



OFFICE USE ONLY

Comments: _____ Application Number: 10310-0-00158 Commission/Group: R. Linden
 Date Received: 5/11/10 Planning Area: _____
 Date of Hearing: 7/27/10 Acreage: _____
 Zoning Fee: \$1,900.00 Address Fee: _____
 Existing Zoning: C-4 Accepted by: D. Reiss

BOARD OF ZONING ADJUSTMENT APPLICATION

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

- Variance
- N/A Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Describe: Variance from Sec 3353.05 D-2 AND
Variance from Sec 3353.05 D4 - SEE ATTACHED

LOCATION

1. Certified Address Number and Street Name 1441 Elmore AVENUE
 City COLUMBUS State OH Zip 43224
 Parcel Number (only one required.) 010-082208

APPLICANT (IF DIFFERENT FROM OWNER)

2. Name New PAR d/b/a Verizon Wireless - Mr. David Minger
 3. Address 7575 Commerce Ct. City LEWIS CENTER Zip 43035
 4. Phone# (614) 561-8496 Fax # (614) 560-8398
 5. Email Address david.minger@verizonwireless.com

PROPERTY OWNER(S)

6. Name D+R Properties + Enterprises, LLC Cardyn Fletcher
 7. Address 3082 HUFFMAN RD City CENTERBURG Zip 43011
 8. Phone# (740) 501-3036 Fax # _____
 9. Email Address cfletcher@avizentrisk.com

Check here if listing additional property owners on a separate page

ATTORNEY / AGENT (CIRCLE ONE)

10. Name Patricia Lafferty
 11. Address 2697 Hinkle Ln City Shelbyville KY Zip 40065
 12. Phone# 502-541-7042 Fax # 502-647-8440
 13. Email Address pat.lafferty@att.net

SIGNATURES

14. Applicant Signature D. Minger
 15. Property Owner Signature _____
 16. Attorney/Agent Signature Patricia Lafferty

One Stop Shop Zoning Report

Building Services Division Department of Development

Report date: 5/17/2010 12:04:13 PM

Parcel Report

Parcel ID	Owner	Address
010082208	D&R PROPERTIES & ENTERPRISES L L C	3700 ELMORE AVE COLUMBUS OH 43224
010082208	D&R PROPERTIES & ENTERPRISES L L C	1441 ELMORE AVE COLUMBUS OH 43224

Base Zoning Report

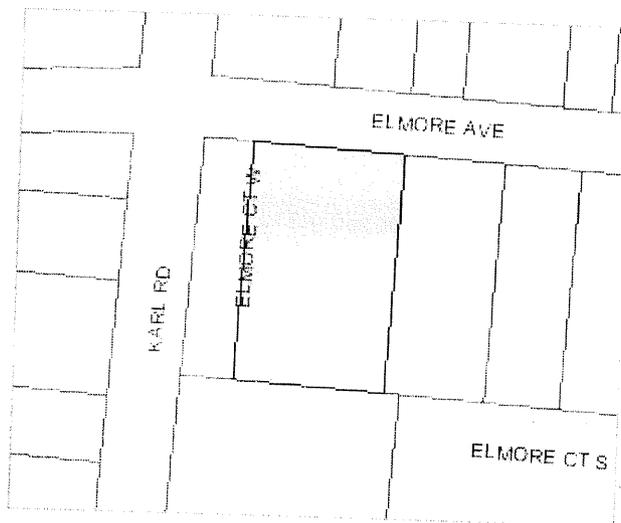
Case Number	Classification	Height District	Map Number	General Zoning Category	Limitation Text (View Document)
ANNEX2355	C4	H-35	20	Commercial	

Flood Zone

Firm Panel	Flood Zone	SFHA	Panel Type	FZONE
TBD	X	OUT	CURRENT	X

Area Commissions

Area Name	INFObase URL
North Linden Area Commission	INFObase Page



This map is intended to locate the property in question, and provide information about the land use categories governing the use of this parcel. Please consult with zoning staff before making binding decisions based on this information. The property address is not a certified address for building purposes. No warranty is expressed or implied.

10310-00158
1441 Elmore Ave.

Variance Description

Variance requests from Section 3353.05 D.2 and Section 3352.05 D. 4. of the City of Columbus Zoning Code, To allow the construction of a 100' monopole wireless communication facility on C-4 Commercial Property located at 3700 Karl Road, Columbus Ohio 43224

- Variance request from Section 3353.05 D 2, - Landscape Buffer

To allow for the substitution of an eight (8) foot high, solid wood fence as the screening buffer surrounding the wireless communication facility compound, in place of the 5 foot high, 75% cover planting buffer.

- Variance request from Section 3353.05 D 4 - 200% Tower set back from a residential property line.

To permit a variance from the required setback from a residential property line to be reduced from 200 feet to 60 feet, a reduction from a 200% setback to a 30% setback.

10310-00158
1441 Elmore Ave.



STATEMENT OF HARDSHIP

10310-00158

1441 Elmore Ave.

APPLICATION # _____

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
 1. That special circumstances or conditions apply to the subject property that do not apply generally to other properties in the same zoning district.
 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

- Landscape Variance from Section 3353.05 D2
The applicant's statement in support of
the requested relief is attached to and
incorporated by reference.

- Setback Variance from Section 3353.05 D4
The applicant's statement in support
of the requested relief is attached
to and incorporated by reference.



10310-00158
1441 Elmore Ave.

STATEMENT OF HARDSHIP

Landscape Variance

Verizon Wireless has read §3307.09, concerning granting of variances by the Board of Zoning Adjustment, and respectfully requests relief from the requirements of the Zoning Code as to landscaping of the proposed wireless communications facility, and avers that its application for relief satisfies the four criteria for a landscape variance as follows:

1. Special circumstances and conditions applicable to the subject property.

In its application materials, Verizon Wireless has documented that the subject parcel is developed with existing buildings and asphalt-paved surfaces, and has shown that existing buildings and fences block public view of the proposed ground-level equipment, with the result being the public will not have a view of such equipment. In fact, except for the proposed monopole, none of the applicant's ground-level equipment will change the existing viewshed. Because the existing viewshed will not change, installation of the applicant's ground-level equipment will not produce any visual intrusion for a landscape buffer to mitigate. Under these circumstances, literal application of the landscape requirement would serve no purpose, and would instead create practical difficulties, without any meaningful benefit to the public. Verizon Wireless respectfully suggests that under these circumstances granting the requested relief would be an appropriate exercise of discretion.

There are practical difficulties with literal enforcement of the landscape guidelines. Open land space on this parcel is limited (as it is on all of the C4-Commercial parcels at this intersection), and the existing businesses on this parcel would experience practical difficulties because installation of a landscape buffer around the proposed facility would force these businesses to abandon land presently used in the conduct of these businesses. Each of these businesses has a separate lease with the landowner, and a landscape requirement would force the landowner to abrogate two of the three existing leases for use of the property, in an attempt to reduce the land space each is entitled to use, so that the land space could be made available to Verizon Wireless for installation of a landscape buffer.

As a practical matter, existing buildings to the north and south of the proposed communications facility preclude installation of landscape plants. In addition, a landscape buffer on the east side of the applicant's proposed equipment compound would serve no purpose, because the public would still not be able to view either the proposed ground level equipment or the newly installed landscape buffer. Both the equipment and the plants would be installed at an interior location within the parcel, and both the equipment and the plants would be blocked from public view by an existing eight-foot wood fence, located 42 feet farther east at the property line.

The public will also not receive any meaningful benefit from installation of landscape plants on the west side of the compound, because the pre-owned vehicle sales business operated from this part of the parcel uses this part of the paved lot to display the vehicles it has for sale. These vehicles will block the public's view of any such landscaping. (The existing eight-foot wood fence will also block the public's view of the applicant's proposed ground-level equipment.)

Finally, in the context of the commercial intersection along which this parcel is located, Verizon Wireless avers that the layout of the existing commercial uses, which blocks public view of the facility from the north, south, east, and west, moots the intended purpose of the landscape buffer; as a result being the public would not benefit in any meaningful sense from such landscaping.

Verizon Wireless avers that the in the absence of a visual impact (which landscape buffers are intended to mitigate), public interest would be better served by approving the use of an eight-foot tall, opaque wood fence, in lieu of landscape plants.

2. Special circumstances are not created by the applicant or the landowner.

The special circumstances applicable to this site are not the caused by actions of either the landowner or the applicant. These circumstances instead result from the fact that the existing commercial buildings and fences on the property block public view of the proposed ground-level equipment from all directions, and that as a result, there will not be any ground-level visual impacts for a landscape buffer to mitigate.

Verizon Wireless is seeking to build its facility on an interior part of a commercial lot, as shown on the site plan drawing submitted as part of the development permit application in this case. This interior portion of the parcel is shielded from public view by existing commercial structures to the north and south, and by existing fences to the east and west.

Because the public will not have a view of the proposed facility, and because the land space the proposed facility will use is already shielded from public view, the installation at ground level of the applicant's proposed equipment will not change the existing viewshed, and there will not be any visual intrusion for a landscape buffer to mitigate. Under these circumstances, the circumstances that created this request for relief are not attributable to actions of either the applicant or landowner, and literal application of the landscape requirement would serve no purpose, nor would it provide a meaningful benefit to the public.

3. Special circumstances make a variance necessary.

The special circumstances that justify granting a variance arise from the fact that the applicant's proposed equipment will not change the existing viewshed, and will not produce any visual intrusion that requires mitigation. Without any visual impacts for a landscape buffer to mitigate, there is no need for a buffer; no purpose would be served by requiring installation of a buffer; and no benefit would accrue to the public from installation of such a buffer.

Special circumstances also arise from the practical difficulties of complying with the regulations, as articulated in Part 1, above.

4. A landscape variance will not injure neighboring property or persons.

Verizon Wireless avers that the requested landscape variance will not injure neighboring property or persons, will not create visual blight, and will not be contrary to the public interest; neither would it be contrary to the intent or purpose of the Zoning Code. In support of this, Verizon Wireless would show that:

- The proposed location is on a C4-Commercial zoned parcel, at a street intersection dedicated to commercial uses. The characteristics of the neighborhood will not be materially changed by installation of a wireless communications facility located behind existing wood fences, and between existing buildings, all of which block the public's view of the proposed ground-level equipment.
- Landscape plants cannot be installed on the north and south side of the applicant's land space, because existing buildings abut the leasehold, leaving no open ground available to plant.
- The public will not have a view of landscape plants installed on the east of the compound, because there is an eight-foot tall wood fence along the east property line, blocking such view.

- The public will not have a meaningful view of landscape plants installed on the west of the compound, because the pre-owned vehicle sales business uses this part of the asphalt-paved parking area to display the vehicles it has for sale. These vehicles will block the public's view of any such landscaping. (The existing eight-foot wood fence will block the public's view of the applicant's proposed ground-level equipment.)
- Landscaping installed outside the compound area will not materially change the appearance of the existing businesses operated on the parcel. [These businesses are a pre-owned vehicle sales business; an auto-body detailing business; and an automotive repair shop.]
- A landscape buffer is not needed in this case, because none of the applicant's ground-level equipment will create a visual intrusion for a landscape buffer to mitigate. Under these circumstances, requiring installation of a landscape buffer would serve no purpose, and Verizon Wireless respectfully suggests that under these circumstances granting the requested relief would be an appropriate exercise of discretion.

Conclusion. In this case, a landscape buffer around the perimeter of the compound is a cure in search of a problem. Verizon Wireless is not requesting approval of a land use that is outside the zoning regulation. Rather, we are merely requesting relief from practical difficulties that literal enforcement of the landscape buffer requirement would entail, which requires only an adjustment of development guidelines within the context of the Zoning Code.

Other documents and photographs in support of the request for relief are included in the applicant's exhibits, filed in support of this application and made a part of the administrative record in this case.

Respectfully submitted,



David M. Minger
Project Manager
Verizon Wireless / Network Real Estate

10310-00158
1441 Elmore Ave.



10310-00158
1441 Elmore Ave.

STATEMENT OF HARDSHIP

Setback Variance

Verizon Wireless has read §3307.09, concerning granting of variances by the Board of Zoning Adjustment, and respectfully requests relief from the requirements of the Zoning Code as to the setback distance from residential-zoned districts, and avers that its application for relief satisfies the four criteria for a setback variance as follows:

1. Special circumstances and conditions applicable to the subject property.

In its application materials, Verizon Wireless has documented a significant service and capacity gap in the North Linden Neighborhood Area. These growing gaps in the delivery of wireless communication services have created a condition described as "call blocking." Call blocking negatively affects voice and data services to commercial, residential, public safety, emergency services, and other members of the public throughout this geographic area. Inside these growing service and capacity gaps in network coverage, during periods of call blocking the public cannot reliably connect wirelessly with the national telephone network.

As explained in the application materials, these gaps cannot be cured with equipment upgrades, and the only viable remedy to cure these gaps is a new wireless communications facility. The only parcels in the service area where zoning regulations permit wireless facilities to be built are at the intersection of Karl Road and Elmore Avenue. The land surrounding this intersection is zoned "Residential" almost exclusively. The zoning ordinance prohibits wireless communications facilities in "Residential" districts. (There are two nearby parcels zoned "Institutional," however these two parcels are not operationally feasible for the applicant's proposed use, because they lack sufficient available land space to construct a communications facility.)

The special circumstance as to this parcel is that it is the *only* parcel in the North Linden Neighborhood Area which has a zoning classification that allows wireless communications facilities; that has sufficient land space in an appropriate location to construct such a facility; and that is available for lease. No other parcels in the search area are technically feasible, operationally feasible, and available for the proposed use. The proposed parcel is in this sense unique: it is the only parcel in the area that can be utilized to cure significant coverage and capacity gaps in this geographic area.

2. Special circumstances are not created by the applicant or the landowner.

The special circumstances applicable to this site are not the caused by actions of either the landowner or the applicant. These circumstances instead result from the fact that under the Zoning Code, wireless facilities are confined to a limited number of zoning districts. In this case, the only available parcels in the area of the service and capacity gaps where wireless facilities are an approved use are zoned *C4-Commercial*. All of the C4 parcels in this search area are located at the intersection of Karl Road and Elmore Avenue. Reflexively, the Zoning Code affirmatively prohibits such facilities on the "Residential-zoned" parcels that surround these few C4 lots. This creates a special circumstance, in that any proposed wireless communication *must* be located on one of these C4 parcels.

