

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 8, 2014****CASE NUMBER**

5917

APPLICANT NAME

Doria Durham, Agent

LOCATION104 St. Francis Street
(Northwest corner of St. Francis Street and North Royal Street).**VARIANCE REQUEST****SITE:** Site Variance to allow the installation of wireless communications equipment on the rooftop of a building, which will be visible from the street.**ZONING ORDINANCE
REQUIREMENT****USE:** The Downtown Development District Code requires all rooftop equipment not be visible from the street in a T-6 transect.**ZONING**

T-6 Mixed Use - High Intensity District

AREA OF PROPERTY

37,986± square feet / 0.87± acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

No comments

**TRAFFIC ENGINEERING
COMMENTS**

No traffic impacts anticipated by this variance request.

**URBAN FORESTRY
COMMENTS**

No comments

ANALYSIS

The applicant is requesting a Site Variance to allow the installation of wireless communications equipment on the rooftop of a building, which will be visible from the street; the Downtown Development District Code of the Zoning Ordinance requires that all rooftop equipment not be visible from the street in a T-6 Mixed Use – High Intensity 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:

The objective of this site is to aid in the offloading of high data usage used by the current LTE network in Downtown Mobile as well as to aid the significant increased capacity needs during special events, such as Mardi Gras and Bayfest.

The property location at 104 St. Francis Street was selected for its location near Bienville Square, availability of usable rooftop space for antenna and associated equipment, elevation and its location outside of a mapped historic district. The antenna locations selected are specific and limited to both obtain objectives and to prevent blockage and shadowing caused by taller buildings next to and across the street from this location. Antenna locations are required as proposed in order to maintain a sufficient and acceptable level of service for Bienville Square and Royal Street. Moving them further away from the edge of the building will result in a severely reduced service area, and may require the placement of additional antennae on other buildings within the Downtown Development District.

This project was commenced in November 2012. At that time it was verified that rooftop installations for wireless communications (antenna/equipment) for B-4 zoned property was permitted. In May 2014, the zoning change was made at this location to T-6, which required a variance to be sought for visibility of the antenna installations at ground level.

The applicant is correct that the previous B-4, General Business District allowed for equipment to be installed on rooftops with no consideration of whether the equipment was visible from the street or not, however the new Downtown Development District requires consideration of equipment visibility.

It should be noted that while only a portion of the site is in a historic district, the Mobile Historic Development Commission will require Architectural Review Board approval for the proposed equipment.

The applicant states that if the equipment were relocated on the proposed rooftop further away from the street that the desired increase in network efficiency would not be met, and that additional antenna/equipment would be needed on other buildings. This might lead to other

variances being submitted for equipment visibility from the street or for increasing structure height in the Downtown Development District on properties that previously had no building height restrictions.

