

APPLICATION NUMBER

5586/4231

A REQUEST FOR

USE, HEIGHT, SETBACK, BUFFER SEPARATION, AND ACCESS AND PARKING SURFACE VARIANCES TO ALLOW A 17.08' ADDITION TO AN EXISTING 250' TALL TELECOMMUNICATIONS TOWER AND TWO 1.8-METER DIAMETER SATELLITE DISHES, 150' FROM THE FRONT PROPERTY LINE, 165' FROM THE WEST PROPERTY LINE, 178' FROM THE EAST PROPERTY LINE, AND 240' FROM THE SOUTH PROPERTY LINE, AND 240' FROM RESIDENTIALLY ZONED PROPERTY, WITH GRAVEL ACCESS AND PARKING SURFACES IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT; THE ZONING ORDINANCE REQUIRES TOWERS TO BE IN AT LEAST AN I-1, LIGHT INDUSTRY DISTRICT, B-1, BUFFER BUSINESS DISTRICT WITH PLANNING APPROVAL, SATELLITE DISHES OVER 1-METER DIAMETER REQUIRE COMMERCIAL OR INDUSTRIAL ZONING, TOWERS ARE LIMITED TO A 35' MAXIMUM HEIGHT, MUST BE SETBACK FROM ALL PROPERTY LINES A DISTANCE EQUAL TO THE HEIGHT OF THE TOWER, (267.08'), AND SETBACK FROM RESIDENTIALLY ZONED PROPERTY A DISTANCE EQUAL TO 150% OF THE TOWER HEIGHT, (400.62'), AND ACCESS AND PARKING SURFACES MUST BE PAVED IN ASPHALT, CONCRETE, OR AN APPROVED ALTERNATIVE PAVING SURFACE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.

LOCATED AT

1550 AZALEA ROAD

(South side of Azalea Road at its terminus)

APPLICANT

FLO TV, LLC

BOARD OF ZONING ADJUSTMENT

DECEMBER 2009

The applicant is requesting Use, Height, Setback, Buffer Separation, and Access and Parking Surface Variances to allow a 17.08' addition to an existing 250' tall telecommunications tower and two 1.8-meter diameter satellite dishes, 150' from the front property line, 165' from the West property line, 178' from the East property line, and 240' from the South property line, and 240' from residentially zoned property, with gravel access and parking surfaces in an R-1, Single-Family Residential District; the Zoning Ordinance requires towers to be in at least an I-1, Light Industry District, or B-1, Buffer Business District with Planning Approval, satellite dishes over 1-meter diameter require commercial or industrial zoning, towers are limited to a 35' maximum height, must be setback from all property lines a distance equal to the height of the tower, (267.08'), and setback from residentially zoned property a distance equal to 150% of the tower height, (400.62'), and access and parking surfaces must be paved in asphalt, concrete, or an approved alternative paving surface in an R-1, Single-Family Residential District.

The subject site contains an existing 250' tower which was allowed by previous Special Exception, Height, Parking and Access Surface Variances, and Planning Approval to allow the tower in an R-1 District, both approved in February, 1990. Towers now require a variance to be allowed in R-1 Districts.

The applicant proposes to collocate mobile TV service antennae on the existing tower by adding one side-mounted UHF antenna extending approximately 17' above the current top of the tower and two 1.8-meter diameter satellite dishes atop a proposed equipment shelter within the existing compound. Since the tower height is proposed to be extended, the previous height variance must be amended, along with the associated setback and buffer separation requirements which would also increase.

Since the use as a telecommunications tower was previously approved for the site, and that use has continued unchallenged for almost twenty years, minor modifications for expanding technologies would seem in order, especially when considering the active commercial and vacant residential uses within the immediate area surrounding the tower. And one of the purposes of the Telecommunications towers and facilities section of the Zoning Ordinance is to promote and encourage shared use/collocation on existing towers as a primary option rather than construction of additional single-use towers. Along with that concept, the minor adjustments requested to the previously approved height, setback, and buffer separation variances would also be in order, given the location of the tower. The applicant should provide written, technical evidence from an engineer that the extended tower structure meets the standards set forth in Section 64-4.J.6. of the Zoning Ordinance and a map of the city and the first half-mile of all bordering communities showing the design and location of the applicant's entire existing wireless telecommunications network to include the subject tower, its dimensions and specifications of the site.

