

# Sumter City-County Board of Zoning Appeals

April 8, 2015

## BOA-15-02, 1005 Golfcrest Rd. (City)

The applicant is requesting Special Exception approval for a 200 ft. monopole communications tower (SIC Code 48) as required per *Article 3, Section B: R-15 and R-9 Large and Medium Single-Family Lot Residential Districts; 3.b.4.a Special Exceptions – Communications Towers, SIC Code 48; Exhibit 3-4 and Article 5, Section B, 5.b.4. of the City of Sumter Zoning Ordinance.*



Appeals - Variance - Special Exception

# Sumter City-County Board of Appeals

April 8, 2015

## BOA-15-02, 1005 Golfcrest Rd. – Communications Tower (City)

### I. THE REQUEST

**Applicant:** Jonathan Tesseniar

**Status of the Applicant:** Wireless Support Specialist, Farmers Telephone Cooperative

**Request:** Special Exception approval for a 200 ft. tall communications tower, under SIC Code 48.

**Location:** 1005 Golfcrest Rd.

**Present Use/Zoning:** Sunset Country Club & Golf Course/R-15/HCPD

**Tax Map Reference:** 207-00-04-003 (Part)

### II. BACKGROUND

The applicant requests approval to construct a 200 ft. tall monopole communications tower on property addressed as 1005 Golfcrest Rd. and owned by the Sunset Country Club. The location of the proposed tower is indicated by the red square in the orthophoto to the right. As shown in the orthophoto, the proposed location is in the center of the Country Club property and over 1000 ft. from the closest residential parcel.



FTC is requesting placement of this tower in order to increase coverage area as well as relieve capacity issues at the existing tower site located adjacent to the Fire Department Training Grounds on Green Swamp Rd. Once in place, it is anticipated that this tower will serve a 4 mile radius.

Communications towers (SIC Code 48) located within any residential zoning district are required to be reviewed and approved as a Special Exception. Special Exceptions are to be evaluated in accordance with Article 1, Section 1.h.4.c and Article 3, Section 3.b.4.a and in accordance with Article 5, Section 5.b.4 in the City of Sumter Zoning & Development Standards Ordinance.

The applicant submitted the following information in support of the application:

- Application letter outlining submitted documentation (Attachment #1)
- Tower Removal agreement (Attachment #2)
- Certificate of Liability Insurance (Attachment #3)
- Proof of FAA Application/Determination of No Hazard to Navigation and FCC Licensing Applications (Attachment #4)
- A map showing all other sites within the City of Sumter and Sumter County where FTC has communications tower sites/co-locations (Attachment #5)
- FCC Environmental Compliance Checklist/Environmental Impact Report (Attachment #6)
- Plat prepared by Stateburg Land Surveying, LLC showing proposed tower location, leased area and site access in addition to tower fall zone—a full size version of this plan is part of the case record file (Attachment #7)
- Civil Plans with structural elevations titled, “FTC Communications, Inc. Kingstree SC Sunset Country Club 436-022 Proposed 200’ Monopole Tower Located off Golfcrest Rd. (S-43-908) Sumter County, SC,” prepared by McCall-Thomas Engineering Co., Inc. and dated 12-22-14, revised 3-30-15. (Attachment #8)
- Structural design report titled, “Structural Design Report 200’ Monopole Site: Sunset Country Club, SC Site Number 436-022,” prepared by Sabre Industries Towers and Poles, dated February 25. 2015. (Attachment #9)

***Article 5, Section 5.b.4. Communication Towers and Antennae:*** *These regulations will permit the placement of communication towers and antennae in locations which will allow telecommunication services to be rendered in conformity with the authority specified in the Federal Telecommunications Act of 1996. A communications tower and/or antenna may be treated as a conditional use without further review by the Zoning Board of Appeals upon determination by the Zoning Administrator that **all** applicable conditions in this Ordinance are met. If the Board reviews a case and imposes additional conditions, the use is listed as a **permitted special exception** after a public hearing as similarly required in 5.a.4.*

a. *Districts in which communications towers and antennas are conditionally permitted with specified height limitations:*

