

HOLDOVER

APPLICATION NUMBER

5234

A REQUEST FOR

**HEIGHT, SETBACK, AND BUFFER SEPARATION
VARIANCES TO ALLOW A 150' MONOPOLE
TELECOMMUNICATIONS TOWER, SETBACK 25' FROM
A LEASE PARCEL LINE, AND 152' FROM
RESIDENTIALLY ZONED PROPERTY; THE MAXIMUM
ALLOWABLE HEIGHT IS 45', A 150' TOWER MUST BE
SETBACK AT LEAST 150' FROM A LEASE PARCEL
LINE, AND A MINIMUM SEPARATION OF 225' (150% OF
THE HEIGHT OF THE TOWER) IS REQUIRED FROM
RESIDENTIALLY ZONED PROPERTY IN A B-2,
NEIGHBORHOOD BUSINESS DISTRICT.**

LOCATED AT

(South side of Osage Street, 180'± East of Dr. Martin Luther King, Jr. Avenue)

APPLICANT

ELISKA WIRELESS VENTURES I, LLC (T-MOBILE)

AGENT

DAVID WILKINS

BOARD OF ZONING ADJUSTMENT

MAY 2004

The applicant is requesting Height, Setback, and Buffer Separation Variances to allow a 150' monopole Telecommunications Tower, setback 25' from a lease parcel line, and 152' from residentially zoned property; the maximum allowable height is 45 feet, a 150' tower must be setback at least 150' from a lease parcel line, and a minimum separation of 225' (150% of the height of the tower) is required from residentially zoned property in a B-2, Neighborhood Business District.

The applicant states that this location was chosen due to the fact that there are no towers within a half-mile radius, it is located in a commercial district, and that the neighboring properties are commercial.

The applicant has applied for and received approval from the Planning Commission at its April 15th meeting to construct a 150' tower. The Commission's approval was subject to the following conditions:

- 1) the applicant obtaining all of the necessary variances from the Board of Zoning Adjustment;
- 2) completion of the subdivision process prior to the issuance of any permits;
- 3) the entire lot (Lot 2) be brought into full compliance with landscaping, and tree planting and sidewalk requirements; and
- 4) full compliance with all municipal codes and ordinances, including but not limited to the Telecommunications Towers and Facilities Ordinance.

As the site has received Planning Commission approval, the Board typically approves the necessary variances subject to the same conditions. It should be noted that a subdivision application was also submitted and approved for this location.

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 the tower, would be constructed to meet the current building codes. Additional documentation illustrates coverage for an existing "dead spot" and the tower would provide additional 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.

RECOMMENDATION 5234**Date: May 3, 2004**

Based upon the preceding, this application is recommended for subject to the following conditions: 1) completion of the subdivision process prior to the issuance of any permits; 2) the entire lot (Lot 2) be brought into full compliance with landscaping, tree planting and sidewalk requirements; and 3) full compliance with all municipal codes and ordinances, including but not limited to the Telecommunications Towers and Facilities Ordinance.

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is located in an area of mixed land-use and zoning. Single-family residential dwellings are to the north, east and south. Commercial sites are to the west.

