

SENT VIA ACCELA UPLOAD

March ²⁰17, 2023

Planning and Development Department
2875 Browns Bridge Road
Gainesville, GA 30503

RE: VB BTS II, LLC

Site Name: Gillsville: Site Number: US-GA-5321

Conditional Use and Variance Application and Supporting Documentation

To Whom It May Concern:

On behalf of my client, VB BTS II, LLC (Vertical Bridge), please find enclosed Conditional Use and Variance applications to allow a 255' AGL self-support lattice style communication tower and related facilities upon Parcel #15004 000034 with the address 6084 Highway 52 in Hall County.

- Applications
 - Conditional Use Application
 - Variance Application
 - Campaign Contribution Disclosure Form
 - Authorization of Property Owners
- Application Check # in the amount of \$1,350.00 (Sent under separate cover.)
- Agent Of Record
 - Mary Alice Segars to Mattaniah S. Jahn, P.A.
 - Vertical Bridge ERIT, LLC to Mattaniah S. Jahn, P.A.
- Warranty Deed
- Memorandum of Lease
- Property Card
- Property Card – Aerial
 - Tax Assessor's Aerial
- Legal Description
- Names and Addresses of Owners within 1,500' of Parcel #15004 000034
- Map of Owners within 1,500'
- Hall County 2022 Emergency Call Statistics
- RF Justification Package
- NCC NEPA Environmental Checklist Report
- Phase I Environmental Site Assessment
- FAA Proposed Construction or Alteration Repots

- FCC Antenna Structure Registration
- Vertical Bridge, REIT Colocations Affidavit
- Colocation Offer Letters
 - AT&T Invitation Letter
 - AT&T Proof of Mailing
 - Dish Network Invitation Letter
 - Dish Network Proof of Mailing
 - Verizon Invitation Letter
 - Verizon Proof of Mailing
- PhotoSimulations
- Title Commitment
- FCC Tower Inventory in Hall County
- Fall Zone Letter
 - Signed and Sealed at 11.5x8 PDF
- Structural Analysis
 - Signed and Sealed at 8.5x11 PDF
- Site Survey
 - Signed and Sealed 11x17 PDF
- Construction Drawings – with Landscape Plan Bound within
 - Signed and Sealed 24x36 PDF

Summary of Request

Vertical Bridge respectfully requests a Conditional Use and Variance approval for Parcel #15004 000034 to allow a 255’ AGL self-support lattice style communication tower (“Lattice) and support facility. The Lattice will be able to support T-Mobile’s equipment and 4 additional carriers for a total of 5 colocations and will be placed in the wooded and undeveloped portion of the 62.5 Ac. parent parcel. The parcel’s current zoning is Agriculture Residential (AR-IV) with a future land use designation is Rural Residential (RR). Vertical additionally respectfully requests a Variance for height.

Applicable Land Development Code (LDC) Sections

17.410.40. Basic criteria for the location, size and design of telecommunications facilities.

- A. Micro telecommunication facilities shall be allowed in all zoning districts as a use by right following administrative review by the planning department and receipt of a building permit from the building official.

N/A

- B. The placement and installation of all other telecommunications facilities shall be restricted to the AR-III, AR-IV, S-S, H-B, I-I, and I-II zoning districts and shall be subject to county commission approval.

Vertical Bridge respectfully proposes to locate the Lattice upon parcel #15004 000034, which is zoned (AR-IV). Please see Sheet the Enclosed Sheet T-1, and Survey Sheet 1.

- C. Preferred location sites. It is the expressed intent to require the installation of micro telecommunication facilities at preferred location sites, rather than permitting the construction of new towers. An exception should be made only when it is clearly demonstrated that no suitable preferred location site exists.
 - 1. *Co-location sites.* Any existing telecommunications towers currently being used for transmitting and/or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication shall be a preferred location site regardless of the underlying zoning designation of the site; provided, however, that locations which meet this criteria shall be subject to the design and siting components of this chapter and co-location sites shall not become an "antenna farm" or otherwise be deemed by the director or the county commission to be visually obtrusive.

T-Mobile conducted an extensive search of the area to solve a significant gap in-vehicle coverage along GA Hwy 53 and in-building residential coverage for users in the City of Gillsville and surrounding areas. T-Mobile determined that an antenna centerline height of 250' ACL was necessary to achieve the coverage footprint to solve the gap. There are no telecommunication towers within the search area that would meet T-Mobile's objectives. Please see enclosed T-Mobile's RF Justification Package.