1. ***Residential:*** *Towers and antennas are always special exceptions in all residential districts subject to 1.h.4.c. of this ordinance and must be approved by the Board of Appeals.*

d. *Application Requirements:* *The applicant for a permit for construction of a communications tower or the placement of a communications antenna on an existing*

*structure other than a tower previously permitted must file with the Zoning Administrator an application accompanied by a fee of five hundred (\$500.00) dollars and the following documents:*

1. ***Specifications:*** *One (1) copy of typical specifications for the proposed structure and/or antenna, including description of design characteristics and materials;*

**Attachments #8 and #9 address tower specifications and design characteristics.**

2. ***Site Plan:*** *A plan drawn to scale showing property boundaries, tower location, tower height, guide wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property (note: a site plan is not required if an antenna is mounted on an approved existing structure);*

**Attachments #7 and #8 address this requirement.**

3. ***Tower Location Map:*** *A current map, or updated existing map showing the location of the applicant's antenna, facilities, existing towers, and proposed towers which are reflected in the public records serving any property within the City and County of Sumter, South Carolina;*

**Attachment #5 shows all of FTC's current facilities within the City of Sumter and Sumter County. None of these facilities, nor are any other facilities, within 1000 ft. of the proposed site.**

4. ***Antenna Capacity – Wind Load:*** *A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number and a certification that the tower is designed to withstand wind in accordance with ANSI/EIA.TIA 222 (latest revisions) standards;*

**The submitted structural report is submitted as Attachment #9. This tower is designed to meet the above requirements.**

5. ***Antenna Owners:*** *Identification of the owners of all antennae and equipment to be located on site;*

**Owner identification is provided in the application letter labeled as Attachment #1. FTC will be the owner of all antennas and equipment mounted on and at the base of the tower.**

6. ***Owner Authorization:*** *Written authorization from the site owner for the application;*

**Mr. Harvin Barns, Chairman of the Board of Sunset Country Club has signed the Board of Zoning Appeals application authorizing FTC to place the tower on the subject site.**

7. ***FCC License:** Evidence that a valid FCC license for the proposed activity has been issued;*

**The FCC licensing application packet is attached to this report as Attachment #4.**

8. ***Visual Impact Analysis:** A line of site analysis showing visual and aesthetic impacts on adjacent residential districts;*

**The applicant submitted an Environmental Compliance/Impact Report (Attachment #6) in response to this item. Line of site analysis is under development and will be provided at the Board of Appeals meeting for review.**

9. ***Removal Agreement:** A written agreement to remove the tower and/or antenna within one hundred eighty (180) days after cessation of use;*

