

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 6, 2017****CASE NUMBER**

6091

APPLICANT NAME

Southern Light, LLC

LOCATION202 Government Street
(North side of Government Street, 80'± West of South
Conception Street).**VARIANCE REQUEST****SITE:** Site Variance to allow the permanent installation of two cellular communications antennae atop the second floor awning of a commercial building in a T5.2 Sub-District within the Downtown Development District.**ZONING ORDINANCE
REQUIREMENT****SITE:** The Zoning Ordinance does not allow cellular communications installations within the Downtown Development District.**ZONING**

T5.2 Sub-District.

AREA OF PROPERTY

0.22± Acres

**TRAFFIC ENGINEERING
COMMENTS**

No traffic impacts anticipated by this variance request.

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting a Site Variance to allow the permanent installation of two cellular communications antennae atop the second floor awning of a commercial building in a T5.2 Sub-District within the Downtown Development District; the Zoning Ordinance does not allow cellular communications installations within the Downtown Development District.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with 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 states:

Southern Light is requesting a commercial variance to allow permanent placement of two (2) small cell antennae atop the 2nd floor awning of the commercial building located at 202 Government Street, Mobile, AL 36602. The City of Mobile CRC and ARB previously granted temporary placement approval at this location while Southern Light was working with the Alabama Department of Transportation (ALDOT) and the Alabama Tunnel Authority to relocate the antennae to their infrastructure closer to the East entrance of the Bankhead Tunnel.

These antennae are part of a cellular system which allows contiguous wireless connectivity while traveling through the Bankhead Tunnel. Due to the nature of the Eastern entrance of the tunnel, the radio equipment, which connects to the antennae, could not be safely located anywhere within the ALDOT or Tunnel Authority's infrastructure.

Multiple iterations of designs were submitted for review to ALDOT and the Tunnel Authority. However, the proposed locations were either:

- 1. Not considered "safely accessibly" by technicians*
- 2. The distance from the radios to the antennae was too great for minimum radio frequency loss, which is required to maintain constant cellular connection*

Southern Light feels that all viable and sustainable options have been explored for alternate locations for these antennae. Unfortunately, all alternate options were not approved by either ALDOT or the Tunnel Authority. Since these antennae have been at the 202 Government Street location under temporary approval for nearly a year, and we have not been made aware of any citizen complaints, we feel a variance is the mutually beneficial path forward as we work to provide reliable service to drivers.

Southern Light thanks this Board of Zoning Adjustment for its consideration of this variance request.

The antennae were originally approved for a temporary period of time at the February 25, 2016 meeting of the Consolidated Review Committee (CRC) to allow the applicant an opportunity to discuss with the Alabama Department of Transportation (ALDOT) and the Tunnel Authority their permanent placement at the entrance of the Bankhead Tunnel. Certificates of Appropriateness (COA) were issued twice by the Architectural Review Board (ARB) for periods of 6-months, ending March 04, 2017. However, as the applicant mentions, neither ALDOT nor the Tunnel Authority approved any of the alternative proposed placements of the antennae with respect to the Bankhead Tunnel; therefore, the applicant wishes to keep them in their current location.

It should be noted that the site is within the Church Street East Historic District; and, coupled

with review by the Consolidated Review Committee, the antennae would again require approval by the Architectural Review Board, if approved.

The antennae are currently located atop a second floor awning of the Southern elevation of 202 Government Street, toward the East facing the Bankhead Tunnel. While similar telecommunication equipment has been approved by the Board of Zoning Adjustment within the Downtown Development District (DDD), such approvals were for equipment placed upon roofs, to be less conspicuous; whereas the application at hand is for two antennae which, although small, are more conspicuous. Their placement, as a result, risks compromising the integrity of the architectural significance of the building's façade.

Staff is aware that the site is unique for its proximity to the Bankhead Tunnel, thus presumably providing continuous telecommunication service through the tunnel. However, the site is also unique in that it is within the DDD, where no provisions within the district's ordinance to allow telecommunication equipment have been provided.