- 2. *Publicly-used structures.* Publicly-used structures are preferred locations throughout Hall County because they appear in virtually all neighborhoods, are dispersed throughout Hall County, and due to their institutional or infrastructure uses are generally similar in appearance to, or readily adaptable for micro telecommunications facilities. Therefore, antennae should be less noticeable when affixed to publicly used structures, such as police or fire stations, libraries, community centers, civic centers, courthouses, utility structures, water towers, elevated roadways, bridges, flag poles, and schools, than when placed on commercial or residential structures.

There are no publicly used structures of sufficient height, located within T-Mobile's search area, that would meet T-Mobile's RF objectives. Please see enclosed T-Mobile's RF Justification Package.

3. *Industrial and commercial structures.* Wholly industrial and commercial structures, located in zoning districts permitting telecommunication facilities as defined in section 17.410.040 above, such as warehouse factories, retail outlets, supermarkets, banks, garages, or service stations shall be preferred locations particularly where existing visual obstructions or clutter on the roof or along a roof line can and will be removed as part of the installation of the telecommunications facility.

There are no industrial and commercial structures that meet T-Mobile’s RF objectives. Please see enclosed T-Mobile’s RF Justification Package.

4. *Alternative structures.* Installation on existing alternative structures such as electric transmission towers or billboards, or construction of alternative structures appropriate to the proposed location context such as bell towers, church steeples or flagpoles.

There are no other towers or tall structures of sufficient height, located within T-Mobile’s search area, which T-Mobile could collocate upon. Please see enclosed T-Mobile’s RF Justification Package.

- D. *Disfavored location sites.* Any residentially zoned property or residentially occupied structure, or sites within four tower lengths of a residentially zoned property shall be a disfavored site for the location of telecommunications facilities. Any site having a negative visual impact on historically significant structures or designated scenic views.

There are no residential structures within 1,060’ of the proposed tower. Please see enclosed Sheets 1, C-1, and L-1.

- E. *Setbacks.* Multiple towers that are otherwise justified under the criteria of this chapter may be permitted on the same site provided they meet all setback and separation requirements. The following setback requirements shall apply to all towers:
 1. Telecommunications towers within the AR-III or AR-IV zoning districts shall be set back a minimum of two tower lengths from the base of the tower to all property lines.

The 255’ AGL Lattice will be constructed on a parcel zoned AR-IV. As such, the required setback for the Lattice will be 510’. The setbacks will be as follows:

| | Required | Provided |
|---------------|-----------------|------------------|
| North: | 510’ | 1,796’-6” |
| South: | 510’ | 523’-1” |
| East: | 510’ | 679’-6” |
| West: | 510’ | 535’-7” |

Therefore, the Lattice will exceed the required setbacks to the North, South, East, and West. Please see enclosed Sheet 1, and C-1.

2. Telecommunications towers in commercial or industrial districts shall be set back a minimum of two tower lengths from the base of the tower to any residentially zoned property (including the AR-III and AR-IV zones) and a minimum distance equal to the height of the tower from any other property line.

N/A

3. All telecommunications towers shall be set back from any residential structure either a minimum of four tower lengths from the base of the tower or 500 feet from the base of the tower, whichever is greater. For residential structures on the same property as the tower, the setback shall be one tower length from the base of the tower to the structure.

The 255' AGL Lattice requires 1,020' of separation from any residential structure. There are no residential structures within 1,020' of the proposed Lattice. Please see Sheets 1, C-1, and L-1.

4. Due to circumstances unique to the specific location; the county commission may approve a reduction or increase of any required set back based upon the finding(s) that the adjacent land, including its future development pursuant to zoning and the Comprehensive Plan, will or will not be impacted in an adverse manner.

Noted.

5. All accessory buildings and facilities to a telecommunications facility installation shall meet the minimum zoning district setback requirements for such buildings or facilities.

The compound setbacks are as follows:

| | Required | Provided |
|---------------|-----------------|------------------|
| North: | 50' | 1,774'-9" |
| South: | 25' | 494'-5" |
| East: | 15' | 641'-10" |
| West: | 15' | 508'-1" |

Therefore, the compound will exceed the minimum setback requirements. Please see Sheet C-1.

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- F. *Tower height, design and provisions for co-location.* When a new tower is being requested, the following height and configuration requirements must be met through the appropriate approval process.
1. *Tower height.* Maximum tower height in the AR-III and AR-IV zones shall be 195 feet. There is no maximum height in other permitted zones, as long as the height is justified as the lowest possible in order to meet the intent of this chapter, and the design criteria of this chapter are met.