**See Attachment #2.**

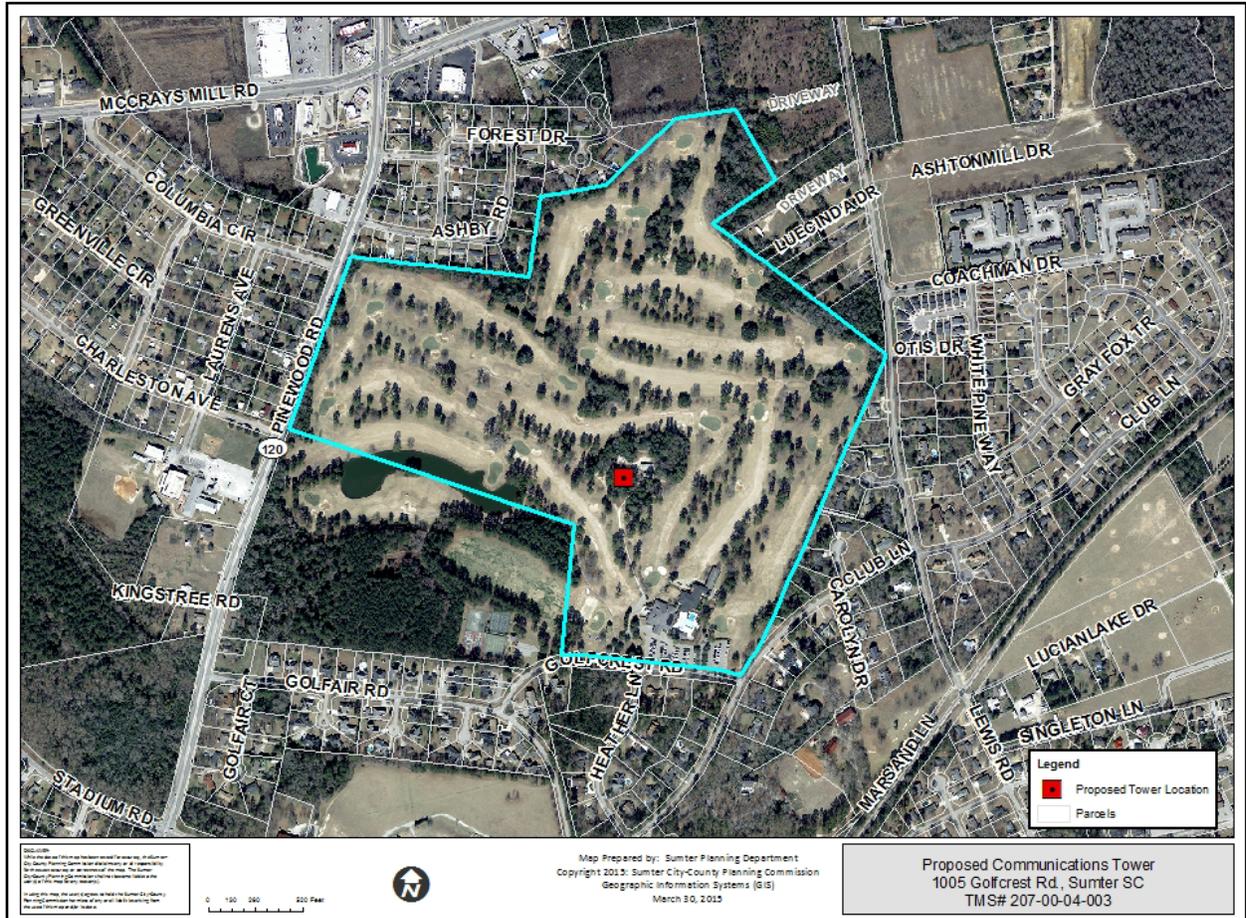
10. ***Conditions Met:** Evidence that applicable conditions in subsection 5.b.4.e. are met.*

**The above referenced attachments address items 1 through 9.**

- e. *Conditions: Applicant must show that all of the following conditions are met:*

1. ***Location and Visual Impact:** The proposed tower, antenna or accessory structure will be placed on site in such a manner that it will minimize the visual impact on the surrounding properties;*

