

HOLDOVER

APPLICATION NUMBER

5368

A REQUEST FOR

**HEIGHT, SETBACK, AND BUFFER SEPARATION VARIANCES
TO ALLOW THE CONSTRUCTION OF A 70' MONOPOLE
TELECOMMUNICATIONS TOWER, SETBACK 6.89' FROM A
LEASE PARCEL LINE, AND 6.89' FROM RESIDENTIALLY
ZONED PROPERTY; THE MAXIMUM ALLOWABLE HEIGHT IS
45', A 70' TOWER MUST BE SETBACK AT LEAST 70' FROM A
LEASE PARCEL LINE, AND A MINIMUM SEPARATION OF 200'
(150% OF THE HEIGHT OF THE TOWER OR 200', WHICHEVER
IS GREATER) IS REQUIRED FROM RESIDENTIALLY ZONED
PROPERTY IN A B-1 BUFFER BUSINESS DISTRICT.**

LOCATED AT

South side of Government Street, 95' ± East of Park Terrace

APPLICANT

T-MOBILE

AGENT

DAVID WILKINS

OWNER

MESSINA & HARRIS, INC.

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2006

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ANALYSIS APPLICATION 5368

Date: September 11, 2006

The applicant is requesting Height, Setback, and Buffer Separation Variances to allow the construction of a 70' Monopole Telecommunications Tower, setback 6.89' from a lease parcel line, and 6.89' from residentially zoned property; the maximum allowable height is 45', a 70' tower must be setback at least 70' from a lease parcel line, and a minimum separation of 200' (150% of the height of the tower or 200', whichever is greater) is required from residentially zoned property in a B-1, Buffer Business District.

The applicant states that compliance cannot be met because of the necessary height required for the tower; that the property is different from other parcels in the search area because there is space available; the location minimizes visibility of the pole, and; the property owner is willing to lease.

The proposed tower site is at the rear of a vacant lot on the South side of Government Street between two adjacent commercial sites. Immediately to the rear of the proposed site (and 6.89' from the site) is R-1, Single-Family Residential zoning and use. Also, this site and all properties to the immediate rear of the site are within the Leinkauf Historic District and, therefore, Historic District concerns should be taken into consideration. The proposed tower is classified as a stealth tower, disguised as a light pole, but all antennae are clearly visible on the exterior of the pole in the submitted plans.

The applicant has not submitted all of the documentation as required in Section 64-4-J-4-4 of the Zoning Ordinance. The applicant is required to submit written documentation that they have (1) made diligent, but unsuccessful efforts for a minimum of forty-five (45) days prior to the submission of the application to install or collocate the Telecommunications Facilities on Towers or usable Antenna Support Structures owned by the City and other persons located within one-half mile radius of the proposed tower site; or (2) written, technical evidence from an engineer that the proposed Tower or Telecommunications Facilities cannot be installed or collocated on another Person's Tower or usable Antennae Support Structure located at the proposed site in order to meet the coverage requirements of the Applicant's wireless communications system.

The applicant states this tower site is needed to improve mobility coverage as well as in-building coverage in the service area, and their current services do not meet these coverage objectives. The applicant states that a 70-foot light pole design cellular tower designed to serve one cellular service provider.

The Telecommunications Towers and Facilities Ordinance establishes specific criteria for granting setback, buffer separation and height variances. The Ordinance states that a

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modification to the setback requirement should be considered in situations where “the only alternative is to locate the tower at another site which poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land.”

In evaluating applications for telecommunication towers, the submission of propagation maps illustrating the existing and proposed coverage is a vital part of application. The applicant has not submitted propagation maps illustrating the need for a tower in the area or documentation illustrating that the tower will be engineered to provide co-location for other carriers (structure illustrates one carrier). The applicant has not submitted an affidavit from a radio frequency engineer stating that there are no usable existing antenna support structures within a ½ mile radius of the proposed site location, and that a tower must be located at the coordinates in order to meet the applicant’s coverage requirements.

The applicant must submit information illustrating a need for coverage in the area, and there are concerns regarding the proposed location of the tower. Furthermore, the overall site is quite small, and there are no other locations within the site that would comply with the buffer separation requirements (distance to residential property) of the Ordinance.

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.