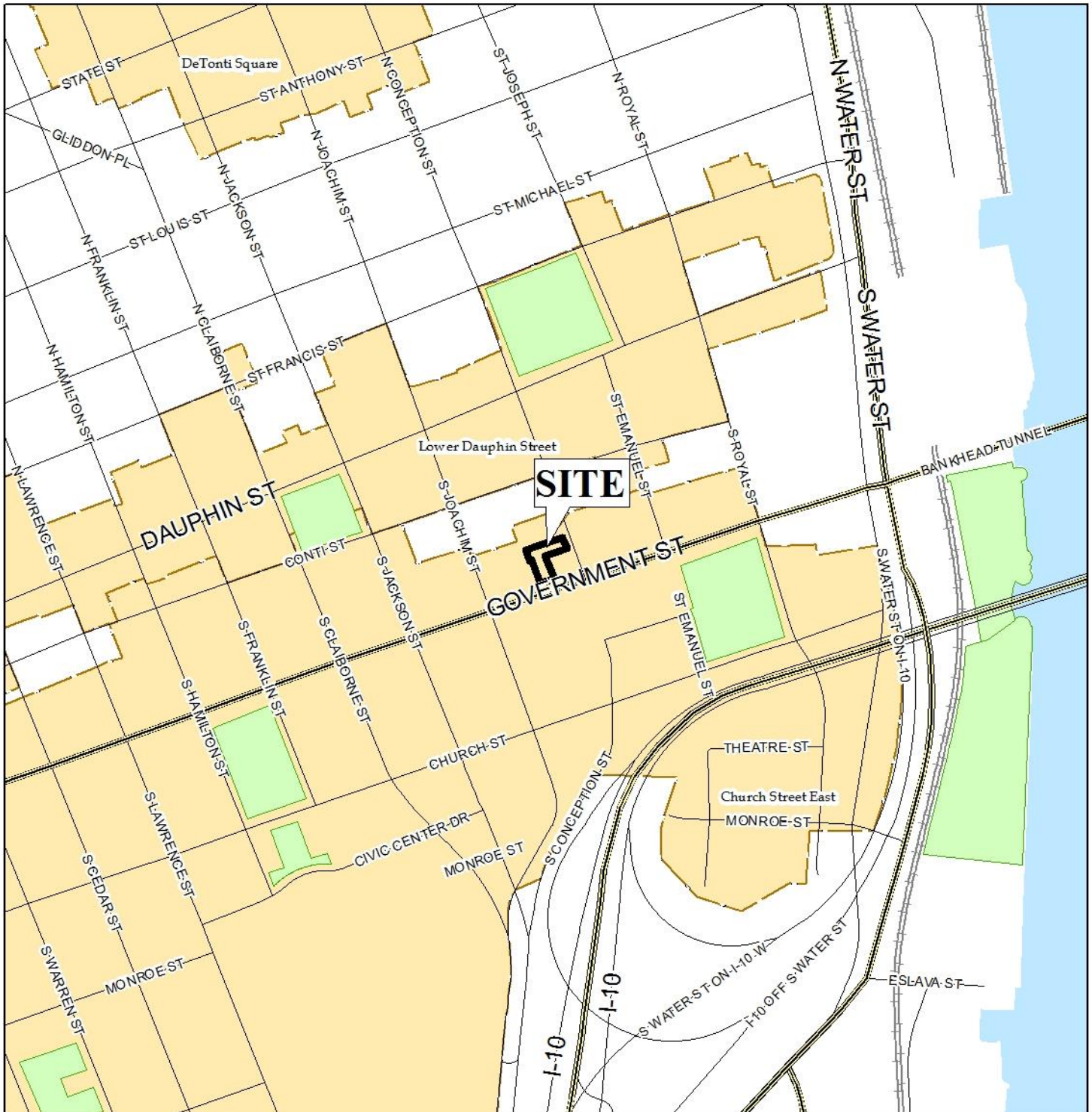
The applicant states no viable, alternative options exist with regards to the placement of the antennae near the Bankhead Tunnel to provide continuous telecommunication service within the tunnel, but Staff has not been provided with information substantiating that placement above the site's awning will do so, either; or, that less conspicuous placement of the antennae elsewhere atop the building would not provide similar service. As such, approval of the request may establish a precedent regarding similar equipment to be visible elsewhere in the DDD.