The request to locate the two 1.8-meter diameter dishes atop the proposed equipment shelter within the existing compound would be justifiable when considering the surrounding uses and the Ordinance's encouragement of shared use/collocation.

With regard to the access and parking surface variance requests, as these were also previously approved and no expansion of the site is proposed outside of the existing compound, it would stand that these approvals should still be honored.

As the previously approved variance was approved prior to the adoption of the landscaping and tree planting requirements of the Zoning Ordinance, any modifications should be made subject to the provision of landscaping and tree plantings, to be coordinated with Urban Forestry.

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.

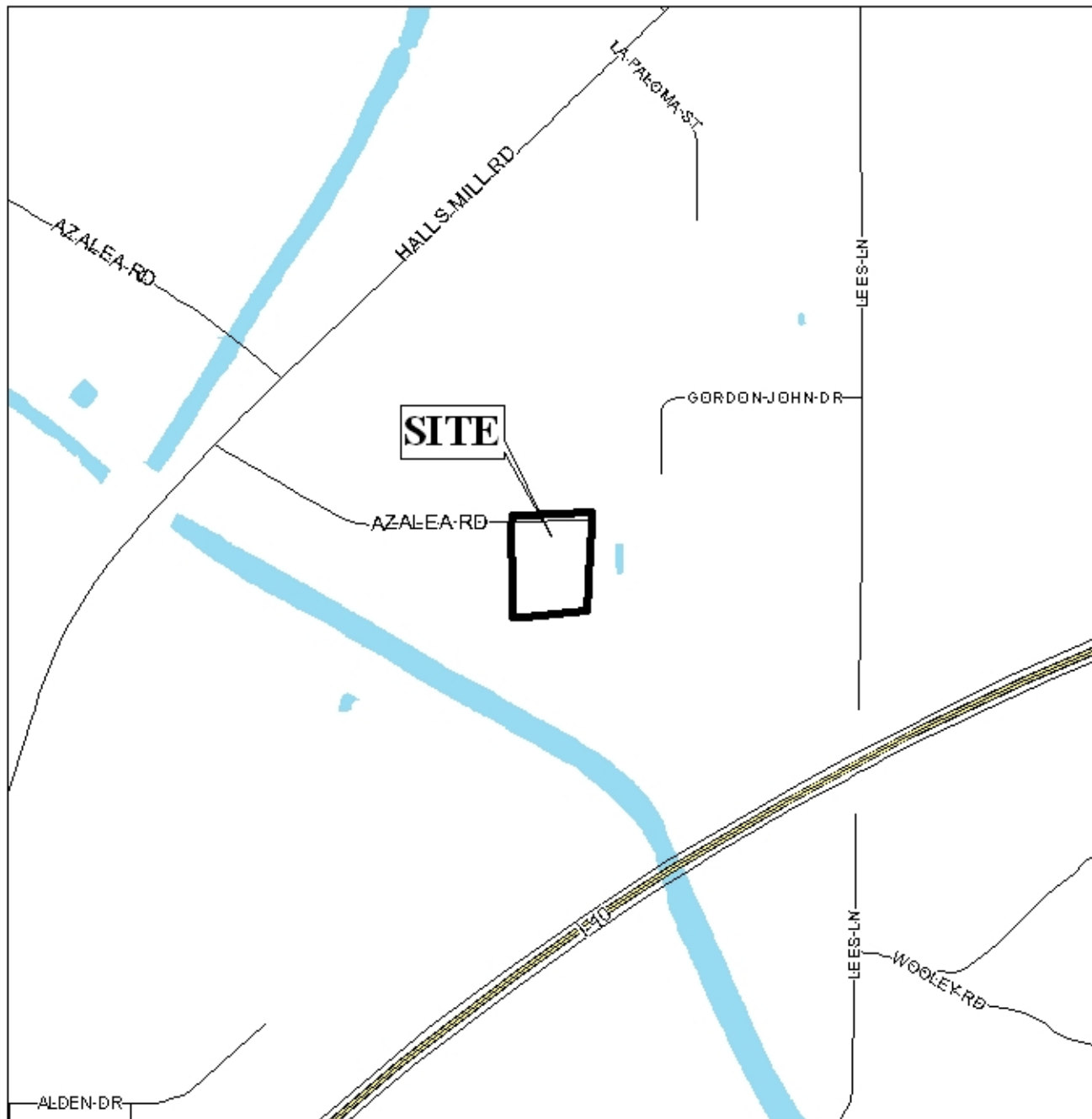
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant has illustrated that the requested variances would be in keeping with the Telecommunications towers and facilities section of the Zoning Ordinance with respect to the promotion and encouragement of shared use/collocation of towers and antenna support facilities, and the Board should consider this application for approval, subject to conditions.

Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) the applicant is to provide written, technical evidence from an engineer that the extended tower structure meets the standards set forth in Section 64-4.J.6. of the Zoning Ordinance;
- 2) the applicant is to provide a map of the city and the first half-mile of all bordering communities showing the design and location of the applicant's entire existing wireless telecommunications network to include the subject tower, its dimensions and specifications of the site;
- 3) provision of landscaping and trees, to be coordinated with Urban Forestry; and
- 4) full compliance with all other municipal codes and ordinances.

LOCATOR



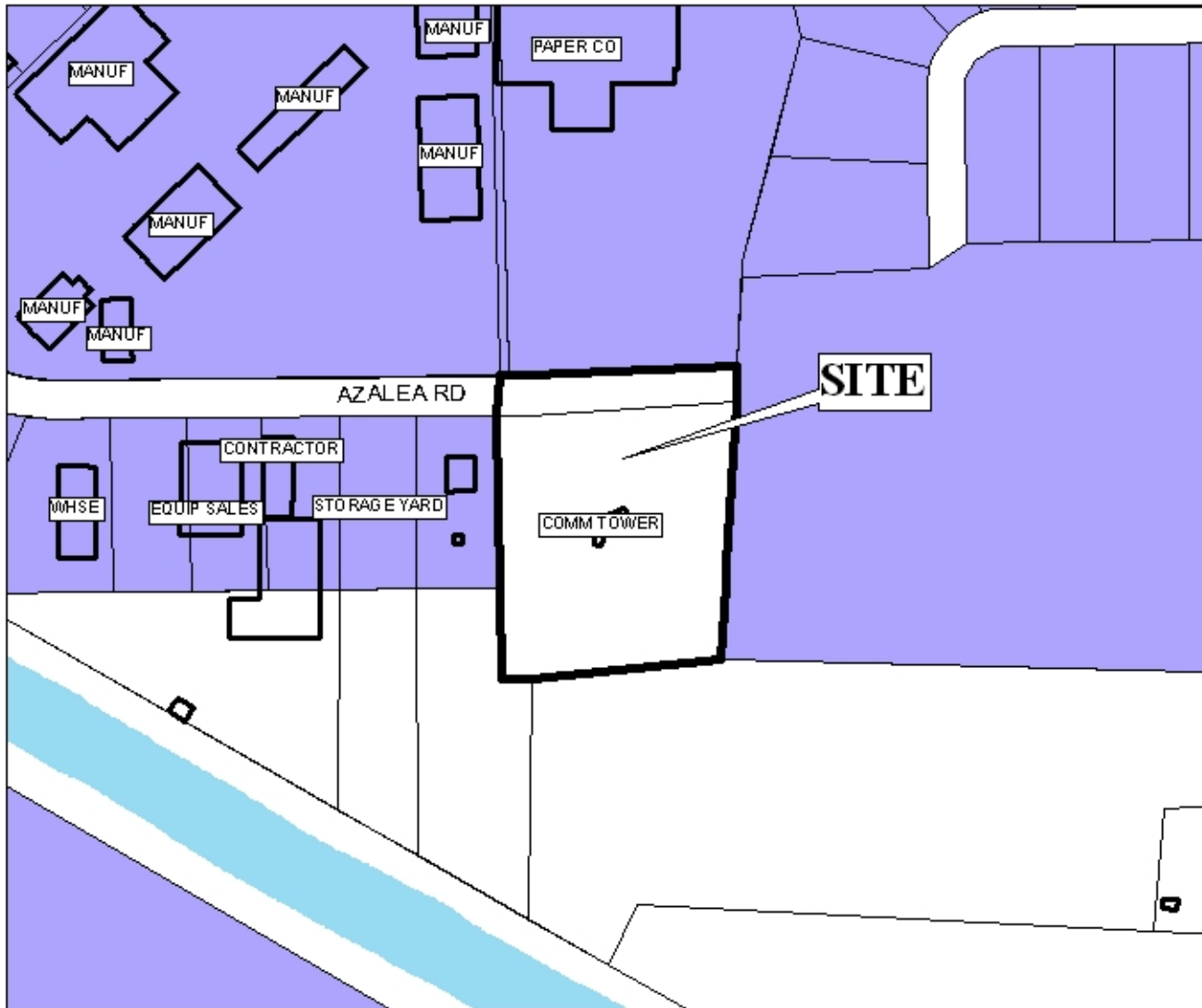
APPLICATION NUMBER 5586/4231 DATE December 7, 2009