The hardship arises because wireless facilities must have sufficient height to connect with and hand off in-vehicle calls to adjacent sites in the network. The handoff requirement in this case requires a minimum monopole tower height of 100 feet. The Zoning Code however requires that a

tower of this height must be set back from Residential-zoned districts a minimum of *Twice Tower Height* or 200 feet.

In this case, the tower setback requirement creates a hardship because there are no C4-zoned parcels that can host a monopole tower sufficiently tall to provide a seamless handoff of a call to an adjacent antenna site, that also meets the residential district setback requirement. Without relief from this *Twice Tower Height* requirement, Verizon Wireless will be prohibited from providing service in this area.

Literal application of the *Twice Tower Height* residential district setback, in conjunction with the constraints presented by the limited available land space within the parcels zoned C4, would operate to prohibit a technically feasible tower structure from being built, and would result in a *de facto* prohibition of wireless service in this area, contrary to the requirements of *The Telecommunications Act of 1996*, codified at 47 U.S.C. §332. (TCA).

[The Telecommunications Act operates as a kind of federal overlay on local land use law, and operates to preempt inconsistent local regulations in connection with the permitting of wireless communications facilities. The TCA is a unique federal intervention in land use law and constrains the authority of local government to prevent the deployment of wireless communications facilities needed to provide adequate wireless communications services. The TCA provides, in pertinent part, "*The regulation of the placement, construction, and modification of personal wireless facilities by any State or local government or instrumentality thereof shall not prohibit or have the effect of prohibiting the provision of personal wireless services.*" 47 U.S.C. §332(c)(7)(B)(ii).]

3. Special circumstances make a variance necessary.

The special circumstances that make a variance necessary to protect a substantial property right of the applicant arise under 47 U.S.C. §332. The special circumstance is that there are no existing non-tower structures within the North Linden search area that are technically feasible for use as an antenna site, and no other appropriately-zoned parcels available for lease or purchase, leaving the subject parcel as the *only* parcel in the area of the applicant's service and capacity gaps where a wireless communications facility is technically feasible; operationally feasible; appropriately zoned for wireless facilities as a permitted use; and available for such use.

NOTE: Verizon Wireless originally sought to negotiate a land lease with the Catholic Diocese of Columbus for use of a part of the land at DeSales High School, located north of the parcel at Karl Road and Elmore Avenue (hence the nickname "DeSales" for the search area designation). For its own reasons the Diocese declined to enter into a lease of school land, and there were no other parcels available for our use in the vicinity of the school. The Diocese' decision compelled us to redesign our proposed network coverage sites in order to remedy the growing service and capacity gaps. The redesign now requires the use of two tower sites, instead of only one (had the DeSales property been available for use).

Under the Zoning Code, the only land in this area where a wireless communications facility is an approved use is zoned either institutional or commercial. Upon investigation we determined that the few institutional-zoned parcels are neither operationally feasible nor available for our use, leaving commercial-zoned parcels as the only viable possibility. Further investigation showed that the only available land in the southern part of the service area with an appropriate zoning classification is at the intersection of Karl Road at Elmore Avenue. (Another site at the north end of the service area is being sought along Morse Road, and is in negotiation, but is not yet ready to submit for zoning review.) There is literally no other land in the North Linden Neighborhood Area available for use that is appropriately zoned, technically feasible, and available for use. The limited land space that is available at this parcel, along with the requirements of the Zoning Code, and the requirements of the federal Telecommunications Act, operate in conjunction to produce the special circumstances that necessitate this request for a setback variance.

4. A setback variance will not injure neighboring property or persons.

Verizon Wireless avers that the requested dimensional setback variance will not injure neighboring property or persons, and will not be contrary to the public interest, neither will it be contrary to the intent or purpose of the Zoning Code. In support of this, Verizon Wireless would show that:

- The safety features engineered into the proposed monopole tower ensure the structure will have a zero-foot fall zone. This safety feature prevents the tower structure from “falling on its side” if a catastrophic lateral force is ever experienced. (If a catastrophic force is ever experienced, the top of the monopole would fold at the center as though hinged, then bend over onto the lower portion of the monopole.) Verizon Wireless’ experience with the performance of monopole tower structures during hurricanes, tornados and ice storms suggests that a force with enough power to bend a monopole in half would almost certainly leave nothing else standing in the vicinity of the structure for it to fall onto.
- Granting a variance will contribute to public safety and welfare by allowing the applicant to cure its growing service and capacity gaps, restoring reliable wireless connections to the national telephone network in the North Linden Neighborhood Area.
- The proposed location is on a C4-Commercial zoned parcel, at a street intersection dedicated to commercial uses. The characteristics of the neighborhood will not be materially changed by the presence of a wireless communications facility on the subject parcel, on which a pre-owned vehicle sales business, an auto-body detailing business, and an automotive repair shop are presently operated.
- The subject parcel offers the greatest amount of existing screening of ground-level equipment by other existing buildings, and from existing wood screening fences, and presents the least intrusive means of closing a significant gap in the applicant’s wireless service in this area.

Conclusion. This is not a request for approval of a land use that is outside the zoning regulation. Rather, Verizon Wireless is requesting an adjustment of development guidelines within the context of the Zoning Code. In justification of this request for a grant of a dimensional variance, the applicant would show that a communications tower is a permitted use, and seeks only a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations, and consistent with the requirements of the *Telecommunications Act of 1996* (47 U.S.C. §332).

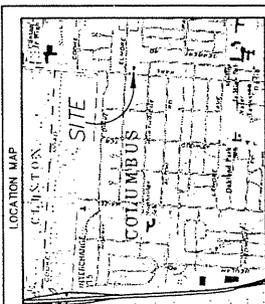
Other documents and statements in support of the request for relief are more fully articulated in the applicant’s exhibits, filed in support of this application and made a part of the administrative record in this case.

Respectfully submitted,



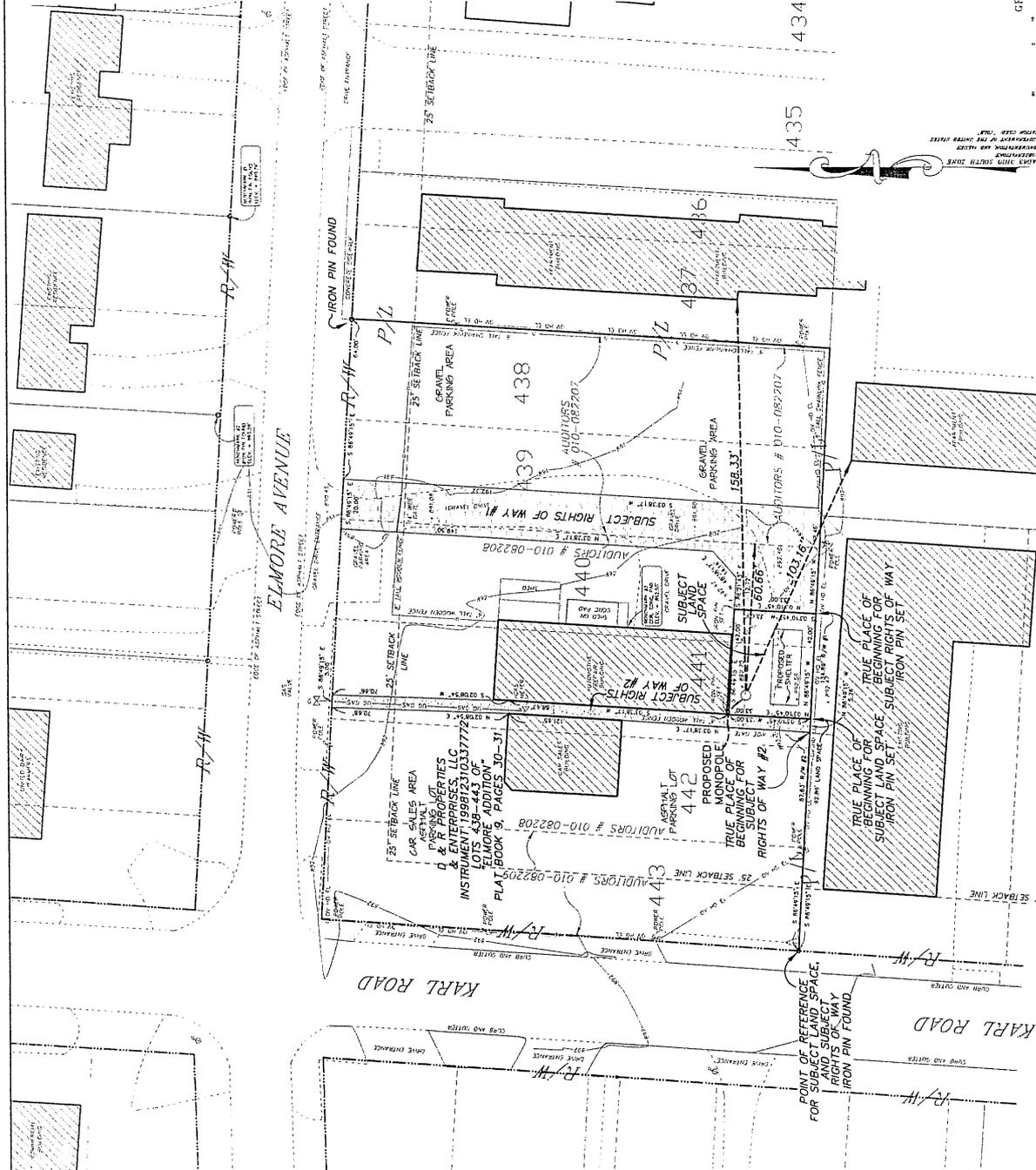
David M. Minger
Project Manager
Verizon Wireless / Network Real Estate

10310-00158
1441 Elmore Ave.



LOCATION DESCRIPTION
 LOCATED IN THE CITY OF COLUMBUS
 FRANKLIN COUNTY, OHIO
 OWNER: **D & R PROPERTIES & ENTERPRISES, LLC**
INSTRUMENT 198812130337772
LOTS 438-443 OF ELMORE ADDITION PLAT BOOK 9, PAGES 30-31
 THIS SITE IS THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 10 NORTH, RANGE 10 WEST, MERIDIAN 10 WEST, COUNTY OF FRANKLIN, OHIO.

LOWER COORDINATES
 LATITUDE: 40°02'30.81"
 LONGITUDE: 82°58'36.76"
 GROUND ELEV: 892.2'



DESCRIPTIONS OF 0.012 ACRES LAND SPACE
 This is a portion of the land space, bounded by the north line of Lot 438, the east line of Lot 439, the south line of Lot 440, and the west line of Lot 441, and being 100 feet wide and 100 feet deep. This land space is shown on the plat of the Elmore Addition, Franklin County, Ohio, and is being conveyed to the City of Columbus, Ohio, for use as a public park.

DESCRIPTIONS OF 0.012 ACRES LAND SPACE
 This is a portion of the land space, bounded by the north line of Lot 438, the east line of Lot 439, the south line of Lot 440, and the west line of Lot 441, and being 100 feet wide and 100 feet deep. This land space is shown on the plat of the Elmore Addition, Franklin County, Ohio, and is being conveyed to the City of Columbus, Ohio, for use as a public park.

DESCRIPTIONS OF 0.012 ACRES LAND SPACE
 This is a portion of the land space, bounded by the north line of Lot 438, the east line of Lot 439, the south line of Lot 440, and the west line of Lot 441, and being 100 feet wide and 100 feet deep. This land space is shown on the plat of the Elmore Addition, Franklin County, Ohio, and is being conveyed to the City of Columbus, Ohio, for use as a public park.

DESCRIPTIONS OF 0.012 ACRES LAND SPACE
 This is a portion of the land space, bounded by the north line of Lot 438, the east line of Lot 439, the south line of Lot 440, and the west line of Lot 441, and being 100 feet wide and 100 feet deep. This land space is shown on the plat of the Elmore Addition, Franklin County, Ohio, and is being conveyed to the City of Columbus, Ohio, for use as a public park.

DESCRIPTIONS OF 0.012 ACRES LAND SPACE
 This is a portion of the land space, bounded by the north line of Lot 438, the east line of Lot 439, the south line of Lot 440, and the west line of Lot 441, and being 100 feet wide and 100 feet deep. This land space is shown on the plat of the Elmore Addition, Franklin County, Ohio, and is being conveyed to the City of Columbus, Ohio, for use as a public park.

DESCRIPTIONS OF 0.012 ACRES LAND SPACE
 This is a portion of the land space, bounded by the north line of Lot 438, the east line of Lot 439, the south line of Lot 440, and the west line of Lot 441, and being 100 feet wide and 100 feet deep. This land space is shown on the plat of the Elmore Addition, Franklin County, Ohio, and is being conveyed to the City of Columbus, Ohio, for use as a public park.

UNDERGROUND UTILITIES
 BEFORE YOU DO ANYTHING TO THIS SITE, YOU MUST CONTACT THE CITY OF COLUMBUS TO LOCATE ANY UNDERGROUND UTILITIES THAT MAY BE PRESENT ON OR NEAR THE SITE.

GRAPHIC SCALE
 1" = 20' H.

