, until October 2, 2012.

LOCATOR MAP



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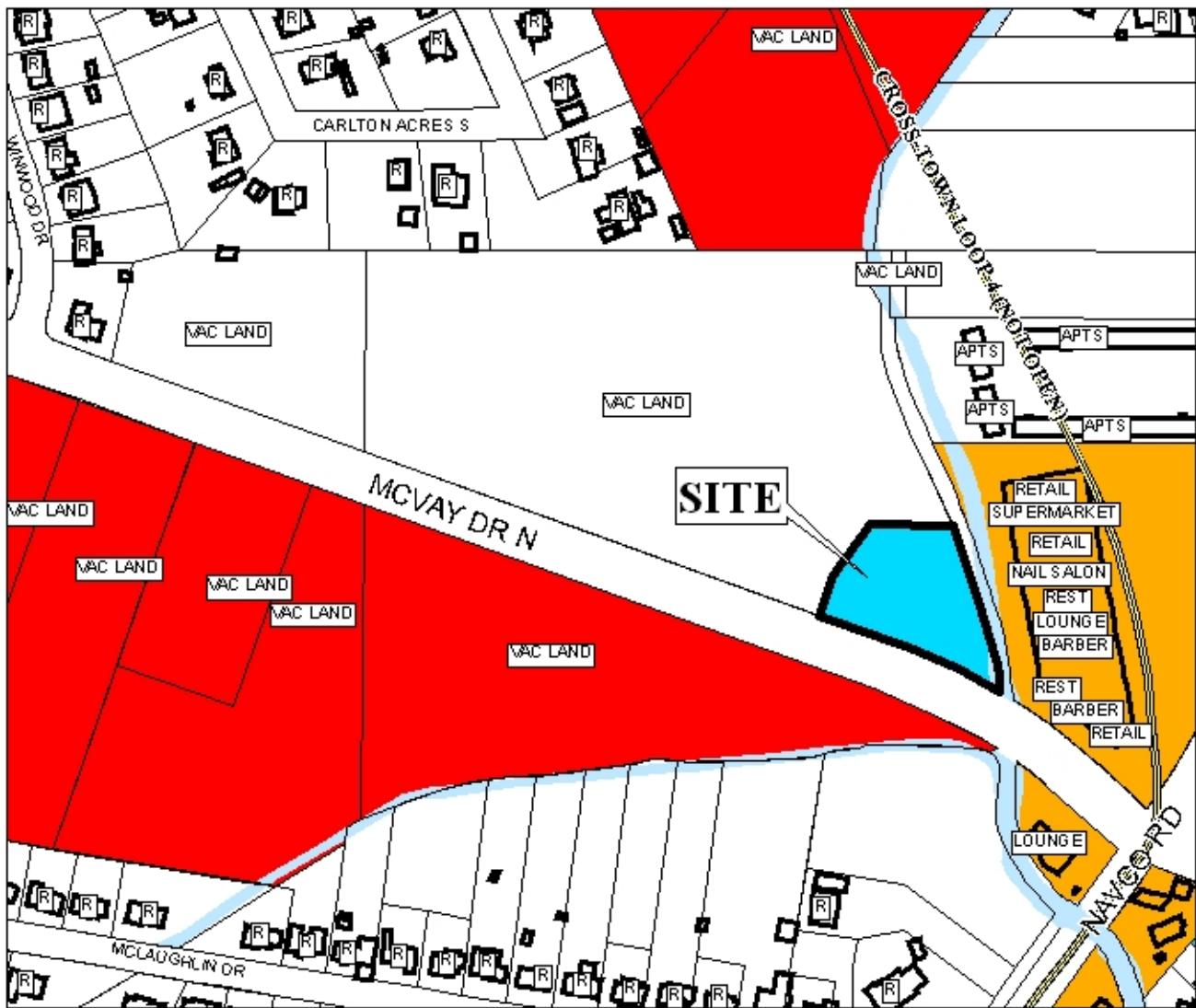
APPLICANT Alabama Realty Company, Inc.

REQUEST Height, Residential Buffer, Setback, Surfacing, and Parking Variances



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the north of the site. Commercial sites are located to the east of the site.

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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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NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

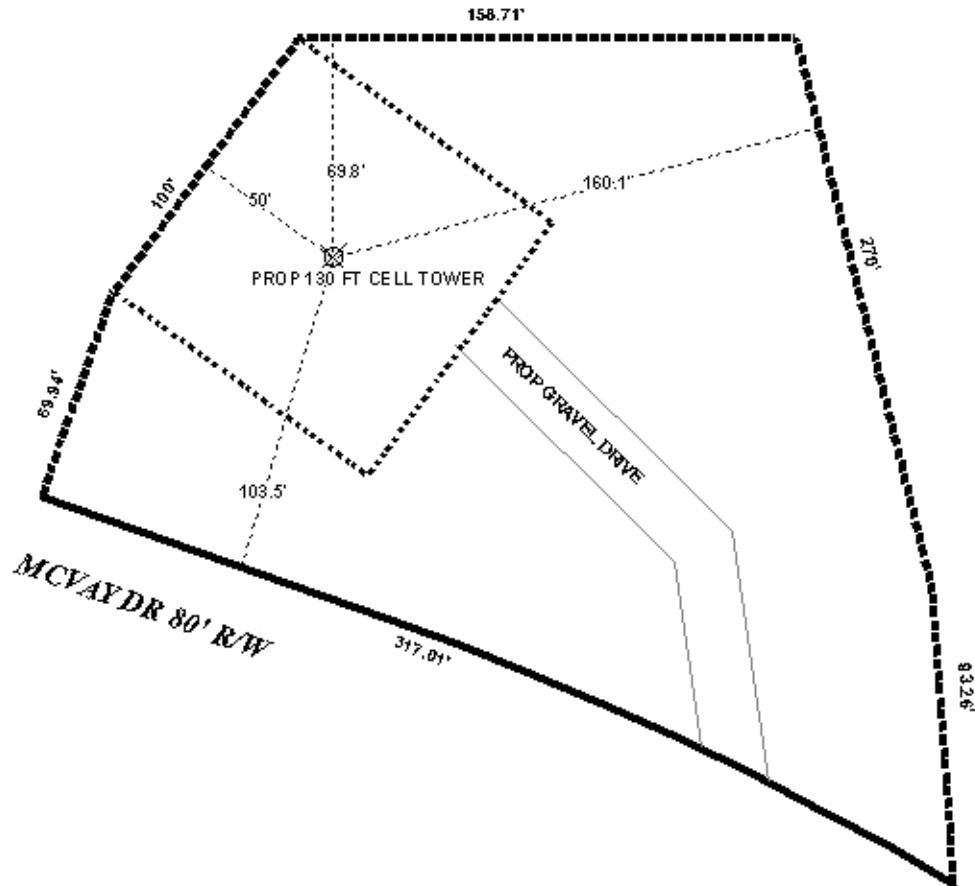


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SITE PLAN



The site plan illustrates the proposed cell tower location.

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