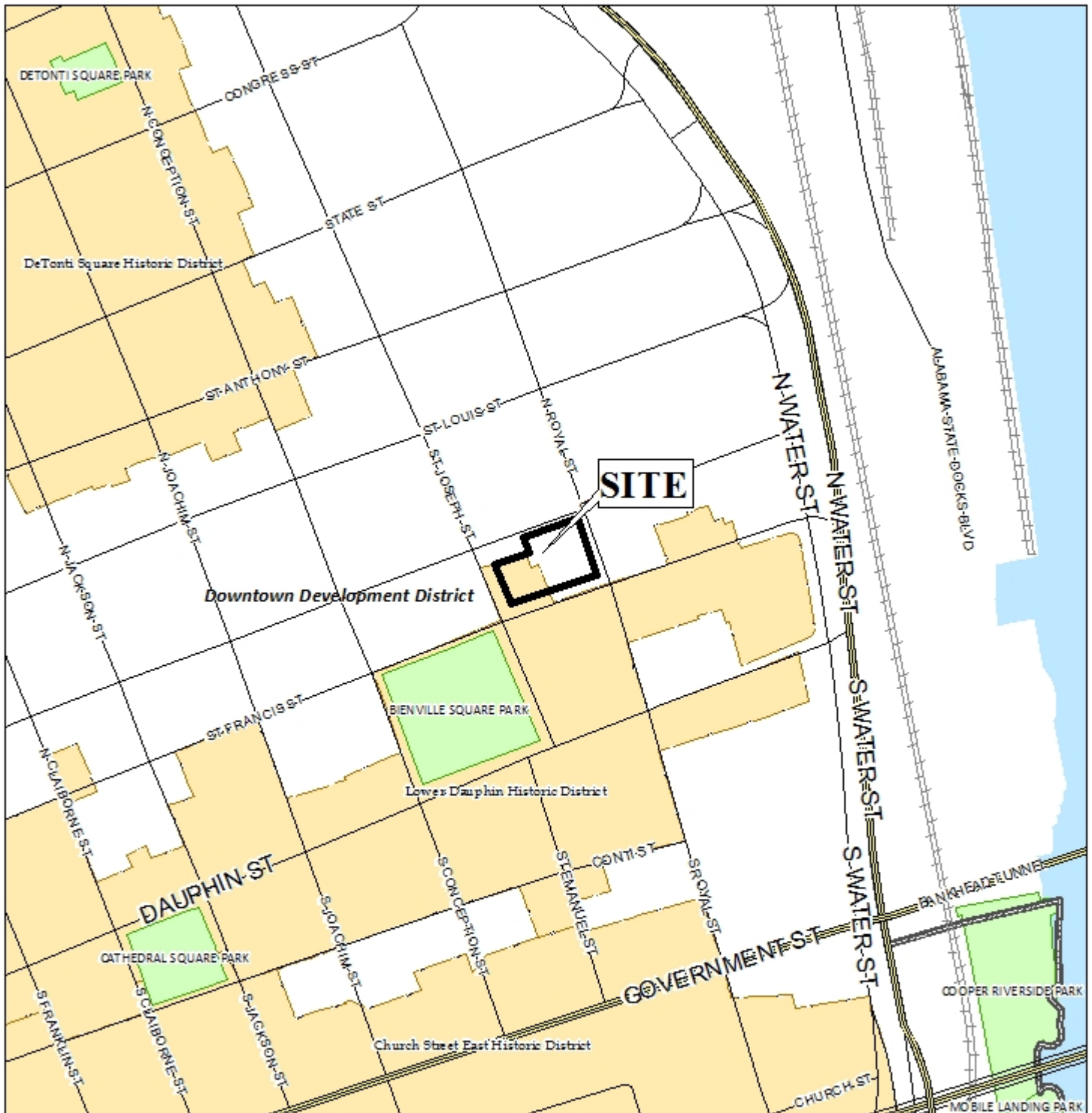
In terms of finding one building that would allow for the placement of communications equipment outside of a historic district, yet serving Royal Street and Bienville Square, this site is unique. The Downtown Development District regulations prohibit rooftop equipment that is visible from the street in all districts. Thus, any other location would provide the same placements versus quality issue created by a compliant roof location. It should also be noted that freestanding telecommunications towers are not allowed in the Downtown Development District, nor does it appear that any provisions were made to accommodate communications equipment and specific technological requirements.

It should be noted that if the current request for relief is approved, it will set a precedent regarding telecommunication rooftop equipment which can be seen from the street, additional requests may necessitate the consideration of a future amendment of the Downtown Development District regulations.

RECOMMENDATION: Based on the preceding, staff recommends to the Board the following findings of fact for Approval:

- 1) approving the variance will not be contrary to the public interest based upon the fact that the technological requirements of telecommunications equipment requires a specific relationship to a service area;
- 2) the placement of the telecommunications equipment on this site, or any other nearby site in a compliant manner, will result in a failure to achieve service requirements, resulting in an unnecessary hardship; and
- 3) that the spirit of the chapter shall be observed and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the variance by specifically identifying criteria that can be applied to similar technological requirements.

LOCATOR MAP



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APPLICANT Doria Durham, Agent

REQUEST Site Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

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REQUEST Site Variance

 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 ZONING



The site is surrounded by commercial land use.