APPLICANT FLO TV, Inc.

REQUEST Use, Height, Setback, Buffer Separation,
and Access and Parking Surface Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by industrial land use with residential land use to the south.

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LEGEND

R-1	R-2	R-3	R-4	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



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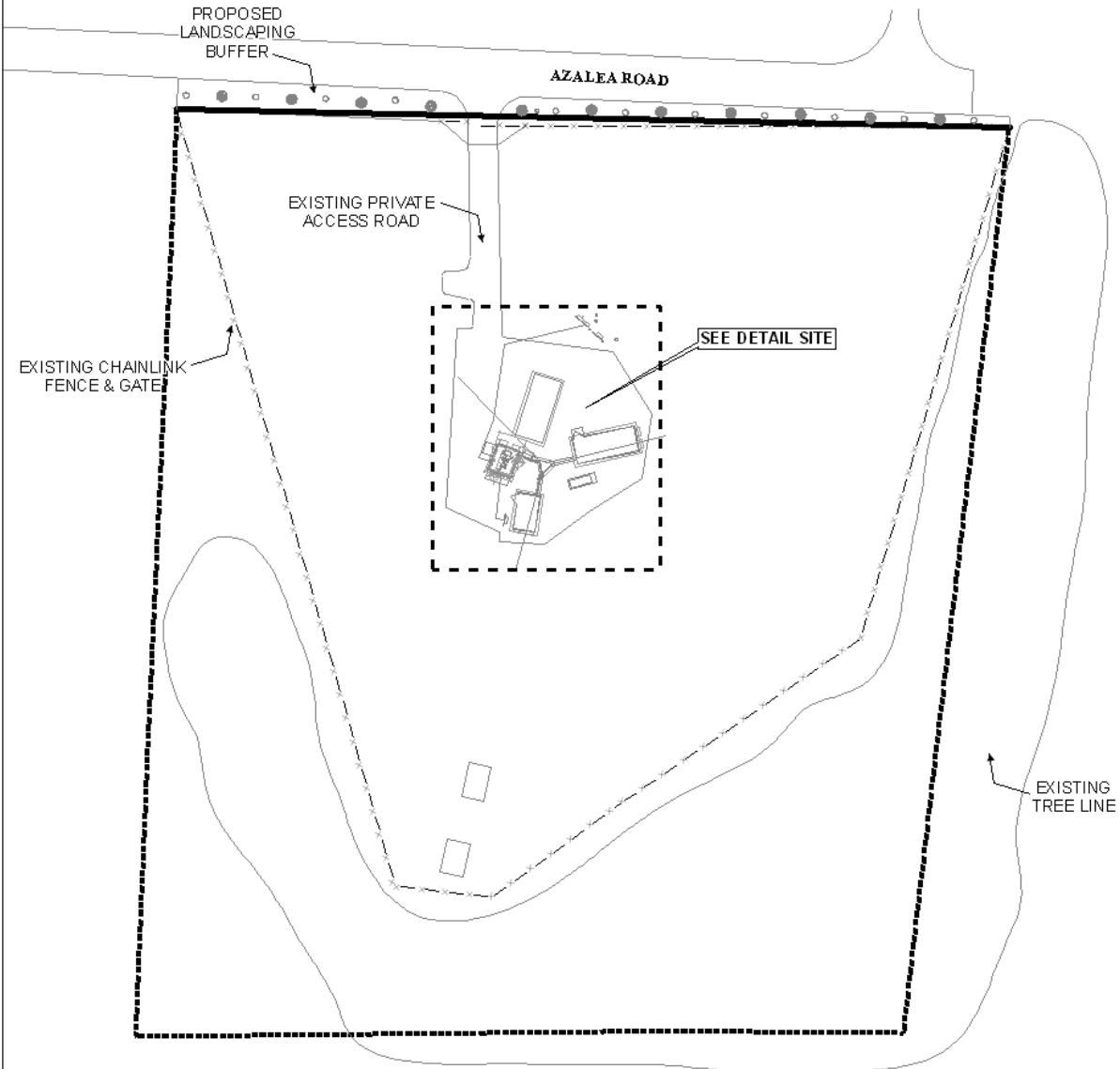
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SITE PLAN