PREPARED BY
 PRECISION SURVEYING SERVICES, LLC
 CONSULTING SURVEYORS
 10755 S.W. 40th Ave., Suite 100
 Miami, FL 33155
 PHONE: (754) 885-1422
 FAX: (754) 885-1422

SITE ADDRESS: 3700 KARL ROAD
COLUMBUS, OHIO 43224
SITE # CLMB-1320

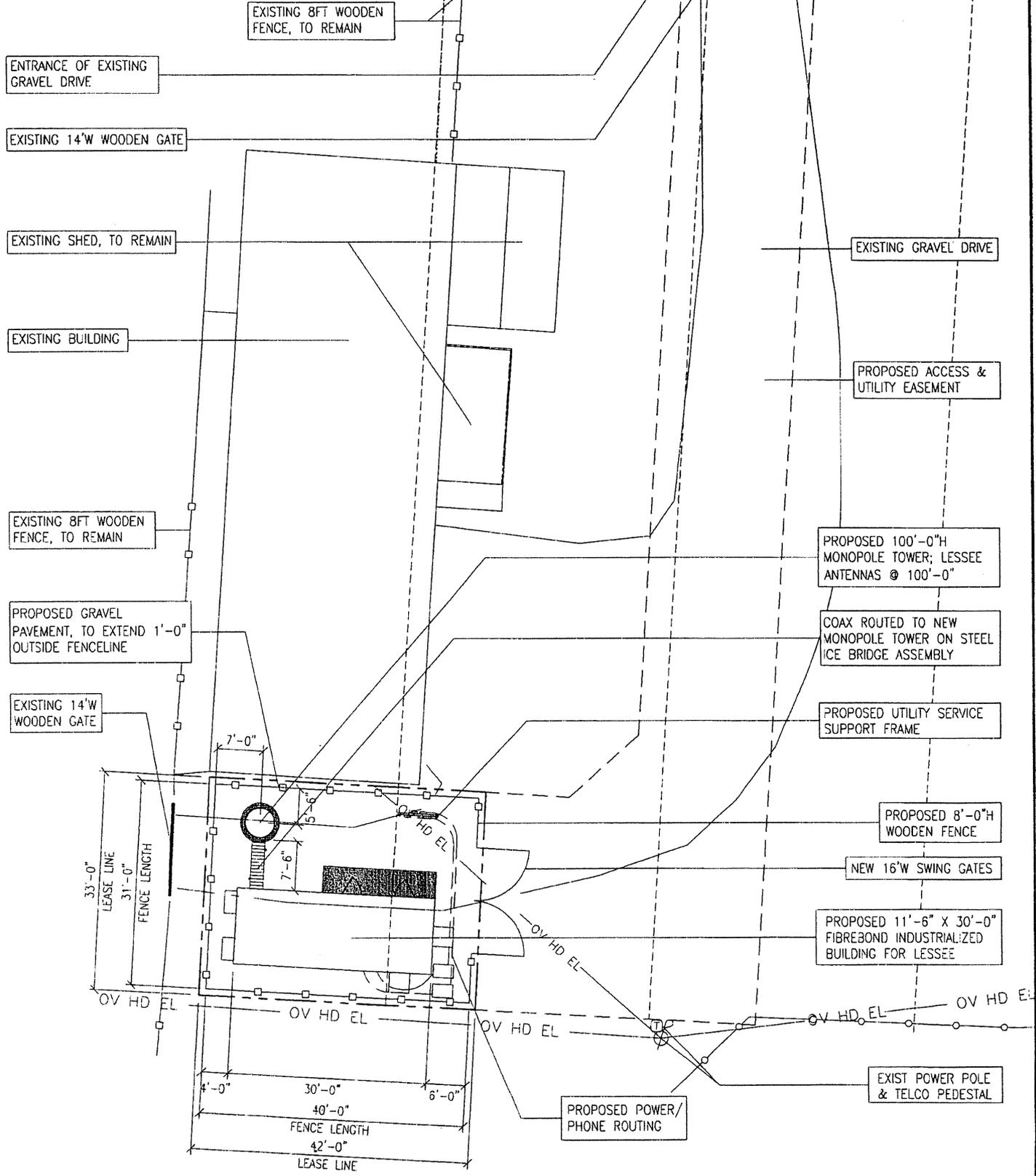
SITE DESIGN PLAN
 DESALES REVISED
 CITY OF COLUMBUS
 FRANKLIN COUNTY, OHIO
 New Par. dba Verizon Wireless

10310-00158
1441 Elmore Ave.



SITE PLAN

NEWPAR dba VERIZON WIRELESS 1" = 20'
DESALES / CLMB 190 05/06/10
PROJ # 05133941



**JESTER
JONES
SCHIFER
ARCHITECTS**
112

Our Main Office
350 East Olive Street
Suite 200
Mankato, MN 56001
Phone: (763) 433-2222
Fax: (763) 433-2222
E-mail: jester@jester.com

Our Columbus Office
At Quarry Park
5500 Elmwood Drive
Columbus, OH 43221
Phone: (614) 851-1111
Fax: (614) 851-3000
E-mail: columbus@jester.com

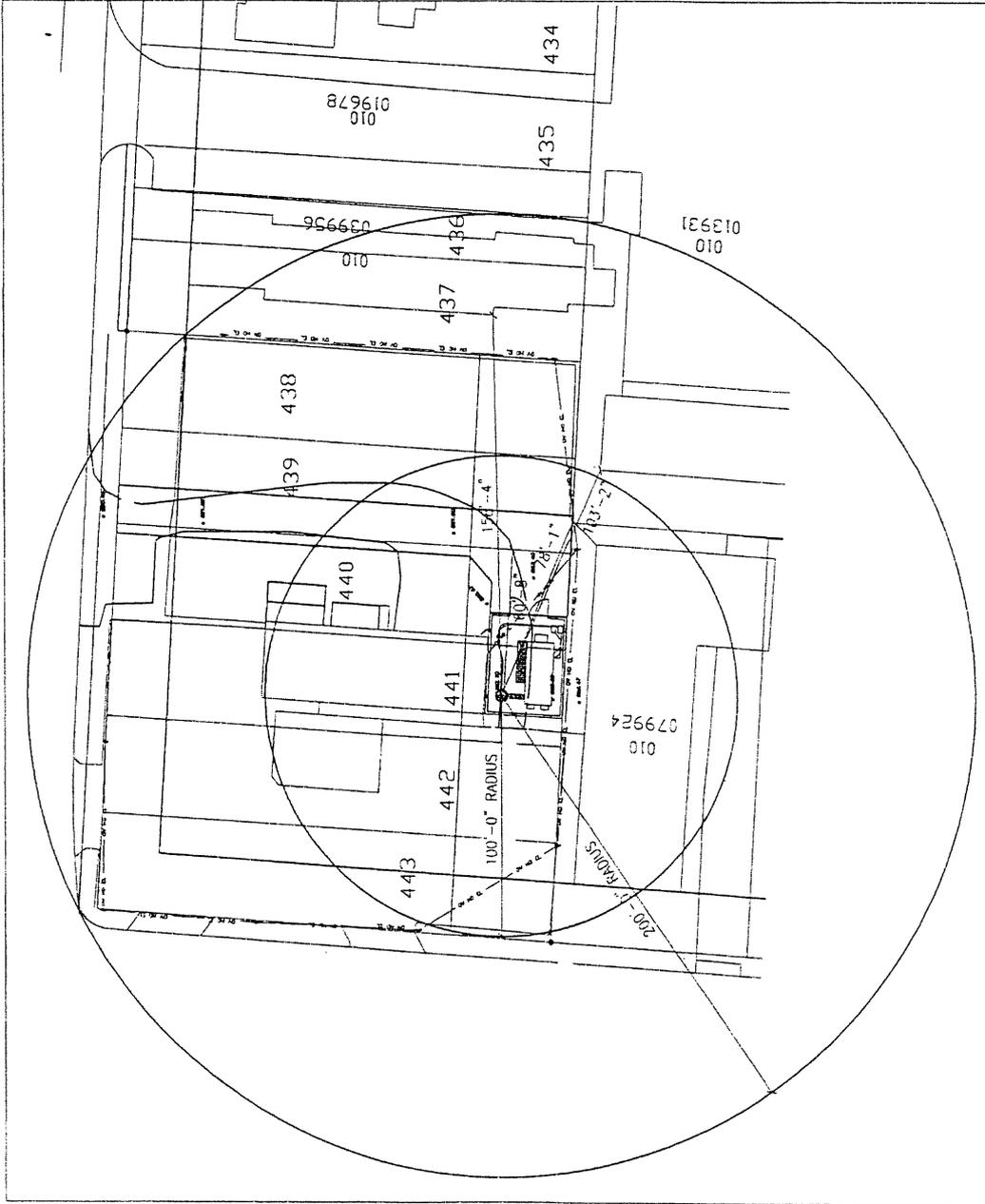
© 2008 Jester Jones Schifer Architects, Inc. All rights reserved. This drawing is the property of Jester Jones Schifer Architects, Inc. and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Jester Jones Schifer Architects, Inc.

COLUMBUS, OHIO 43221

NEWPAR dba VERIZON WIRELESS
SITE # CLMB190 DESALES / D&R PROPERTIES
1441 ELMORE AVENUE

DESIGNED BY: JES
DRAWN BY: JES
CHECKED BY: JES

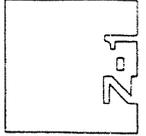
REVISIONS:
NO. DATE DESCRIPTION
1 10/27/08
2 11/17/08
3 02/02/09



10310-00158
1441 Elmore Ave.

SITE PLAN

1" = 60'

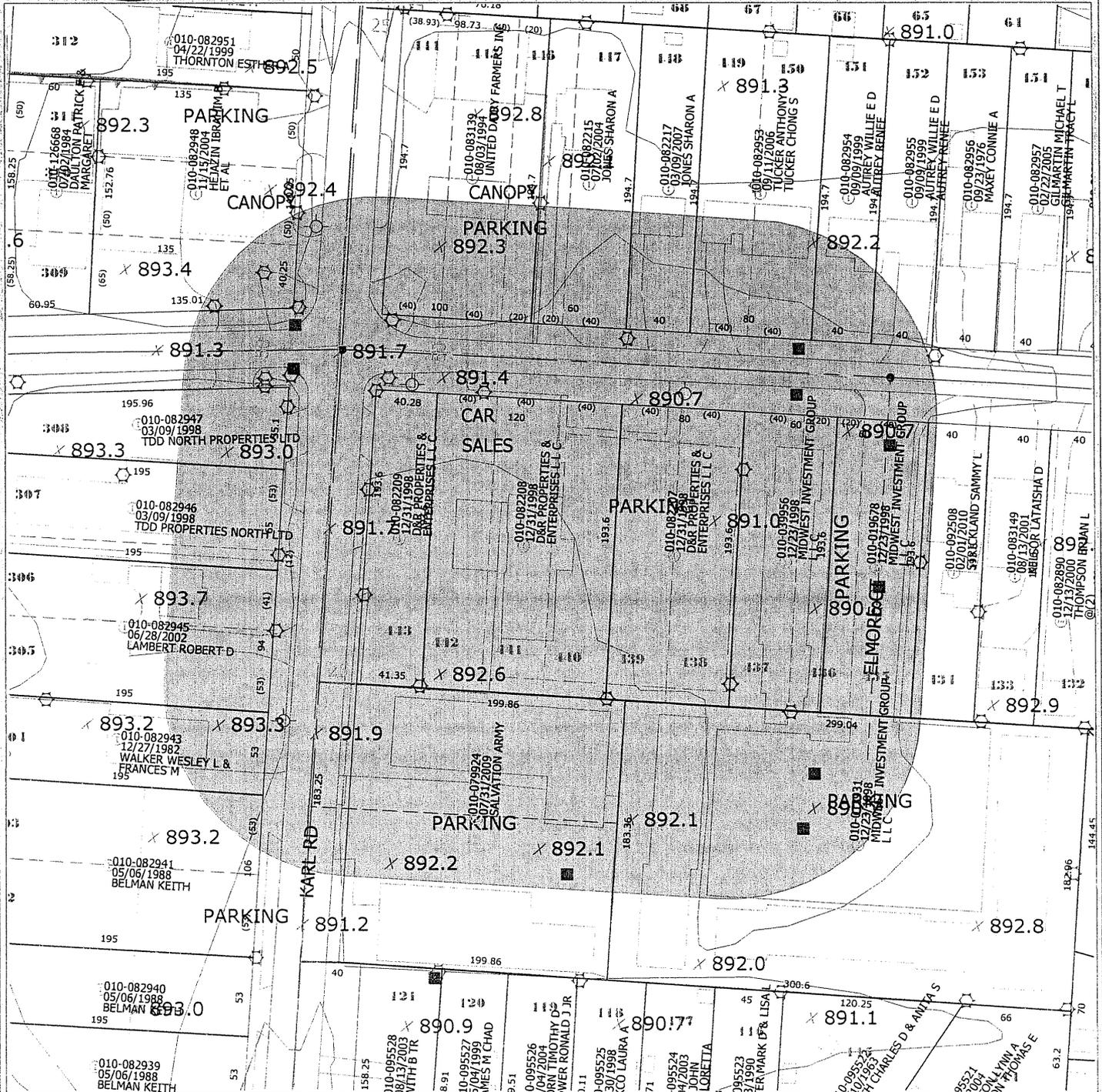




CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: m

DATE: 3/18/10



Disclaimer

Scale = 96'

Grid

This map is prepared for the real property inventory within this county. survey plats, and other public records and data. Users of this map are n information sources should be consulted for verification of the informat county and the mapping companies assume no legal responsibilities for Please notify the Franklin County GIS Division of any discrepancies.

10310-00158
1441 Elmore Ave.

Verizon Site Name: DeSales

LIMITED POWER OF ATTORNEY AND AUTHORIZATION
(Entity Property Owner)

Comes D&R Properties & Enterprises, LLC, an Ohio Limited Liability Company, (hereinafter "Grantor), with its principal office located at 3082 Huffman Road, Centerburg, Ohio, and does hereby make, constitute, and appoint New Par d/b/a Verizon Wireless, having a principal office address of 180 Washington Valley Road, Bedminster, NJ 07921, or its lawful agents and representatives, as Grantor's true and lawful Attorney-in-Fact for and in Grantor's place, in Attorney-in-Fact's sole discretion, to transact, handle, and dispose of the limited matters set forth herein, specifically:

1. To file and pursue any necessary applications with the City of Columbus, or other governmental agency/department having jurisdiction over the real property of Grantor, for the purpose of obtaining all necessary approvals relating to the construction and operation of a communications facility proposed to be constructed by or on behalf of New Par d/b/a Verizon Wireless, on certain real property owned by Grantor, said real property having an address of 3700 Karl Road, Columbus, Ohio and/or 1441 Elmore Avenue, Columbus, Ohio (as per the City of Columbus Address Plat dated 10/6/2009) being more particularly described by deed dated December 31, 1998 and recorded as Instrument Number 199912310337772 in the Office of the Franklin County Ohio Recorder; and
2. To make and file applications on Grantor's behalf to such local, state and federal governmental entities whose approval Attorney-in-Fact may consider necessary or advisable to have the above-mentioned real property approved as a wireless communications facility site, including, but not limited to, governmental approvals for zoning variances, rezoning applications, special use permits, conditional use permits, site plans, plats, building permits, and/or wetland permits.
3. To make such representations and filings as are necessary throughout the application process in connection with the above-referenced application(s), including, but not limited to, appearing at meetings or hearings of any kind before public officials, bodies, agencies, entities or instrumentalities of any kind.