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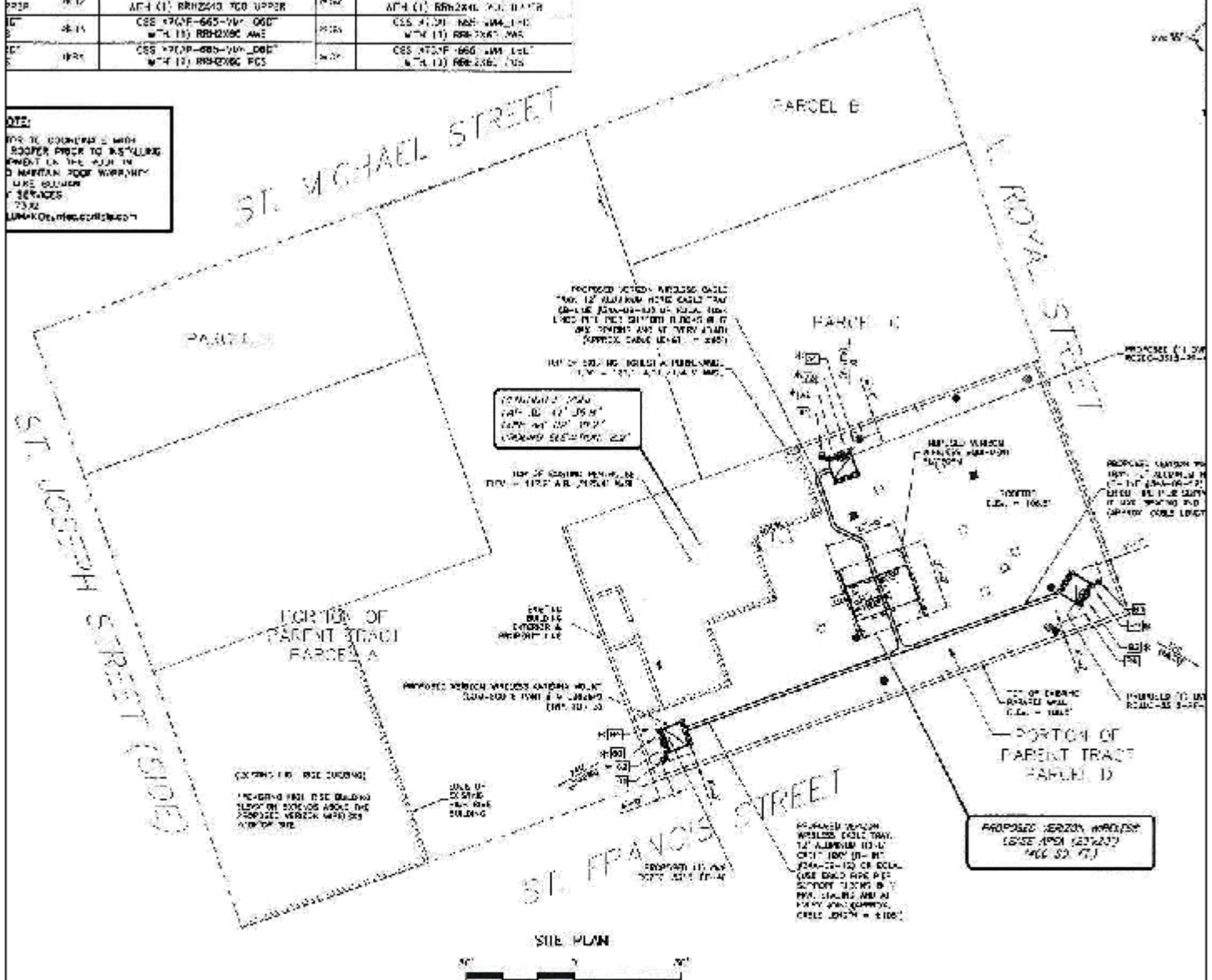
REQUEST Site Variance



