

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 6, 2015**

<u>CASE NUMBER</u>	5959/5942
<u>APPLICANT NAME</u>	SBA Communications, as agent for Louisiana Unwired d/b/a Sprint
<u>LOCATION</u>	101 Dauphin Street (Southwest corner of Dauphin and Royal Streets)
<u>VARIANCE REQUEST</u>	SITE: Site Variance to allow rooftop cellular communications antennae visible from the street within the Downtown Development District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SITE: The Zoning Ordinance does not allow rooftop equipment such as cellular communications antennae to be visible from the street within the Downtown Development District.
<u>ZONING</u>	T-6, high intensity mixed-use
<u>AREA OF PROPERTY</u>	0.34± Acres
<u>TRAFFIC ENGINEERING COMMENTS</u>	No traffic impacts anticipated by this variance request.
<u>CITY COUNCIL DISTRICT</u>	District 2

ANALYSIS The applicant is requesting a Site Variance to allow rooftop cellular communications antennae visible from the street within the Downtown Development District; the Zoning Ordinance does not allow rooftop equipment such as cellular communications antennae to be visible from the street within the Downtown Development District.

This site most recently appeared before the Board of Zoning Adjustment at its January 5th meeting where the Board approved a Sign Variance to allow additional signage on the building as part of major renovations of the site. The current request is also the result of the ongoing renovations that have subsequently resulted in the relocation of telecommunications equipment.

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.

Applicant's statement: ***DETAILED DESCRIPTION OF USE AND CHARACTER OF IMPROVEMENTS, EXISTING AND PROPOSED AND SCHEDULE FOR DEVELOPMENT***

Property has a commercial building currently undergoing renovations by the building owner. Applicant has cellular equipment mounted on the roof of the building. Said cellular equipment was installed in 2000 or 2001. Applicant desires to upgrade its equipment. As a result of changes in the rooftop layout from the current renovations, it is not possible for applicant's equipment to be mounted in the exact locations the original equipment was installed.

Estimated installation time frame is based on the assumption that the requested variance is granted by April 7, 2015 and that permit is issued on or before April 28, 2015. Based on the said assumptions, installation time frame is estimated to be between May 2, 2015 and May 23, 2015.

DETAILED DESCRIPTION OF PROPOSED IMPROVEMENTS

The cellular equipment was originally installed in 2000/2001 with the BTS equipment (equipment cabinets, etc.) installed at its present location. The said BTS equipment cannot be moved because it is currently designed to distribute the weight of the equipment to load bearing beams in the roofing framework.

The antennas were installed with a 3 sector configuration (Alpha, Beta, and Gamma).

Alpha Sector had 2 panel antennas mounted on the top of the Northwest Corner of the penthouse. The proposed change would reduce the number of antennas from 2 to 1 and will be mounted on the Northeast corner of the now smaller penthouse.

Beta Sector had 1 panel antenna flush mounted on the east wall of the penthouse. The renovations to the building have resulted in the penthouse being reduced in size. The portion of the penthouse on which the antenna was originally installed no longer exists. The proposed change in configuration would have a new antenna flush mounted to the east wall of the penthouse in a different location from originally approved because of the change in size and shape of the penthouse.

Gamma Sector had 1 panel antenna mounted on the southern wall of the penthouse. At the time of the original installation, the southern end of the penthouse extended to a point just a few feet away from the north side of the BTS equipment mount location. Also, at the time of the original installation, the new stairwell did not exist and, thus,

did not cause RE shading of the incoming and outgoing signals to and from said antenna. As a result of the change in size and shape of the penthouse and the addition of the new stairwell, the Gamma Sector antenna will need to be moved to the equipment pad and mounted next to the Conti St. side of the roof near the proposed new parapet which is part of the renovation plans.

Completed 1908, the Van Antwerp Building was the first skyscraper in Mobile and has undergone extensive renovations recently in an attempt to restore the building to its former prestige condition. These renovations have resulted in the relocation of rooftop communications antennae that are typical atop many high-rise buildings in a downtown environment; however, special conditions now exist since the current Downtown Development Regulations, adopted in May 2013, does not allow rooftop equipment to be visible from any street.