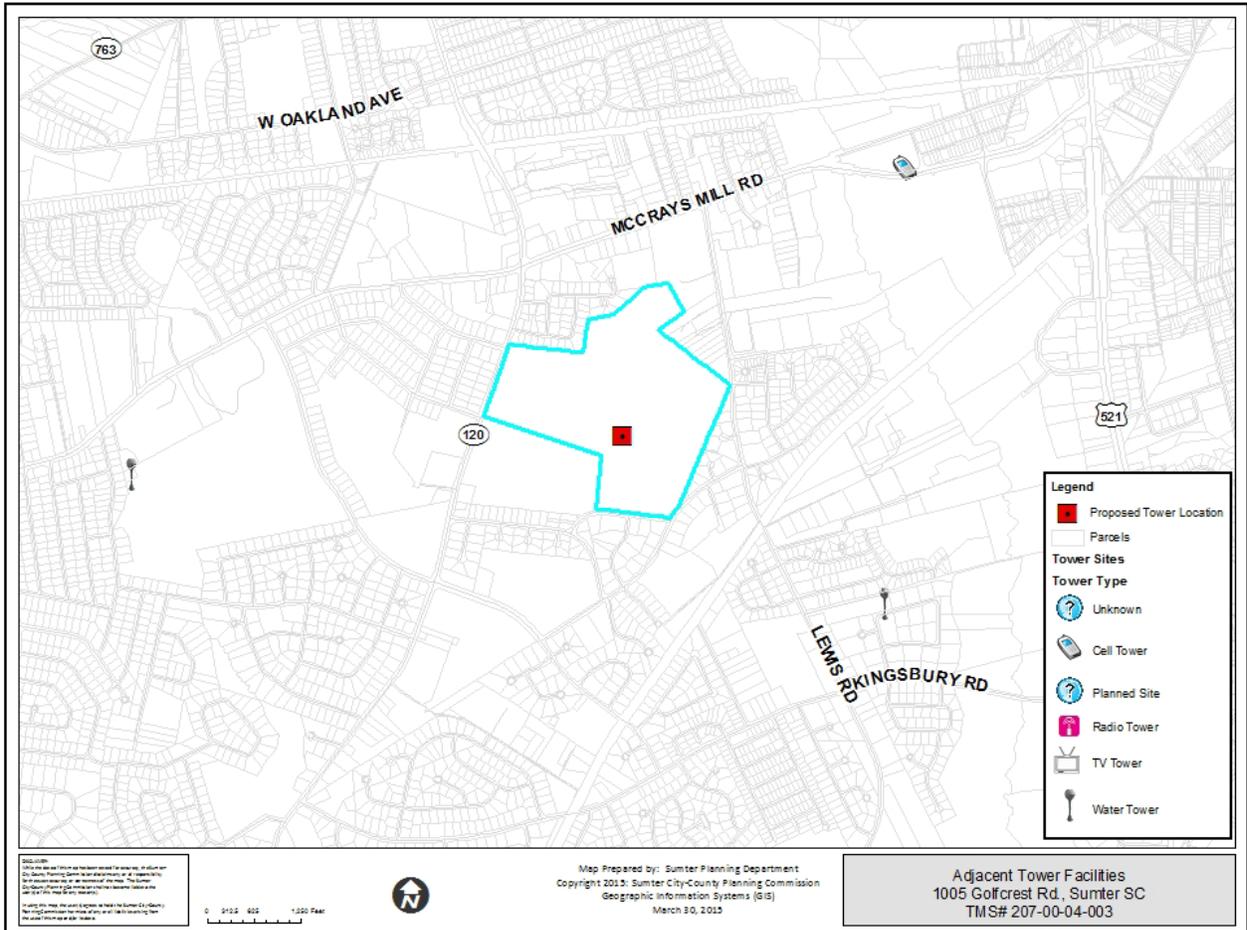
**As shown in the graphic on the following page, the proposed tower is between 1,000 ft. and 1,800 ft. from the Country Club parcel boundary. The selected location is in the middle of the site, isolated from adjacent residential parcels, and located in the middle of a stand of pine trees. The location was selected to help minimize to visual impact on surrounding uses by placing the structure the furthest distance from adjacent residential possible while still siting in a location that would not obstruct the functionality of the golf course.**



2. ***Inability to locate on existing structures:*** *The applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and the applicants’ technical design requirements without unreasonable modifications on any existing structure or tower under control of applicant, or to locate on an available and suitable nearby tower at reasonable costs (i.e., at or below local area rent average);*