Vertical Bridge respectfully requests a Variance to allow an additional 60' so that T-Mobile can meet its RF objectives. A 195' AGL tower would, in this instance, effectuate a hardship upon both T-Mobile and the public as multiple towers would be needed to achieve coverage and capacity characteristics of the Lattice. A shorter tower would also be counter to the Codes sound planning objective of minimizing the overall number of towers in Hall County contained in Sec. 17.401.010 (3). Please see Sheets C-1, and RF Package.

2. *Tower design criteria.*
 - a. All new towers shall be of monopole design. Where special circumstances suggest that the construction of a tower of a different design would specifically further the intent of this chapter, the planning commission may recommend and the county commission may approve a tower of a design other than monopole construction.

Vertical Bridge respectfully requests that a Lattice tower be approved as a monopole is not possible to construct at that height. As discussed above, a shorter tower would fail to meet T-Mobile's RF objective and would require multiple towers to do the job of the Lattice. Please see T-Mobile's RF Justification Package.

- b. Towers and antenna support arms shall be of a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, may be painted a neutral color or color to match the visual background.

The Lattice will be galvanized, which will allow it to better blend with the background sky. Please see Sheet C-1.

- c. No illumination is permitted on telecommunications facilities unless required by the FCC, FAA or other state or federal agency of competent jurisdiction, or unless necessary for air traffic safety. Any required lighting shall be restricted to dual lights (medium intensity white strobe lights daylight mode and red obstruction lights nighttime mode) unless the FAA or state aeronautics division requires some other form of lighting.

The Lattice will have minimal lighting to meet FAA safety regulations. Please see Sheet C-1.

- d. No advertising is permitted on telecommunications facilities. However, an antenna installation may be allowed on any legally permitted permanent billboard or outdoor advertising sign as long as the other requirements of this chapter are met.

Vertical Bridge will comply. Please see signs and locations on Sheet C-3.

3. Provisions for co-location. All new tower installations of 150 feet in height or less shall provide antenna and support space for at least three (3) carriers. All new tower installations of over 150 feet in height shall provide antenna and support space for at least five (5) carriers. Tower installations of less than 195 feet shall be structurally designed to be extended to a height of 195 feet.

The Lattice will be designed to support up to 5 carriers. Colocation offer letters were mailed to AT&T, Dish Network, Verson Wireless on November 8, 2022. Please see enclosed Colocation Offer Letters, Fall Zone Letter as well as Sheet C-1.

G. *Design criteria for antenna installation on existing structures.*

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17.410.050. Approval process.

- A. County commission approval. All new telecommunication facility installations shall be considered a use subject to county commission approval, except as outlined below.
 1. Application for a use subject to county commission approval shall be made to the director by the person, company or organization that will own and operate the telecommunications facility. The application shall be processed in accordance with the special use provision of section 17.380 of the Official Code of Hall County, Georgia. The Board of Commissioners of Hall County may issue a special use permit under this section provided it shall be determined that all of the requirements of this chapter have been satisfied.

Vertical respectfully requests a Conditional Use and Variance approvals to allow a 255' AGL Lattice for T-Mobile. Please see enclosed application packet.

2. In order to cover the actual cost to Hall County of obtaining expert opinion and studies, fees in addition to those established in section 17.30.010 are established for those telecommunications facility applications requiring county commission approval. An initial deposit of \$1,000.00 shall be paid to Hall County to review the application. If the actual cost to Hall County is greater than this deposit, the applicant shall be billed for the difference and payment shall be made prior to the hearing before the county commission. In no case shall the maximum total charge exceed \$3,000.00. If the actual cost is less than the initial deposit, the difference will be refunded to the applicant within 20 days following the county commission hearing.

Noted.

3. In granting a special use permit, the board of commissioners of Hall County may impose additional zoning conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed tower or antenna on surrounding properties or lessen the overall impact of the applicant's towers on the county.

Noted.

4. Along with the other requirements of this chapter, the board of commissioners shall consider the following factors in acting upon a new tower construction application under the provisions of this article:
 - a. The height and setbacks of the proposed tower;

The 255' AGL Lattice will be constructed on a parcel zoned AR-IV. The setbacks will be as follows:

| | Required | Provided |
|---------------|-----------------|------------------|
| North: | 510' | 1,796'-6" |
| South: | 510' | 523'-1" |
| East: | 510' | 679'-6" |
| West: | 510' | 535'-7" |

Therefore, the Lattice will exceed the required setbacks to the North, South, East, and West. The Lattice will exceed all code required setbacks. Please see enclosed Sheet 1, and C-1.

- b. The proximity of the tower to residential structures and residential district boundaries;

The 255' AGL Lattice requires 1,060' of separation from any residential structure. There are no residential structures within 1,060' of the proposed tower. Please see Sheets 1, C-1, and L-1.