The current request would not appear to compromise the historic integrity of the building or the surrounding area, nor be contrary to the public's interest as other visible rooftop telecommunications equipment already exists atop buildings in the vicinity. Furthermore, the Board approved a similar request at its September 2014 meeting for 104 St. Francis Street.

As this site is within the Lower Dauphin Street Historic District, any required Architectural Review Board approvals may be required prior to the issuance of building-related permits, if necessary.

Should the Board move to approve the current variance request, proper building-related permits will be required for the cellular communications antennae, in addition to any Architectural Review Board approvals, if necessary, in upholding the spirit of the chapter.

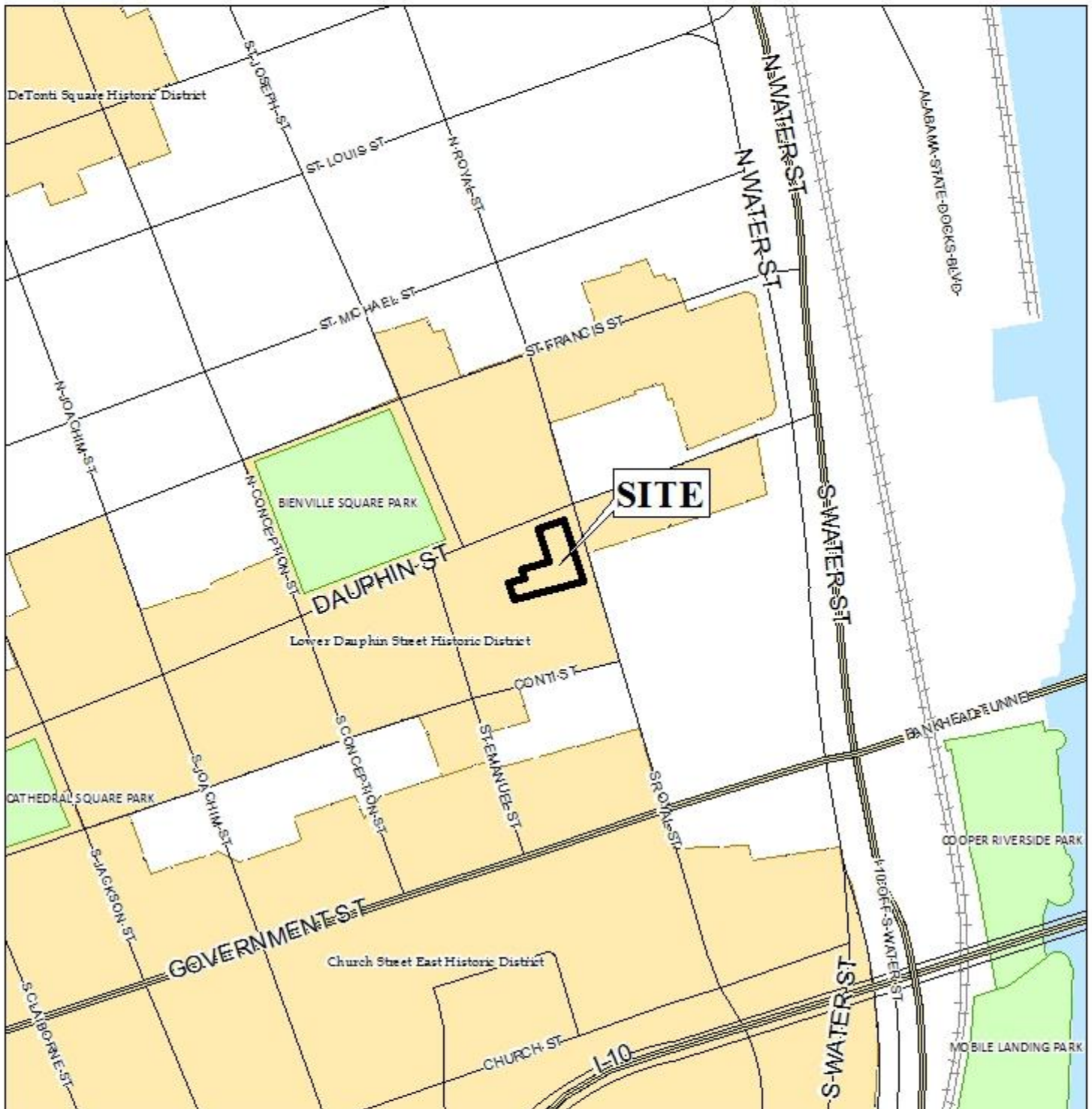
RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for approval:

