

APPLICATION NUMBER

**5247**

A REQUEST FOR

**HEIGHT, SETBACK, AND ACCESS/MANEUVERING  
SURFACE VARIANCES TO ALLOW THE  
CONSTRUCTION OF A 150' MONOPOLE  
TELECOMMUNICATIONS TOWER, SETBACK 25' FROM  
A LEASE PARCEL LINE, WITH A GRAVEL DRIVE AND  
PARKING; THE MAXIMUM ALLOWABLE HEIGHT IS  
45', A 150' TOWER MUST BE SETBACK AT LEAST 150'  
FROM A LEASE PARCEL LINE, AND  
ACCESS/MANEUVERING AREAS MUST BE ASPHALT,  
CONCRETE OR AN APPROVED ALTERNATIVE PAVING  
SURFACE, IN A B-2, NEIGHBORHOOD BUSINESS  
DISTRICT.**

LOCATED AT

**2262 HILLCREST ROAD**

(West side of Hillcrest Road, 950'± North of Cottage Hill Road)

APPLICANT

**ELISKA WIRELESS VENTURES I, LLC (T-MOBILE)**

AGENT

**DAVID WILKINS**

**BOARD OF ZONING ADJUSTMENT**

JULY 2004

The applicant is requesting Height, Setback and Access/Maneuvering Surface Variances to allow the construction of a 150' Monopole Telecommunications Tower, setback 25' from a lease parcel line, with a gravel drive and parking; the maximum allowable height is 45', a 150' tower must be setback at least 150' from a lease parcel line and access/maneuvering areas for towers must be asphalt, concrete or an approved alternative paving surface, in a B-2, Neighborhood Business District.

The applicant states that this location was chosen due to the fact that there are no existing towers, water tanks, or other tall structures within a half-mile radius, and this site is the only property that was available for lease that meets the buffer and separation requirements from residential property.

The applicant has applied for and received approval from the Planning Commission at its June 17<sup>th</sup> meeting to construct a 150' tower. The Commission's approval was subject to the following conditions:

- 1) full compliance with landscaping and tree planting requirements of the ordinance (for the lease parcel);
- 2) the approval of any necessary variances from the Board of Zoning Adjustment;
- 3) provision of a 24-foot wide drive as required by Traffic Engineering; and
- 4) full compliance with all municipal codes and ordinances;

It should be noted that the variance for the 12' wide drive should be denied by the Board and constructed to 24' wide as approved by the Planning Commission. In addition, the applicant is requesting a gravel drive to the tower. The reason aggregate is not an approved surface is because of the shifting of the aggregate onto the right-of-way and adjacent properties. Also, as the site would require a minimum amount of asphalt and would tie into an existing asphalt surface, this request should be denied.

The purpose of the Telecommunications Ordinances is to protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities through careful design, siting, landscaping; to promote and encourage shared use/collocation of towers and antenna support structures as primary option rather than construction of single-use towers; and to ensure that towers and telecommunications facilities are compatible with surrounding land uses.

The documentation submitted with this request indicates that there are no available co-locatable towers within ½ mile of this site and that the tower would meet current building codes. Additional documentation illustrates coverage for an existing "dead spot" in the wireless carriers network and that the tower will provide space for two additional telecommunications carriers.

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.