- c. The nature of uses on adjacent and nearby properties;

The Lattice will be located in the middle of the southern half of the 62.5 Ac property, which is currently zoned Agricultural-Residential (AR-IV) and developed with a chicken house upon it. The area to the north is also zoned Agricultural Residential with the Northeast, South and East zoned as a Planned Industrial Development (PID). To the west is the Planned Commercial Farm District (PCFD).

- d. The surrounding topography;

The area is generally composed of hills and dells. The Lattice exists roughly 90' down a slope of highest portion of the parent parcel. Hills exist to the Northeast, East, and West of the Lattice.

- e. The surrounding tree coverage and foliage;

The surrounding area is marked by a mixture of smaller pastures and heavily wooded area. Mature trees and vegetation exist at most property lines while the wooded areas tend to exist on the area's hills, functionally increasing their height for buffering purposes. These mature trees and vegetation work together to break up view sheds and help buffer the Lattice from surrounding uses. Please see Sheet L-1, as well as the enclosed Tax Assessor's Aerial and Photosimulations.

- f. The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

The Lattice's design, with open iron works that allow light to pass through and no guy wires, will minimize the facility's presence. T-Mobile requires a 255' AGL tower in order to meet its coverage objective in the area. As such, the overall height of the Lattice is the minimum amount necessary. The Lattice will have a dull gray finish and will be illuminated to the minimum amount necessary to meet FAA safety regulations. These design factors, taken together, will minimize the Lattice's visual presence as much as possible while still meeting T-Mobile's RF objectives. Please see Sheet C-1 as well as the enclosed Photosimulations and RF packet.

- g. The proposed ingress and egress;

The Lattice will be accessed from Highway 52 from a drive way that crosses parcels #15004 000033 and parcel #15004 000034. Please see the enclosed Sheets 1, C-1, and L-1.

- h. The availability of suitable existing towers or other structures for antenna co-location; and

There are no towers or existing structures of sufficient height in the area to meet T-Mobile's RF objectives. Please see the enclosed RF Package.

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- i. The impact of the proposed tower upon scenic views and visual quality of the surrounding area.

The Lattice will be located in the middle of the southern half of the 62.5 Ac property, which is currently zoned Agricultural-Residential (AR-IV) and developed with a chicken house upon it. The area to the north is also zoned Agricultural Residential with the Northeast, South and East zoned as a Planned Industrial Development (PID). To the west is the Planned Commercial Farm District (PCFD). The area is generally composed of hills and dells. The Lattice exists roughly 90' down a slope of highest portion of the parent parcel. Hills exist to the Northeast, East, and West of the Lattice. The surrounding area is marked by a mixture of smaller pastures and heavily wooded area. Mature trees and vegetation exist at most property lines while the wooded areas tend to exist on the area's hills, functionally increasing their height for buffering purposes. These mature trees and vegetation work together to break up view sheds and help buffer the Lattice from surrounding uses.

Further, the Lattice's design, with open iron works that allow light to pass through and no guy wires, will minimize the facility's presence. T-Mobile requires a 255' AGL tower in order to meet its coverage objective in the area. As such, the overall height of the Lattice is the minimum amount necessary. The Lattice will have a dull gray finish and will be illuminated to the minimum amount necessary to meet FAA safety regulations. When the surrounding buffering, the siting, and the structural design are taken together, the Lattice will have the smallest visual impact possible while still meeting T-Mobile's RF objectives. Please see Sheets C-1 and L-1 as well as the enclosed Tax Assessor's Aerial, Photo Simulations, and RF Package.

B. ...

C. *Application information.* The applicant shall provide the following information for all proposed telecommunications installations. Applications will not be considered until they are complete.

1. A survey, site plan, and elevation drawings, drawn to scale, showing the location of the tower or other structure, antenna locations, equipment buildings and/or other accessory uses, utilities and drainage lines, access, parking, fences, landscaped areas, and adjacent utilities, ownership, structures and land uses. The plan shall include labeled dimensions of setbacks to property lines, adjacent residential structures and zoning boundaries.

Please see enclosed Survey, and Site Plan Set.

2. A landscape plan, drawn to scale, showing existing vegetation proposed to be retained on the site, and indicating size, spacing and type of new plantings required in this chapter.

Vertical Bridge respectfully proposes to use the existing mature vegetation on the Parent Parcel in lieu of juvenile plantings. Please see enclosed Sheet L-1.

3. A full description of the environment surrounding the proposed telecommunications facility, including adjacent residential structures and districts, structures and sites of historic significance, streetscapes or scenic view corridors.

Please see Sec 17.410.050(4)(d) above as well as the enclosed Photosimulations.