This instrument is intended to, and does hereby, grant to Attorney-in-Fact full power and authority to do and perform each and every act and thing whatsoever requisite,

Verizon Site Name: DeSales

necessary, and proper to be done, in the exercise of any of the rights and powers herein granted, as fully, to all intents and purposes, as Grantor might or could do if personally present, hereby ratifying and confirming all that Attorney-in-Fact shall due or cause to be done by virtue thereof.

Grantor hereby agrees that a copy of this Limited Power of Attorney and Authorization is as effective as the original. However, if requested by Attorney-in-Fact, Grantor agrees to timely execute such other and further documents as may be required by the governmental entity in question to evidence Grantor's consent to the action which is proposed to be taken.

The rights, powers, and authority of Attorney-in-Fact shall commence upon execution of this instrument and shall remain in full force and effect until all applicable administrative approvals necessary to commence construction of the subject wireless communications facility have been issued to and obtained by Cellco Partnership, d/b/a Verizon Wireless, or until this instrument is terminated by GRANTOR in writing, whichever occurs first.

IN TESTIMONY WHEREOF, WITNESS the signature of the authorized officer and/or agent of GRANTOR on this 13th day of April 2010.

GRANTOR:

D & R Properties & Enterprises, LLC

By: Carolyn Fletcher

Name: Carolyn Fletcher

Title: President-Owner-Member

Date: 4-13-10

(ACKNOWLEDGMENT PAGE FOLLOWS)

Verizon Site Name: DeSales

STATE OF OHIO)
) ss:
COUNTY OF FRANKLIN)

ENTITY ACKNOWLEDGMENT

Subscribed, sworn to and acknowledged before me by Carolyn Fletcher as an authorized agent and/or officer of D&R Properties & Enterprises, LLC on this the 13th day of April, 2010.



SHANNON R. LORD
ATTORNEY AT LAW
NOTARY PUBLIC STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION

Shannon R. Lord

NOTARY PUBLIC

My Commission Expires: no expiration

This instrument prepared by:

Robert W. Grant
Pike Legal Group, PLLC
1578 Highway 44 East, Suite 6
P.O. Box 369
Shepherdsville, KY 40165
Phone: 502-955-4400
Telefax: 502-543-4410
Attorney for New Par d/b/a Verizon Wireless



TO: Columbus Board of Zoning Adjustment.
RE: Proposed wireless communications facility at 3700 Karl Road, Columbus, Ohio.
Statement of Need; Statement of Hardship; and Request for Relief.

Executive Summary.

Within the North Linden Neighborhood Area of Columbus, Verizon Wireless is experiencing a condition known as "call blocking." During peak wireless telephone use periods, this condition prevents a growing percentage of calls placed from and sent to this area from connecting to the national telephone network. In the three month period preceding this application for a development permit, almost 10,000 blocked calls were registered among the existing sites surrounding this part of the city. The trend in our data shows the number of blocked calls is continuing to grow. These blocked calls are evidence of a service and capacity gap in the applicant's existing wireless network.

Because of significant increases in customer demand for services, the company's existing coverage and call carrying capacity has been exceeded, and its existing sites are no longer able to provide uninterrupted service within North Linden Area. Verizon Wireless is seeking approval to develop a new wireless communications facility on the only parcel in the area where a wireless communications facility is an approved use; where the site is technically feasible; and where sufficient land space is available to host the proposed facility.

The host parcel is zoned C4-Commercial, and is developed with a car dealership, an auto detailing business, and a vehicle repair facility. A 100 foot tall monopole tower is proposed. This is the minimum height necessary to allow the proposed facility to connect to and hand off vehicle-based calls to adjacent antenna sites. The proposed facility will allow the applicant to close the gaps in its network, and restore reliable service to the North Linden Neighborhood.

In conjunction with this application, Verizon Wireless has applied for a dimensional setback variance, requesting relief from the *Twice Tower Height* setback to residential-zoned districts. Verizon Wireless presents evidence in its application and exhibits that shows a modified setback requirement can be established at this site without compromising public safety.

The applicant also seeks relief from the zoning ordinance section requiring that its ground-level equipment enclosure to be landscaped. Verizon Wireless presents evidence that landscaping this site would serve no useful purpose, and respectfully suggests that an eight-foot tall fence would better serve the public interest in this case.

Sincerely,

A handwritten signature in black ink that reads "D. M. Minger".

David M. Minger
Network Real Estate Project Manager
614-561-8496
david.minger@verizonwireless.com

10310-00158
1441 Elmore Ave.



10310-00158
1441 Elmore Ave.

Background Facts & Statement of Need for the Proposed Facility.

Public Necessity. Verizon Wireless is a certificated Public Utility, and holds a *Certificate of Public Convenience and Necessity* from the Public Utilities Commission of Ohio. Verizon Wireless avers that there is a public need for a wireless communications facility in the vicinity of 3700 Karl Road, Columbus, Ohio, as a result of an existing wireless network service and capacity gap in the surrounding area.

FCC Licensed Frequencies. Verizon Wireless is licensed by the *Federal Communications Commission (FCC)* to build and operate a wireless communications network in Franklin County, Ohio. Our FCC licenses include the 850 MHz band, and the 1900 MHz frequency band.¹

The different performance characteristics of these two frequency bands are essential to an understanding of the service and capacity gaps being experienced in the area of the proposed site; to an understanding of what Verizon Wireless is seeking to accomplish with this project; of the hardship that a literal application of the zoning ordinance will create; and how the requested relief will alleviate the hardship and ultimately benefit this community.

Background Facts. The Verizon Wireless communication system (and indeed every carriers' wireless communications system) relies on an overlapping and interconnected network of individual antenna sites. Individual sites, like the one under consideration here, consist of antennas attached to a tall support structure, with radio and electronic equipment located at ground level, near the base of the antenna support structure. These antenna sites transmit and receive wireless communications signals to and from mobile wireless handsets and other wireless-enabled devices. Individually, wireless communications facilities have limited coverage and service areas.² When linked electronically to form a network however, the individual antenna sites operate in concert to deliver a seamless wireless communications service to individuals, businesses, and government, one that allows the public to connect – reliably and wirelessly – to the national telephone network.

The "seamless" part is important, even crucial, to understanding the need for this site. Without overlapping coverage, there will be gaps in the network which preclude mobile handsets within the gap from sending and receiving calls. The locations of antenna sites are therefore carefully thought out, and selected to be located as far apart as is consistent with demand in the service area (to minimize costs and visual impacts), while still being close enough to "hand off" a motorist's call from one tower to the next, without dropping the call (to ensure the reliability of the network).

Which brings us to why there is a public need for the proposed wireless communications facility. This facility is intended to address two pressing communications service problems in this part of the city, problems that can't be solved by re-engineering our existing antenna sites.

¹ The call signs licensed by the FCC to Verizon Wireless in the Metro Columbus market are: KNKA308, KNLH247, and WQEM935.

² The extent of the coverage depends on several factors, including but not limited to the antenna's height above ground level; topography of the service area; proximity and height of other adjacent antenna installations; and customer usage demands.

850 MHz Capacity Problem. The first problem is one of capacity. Briefly put, although other existing antenna sites were in the past able to serve this area, they can no longer do so because the number of customers has grown enormously over the past few years. As problems go, a large and growing customer base is a good one to have, but it also means that demand for wireless services in this area now exceeds the call volume our existing sites can handle. Customers in this service area are reporting that during peak use times they can't connect to the national telephone network, and that calls made to customers within this service area are not getting through. This demonstrates there is a growing gap in the wireless telephone service network in this geographic area, and that the area is no longer being effectively served by the existing antenna sites.

Call Blocking. When a wireless network reaches the maximum number of calls it can handle at one time, new calls can't get through. (The engineers matter-of-factly describe this condition as "call blocking.") Simply put, the cell sites surrounding this area have reached their maximum call carrying capacity, and are now overloaded. In the 90 day period from February 1 through April 30, 2010, Verizon Wireless registered 9,331 blocked calls among the existing antenna sites surrounding the North Linden service area. **Appendix 1** presents maps showing the extent and frequency of call blocking in the proposed service area.

1900 MHz Coverage Problem. The second service gap the proposed site will fill also flows from the "abundance of customers" problem, but has a technically different cause. Our problem in this case concerns the more limited distances that the 1900 MHz frequency band is able to serve effectively. (The 1900 MHz band delivers wireless data services.)

Coverage Area. The 1900 MHz frequency band is higher than the 850 MHz band, and has a shorter wavelength. In practical terms, this means that compared to a 850 MHz site, a 1900 MHz site will have a significantly reduced effective coverage area at any given power level.

Determining The Technical Feasible Coverage Area. A 1900 MHz network requires line-of-sight visibility to be technically feasible. The technically feasible coverage area of the 1900 MHz signal is affected by multiple factors: those most relevant to this site are the low power of the signal transmitted at the tower; a mobile phone's inability to amplify weak signals (the farther from the tower, the weaker the signal); the cell phone's extremely limited power to transmit a *return* signal; the limits of received signal amplifiers ability to "hear" the return signal against background noise; the number of customers in the area (which directly affects the number of simultaneous callers); and whether the terrain, man-made structures, or mature trees block the signal from reaching its target.

One unavoidable, unalterable fact of the 1900 MHz frequency band is that in order to integrate multiple sites into a seamless 1900 MHz network, the antenna sites must be physically closer than sites in the 850 MHz network. In practice, shorter wavelength frequencies provide only about half the coverage distance of the older 850 MHz "cellular" bands. For a network to function properly, the special characteristics and unique limitations of each frequency band must be accounted for and accommodated, in order to select sites that are technically feasible across all licensed frequencies.

Verizon Wireless has carefully considered multiple locations for its proposed facility, and affirms that the proposed wireless facility at this location is technically feasible at the tower height requested, and sufficient for connecting the site to the national telephone network in both the 850 MHz and the 1900 MHz frequency bands. **Appendix 2** displays the applicant's existing coverage signal, and the enhanced coverage that can reasonably be expected from the proposed site.

Why Surrounding Cell Sites Can't Be Reengineered. Verizon Wireless already uses the most technically advanced radios, signal amplifiers, and call processing equipment on the market. The company affirms there are no equipment "upgrades" available that would allow us to implement a technological fix to remedy the service and capacity gaps in this area.

The only technically feasible solution to alleviate the call blocking problem is a “cell split.” A cell split does exactly what the phrase implies: it splits an existing coverage area into smaller parts. To accomplish this, a new antenna site is built to “offload” calls from the existing, overloaded network sites. The new antenna site allows the network to redistribute calls among a larger number of communications nodes. By dividing the call volume being carried by the local cluster of overloaded sites among a larger number of sites, the call volume processed by each individual antenna site is reduced to a level that the equipment can effectively manage during peak call periods, thereby enabling everyone’s calls to be connected, without blocking.

To accomplish this, we are proposing site number CLMB-190, nicknamed DeSales. (The nickname describes the search area, not the candidate site.) This site is critical to our efforts to eliminate the increasing number of blocked calls occurring in the cluster of existing sites that previously were sufficient to serve this neighborhood.

The Proposed Service Area. After carefully evaluating in-vehicle use and residential wireless service demand, Verizon Wireless determined the service area for the proposed site needs to have a radius of approximately one mile, encompassing an area of three square miles. It is this service area that is the subject of the discussion below. **Appendix 3** presents maps showing the *proposed service area* in relation to Verizon Wireless’ *existing* sites in adjacent service areas. **Appendix 4** presents aerial images of the proposed service area and the candidate parcels.

Residential Demand. Public records show there are approximately 5,000 to 6,000 households in the proposed site’s service area. The applicant has not counted exact number of homes in this area; neither is the exact number of residents readily available to the applicant. We therefore conservatively estimated an average of three persons per residence, for an estimated residential population of 15,000-18,000 persons living in the proposed site’s service area.

Traffic-Based Demand. There is a major limited access highway and several heavily traveled surface streets and feeder roads in the proposed site’s service area. This typically means that the number of residents will be dwarfed by the mobile population traveling through the proposed site’s service area each day. According to the *Mid-Ohio Regional Planning Commission*, the average daily traffic volume through this proposed site’s service area exceeds **200,000 vehicles per day**.³ Copies of traffic count maps prepared by the *Mid-Ohio Regional Planning Commission*, showing the average daily traffic counts in the proposed site’s service area, are attached to this application as **Appendix 5**.

Aggregate Demand. Assuming only one person in each vehicle, the combined residential and traffic demand data yields a conservative estimate of 215,000 people either residing in or transiting through the proposed site’s service area each day. Of course, not all of the vehicles will be in the service area at the same time, and not everyone will be using a wireless phone at the same time. Nevertheless, the number of potential callers within this site’s service area is significant, and the proposed site is strategically located to accommodate both residential demand and mobile demand, to help ensure reliable coverage and adequate capacity for all.

Tall Structure Pre-Screening. As a preliminary matter, Verizon Wireless first sought to locate a sufficiently tall structure in the search area that might be suitable for co-location of antennas. We found no such tall structures. The complete absence of tall structures within the search area conclusively eliminated co-location as a means of filling the service gap.