The intent of the Telecommunications Section of the Zoning Ordinance is to regulate the construction of towers, such that adequate coverage is available to service providers while maintaining the character of an area and protecting nearby residential properties, as well as encouraging collocation on existing antennae support structures, and manage the number of towers to avoid a proliferation of towers on the landscape.

As stated previously, the site is located within the Leinkauf Historic District; therefore, there are concerns as to how this would impact the development of the proposed tower. As variances are site plan specific, it is recommended that this application be heldover to allow the applicant to work with the Historic Development Commission and the Architectural Review Board to find a better location or some type of stealth tower that would be sympathetic to the historic character of the surrounding neighborhood.

Subsequent to the August Board meeting, the applicant submitted the required affidavit from a radio frequency engineer concerning the lack of other suitable sites within the coverage area, a network coverage map, and a statement that the tower will be co-

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locatable, as required by the Zoning Ordinance. The proposed tower was also reviewed by the Architectural Review Board which voted unanimously that erection of the tower would impair the historic district. However, the Architectural Review Board could not agree on conditions that would make the tower acceptable. Due to tie votes among Architectural Review Board members, a legal determination was made in favor of approval of the tower. The Architectural Review Board agreed that the tower should not be lighted, should be painted, and should be relocated to the West corner of the compound in order to blend in with the natural tree canopy.

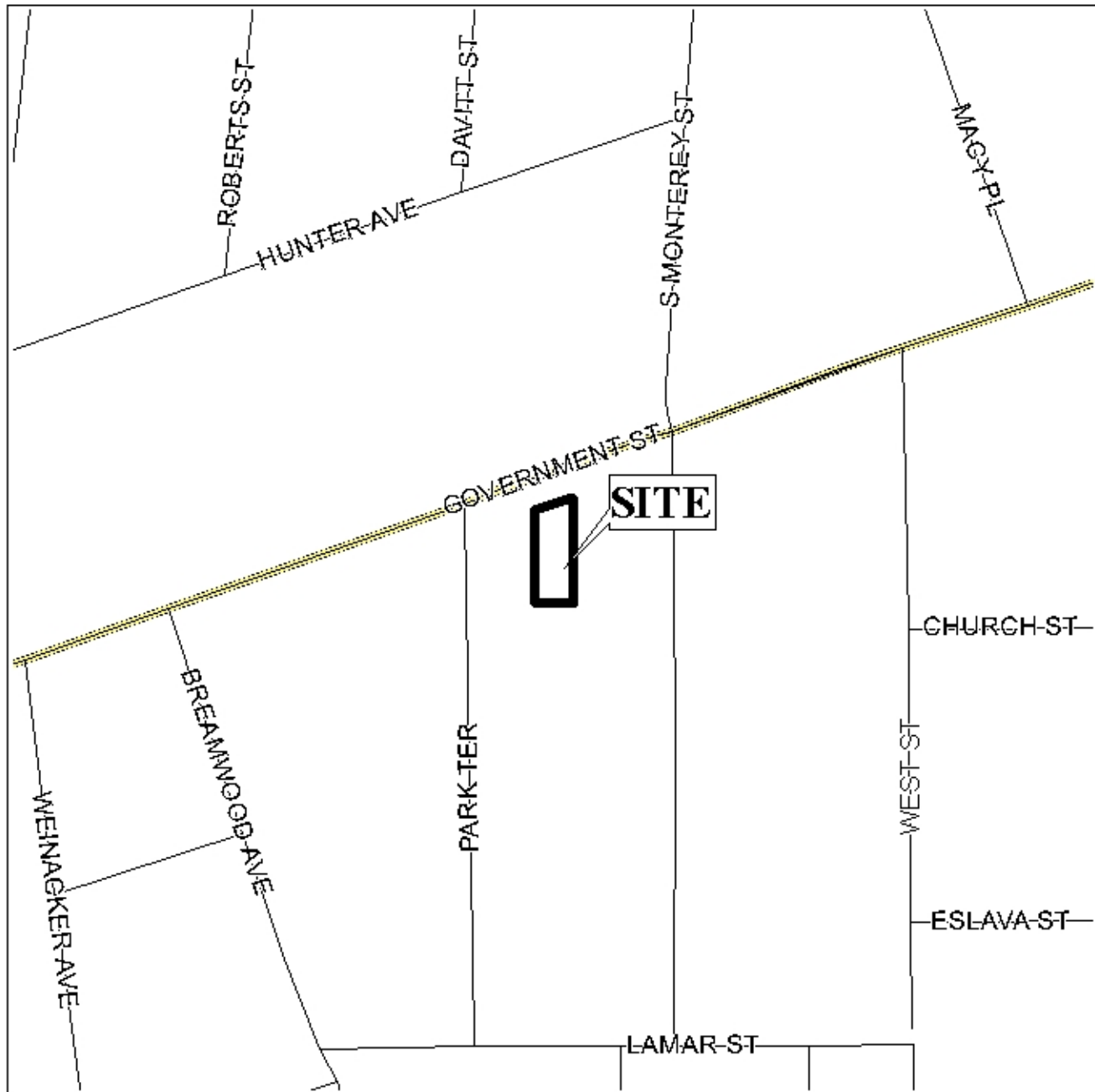
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RECOMMENDATION 5368