Finally, while additional, similar requests may necessitate the consideration of amending the DDD regulations to include telecommunication equipment, it is seemingly unlikely that such amendments would favor highly visible equipment. Therefore, until such time the applicant can provide information precluding any other less conspicuous locations for the antennae, such as propagation maps, Staff cannot recommend approval.

RECOMMENDATION: Staff recommends the application be Heldover until the April 3, 2017 meeting of the Board of Adjustment, with additional information submitted by March 17, 2017, to allow the applicant time to do the following:

- 1) Submit propagation maps illustrating this location will provide the desired coverage better than alternative sites; and,
- 2) Submit documentation from ALDOT and the Tunnel Authority stating this is the only agreed-upon location.

LOCATOR MAP



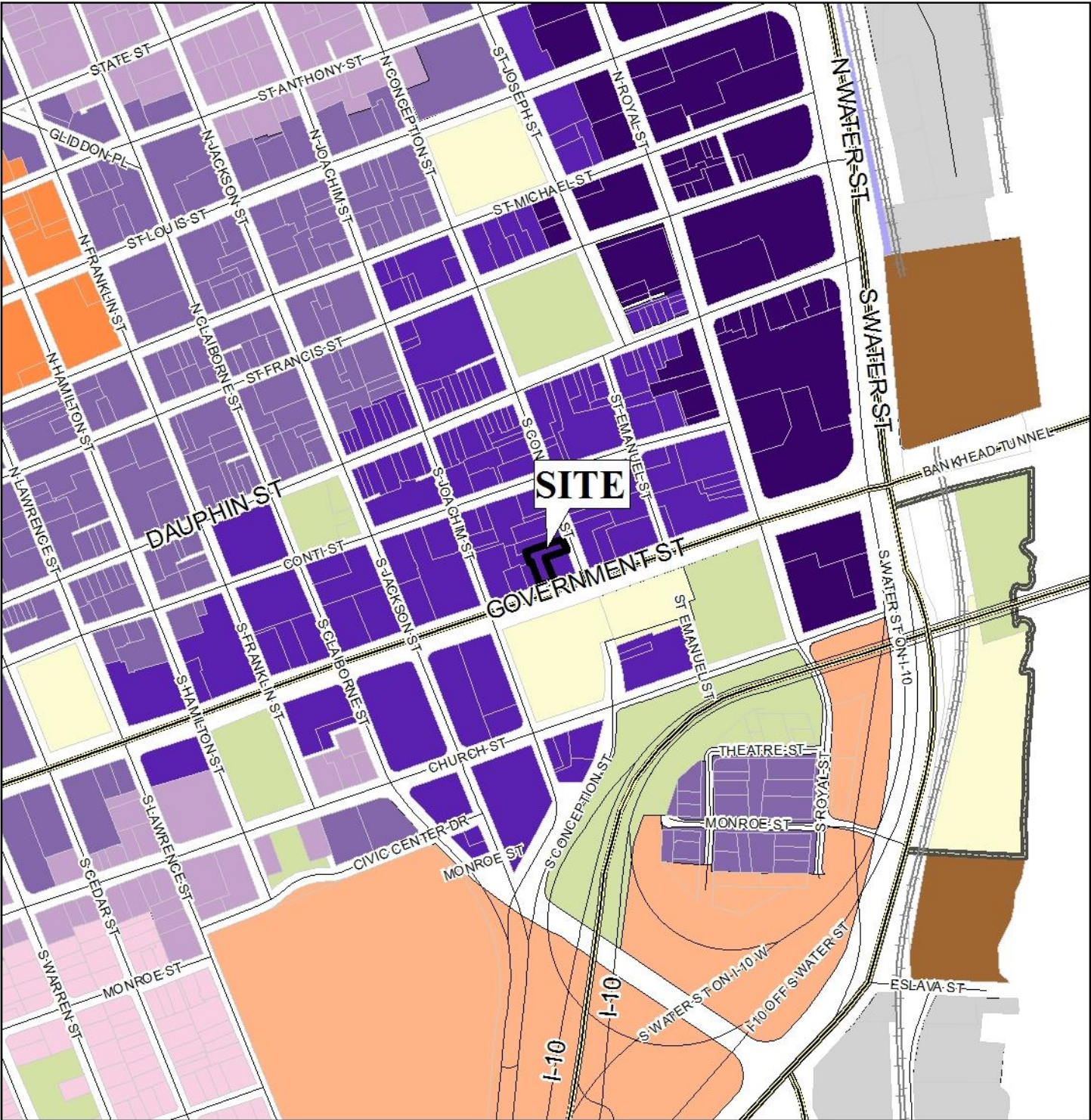
APPLICATION NUMBER 6091 DATE March 6, 2017