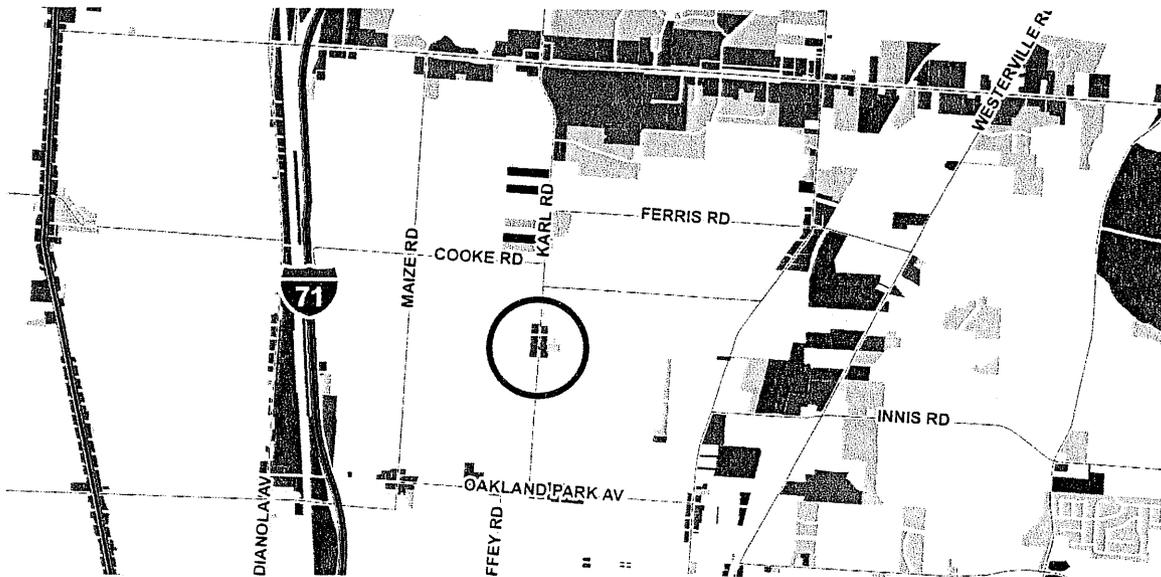
How The Optimum Site Location Was Determined. The optimum site location was not plucked out of thin air. Verizon Wireless radiofrequency engineers very carefully evaluated the service requirements that need to be addressed by the proposed facility. They noted the locations of the

³ Please note that this is a conservative number, deliberately understated by the applicant to avoid any suggestion that the applicant has improperly inflated traffic count data, by failing to adjust for overcounts caused by vehicles that trigger more than one recording device during the course of a single trip.

service and capacity gaps; the locations where call blocking is occurring; the locations of existing sites in the network; and considered the proposed site's interaction with adjacent areas where other new sites are also being planned. They evaluated the effects of topography, the distances to other existing network sites, and the effects of existing trees and buildings that are known to absorb or block signals. They evaluated residential and traffic-based demand. They evaluated all of this in order to identify the optimal location needed to connect a new site with and hand off calls to its sister antenna sites.

The site acquisition team next examined zoning classifications for the area, to learn which (if any) parcels allowed wireless communications facilities as a permitted or conditional use, then physically inspected each to determine if there was sufficient land area available to host a wireless communications facility, and if so, whether that land area was located on the parcel in a way that would meet development requirements.

We found that an overwhelming percentage of the parcels in the area of the service gap are zoned for residential purposes (shown in yellow, below). Only a very, very few parcels in this search area possess a commercial zoning classification (red) wherein wireless communications facilities are either a permitted or conditional use. The relevant section of the Columbus zoning map is shown below; the blue circle at image center identifies the only parcels within the search area that are zoned C4-Commercial. **Appendix 6** presents an expanded image of the zoning in this service area.



(We also inspected each quasi-public parcel, even if it wasn't within the search area, to see if the site might be engineered in a way that could make it technically feasible. One school was technically feasible, but not available for lease. None of the parks, fire stations, or elevated water tanks were technically feasible, nor could clever engineering make them so.)

Alternate Site Analysis. Verizon Wireless identified seven "Commercial" parcels in the search area that were technically feasible for signal propagation purposes. All seven parcels are located at the intersection of Karl Road and Elmore Avenue. We next evaluated the candidate parcels for operational feasibility, and environmental feasibility.

Four of these parcels proved to be not feasible, because the only open land space is a driveway or parking area, necessary to the operation of the business conducted on that parcel. In addition, even if the existing driveways or parking areas were available for use, a tower on any of these four sites could not meet minimum lot line setback requirements.

Of the three remaining parcels, two have an adequate area of open land sufficient to host a wireless communications facility, however both of these open areas literally abut an adjacent parcel already developed with a single-family home. These two sites would be more visually intrusive than the candidate submitted in this application. In addition, even if the existing open land space were available for use, a tower on either of these two sites could not meet minimum lot line setback requirements. Finally, both of the commercial landowners of these two parcels declined to enter into lease negotiations.

This left one (and only one) commercially zoned parcel that is technically feasible, that has ample open land space, and that substantially meets development permit requirements. We contacted the owner of the that parcel, and entered into lease negotiations. That parcel is located at 3700 Karl Road, and is presented for consideration in this development permit application. Verizon Wireless affirms that the parcel presented in this application for the city's consideration and approval is the only technically feasible, environmentally feasible, and appropriately zoned site that substantially meets all development requirements for a wireless communications facility and tower. It is also the parcel where a tower of the proposed height will present the least amount of visual impact, while providing a reliable wireless connection to the national telephone network.

How The Minimum Tower Height Was Determined. After establishing an acceptable location for the proposed tower, we next turned to determining the minimum height necessary to effectively eliminate the service and capacity gaps in this area.

In-Vehicle Coverage & The Handoff Requirement. To be effective, any new antenna facility must first be integrated into the existing network, so that it can transmit, receive, and offload calls to and from its siblings without interference. The requirement that any new site must be able to perform a call "handoff" (as when a motorist drives from one coverage area into another), is absolutely essential. If a call cannot be handed off, the site is useless as a network component.⁴ The location of traffic flows within the service area and the handoff requirement both help determine the absolute minimum height required for the site (in conjunction with other salient factors, such as the area's topography, tree cover, building height, billboards, and other factors affecting signal propagation).

After modeling various tower heights and performing several simulations (involving a lot of number crunching by the radiofrequency engineers), Verizon Wireless affirms that our service objectives will be met by a 100 foot tall antenna mast (exclusive of lightning rod) located within the search area. All of the engineering requirements discussed above were considered in identifying 100 feet as the minimum height that will provide an effective solution in this area. (This height also allows the applicant to comply with the development requirement that a new antenna mast must be capable of hosting at least two carrier's antennas.) To help minimize visual impacts, the proposed antenna support structure will not be lighted, and will have a neutral gray finish.

Factors Favoring The Proposed Site.

Wireless Is Now the Primary Communications Channel for Many People. One very important consideration in evaluating the public need for new wireless communications facilities is the fact that large numbers of people are "cutting the cord" on traditional wireline services, and now rely completely on wireless services to connect to the national telephone system.

The absolute numbers are astonishing. More than one of every five American homes (22.7%) had wireless-only phone service during the first half of 2009, according to preliminary results from the

⁴ The requirement that local government affirmatively consider the wireless communications needs of all persons in its jurisdiction (including motorists), is found in the 1996 amendments to the Telecommunications Act of 1996 (47 USC §332).

January - June 2009 National Health Interview Survey (NHIS), conducted by the U.S. Centers for Disease Control (CDC). The study also found that approximately 21.1% of all adult residents (about 48 million) lived in households with only wireless telephones; and 21.3% of all children (nearly 16 million) lived in households with only wireless telephones. (An additional 14% of adults have a wireline phone, but rely upon their wireless phone as their primary communications device.) **Appendix 7** presents a copy of the referenced preliminary CDC report.

Verizon Wireless respectfully suggest that people who rely upon wireless technology for connecting to the national telephone system should have as reliable a system for communications, as the older wireline technology has proven to be. The proposed site will provide robust connectivity in this service area, and is needed in order to do so.

Emergency Services. Another important consideration in evaluating the public need for the requested facility is that wireless communications facilities are vital to the delivery of emergency communications services. Indeed, the first notice of an emergency is frequently sent to police, fire departments, and other first responders via a mobile device. National statistics indicate that 40-60% of 911 calls to police and fire departments are made using wireless phones. In Columbus, the Franklin County 911 Coordinator reported in 2009 that 54% of 911 calls in Franklin County are placed from wireless phones. **Appendix 8** summarizes the Franklin County 911 Coordinator's 2008 and 2009 call statistics reports.

These statistics confirm that the public relies more and more on wireless communications for emergency contact with law enforcement for public safety and emergency services.

Verizon Wireless believes it is in the public interest to ensure that robust and reliable emergency voice and data services remain available to everyone in our service areas. Verizon Wireless also notes that wireless 9-1-1 emergency calls are routed to the antenna site that is physically closest to the caller's location, without regard to whether the caller is a subscriber to that carrier's network. In this North Linden Area neighborhood, such services are presently lacking.

Solution & Benefits Summary. In order to remedy the growing service and coverage gaps; to offload capacity and relieve call blocking; and to restore reliable wireless voice and data services in this area, Verizon Wireless is seeking authorization to construct a wireless communications facility and tower on the subject parcel. The proposed wireless communications facility will eliminate the growing service and capacity gaps in this area, which are negatively impacting the reliability of the network, and limiting the ability of people to connect with the national telephone system from within this growing service gap.

Verizon Wireless avers that this application presents a matter of public necessity and convenience. The proposed wireless communication facility will allow us to restore high quality wireless voice and data service in the community. It will improve existing service coverage, and add call capacity. These benefits in turn will help ensure robust public access to wireless services over the network; will help ensure continued network reliability; will improve call performance to the community, and provide reliable access to emergency 911 services for all residents and motorists, in order to better meet the wireless needs and service demands of this community, and to the motorists travelling through it.

[The remainder of this page is intentionally blank.]

**10310-00158
1441 Elmore Ave.**

Statement Of Hardship.

I wrote above that the candidate parcel presented for the city's review and consideration substantially meets all requirements for a development permit. The fly in the ointment is that the city's zoning regulations require that a tower be set back from residential districts a distance of twice the tower's height. Close scrutiny of the land use classifications in this part of the city confirms that there are NO parcels in the search area that have sufficient land space available to comply with the residential district setback requirement as written, that would also allow construction of a tower of a height that would be technically feasible.

Without a measure of relief, the city's ordinance will work a hardship as to applicant, by functionally prohibiting the provision of wireless service in this area.

The facts underscoring this hardship are:

- The land surrounding the intersection of Karl Road and Elmore Avenue is zoned "Residential" almost exclusively. The zoning ordinance prohibits wireless communications facilities in "R" districts. (There are two nearby parcels zoned "Institutional," however these two parcels are not operationally feasible for the applicant's proposed use.)
- The only parcels in the service area where zoning regulations permit wireless facilities to be built are literally at the intersection of Karl Road and Elmore Avenue.
- There is only one parcel among the handful zoned C4 at this intersection with sufficient land space in an appropriate location to construct a wireless communications facility.
- Literal application of the *Twice Tower Height* residential district setback, in conjunction with the constraints presented by the limited available land space within this parcel, would operate to prohibit a technically feasible tower structure from being built, and would result in a *de facto* prohibition of service in this area.
- A tower less than 100 feet high at this intersection would not be technically feasible.
 - It would be too short to hand off calls to other sites in the network;
 - It would be too short to ensure wireless coverage in the service area;
 - It would be too short to eliminate the growing coverage and capacity gaps; and,
 - It would be too short to eliminate call blocking.

Verizon Wireless avers that literal application of *Twice Tower Height* residential district setback requirement would work a hardship by preventing the company from providing service in this area, and further avers that a minimum tower height of 100 feet is needed to be able to effectively connect with and hand off calls to other network sites.

For these reasons, literal application of the *Twice Tower Height* residential district setback requirement in this case would work a hardship on the applicant. It would in effect operate to prohibit the applicant from providing wireless service in this area. It would guarantee that the existing service and capacity gaps will grow more extensive, increasing in size over time, and increasing both the number and frequency of blocked calls. Ultimately, residents and motorists would be prevented from wirelessly connecting to the national telephone system from within these expanding service and capacity gaps.

Applicant's Request for Relief from the Residential Setback Requirement.

The setback requirements applicable to the C4-Commercial zoning district requires wireless communications facilities to be separated from residential districts a distance equal to twice the height of the tower. (It would be helpful at this point to suggest the reader refer to the site plan supplied by the applicant.)

The minimum feasible tower height proposed in this application is 100 feet. The distance to the nearest residential *district* is 61 feet, however the first parcel within this district is undeveloped, and is owned by the same owner from whom Verizon Wireless has leased ground space for the tower proposed in this application.

In support of this request for relief, the landowner has represented that she will not seek to construct a dwelling on this undeveloped parcel, so that the purpose of the residential setback requirement may be met.

The distance to the nearest residential *structure* (the corner of a multi-family unit southeast of the proposed tower site) is 103 feet. The distance to the nearest multi-family structure having a view of the proposed tower site is 158 feet due east of the proposed tower site.

Verizon Wireless is seeking discretionary relief from literal application of the residential district setback requirement. We ask that the Board of Zoning Adjustment modify the residential setback requirement to permit a 100 foot tower at the requested location (exclusive of lightning rod). The applicant avers that granting the requested relief would be a reasonable accommodation and balancing of the residential district setback guidelines against the public necessity for maintaining reliable connections with the national telephone network.

The Purpose of Tower Setbacks Will be Met by Advanced Engineering.

The Monopole is Designed & Engineered to Have a Zero-Foot Fall Zone. In support of applicant's request for dimensional setback modification, the applicant avers that the first *purpose* of the residential setback requirement will be fulfilled by using state-of-the-art engineering techniques to create a **zero-foot fall zone** for the proposed monopole. **Appendix 9** presents a letter from the tower manufacturer, describing the structural safety features that will be built into the proposed monopole, certifying that in the event a catastrophic force is ever applied to it, the tower will fold over onto itself at approximately the 52 foot elevation, but will not fall over onto its side.

