

APPLICATION NUMBER

5121

A REQUEST FOR

**HEIGHT AND SETBACK VARIANCES TO ALLOW THE
CONSTRUCTION OF A 150' MONOPOLE
TELECOMMUNICATIONS TOWER, THE MAXIMUM
ALLOWABLE HEIGHT IS 45' IN A B-3, COMMUNITY
BUSINESS DISTRICT, AND TO ALLOW THE
CONSTRUCTION OF SAID TOWER TO WITHIN 114' OF
THE EAST PROPERTY LINE AND 124' FROM THE WEST
PROPERTY LINE, A 150' TOWER MUST BE SETBACK AT
LEAST 180' FROM LEASE/PROPERTY LINE.**

LOCATED AT

2800 DAUPHIN STREET, SUITE 104

(North side of Dauphin Street, 850' ± West of Mobile Street)

APPLICANT

CUMULUS BROADCASTING, INC.

BOARD OF ZONING ADJUSTMENT

JULY 2002

The applicant is requesting Height and Setback Variances to allow the construction of a 150' Monopole Telecommunications Tower, the maximum allowable height is 45' in a B-3, Community Business District; and to allow the construction of said tower to within 114' of the East property line and 124' from the West property line, a 150' tower must be setback at least 180' from a lease parcel/property line.

A Planning Approval application was presented to and approved by the Planning Commission on June 20, 2002. At that meeting, the Planning Commission approved the tower subject to the following: 1) the tower is to be located as far North on the site as possible, exact location to be approved by the Land Use Administration Office; 2) approval of all necessary variances by the Board of Adjustments; 3) provision of frontage trees; 4) provision of co-location for additional telecommunications provider(s); and 5) full compliance with all applicable codes and ordinances.

Although the applicant received Planning Approval for the placement of the tower at this location, variances are required for the proposed height and setbacks. The maximum height for a tower is 45' and the minimum setback from the lease/parcel line is 180'.

The proposed tower will be used mainly for the transmission of radio and television signals to the Baldwin County relay site. In addition, the applicant has provided a space to allow for a wireless telecommunication provider(s).

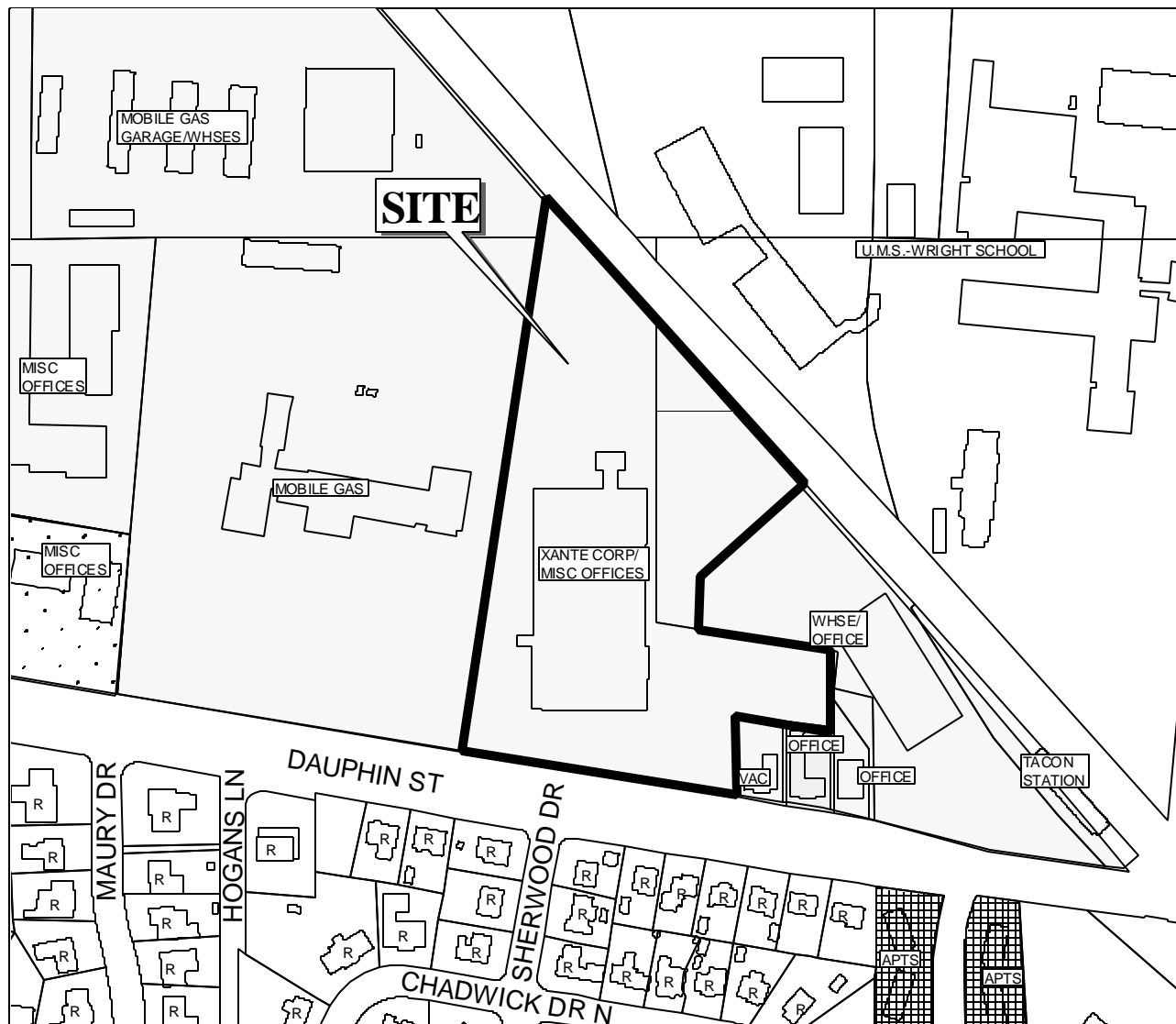
Planning Approval was granted subject to the tower being located in the northern portion of the parking lot near the railroad track. This approved location will reduce the visibility of the tower to residences along Dauphin Street.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted 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.