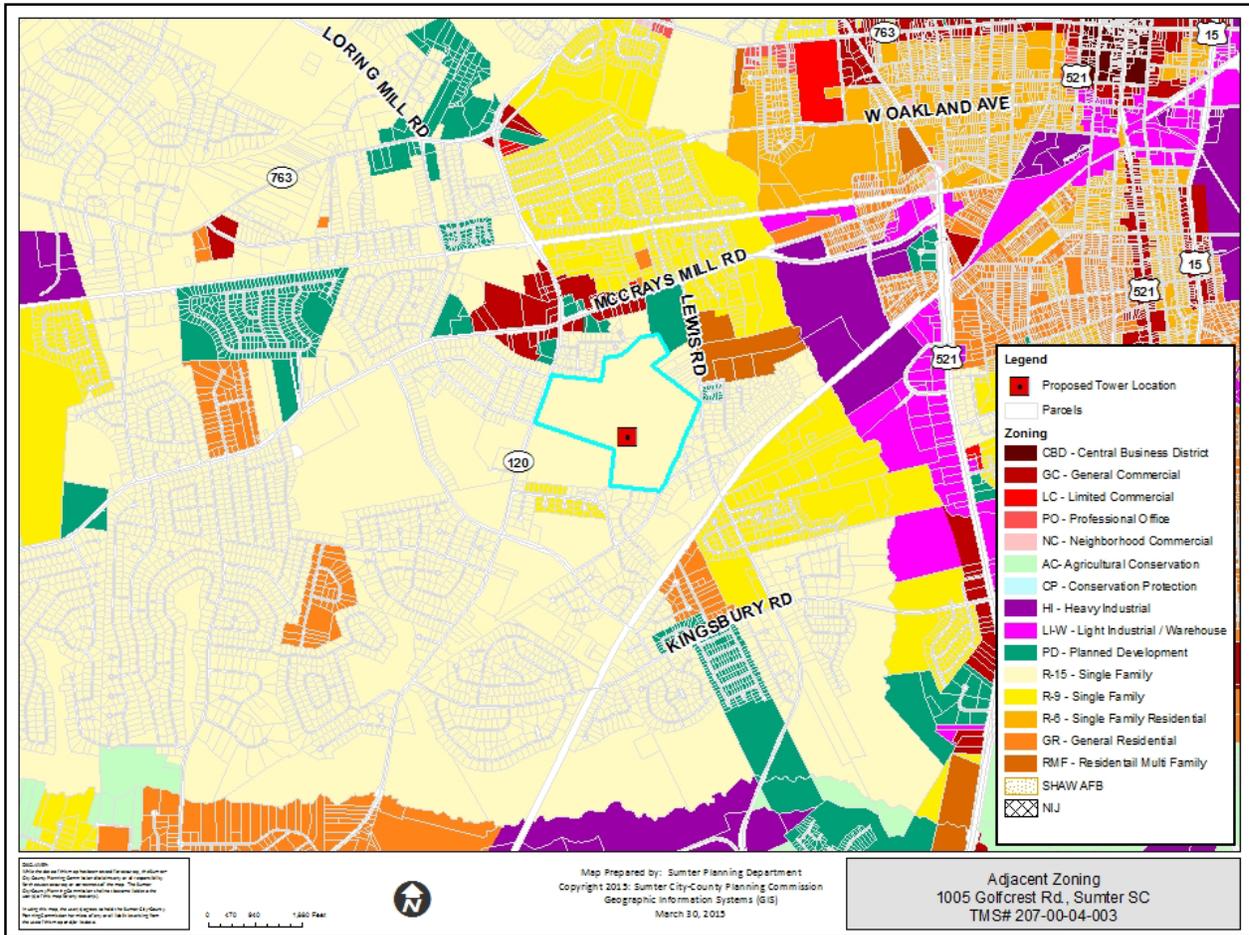
**As per the applicant’s support letter (attachment #1), there is no suitable structure within 1000 ft. of this proposed tower. An FCC search result shows that no structures are within 1/3 of a mile of the proposed site.**

**As shown on the map on the following page of the adjacent tower facilities, the closest communications tower is over 5,000 ft. from the proposed site—FTC currently has co-located facilities on this tower. There are two water towers that are +/-4,000 ft. and +/-6,000 ft. from the proposed site, however these facilities lack the necessary height and are outside of the coverage area objective.**



3. *Necessity for location in residential district: The applicant must show that the portion of the city and/or county intended to receive coverage cannot be adequately served by a communications tower or antenna placed in a non-residential district for valid technical reasons;*