- 1) Approving the variance request will not be contrary to the public interest since other rooftop cellular communications antennae exists atop buildings in the vicinity;
- 2) Special conditions appear to exist, including the operational requirements and placement for telecommunications equipment and the building's location within the Downtown Development District, that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance since the applicant will be required to obtain the proper building-related permits for the cellular communications antennae and any Architectural Review Board approvals, if necessary.

The approval is subject to the following conditions:

- 1) Obtainment of the proper building-related permits for the rooftop cellular communications antennae; and
- 2) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



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REQUEST Site Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



























The site is surrounded by commercial units.

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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

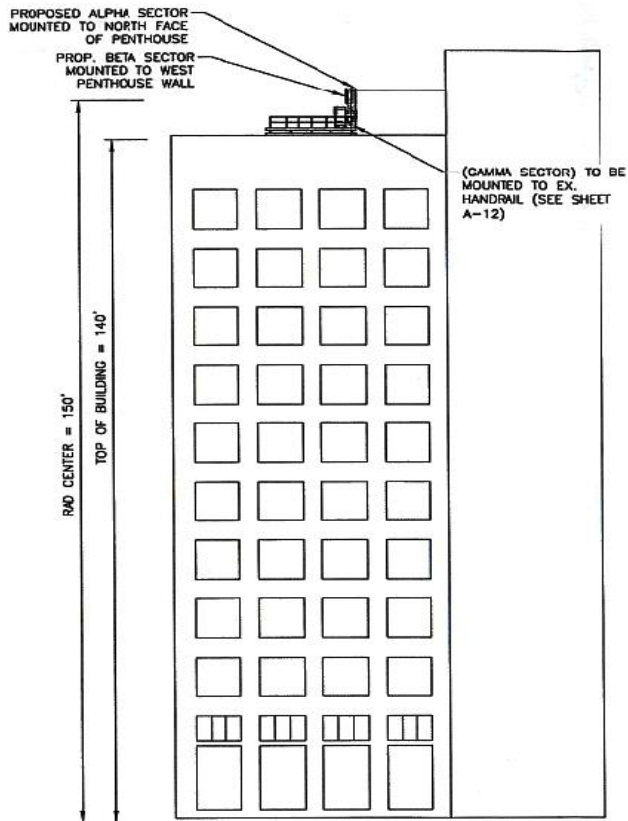


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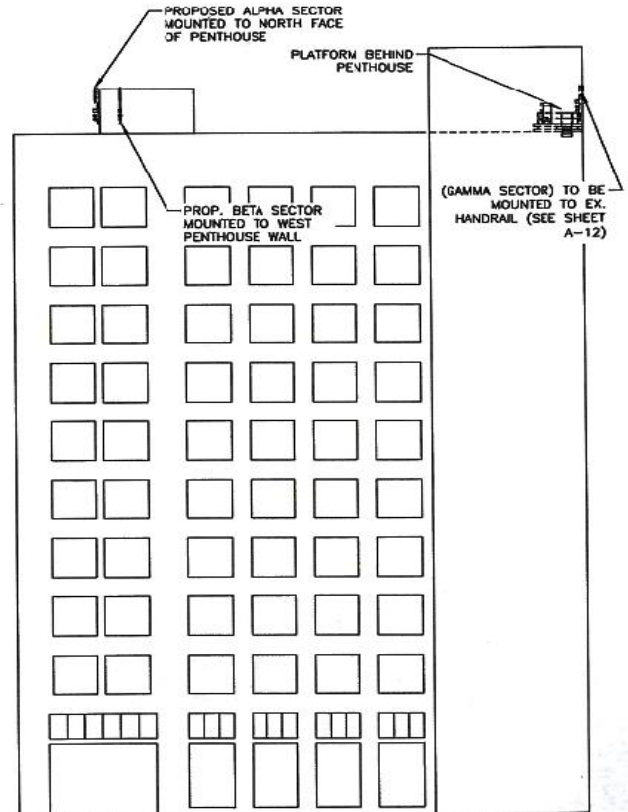
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REQUEST <u>Site Variance</u>	



DETAIL SITE PLAN



1 NORTH SITE ELEVATION (FINAL CONFIGURATION)
22x34 SHEET SCALE: N.T.S.
11x17 SHEET SCALE: N.T.S.



2 WEST SITE ELEVATION (FINAL CONFIGURATION)
22x34 SHEET SCALE: N.T.S.
11x17 SHEET SCALE: N.T.S.

APPLICATION NUMBER 5959 DATE April 6, 2015

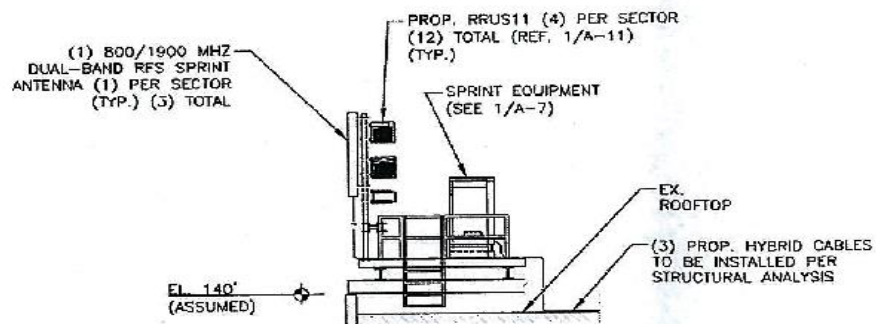
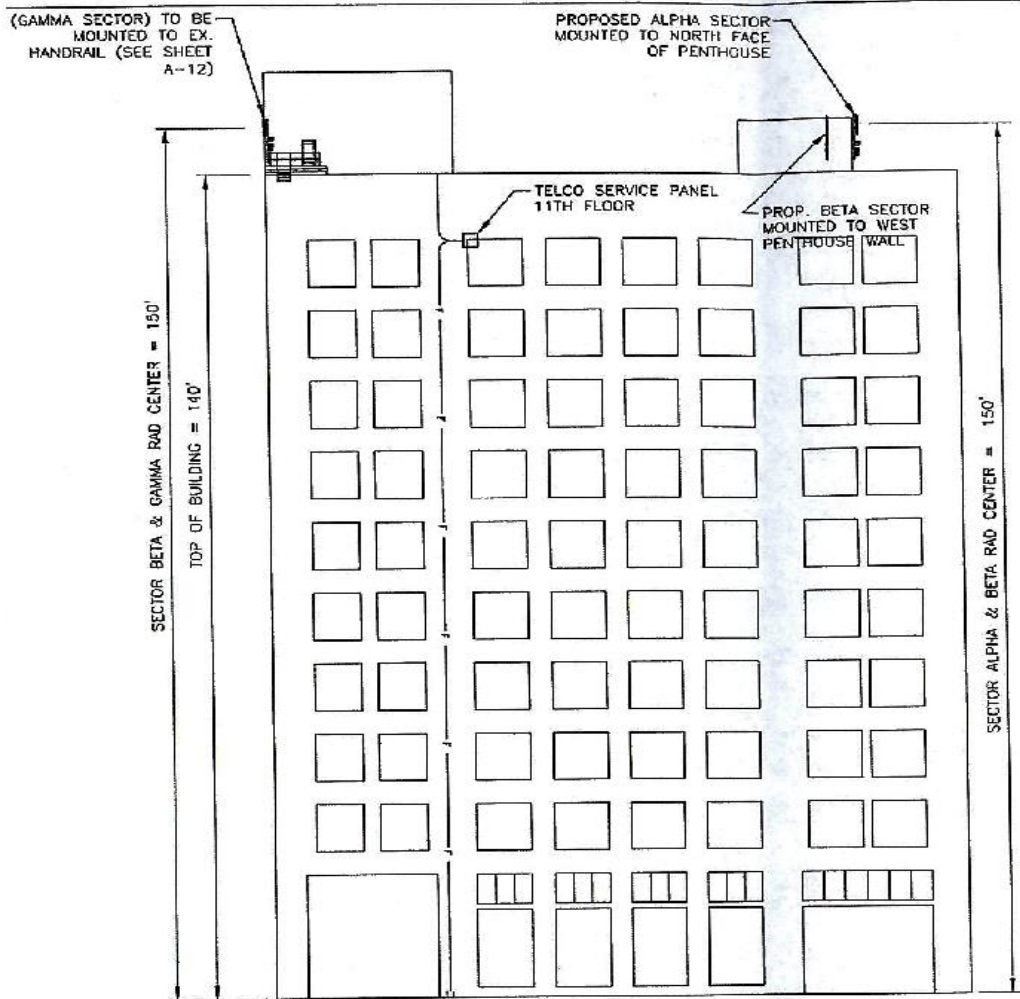
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NTS