This site plan illustrates the existing lot configuration and proposed landscaping buffer.
See detail site plan and tower detail.

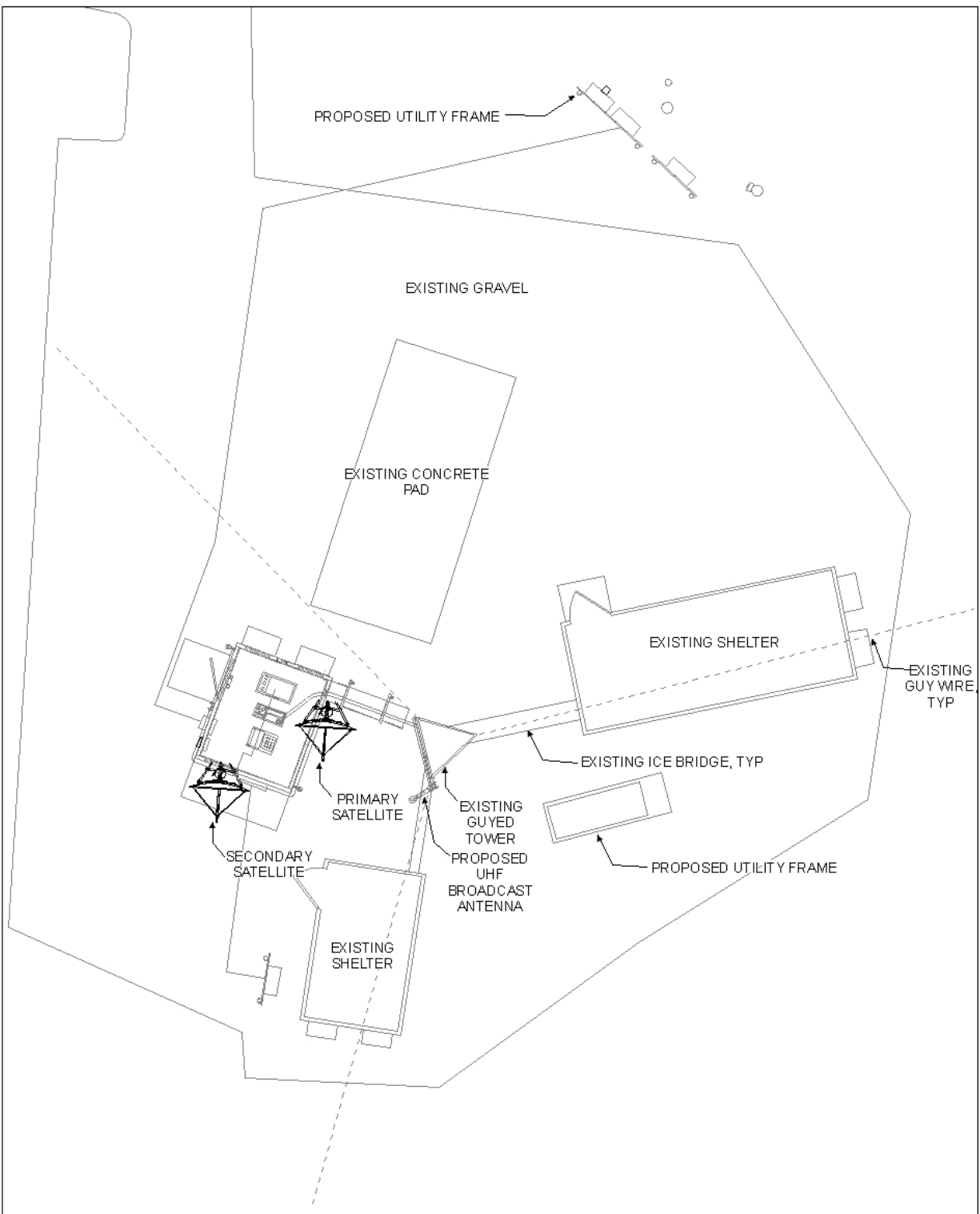
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DETAIL SITE PLAN