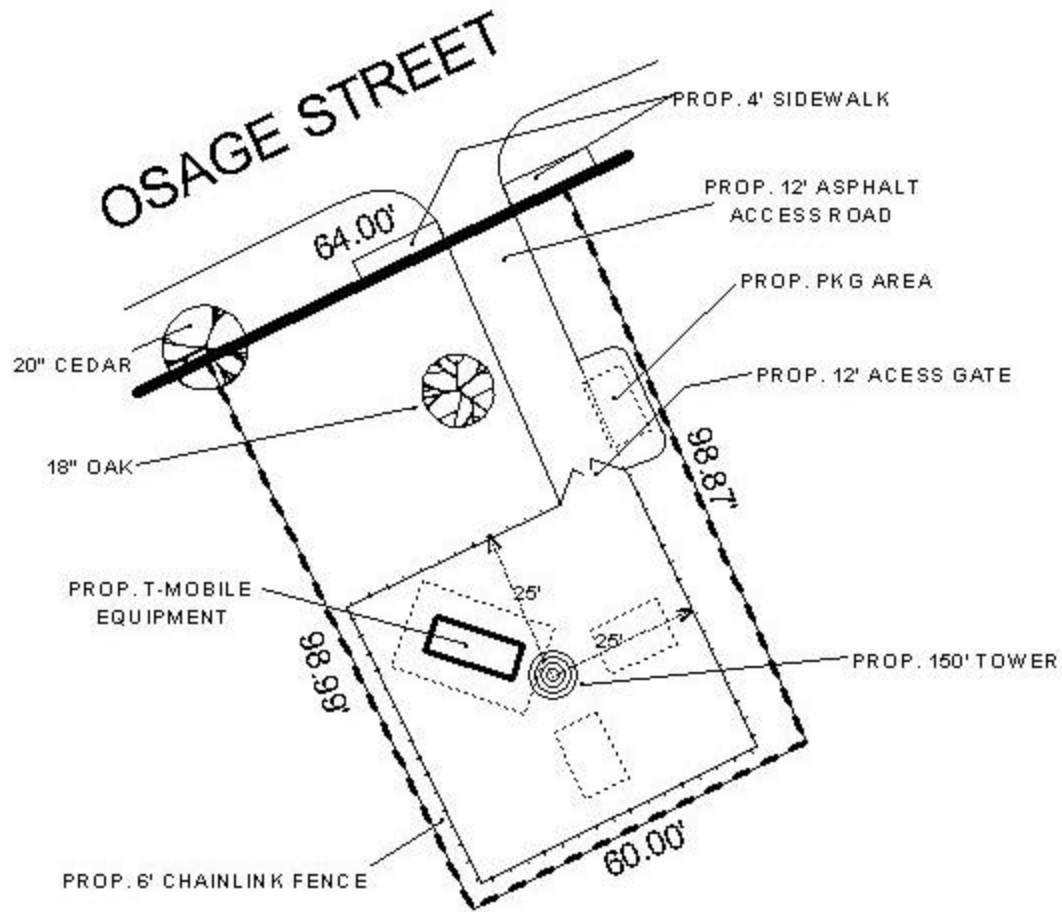
APPLICATION NUMBER 5234 DATE May 3, 2004
 APPLICANT Eliska Wireless Ventures I, Inc. (T-Mobile), (David Wilkins, Agent)
 REQUEST Height, Setback and Buffer Separation Variances

LEGEND



NTS

SITE PLAN



The site is located on the South side of Osage Street,
180' East of Dr. Martin Luther King Jr. Avenue.
The plan illustrates the proposed structures and parking.

APPLICATION NUMBER 5234 DATE May 3, 2004

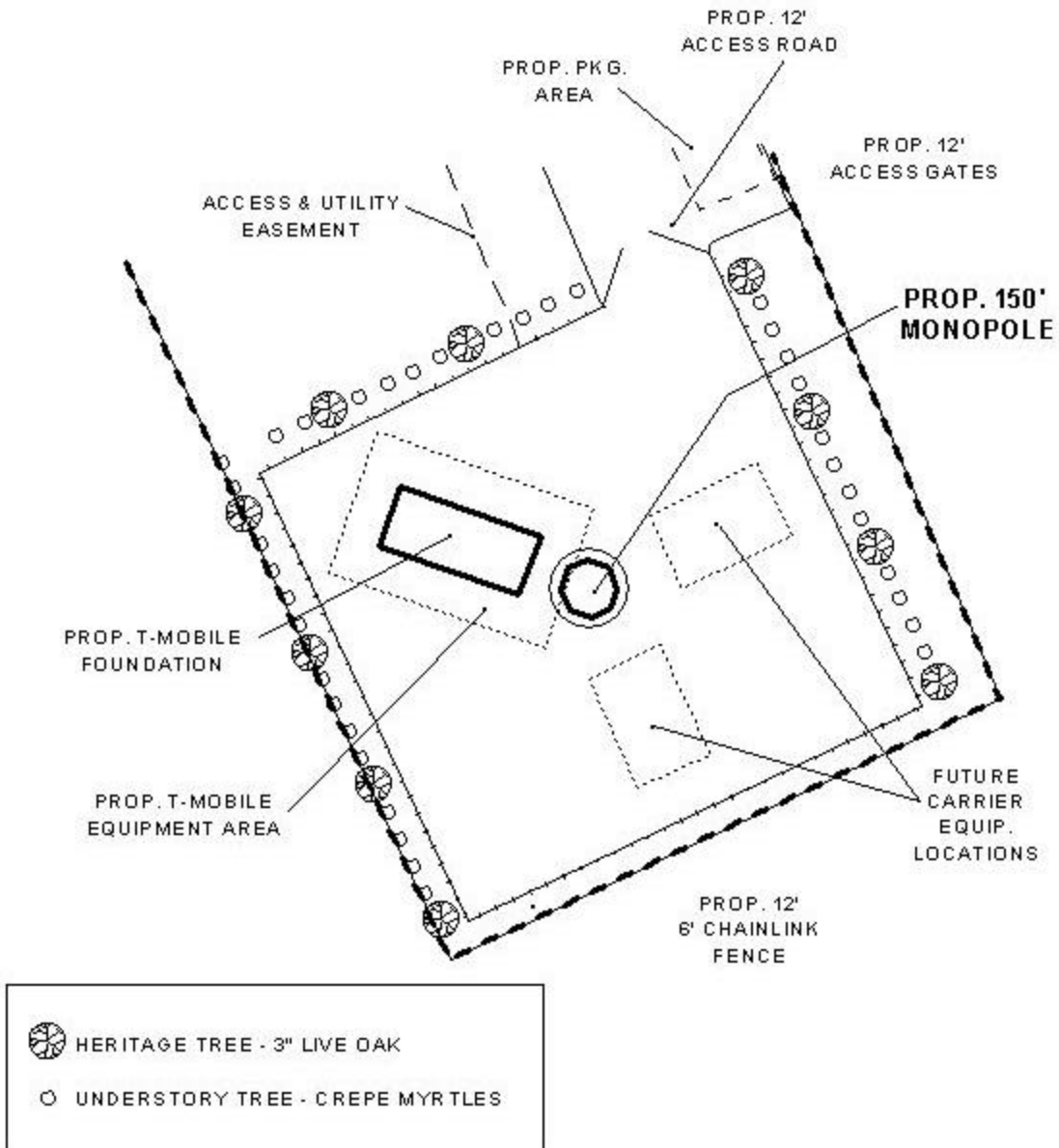
APPLICANT Eliska Wireless Ventures, Inc. (T-Mobile), (David Wilkins, Agent)