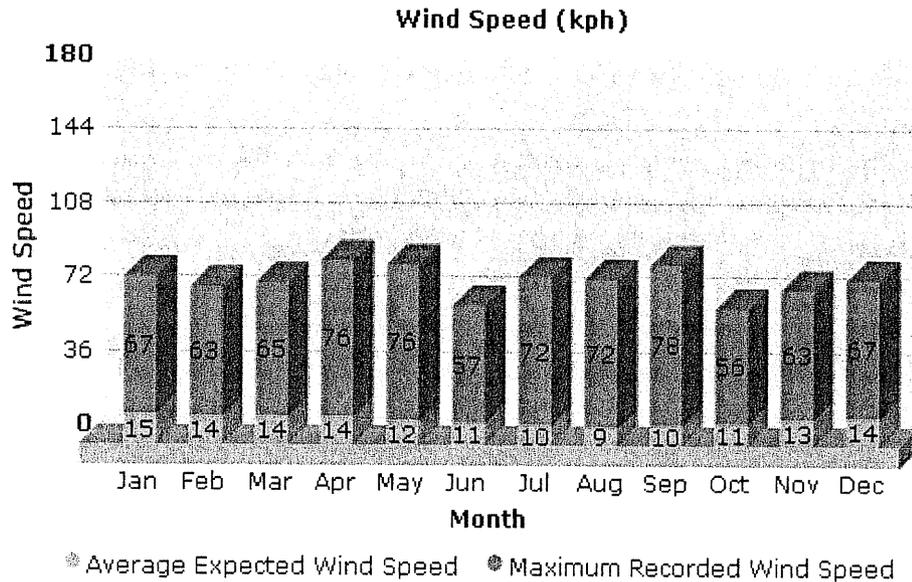
[In the presence of severe forces, the top of the monopole is designed to "fold" as though hinged at the middle. This is not a true mechanical hinge but is instead a structural feature, analogous to the crumple zones engineered into modern cars to absorb impact forces. Once the top of a monopole folds, the changed geometry presented by the now-folded pole results in less force being transmitted to the pole supports. The resulting reduction in dynamic loading prevents the monopole from exceeding the engineering design load on the foundation, and keeps both the folded top and upright bottom of the monopole safely inside the compound area.]

Monopole Safety. Monopole tower structures in general have extraordinary safety records, as described in the fabricator's structural safety letter. In the 25+ years the monopole manufacturer has been in business, it has not experienced any weather-induced structural failure to its monopoles. Similar monopoles installed all along the Gulf Coast, from Florida through Louisiana to Texas, have survived numerous hurricanes without failure. If a catastrophic wind or weather force were suddenly to be applied to the proposed monopole with sufficient power to uproot a tower's massive foundation and push the monopole over onto its side, the magnitude of that force would virtually guarantee there would be nothing else left standing for it to fall onto.

Ice. Another purpose of setback regulations is to help mitigate potential harm from falling ice. In this case engineering calculations show that ice falling from a monopole tower of the proposed height is unlikely to leave the parent parcel and strike persons or property on an adjacent parcel.

Here's why... Ice fall damage depends of two factors: the presence of ice, and a sustained wind speed sufficient to apply enough force to push a piece of falling ice onto an adjacent parcel.

Wind Speed. The chart below plots the average daily wind speeds, in kilometers per hour (kph), recorded by the National Weather Service (and NOAA, its successor agency) in Columbus, Ohio. (To convert kph to miles per hour, multiply the kph number by 0.666.) The chart also shows the maximum recorded *sustained* wind speed for each month. These records encompass a 52 year period, and are therefore reasonably predictive of future conditions.



At the proposed tower site, the maximum height at which ice could form would be at the top of the monopole, 100 feet above ground level.

Average Wind Speed. Experience shows that December, January, February and March are the months having greatest potential for ice formation in Columbus. As shown in the graph above, the average wind speed during these month is 14-15 kph (about ten miles per hour).

Highest Average Sustained Wind Speed. The highest average sustained wind speed in Columbus in December, January, February, and March blows in a narrow range, from 63-67 kph (which converts to a maximum sustained wind speed between 42 mph and 45 mph). Assuming 45 mph as the maximum sustained wind speed (which all available meteorological evidence shows is the maximum sustained wind speed experienced in the Metro Columbus area in winter months), and further assuming the presence of a five pound piece of ice (about eight inches in diameter), engineering calculations show that a sustained wind at 45 mph would push the ice about 74 feet from the tower before it struck the ground. This means that a five pound piece of ice falling from the proposed tower would not impact any residential structure in the area, and indeed, would remain entirely on the land owner by the applicant’s landlord.

Larger, heavier pieces of ice would travel shorter distances, and fall closer to the tower. In a 45 mph sustained wind, a ten pound piece of ice would be pushed a distance of 52 feet from the tower; a 20 pound piece just 37 feet, and a 50 pound piece only 23 feet. Conversely, lighter pieces of ice, although having greater windborne drift range, because of their lower weight would also have less force, and less potential to cause damage.

Regardless of the weight of any ice that may fall from the proposed tower, Verizon Wireless acknowledges and affirms it will at all times be financially responsible for loss or damage occasioned by its presence and operations on this parcel.

The Landscaping Requirement & Applicant's Request for Relief.

Applicant's second request for relief concerns the requirement for landscaping of wireless communications facilities. Verizon Wireless respectfully suggests that as applied to this parcel, a landscape requirement serves no useful purpose, and that an alternate method of screening the proposed ground-level equipment will better serve the community, and the applicant. The facts relevant to this hardship are:

- The parcel on which the proposed facility will be located is used as a pre-owned car sales lot, and also hosts an auto-body detail and repair shop. Landscaping at this site would serve no useful purpose because:
 - The land space outside the applicant's proposed leasehold is developed on three sides.
 - The area to the north is developed with an auto repair garage.
 - The area to the south is developed with an existing building.
 - The area to the west is paved, and used to display the vehicles available for sale.

- Landscaping to the east of the proposed tower site would also serve no useful purpose, because the area to the east of the proposed tower site used by the auto detail business in its operations.

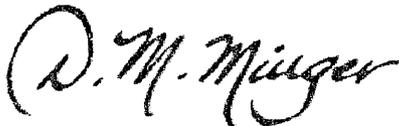
- Mitigation of visual impact has been carefully considered by the applicant, and the location of the proposed facility has been consciously located to minimize its visual presence.
 - The view of the compound from the north is blocked by the auto repair garage.
 - The view of the compound from the west is blocked by an existing wood fence.
 - The view of the compound from the south is blocked by an existing building.
 - The view of the compound from the east is blocked by an existing fence.

The Purpose of Landscape Screening Will be Better Met by a Fence.

Views of the proposed facility are already blocked on two sides by existing development, and on the other two sides by existing fences. Verizon Wireless is seeking discretionary relief from literal application of the landscape requirement. We ask that the Board of Zoning Adjustment waive the landscape requirement, and permit Verizon Wireless to instead install an eight-foot tall wood fence to along the east and west sides of the proposed compound. A wood fence would be consistent with the character of the site, and with other development at this commercial intersection. Verizon Wireless avers that granting the requested relief would be a reasonable accommodation and balancing of the community's interest in minimizing visual impacts, against the reality that landscape plants cannot be installed to the north and south of the compound because of existing buildings, and that any such landscaping required to the east and west of the proposed site would interfere with the existing business' commercial operations.

Thank you for the opportunity to more fully elaborate on the public need for a wireless communications facility at 3700 Karl Road, Columbus, Ohio.

Sincerely,



David M. Minger

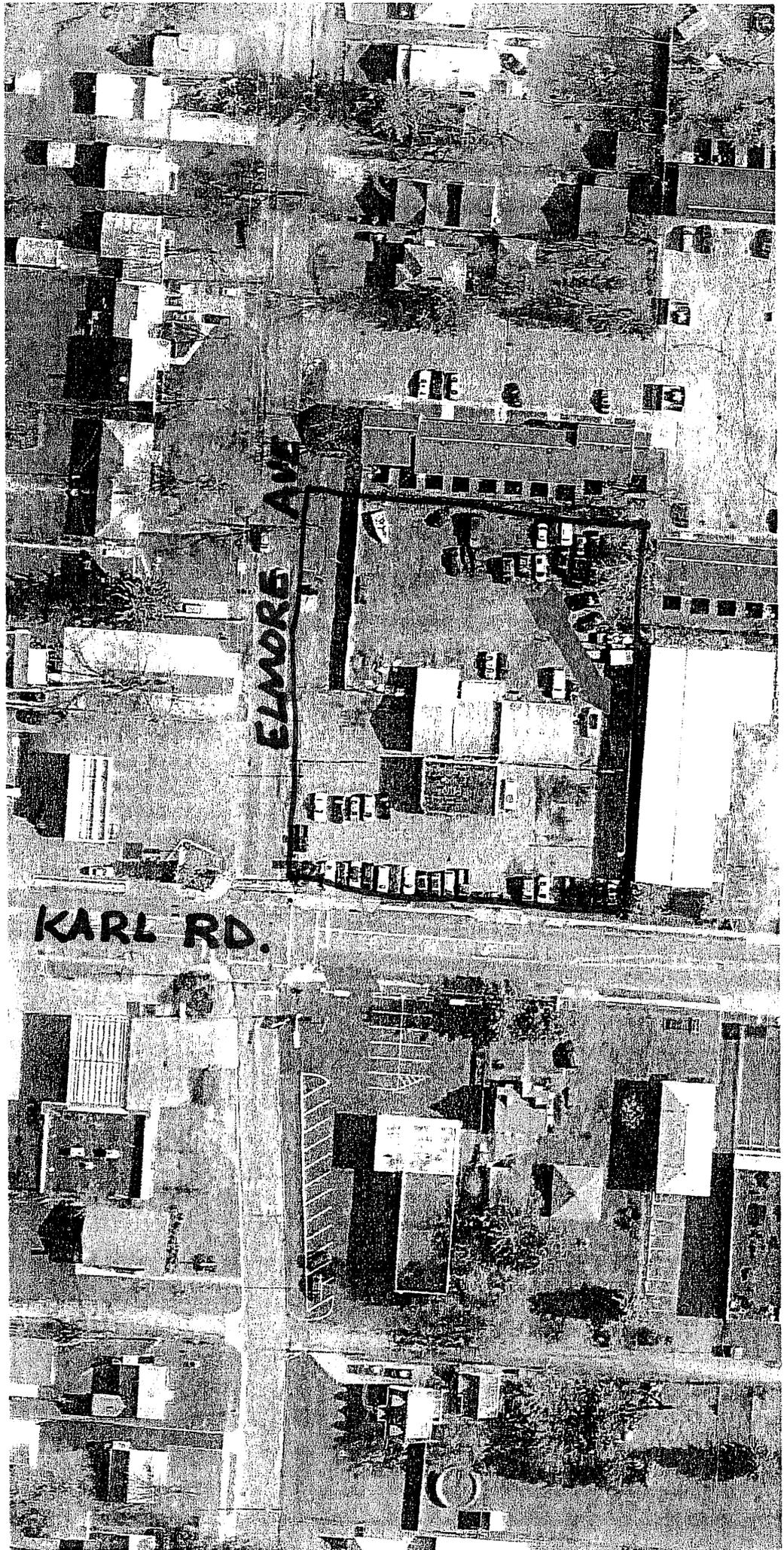
Network Real Estate Project Manager
Verizon Wireless
(614) 561-8496
david.minger@verizonwireless.com

ATTACHMENTS:

- Appendix 1 – Map grid showing locations and numbers of blocked calls.
- Appendix 2 – Plot of existing coverage & projected enhanced post-installation coverage.
- Appendix 3 – Street map showing existing site coverage overlay & the proposed service area.
- Appendix 4 – Aerial images of the proposed service area and the candidate parcels.
- Appendix 5 – *Mid-Ohio Regional Planning Commission* traffic count maps.
- Appendix 6 – Zoning Map of the search area and proposed wireless service area.
- Appendix 7 – National Health Statistics Report on Wireless Substitution; No. 14, March 2009.
- Appendix 8 – Franklin County 911 Coordinator's 2008-2009 call statistics report.
- Appendix 9 – Tower fabricator's statement of structural safety of the proposed monopole.

Note: Attachments in City file folder.

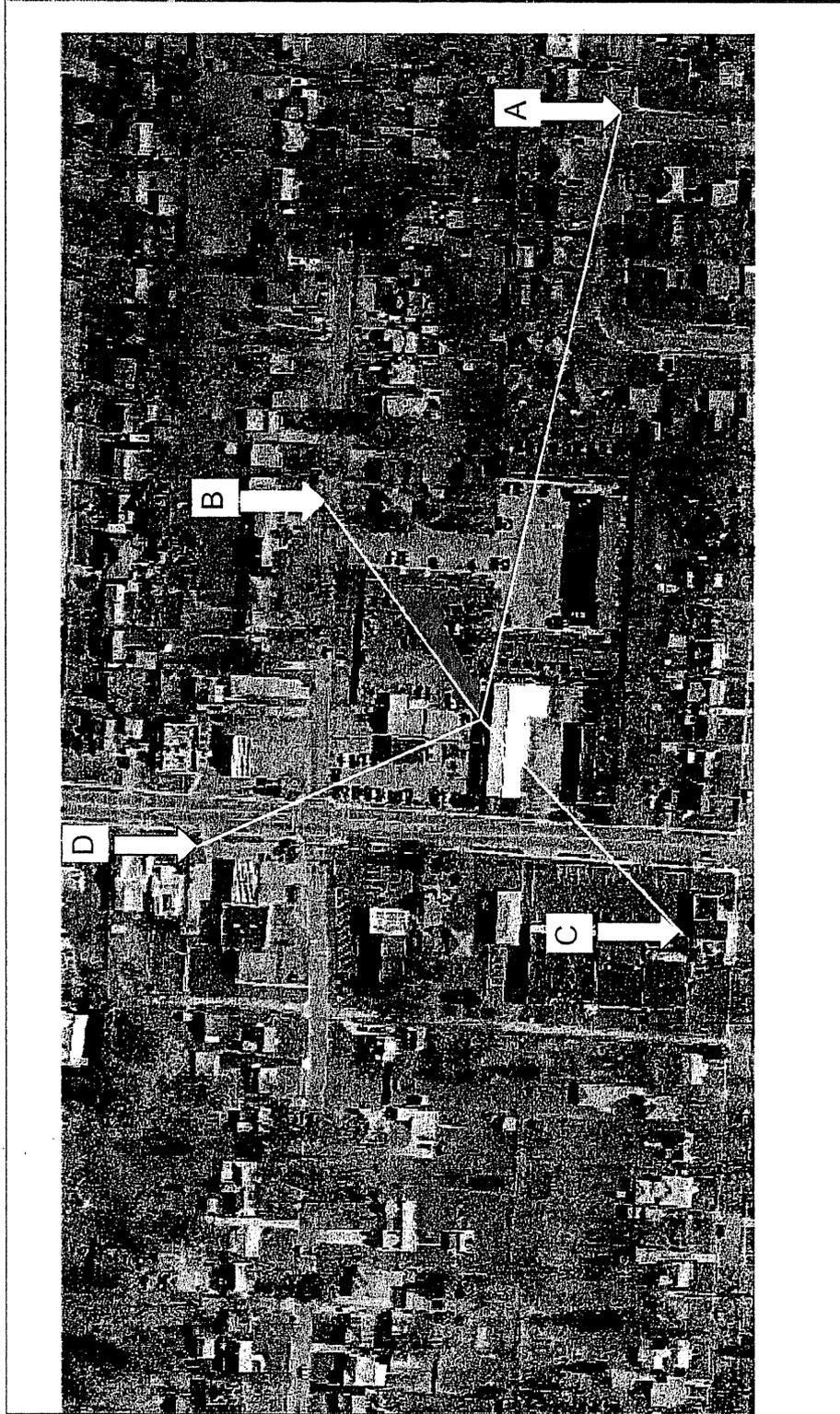
(OR)