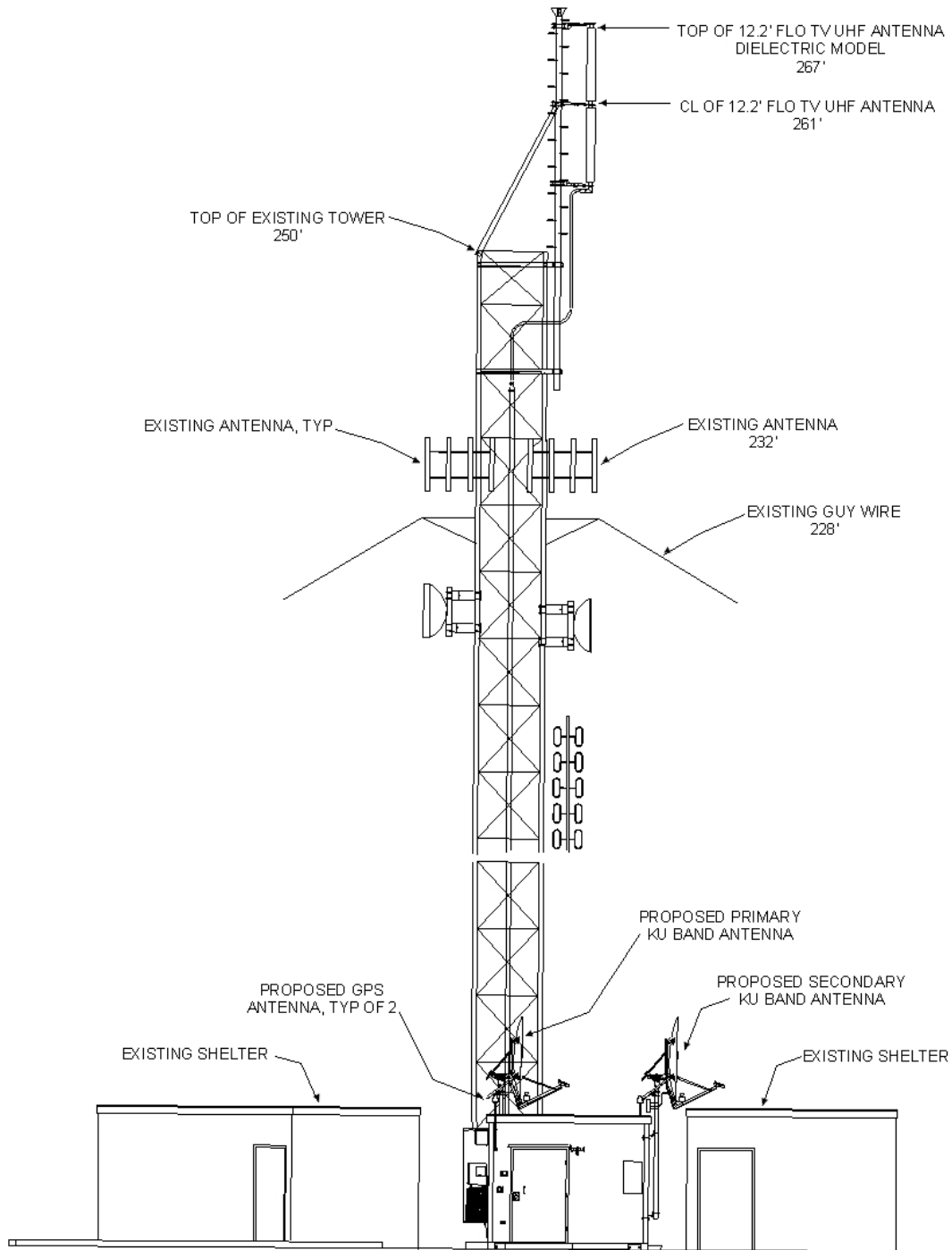
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TOWER DETAIL - WEST ELEVATION



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