APPLICANT Southern Light, LLC

REQUEST Use Variance



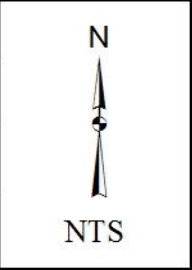
LOCATOR ZONING MAP



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REQUEST_____Use Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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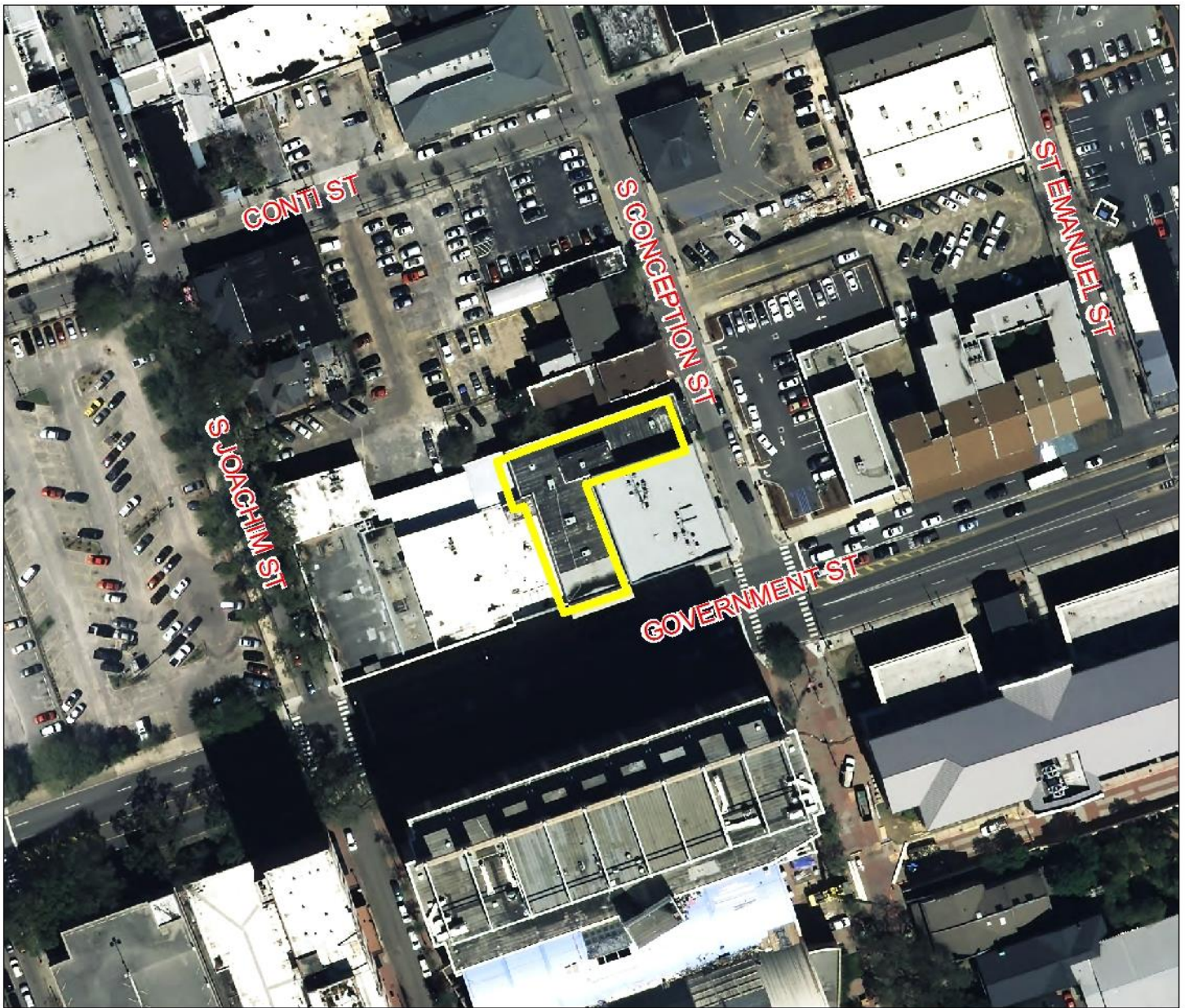
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