RECOMMENDATION 5121**Date: July 8, 2002**

Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) the tower to be located as far North on the site as possible, exact location to be approved by the Land Use Administration Office; 2) provision of frontage trees; 3) provision of co-location for additional telecommunications provider(s); and 4) full compliance with all applicable codes and ordinances.

BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous offices with single family residential dwellings to the South.

APPLICATION NUMBER 5121 DATE July 8, 2002

APPLICANT Cumulus Broadcasting, Inc.

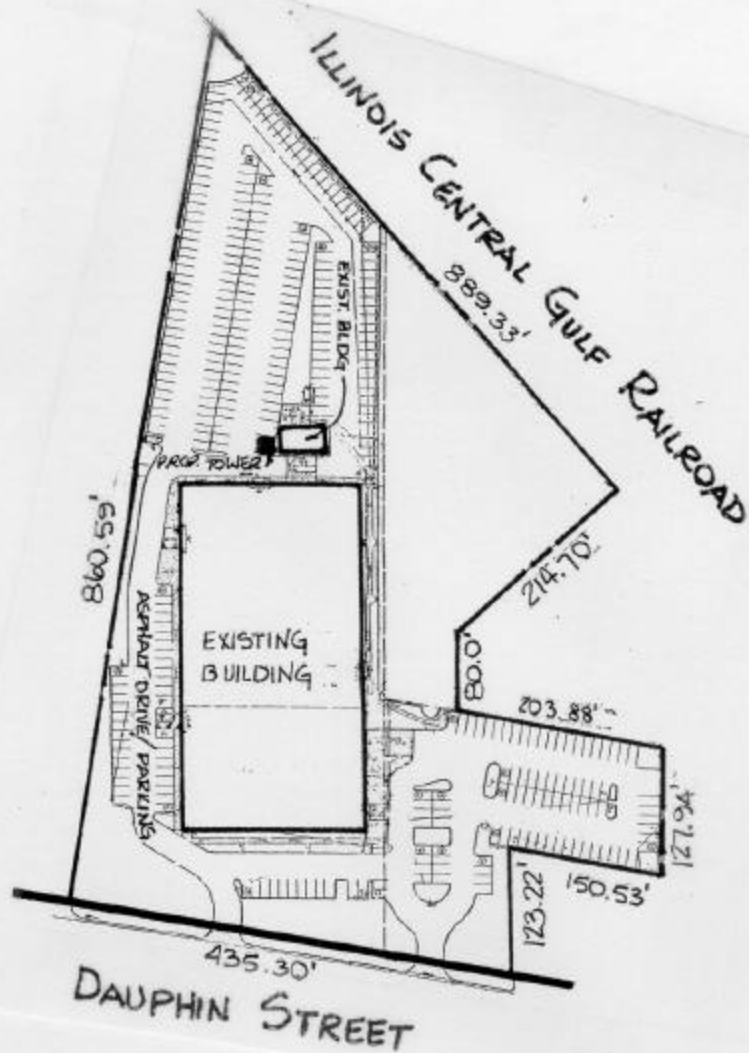
REQUEST Height and Setback Variances

LEGEND

R-1	R-2	R-3	R-B	H-B	B-1	B-2	B-3	B-4	B-5	I-1	I-2	NTS