Date: September 11, 2006

Base on the preceding, this application is recommended for approval subject to the following conditions: (1) the tower be relocated to the West side of the compound, exact location to be coordinated with the Architectural Review Board; (2) the tower not be illuminated, (3) the tower be painted in a color to be coordinated with the Architectural Review Board, (4) compliance with the Certificate of Appropriateness granted by the Architectural Review Board; and (5) full compliance with all municipal; codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5368 DATE August 7, 2006

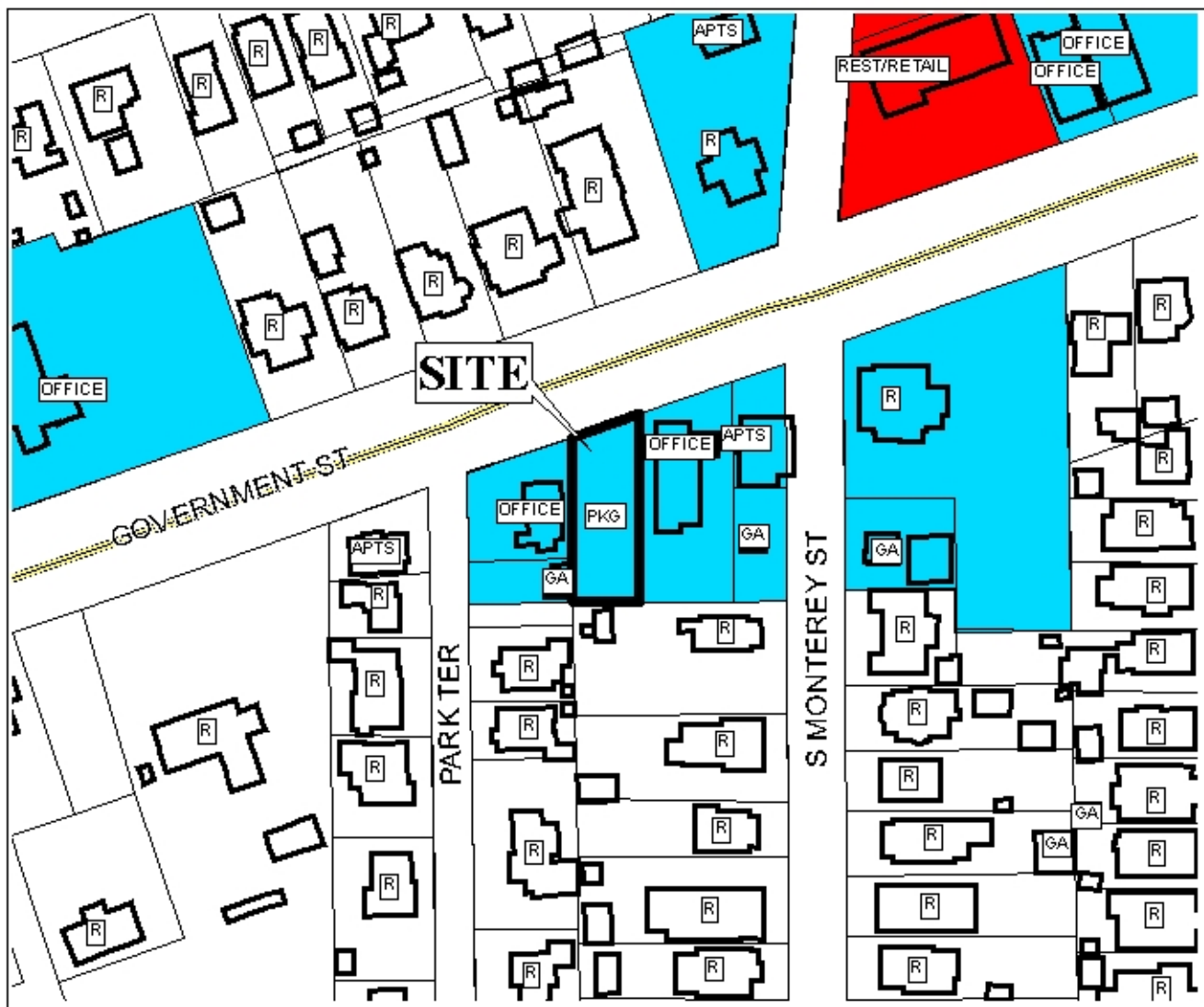
APPLICANT T-Mobile (Messina & Harris, Inc., Owner)