DETAIL SITE PLAN



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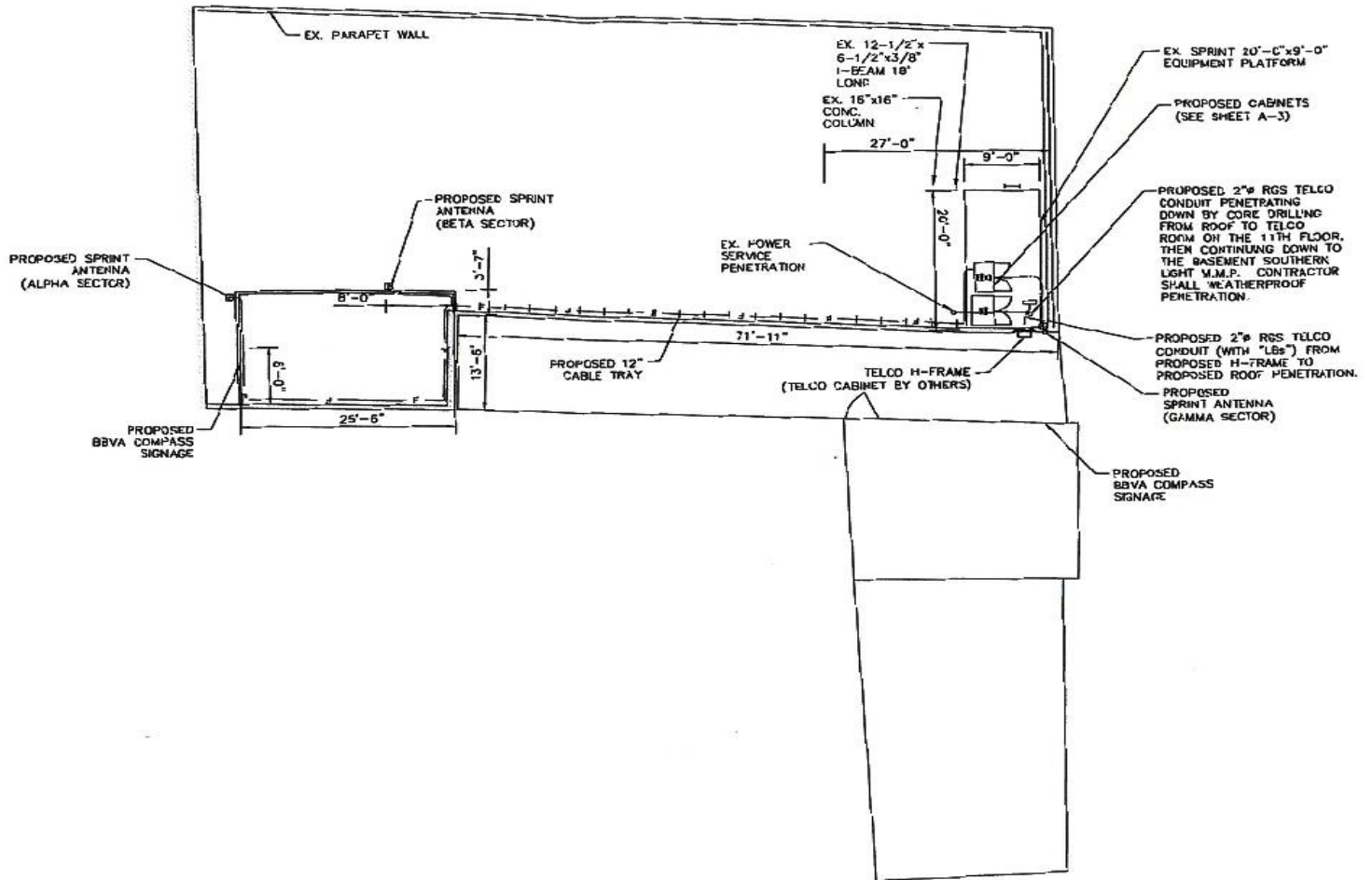