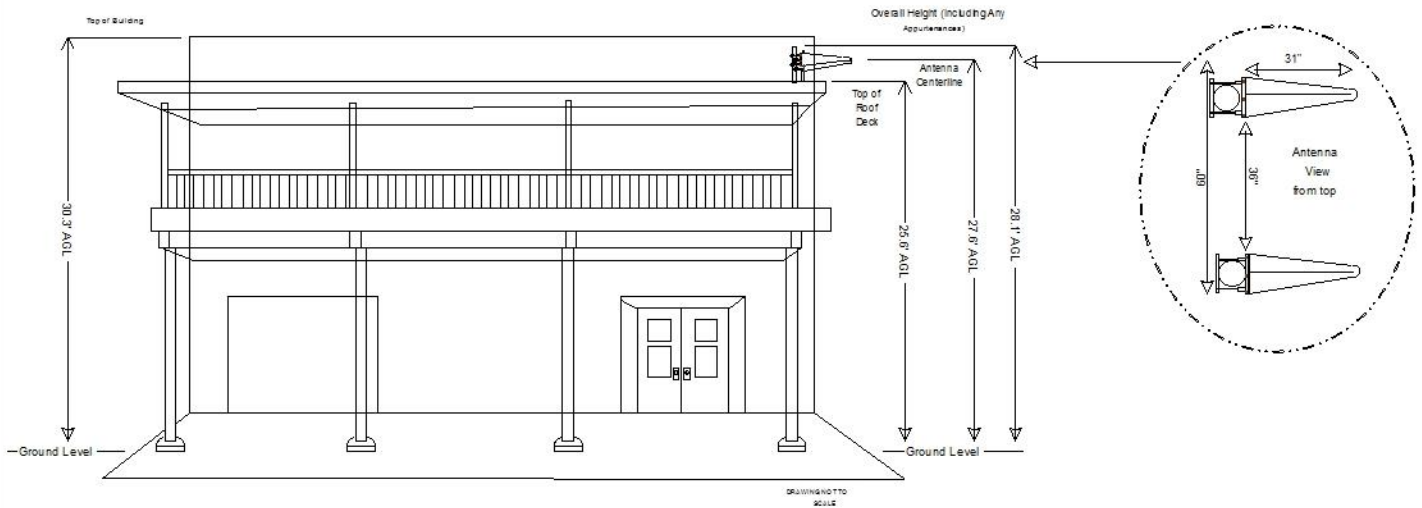


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DETAIL SITE PLAN



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REQUEST Use Variance



NTS