REQUEST Height, Setback, Buffer Separation Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use

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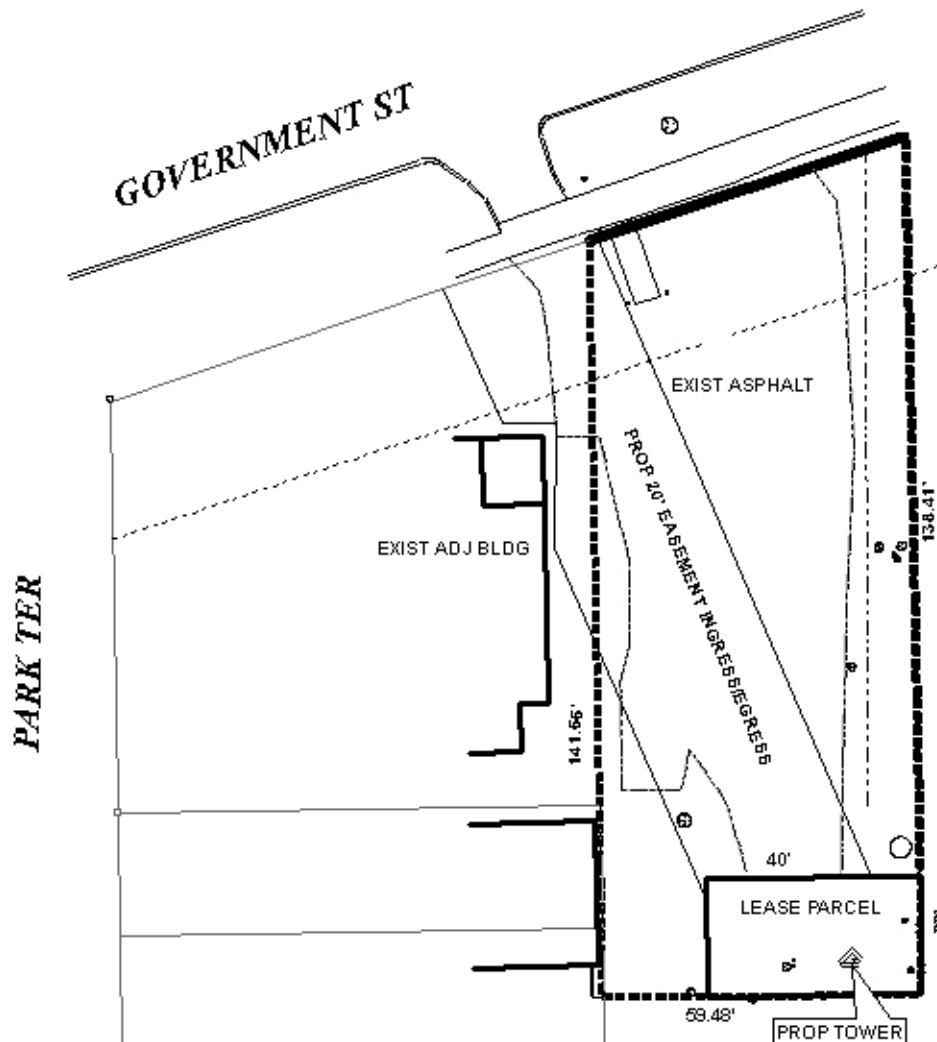
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LEGEND