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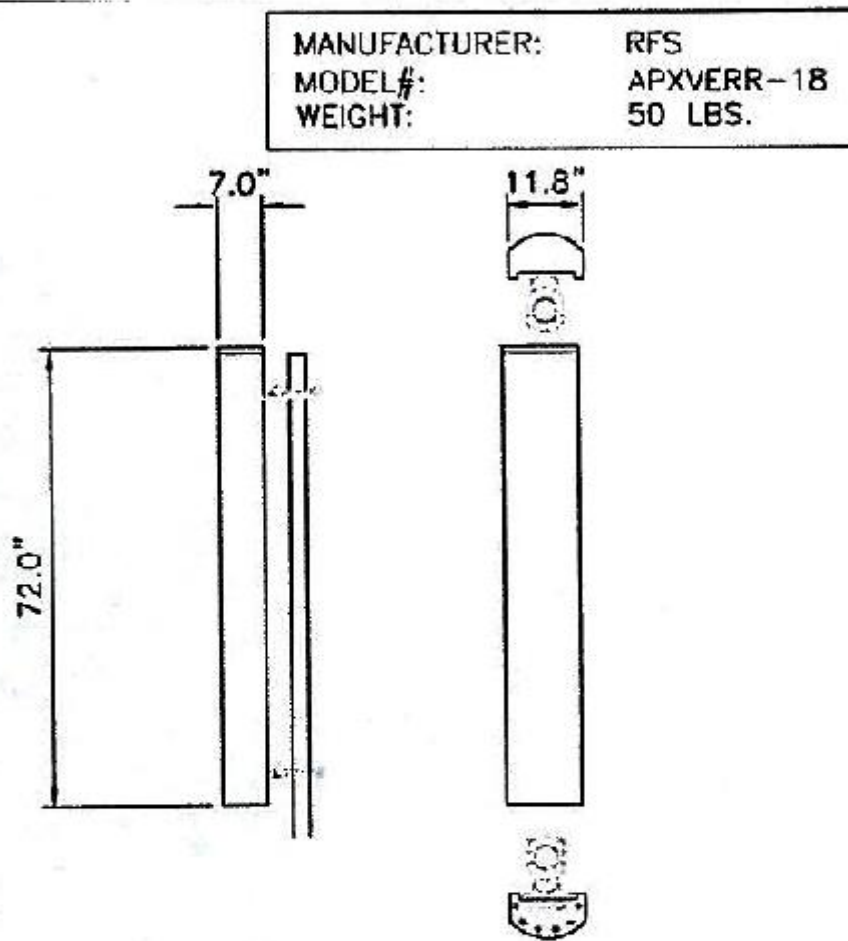