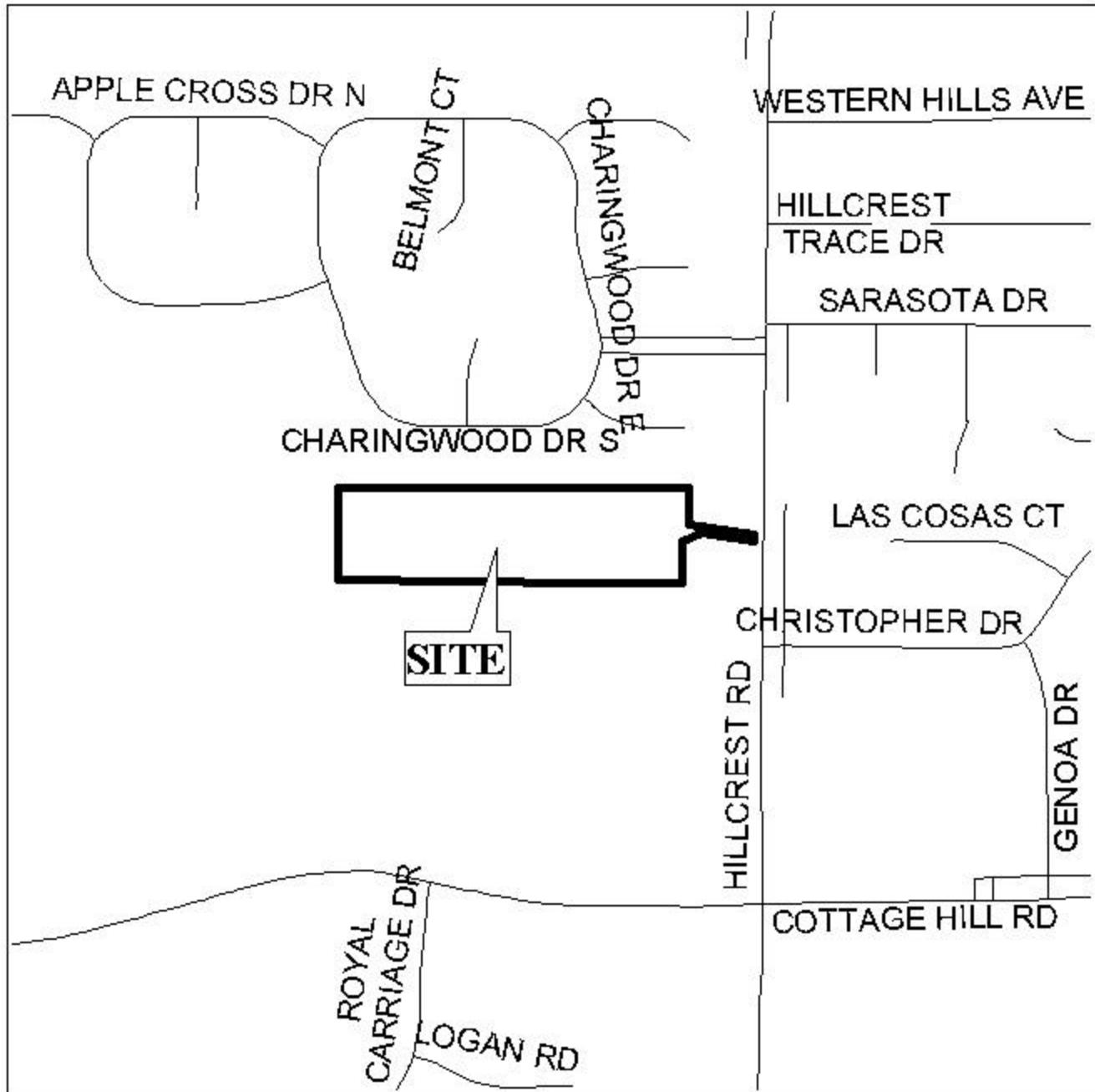
The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to provide a 12' wide drive and a gravel surface.

**RECOMMENDATION 5247****Date: July 12, 2004**

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Based upon the preceding it is recommended that the variances for substandard access and gravel surface be denied and that height and setback variances be recommended approval for subject to the following conditions: 1) full compliance with landscaping and tree planting requirements of the ordinance (for the lease parcel); 2) the provision of a 24-foot wide drive as required by Planning Commission; and 3) full compliance with all municipal codes and ordinances, including but not limited to the Telecommunications Towers and Facilities Ordinance.