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	NTS
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SITE PLAN



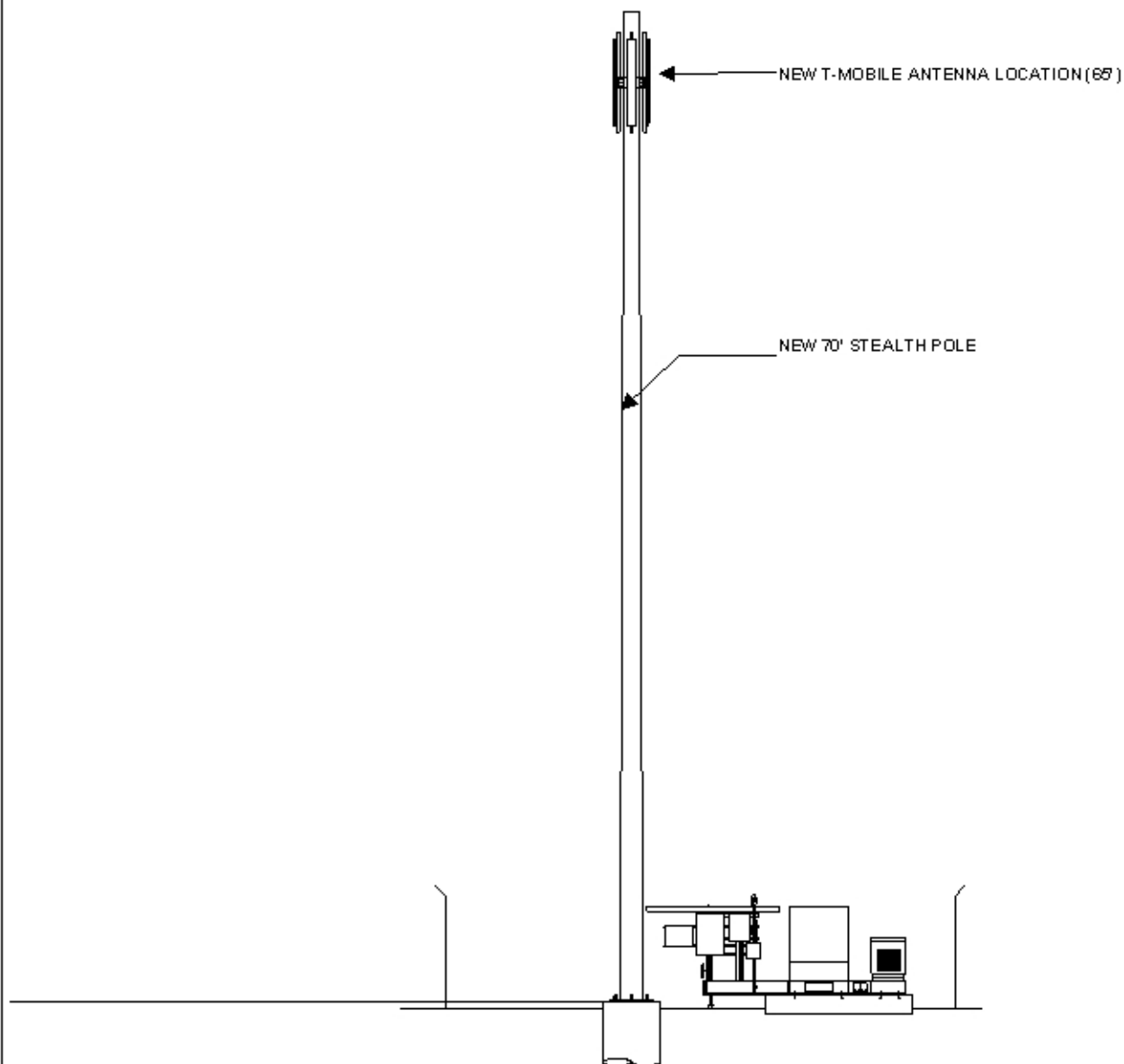
The site plan illustrates the proposed tower location, easement, and lease parcel

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DETAIL SITE PLAN



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