USE/REQUEST Height, Setback and Separation Variances



NTS

DETAIL SITE PLAN



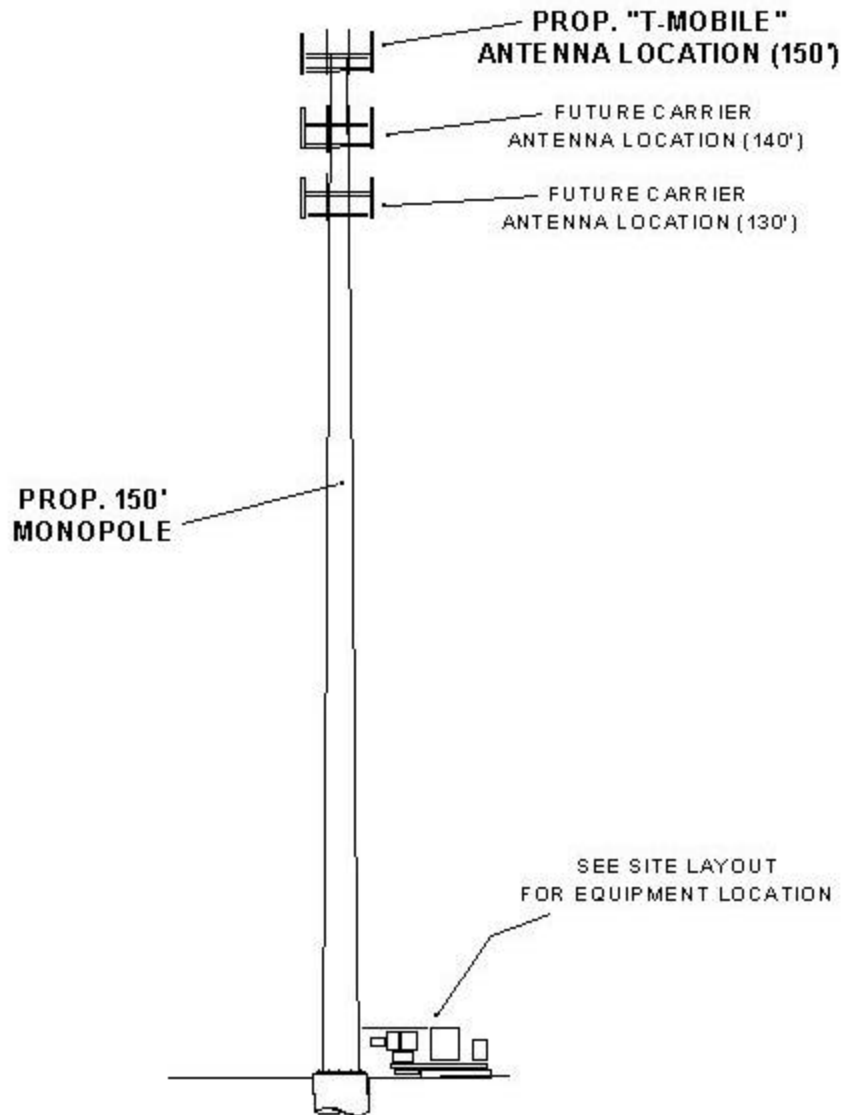
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USE/REQUEST Height, Setback and Separation Variances



DETAIL SITE PLAN



APPLICATION NUMBER 5234 DATE May 3, 2004

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USE/REQUEST Height, Setback and Separation Variances