## LOCATOR MAP



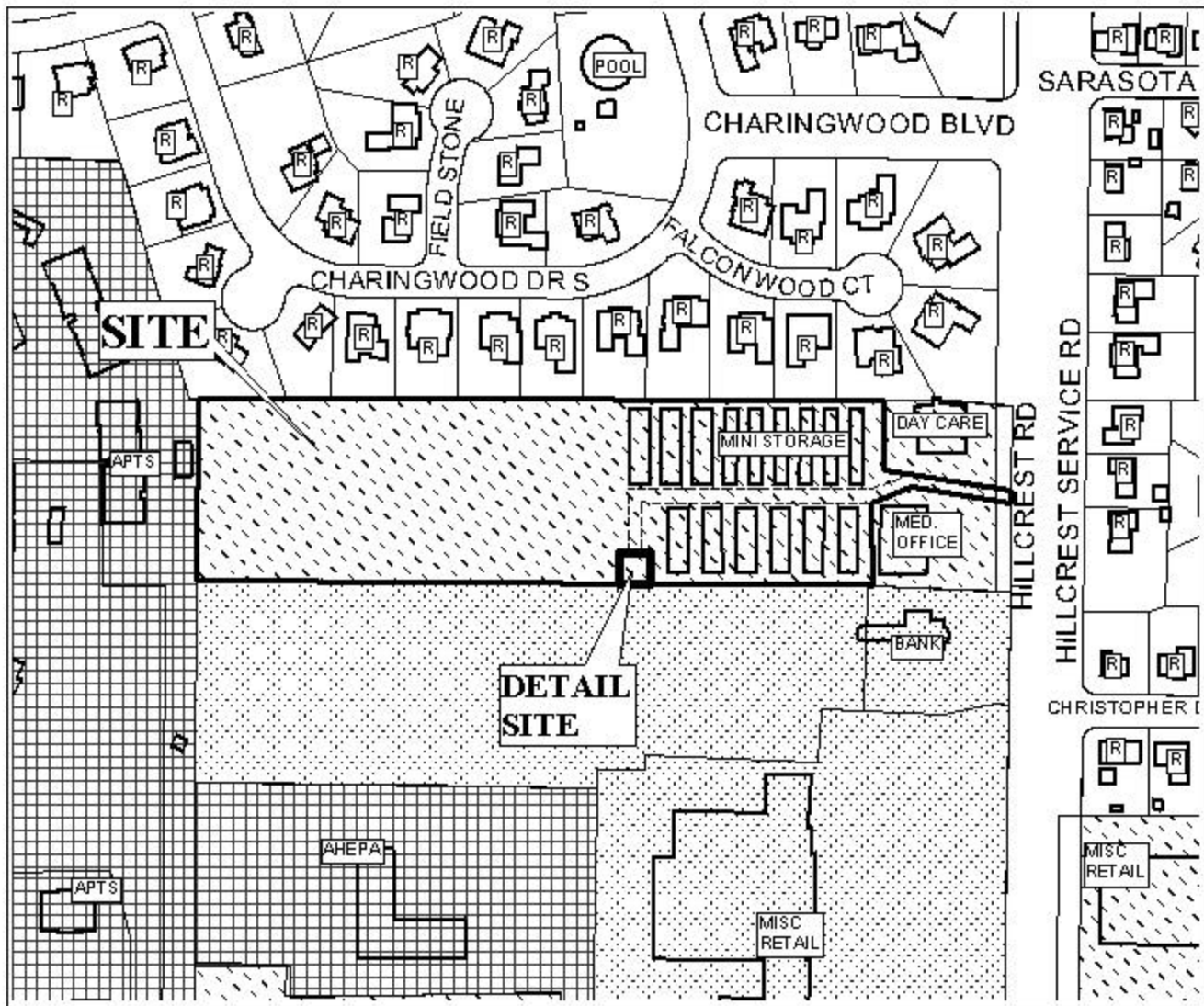
APPLICATION NUMBER 5247 DATE July 12, 2004

APPLICANT Eliska Wireless Ventures I, Inc

REQUEST Height, Setback, and Access/Maneuvering Surface Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous retail, offices, and daycare, with single family residential dwellings located to the North.

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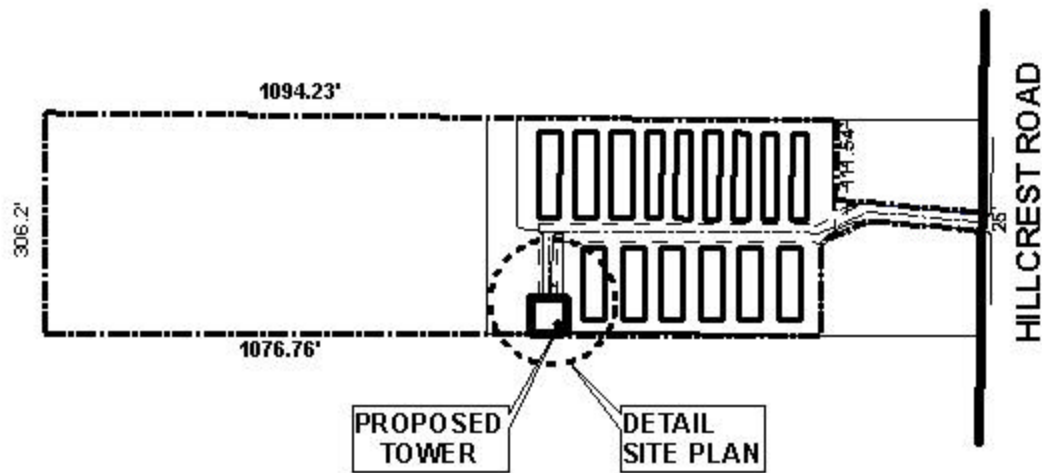
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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