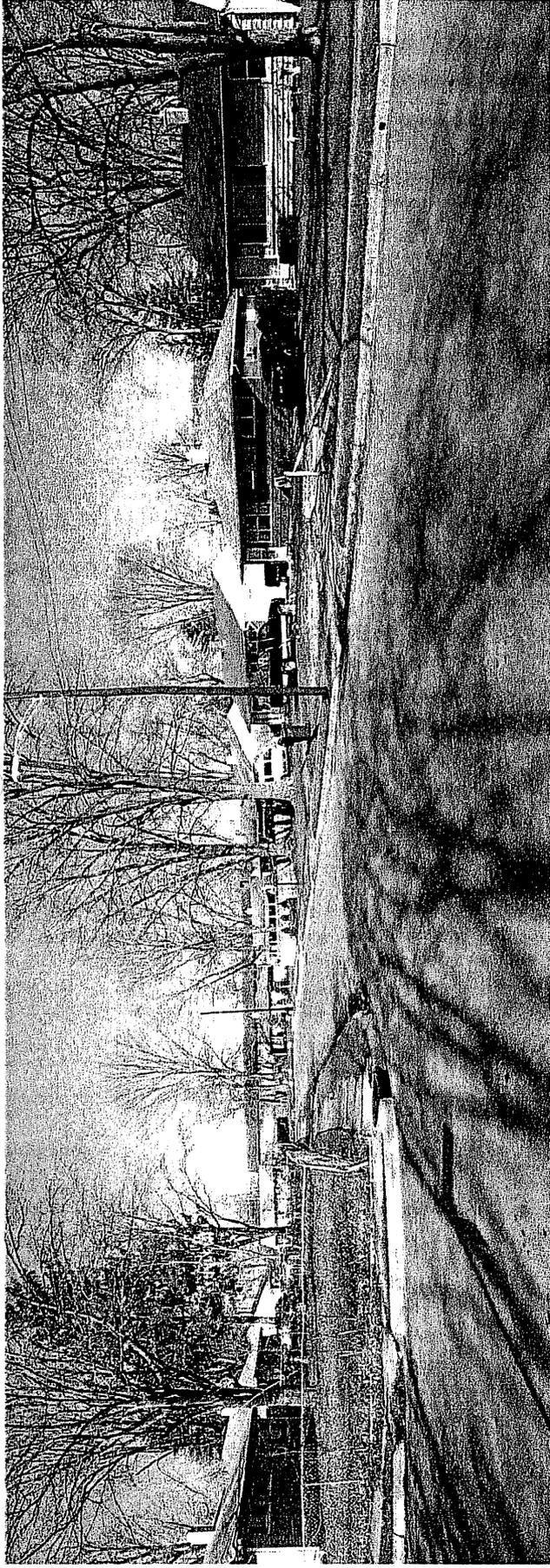


ELMORE AVE

KARL RD.

Points from which photos were taken to create Photosims





Existing Conditions

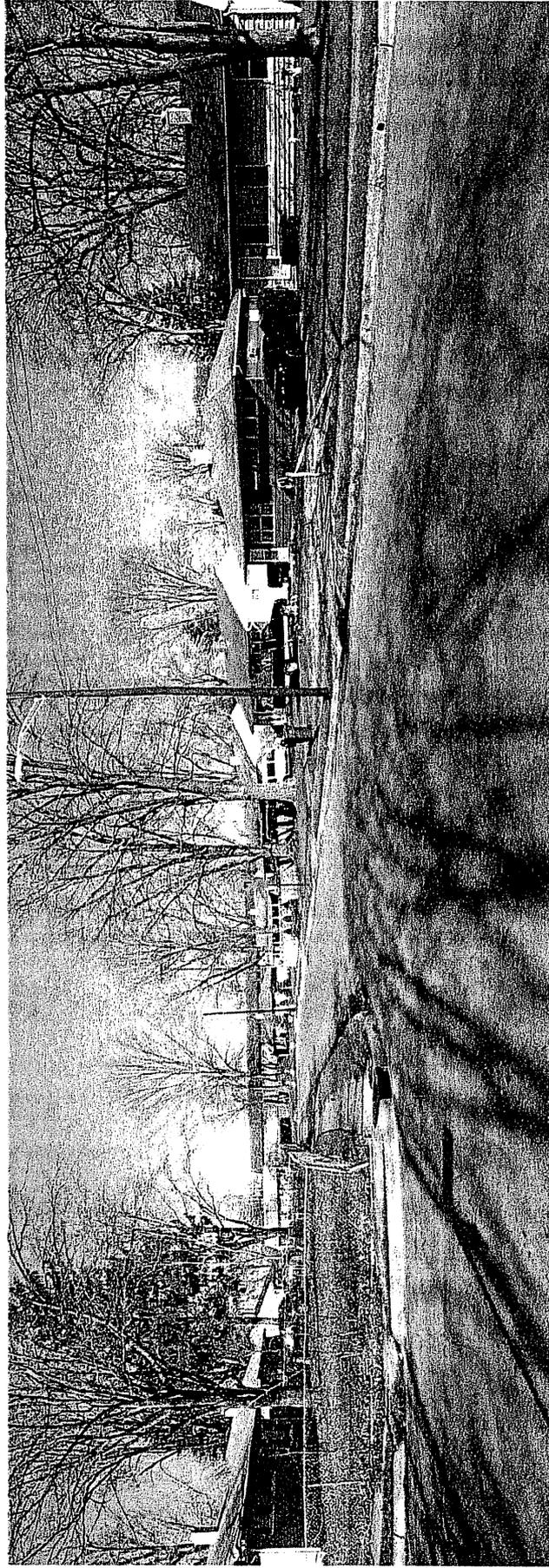
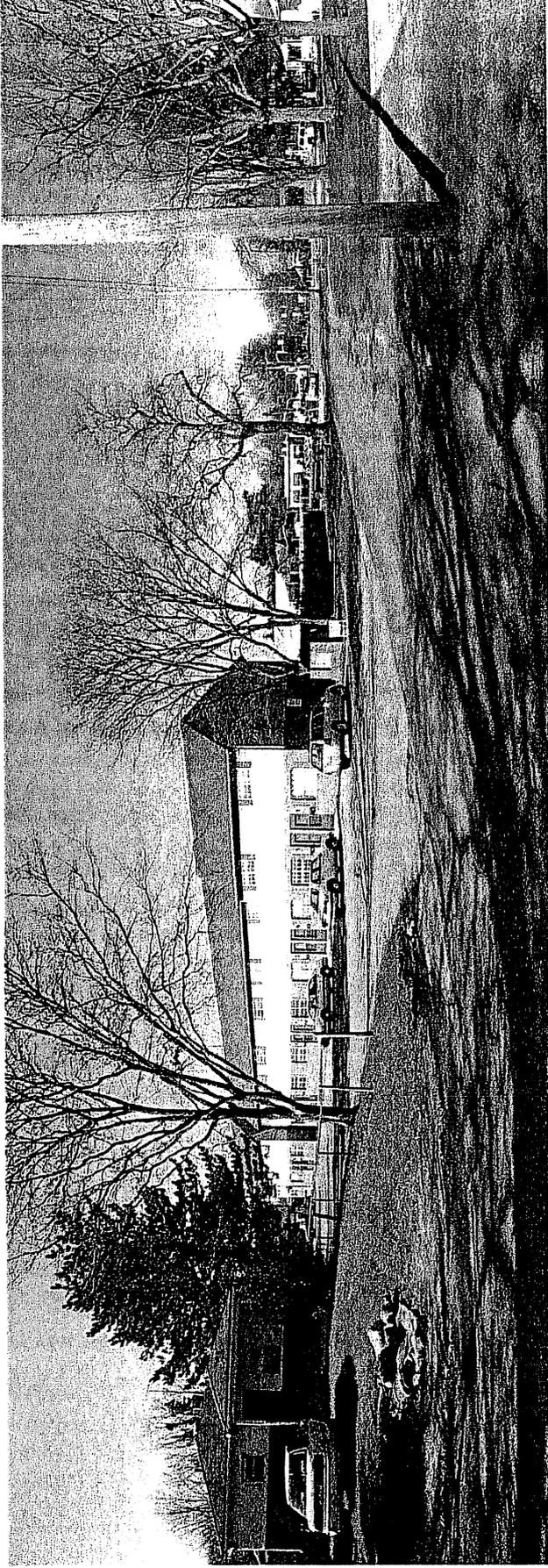


Photo-Simulation (to Scale) of Proposed Verizon Wireless Facility
DeSales (CLMB-190) – Location A
Distance from Intersection to the Proposed Tower = 789'



Existing Conditions

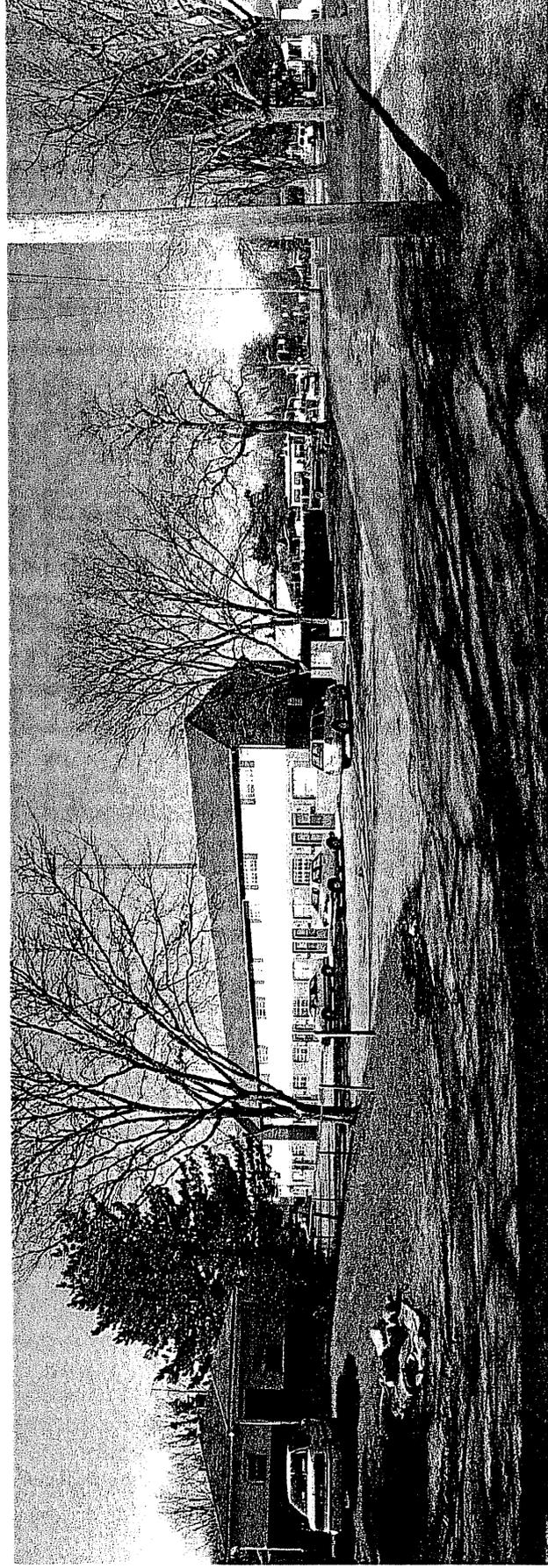
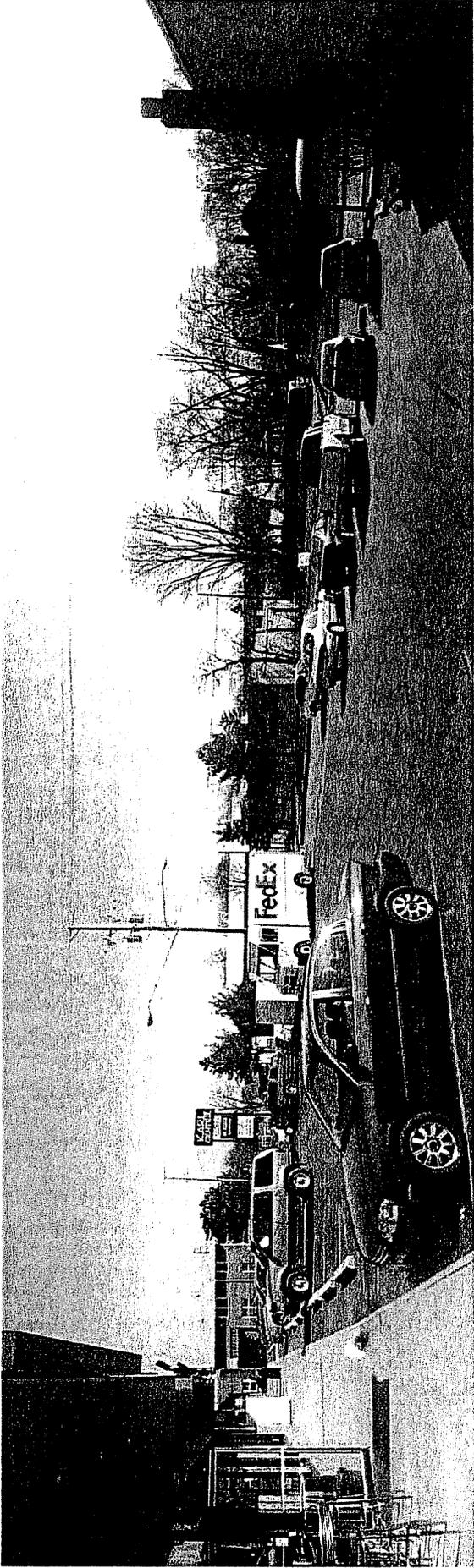