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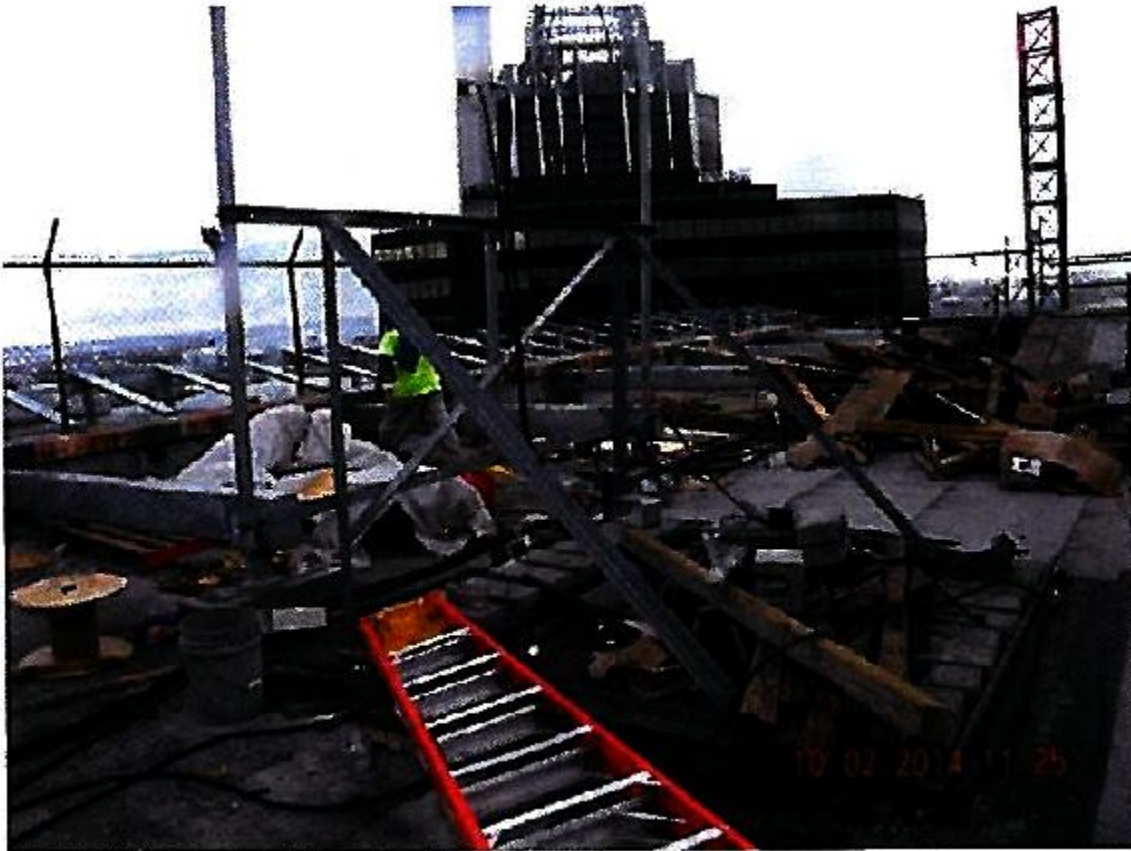
2 ANTENNA DETAIL

NOT TO SCALE

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DETAIL SITE PLAN



View of Beta Sector Antenna facing southeast.

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DETAIL SITE PLAN



View facing east showing Alpha Sector antennas.

View of Alpha Sector from Dauphin St. at St. Joseph.



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