## SITE PLAN



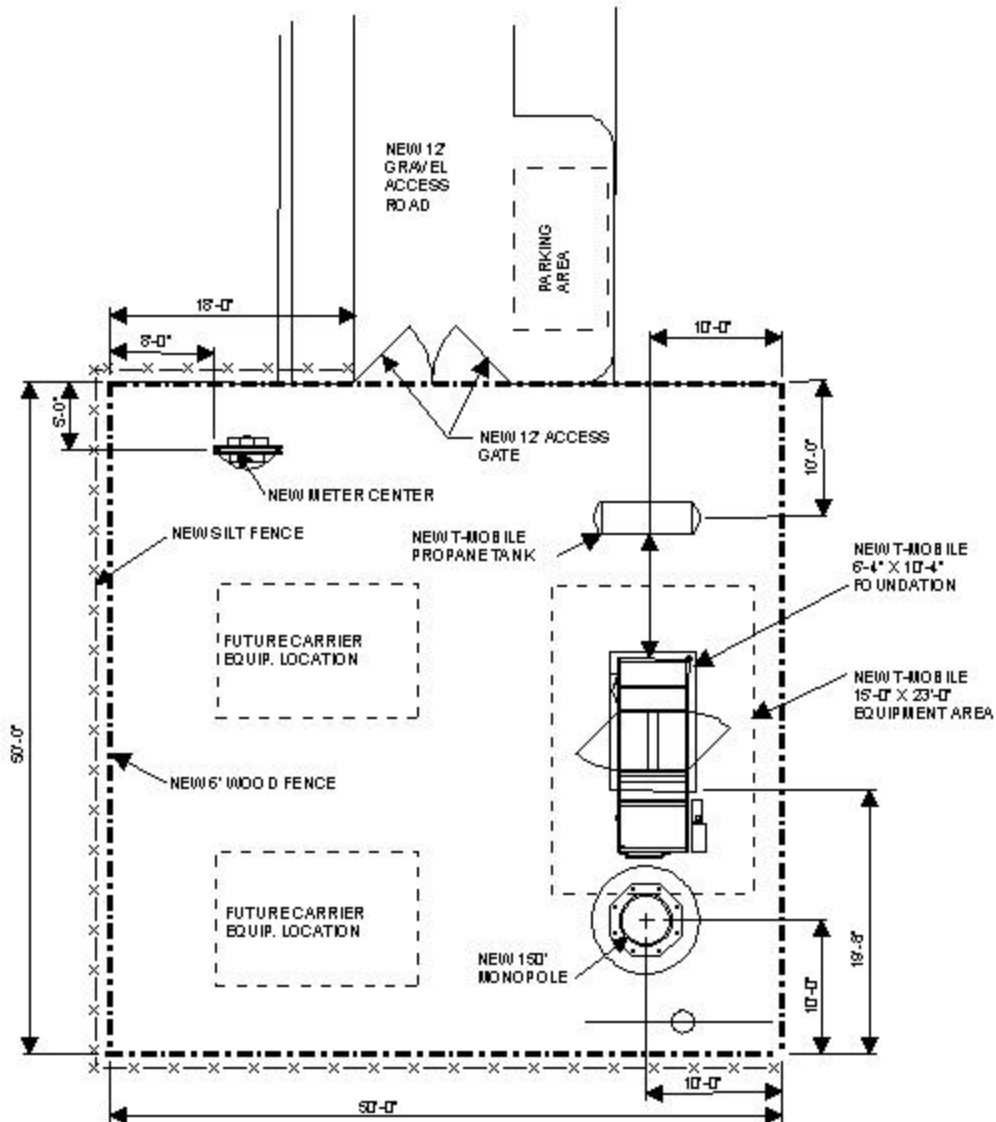
The site is located on the West side of Hillcrest Road, 950' North of Cottage Hill Road. The plan illustrates the existing structures, along with the proposed tower.

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# DETAIL SITE PLAN



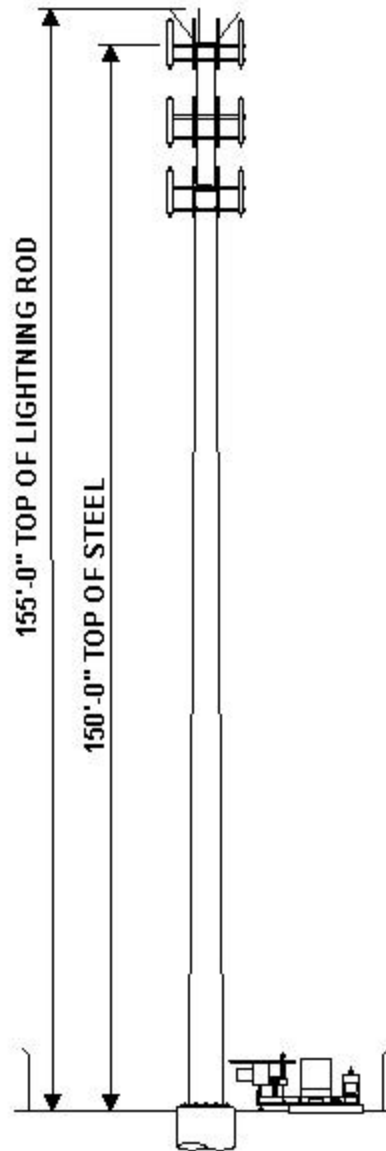
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