SITE PLAN



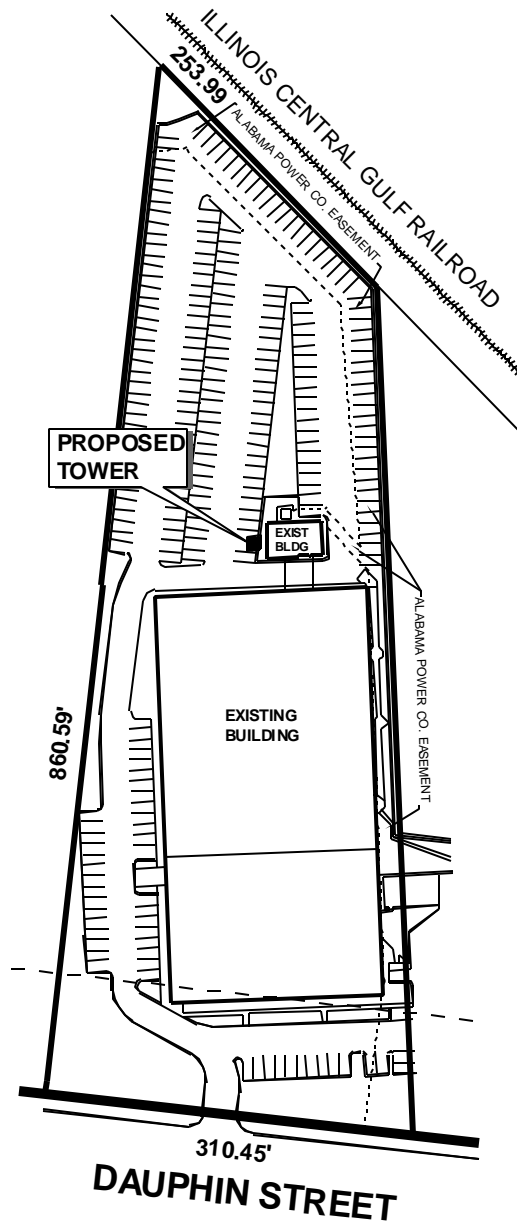
The site is located on the North side of Dauphin Street, 850' West of Mobile Street. The plan illustrates the existing structures and parking, along with the proposed tower location.

APPLICATION NUMBER 5121 DATE July 8, 2002
 APPLICANT Cumulus Broadcasting, Inc.
 USE/REQUEST Height and Setback Variances



NTS

DETAIL SITE PLAN



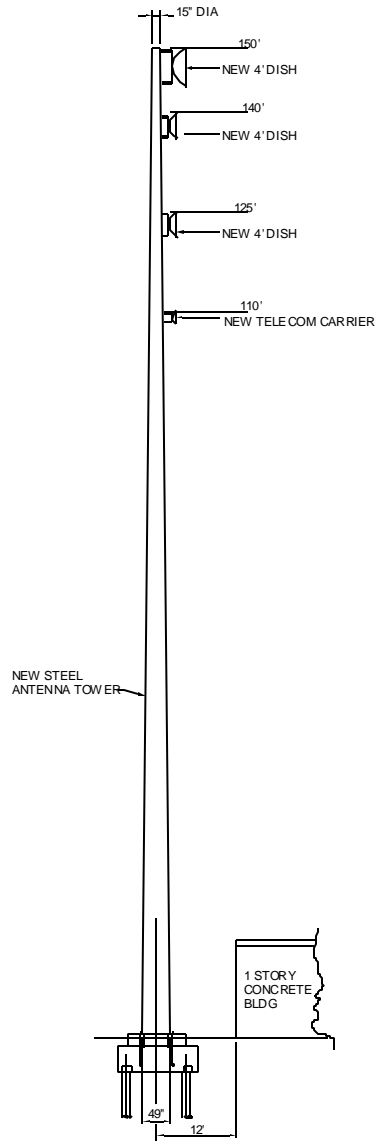
APPLICATION NUMBER 5121 DATE July 8, 2002

APPLICANT Cumulus Broadcasting, Inc.

USE/REQUEST Height and Setback Variances



TOWER DETAIL



APPLICATION NUMBER 5121 DATE July 8, 2002
 APPLICANT Cumulus Broadcasting, Inc.
 USE/REQUEST Height and Setback Variances