SITE PLAN

LT	00	CSS 470MF-665-VHF-000	00	CSS 470MF-665-VHF-000
RT	00	AT-4 (1) RRF-2540 TCG UPPER	00	AT-4 (1) RRF-2540 TCG UPPER
LT	00	CSS 470MF-665-VHF-000	00	CSS 470MF-665-VHF-000
RT	00	AT-4 (1) RRF-2540 TCG UPPER	00	AT-4 (1) RRF-2540 TCG UPPER
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NOTE:
FOR ALL COORDINATES WITH
ROOFER PRIOR TO INSTALLING
ANTENNA IN THE AIR IN
D MANTAIN 100' WORKING
SPACE
SERVICES
7332
LUMKOTZ@mcgill.com

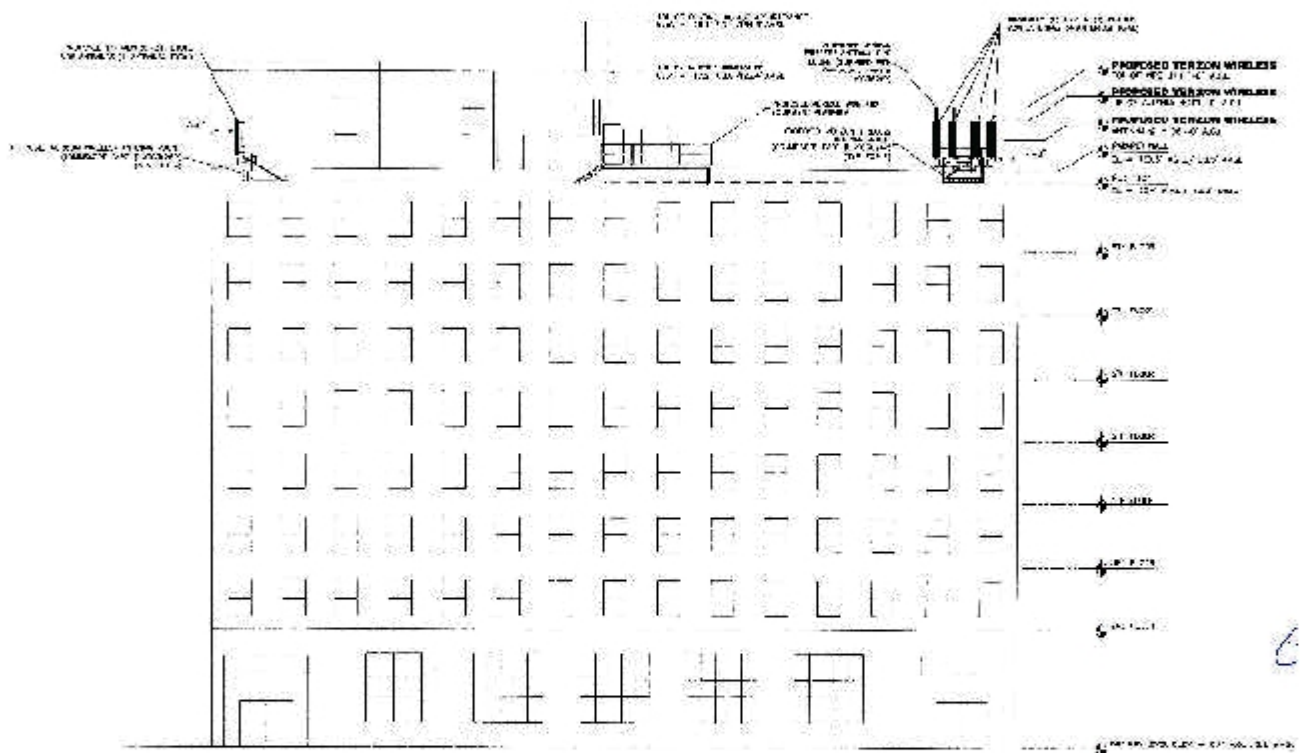


The site plan illustrates the proposed rooftop antenna locations.

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DETAIL SITE PLAN



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