**FTC’s coverage plan for this area is to increase signal levels in and around the surrounding residential development. This portion of the Sumter Community is dominated by residential zoning as shown in the map on the following page. The adjacent industrial properties shown on the eastern side of the zoning map are in the floodplain—an area not ideal for locating communications facilities when there are alternative locations available. Additionally, the industrial property on the western side of the map already hosts two tower facilities that are at or near capacity. The County Club property is one of the few parcels within this area that is outside of the floodplain and of a size that can allow a tower to meet the required 100% height setbacks for the structure.**



4. *Public property or other private property not suitable: Prior to consideration of a permit for location on private property which must be acquired, the applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements;*

**The two water towers in proximity to the site (4,000-6,000 ft. away) lack the height necessary to meet the coverage objective.**

5. *Design for multiple use: Applicants must show that a new tower is designed to accommodate additional antennae equal to applicant's present and future requirements;*

**Documentation has been submitted showing the tower has been designed for multiple users.**

6. *Safety Codes Met: Applicant must show that all applicable health, nuisance, fire, building, and life safety code requirements are met;*

**The applicant is subject to the commercial plans review process which requires the issuance of a building permit and inspections. The submitted plans, including the civil plans, site plan, and structural report in addition to FCC and FAA review and oversight will insure compliance with this standard.**

7. *Paint and illumination: A communications tower must not be painted or illuminated unless otherwise required by state or federal regulations.*

**The structure will be illuminated in accordance with all FAA requirements. No other painting or illumination is proposed.**

8. *Distance from existing tower: A permit for a proposed tower site within one thousand (1,000 ft) feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet the applicants structural specifications and design requirements, or that a co-location agreement could not be obtained;*

**There are no adjacent communications towers within 1000 ft. of the proposed site.**

9. *Indemnity and claims resolution: The applicant must show by certification from a registered professional engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the city or county of Sumter and proof of liability insurance or financial ability to respond to claims up to one million (\$1,000,000.00) dollars in the aggregate which may arise from the operation of the facilities during its life, at not cost to the city and county and in a form approved by the City of County Attorneys.*

**See attachments #2 and #3.**

10. *Minimum Setback: A tower must be set back from all lot lines by a distance equal to the district setback requirement or one hundred (100%) percent of the tower height, whichever is greater;*

**Submitted plans show the tower will meet a 100% setback from all adjacent property lines based upon a height of 200 ft.**

11. *Technical Assistance: Prior to issuing a permit, the Zoning Administrator may make use of professional technical services to determine if the standards in 5.b.4.d. are met;*

**Not applicable.**

*12. Maintenance: The communications tower shall be maintained by common corrosion control procedures so it continuously maintains a minimum visual impact on surrounding properties.*

**See Attachment #1**

**Article 1 Section 1.h.4.c Special Exceptions:**

1. *Special exceptions are subject to the terms and conditions for the use set forth for such uses in the Zoning Ordinance.*

**The applicant has submitted all documentation necessary to address the above.**

2. *Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:*
  - a. *That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.*

**Planning staff finds that the proposed plans comply with applicable development standards.**

- b. *That the special exception will be in substantial harmony with the area in which it is located.*

**Every effort has been made to site the tower in a location with the least visual impact on surrounding residential uses and over 1,000 ft. away from all adjacent property lines. Additionally, placement has been proposed in such a manner as not to interfere with the functionality of the existing recreation facilities.**

- c. *That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*

**Staff finds that the placement of the communications tower will not discourage or negate the use of surrounding property for uses permitted by right.**

### **III. STAFF RECOMMENDATION**

Staff recommends approval of this request. Based on all available data and the existing development pattern of the community, the proposed site is most compatible with the goals and objectives of the community in relation to regulating placement of necessary communications facilities.

#### **IV. DRAFT MOTIONS**

- A. I move that the Sumter Board of Appeals approve BOA-15-02 subject to the findings of fact and conclusions contained in the draft order dated April 8, 2015, attached as Exhibit 1.
  