Photo-Simulation (to Scale) of Proposed Verizon Wireless Facility
DeSales (CLMB-190) – Location B
Distance from Intersection to the Proposed Tower = 299'



Existing Conditions

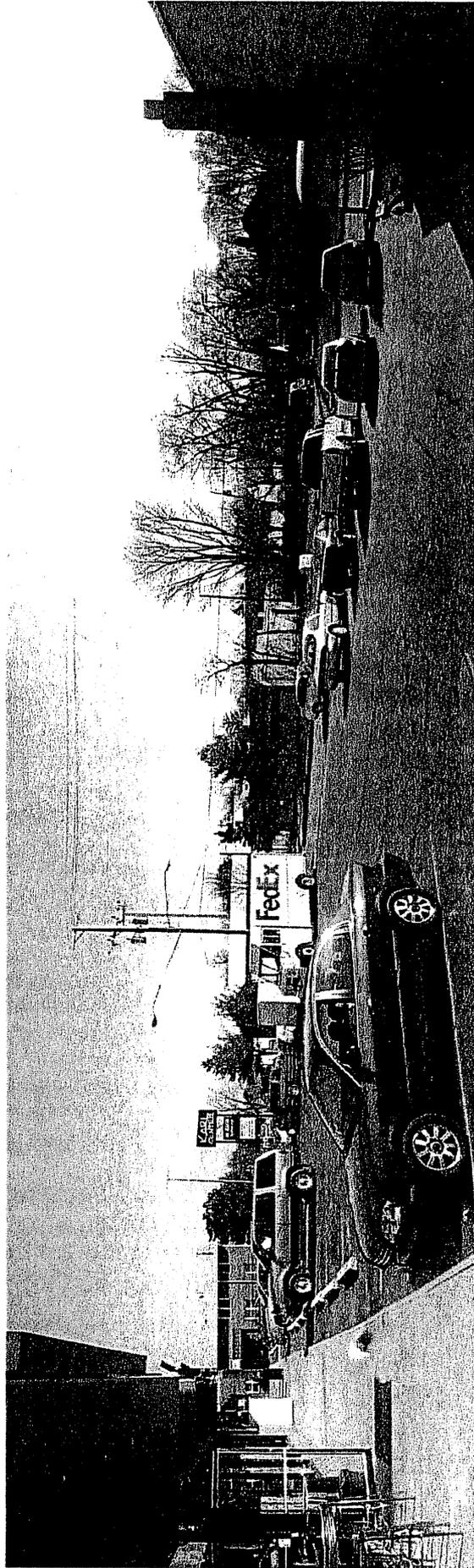
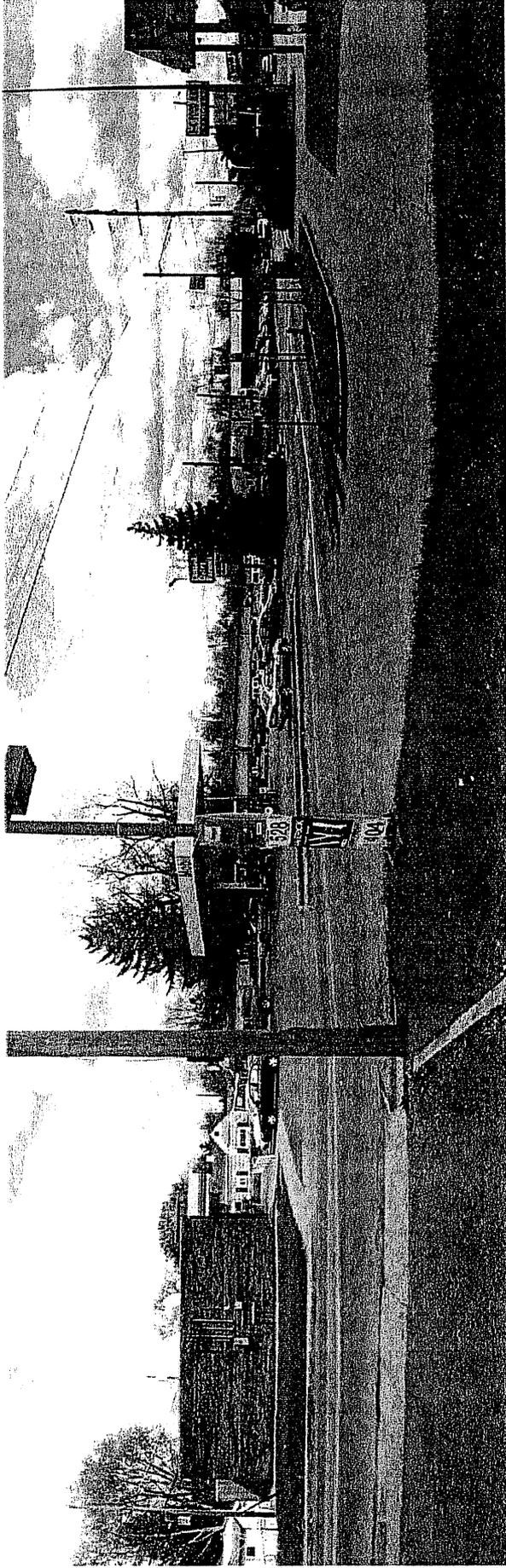


Photo-Simulation (to Scale) of Proposed Verizon Wireless Facility
DeSales (CLMB-190) - Location C
Distance from Existing Parking Lot to the Proposed Tower = 360'



Existing Conditions

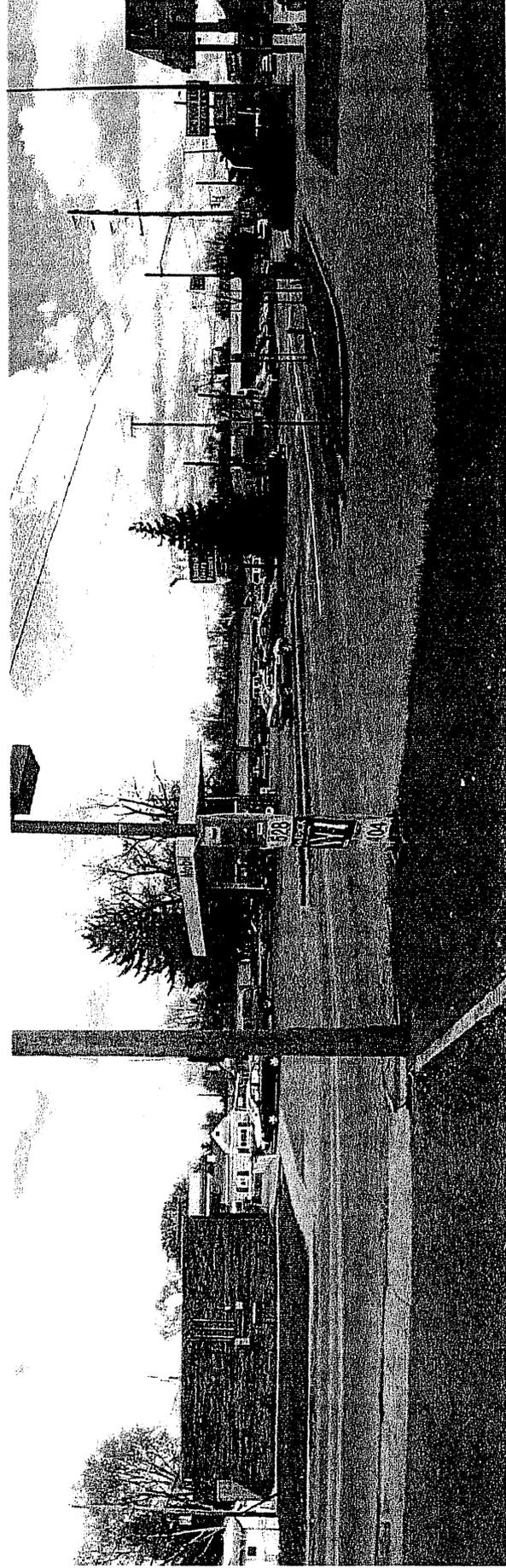
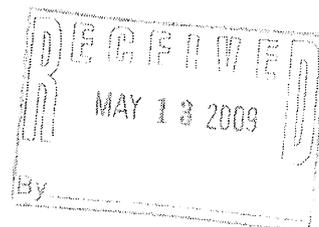


Photo-Simulation (to Scale) of Proposed Verizon Wireless Facility
DeSales (CLMB-190) – Location D
Distance from Existing Parking Lot to the Proposed Tower = 336'



May 12, 2009

Shannon Felkey
CTL Engineering Inc.
2860 Fisher Road, P.O. Box 44548
Columbus, Ohio 43204-3538



Dear Ms. Felkey:

Re: FCC/NEPA Threshold Screening – Section 106 Review
VZW Site Name: DeSales / D and R Properties and Enterprises, LLC
Site Address: 3700 Karl Road; Columbus, Ohio (Franklin County)
VZW Project Code No. 2004084996 / 160642 (Site No. CLMB-190)
CTL Engineering Project No. 08510240COLe

This is in response to your submission, received on May 6, 2009, regarding the construction of a 110-foot high monopole telecommunications tower with appurtenances at 3700 Karl Road, in Columbus, Franklin County, Ohio. My comments are made pursuant to Section 106 of the National Historic Preservation Act, as amended, and the 2005 Nationwide Programmatic Agreement for cell tower projects.

The Ohio Historic Preservation Office (OHPO) has carefully reviewed the information submitted for this project.

- Examination of the OHPO On-Line Mapping System indicates that there are no previously-documented architectural properties within the 0.5-mile radius visual Area of Potential Effects (APE). Therefore, it is likely that the project as proposed will not affect historic architectural properties.
- Examination of the OHPO On-Line Mapping System indicates that there are no previously-recorded archaeological resources within the direct APE. Subsurface excavation was unnecessary because the lease area and access road are within an existing gravel lot. Therefore, the project as proposed is unlikely to affect significant archaeological sites.

It is my opinion that a determination of “no historic properties affected” is appropriate for the project as proposed.

If you have any questions concerning this review, please contact me at (614) 298-2000 or via e-mail at jrandall@ohiohistory.org. Thank you for your cooperation.

Sincerely,

Joan Randall
Project Reviews Manager

Serial #:1025118

OHIO HISTORICAL SOCIETY

Ohio Historic Preservation Office

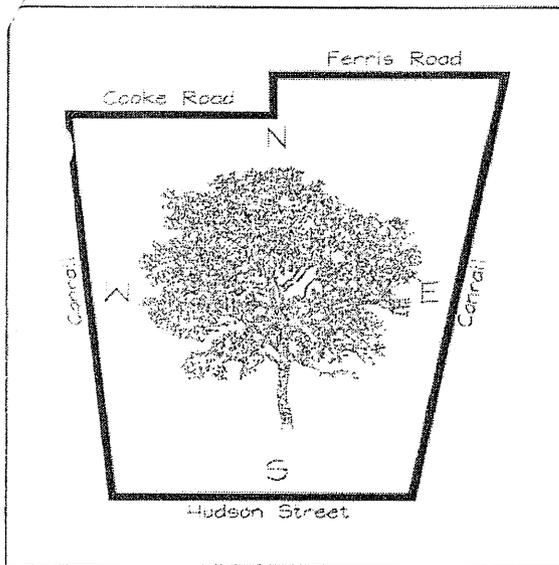
1982 Valma Avenue, Columbus, Ohio 43211 2497 ph: 614 298 2000 fx: 614 298
www.ohiohistory.org

10310-00158
1441 Elmore Ave.

North Linden Area

Commission

...to facilitate Communication, Understanding and Cooperation...



AGENDA: April 15, 2010

6:30 PM Ceremony Honoring Ray Humphrey at the Ball Field

6:45 PM Call to Order:

Dick Korn, Presiding

Pledge of Allegiance:

Roll Call:

Approval of Previous Meeting Minutes: Dick Korn

Treasurer's Report: Makeda Porter

7:10 PM Recognition of Guests

- Michelle Castrogiovanni, Program Director for Habitat for Humanity-Greater Columbus
- Pat Lafferty, Planner for Verizon Wireless

7:15 PM Committee Reports

- Executive:
- Code Enforcement
- Zoning:
- Safety:
- Community Service/Involvement
- Planning and Development:
- Capital Improvements:
- Media:

8:25 PM Announcements:

Next Commission Meeting:

May 20, 2010, 6:30 PM- Linden Recreation Center
1254 Briarwood Avenue
Columbus, Ohio 43211

Next Planning Meeting:

May 6, 2010, 6:30 PM- Linden Recreation Center

Upcoming Events:

Second Tuesday of Month, 7:00 p.m. Greater Linden Block Watch,
1410 Cleveland Avenue Point of Pride Building, Contact 294-9600.
Fourth Tuesday of Month, 5:30 p.m. Greater Linden Advisory Council,
1410 Cleveland Avenue Point of Pride Building.

Officers

Danny Popp
Chairperson

Richard Korn
Vice-Chairperson

Madeleine Trichel
Secretary

Makeda Porter
Treasurer

Commissioners

Kwojo Ababio
Paula Burleson
Barry Fellner II
Mark Hunter
Anthony Howard
Irene Radcliff
Werner Rase
Walt Reiner
Jonathan Rinehart

City of Columbus Liaison

Dick Graham

Code Enforcement Officers

John Hughes
Jeff Hann

Police Precinct #2 Liaison

Officer Mark Browning

Richard G. Korn, Vice-Chairperson
Phone: 614-268-9087

10310-00158
1441 Elmore Ave.