- B. I move that the Sumter Board of Appeals deny BOA-15-02 on the following findings of fact and conclusions:

#### **V. BOARD OF ZONING APPEALS – APRIL 8, 2015**

The Sumter City-County Board of Appeals at its meeting on Wednesday, April 8, 2015, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated April 8, 2015, attached as Exhibit 1.

**Exhibit 1**  
**Order on Special Exception Application**  
**Sumter Board of Appeals**

**BOA-15-02, 1005 Goldcrest R. (City)**  
**April 8, 2015**

Date Filed: April 8, 2015

Permit Case No. BOA-15-02

The Board of Zoning Appeals held a public hearing on Wednesday, April 8, 2015 to consider the request of Jonathan Teseniar, FTC Communications, 1101 E. Main St., Kingstree, SC 29556 for a special exception which may be permitted by the Board pursuant to Sections Article 1.h.4.c, Article 3.b.4.a and Article 5.b.4 of the Sumter County – Zoning & Development Standards Ordinance as set forth on Form 4 for the property described on Form 1 to be used for: 200 Foot Tall Communications Tower (SIC Code 48).

After the consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the standards in Sections 5.b.4 of the Sumter County – Zoning & Development Standards Ordinance which are applicable to the proposed special exception of the Zoning Ordinance  **have** -  **have not** been met based on the following findings of fact:
  - a. The Board finds the standards have been met based on the established pattern of development and the following submitted documentation in support of the application: Application letter outlining submitted documentation (Attachment #1); Tower Removal agreement (Attachment #2); Certificate of Liability Insurance (Attachment #3); Proof of FAA Application/Determination of No Hazard to Navigation and FCC Licensing Applications (Attachment #4); A map showing all other sites within the City of Sumter and Sumter County where FTC has communications tower sites/co-locations (Attachment #5); FCC Environmental Compliance Checklist/Environmental Impact Report (Attachment #6); Plat prepared by Stateburg Land Surveying, LLC showing proposed tower location, leased area and site access in addition to tower fall zone—a full size version of this plan is part of the case record file (Attachment #7); Civil Plans with structural elevations titled, “FTC Communications, Inc. Kingstree SC Sunset Country Club 436-022 Proposed 200’ Monopole Tower Located off Golfcrest Rd. (S-43-908) Sumter County, SC,” prepared by McCall-Thomas Engineering Co., Inc. and dated 12-22-14, revised 3-30-15. (Attachment #8); Structural design report titled, “Structural Design Report 200’ Monopole Site: Sunset Country Club, SC Site Number 436-022,” prepared by Sabre Industries Towers and Poles, dated February 25, 2015. (Attachment #9)

2. The Board concludes that the special exception  **does** -  **does not** comply with all other applicable development standards contained elsewhere in the Sumter City Zoning Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements based on the following findings of fact:
  - a. The submitted site plan and application packet outline how the proposed tower site complies with applicable development standards.
  
3. The Board concludes that the proposed special exception  **will** -  **will not** be in substantial harmony with the area in which it is located based on the following findings of fact:
  - a. The Board finds that every effort has been made to site the tower in a location with the least visual impact on surrounding residential uses and over 1,000 ft. away from all adjacent property lines. Additionally, placement has been proposed in such a manner as not to interfere with the functionality of the existing recreation facilities.
  
4. The Board concludes the special exception  **will** -  **will not** discourage or negate the use of surrounding property for uses(s) permitted by right based on the following findings of fact:
  - a. The Board finds that placement of the communications tower will not discourage or negate the use of surrounding property for uses permitted by right due to the isolated location from adjacent residential uses and distance from the surrounding road network.

THE BOARD, THEREFORE, ORDERS that the special exception is  **DENIED** –  **GRANTED with the following conditions:**

Approved by the Board by majority vote.

Date issued: \_\_\_\_\_

\_\_\_\_\_ Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_ Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.**