4. The findings from the state historic preservation officer, based on review of a study conducted by the applicant of the proposed site and structure's impact on historic properties.

There Lattice will not have any impact on historic properties. Please see the enclosed FCC NEPA Environmental Checklist Report's email on page 61.

5. A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel and equipment needs, and traffic, noise or safety impacts of such maintenance.

The Lattice will be served by 1 trip per carrier per month in a pickup truck sized vehicle. The compound will be occupied with air-conditioned computerized cabinets and backup generators. All equipment will comply with the Hall County Noise Ordinance. Please see Sheet N-1.

6. An estimate of the cost of tower removal and site restoration, should the tower be abandoned.

Vertical Bride estimates that the cost for tower removal would be approximately \$72,500.

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7. A report from a qualified, independent engineer licensed in the State of Georgia, documenting the following:
 - a. Height and design of the tower or other structure, including technical, engineering, and other pertinent factors governing selection of the proposed design;
 - b. Total anticipated capacity of the tower or other structure, including number and types of antennae which can be accommodated;
 - c. Evidence of structural integrity of the tower structure; and
 - d. Structural failure characteristics of the tower or other structure and demonstration that site and setbacks are of adequate size to contain debris.

Please see enclosed Signed and Sealed Structural Analysis.

8. A complete discussion of the need and intended service area for the facility, including: a map showing the specific area being served, the proposed site and the nearest or associated telecommunications facility sites within the network; how the proposed location covers the intended service area, and whether nearby facilities may be modified after installation of the proposed facility; whether the facility is needed for coverage or capacity; and any anticipated nearby future installations that would further support the network.

T-Mobile is currently experiencing a significant gap in coverage in and around the Hwy 52/Gillsville area. T-Mobile is collocated on all the surrounding towers in the area. However, they are too far away to reach the gap. Please see enclosed RF Package.

9. Letters of intent, lease agreements or other documentation from other carriers with interest in co-locating on the proposed structure.

Vertical Bridge mailed colocation offer letters to AT&T, Dish Network, and Verizon Wireless on November 8, 2022. Please see enclosed Colocation Affidavit, Offer and Proof of Mailing.

10. The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Including name, address, telephone number, facsimile number and electronic mail address, if applicable.

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11. Verification that the proposed tower meets one of the location preferences identified in this chapter. If the proposed location is not a preferred location, or is a disfavored site, the applicant shall provide the following: (a) a list of co-location sites or other preferred location sites are located within the geographic service area; (b) an explanation of good faith efforts and measures taken to secure each of these preferred location sites and why each such site was not technologically, legally or economically feasible; (c) how and why the proposed site is essential to meet service demands for the geographic service area and county wide network.

The nearest communication tower is 5.44 miles to the West, Southwest, which T-Mobile is already collocated upon. There are no existing publicly or privately used structures of sufficient height within T-Mobile's search area to meet T-Mobile's RF objectives. Please see the enclosed RF Package.

12. Antenna inventory. Each application shall include an inventory of all antenna installations and towers in Hall County or within one mile of Hall County owned by the carrier, or towers or other structures on which the applicant plans to locate an antenna in the future. The inventory must include the following information for each site:
 - a. The name and contact information for the owner of the structure, latitude and longitude of the antenna, and street address, if applicable; Assessor's block and lot or other applicable ad valorem tax identification number; and zoning district;
 - b. Type of structure supporting the antenna and relevant details of installation (i.e. on monopole tower, on legs of water tower, flush with facade of 5-story office building, inside church steeple); the number of existing and planned antennas at the site; and the names of carriers with antennas at the site.
 - c. The height from grade to the top of the tower or structure, and to each antenna installation.

Please see the enclosed Inventory of FCC Registered towers in Hall County. Additionally, T-Mobile has listed all its handoff towers around the gap in the RF Package.

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13. Additional information requirements for proposed towers or structures.
 - a. If the proposed site is zoned AR-III, AR-IV, S-S or H-B and there are alternative sites in the I-I or I-II zoning districts, the applicant must justify why those alternate sites have not been proposed. The county commission will review with special care justifications that rely only upon undue expense and/or undue difficulties in entering into a lease agreement. The county commission shall carefully weigh such claims, and the evidence presented in favor of them, against a facility's negative impacts at the proposed site and on the surrounding area.

The Lattice is proposed on parcel #15004 000034, which is zoned AR-IV. The majority of the properties in the area are smaller lots, zoned AR-IV. Land zoned Planned Commercial Farm District exists to the West and South. However, moving the Lattice to one of those parcels would place the Lattice further away from Gillsville, which is the primary source of traffic loading for the gap. Finally, three I-I zoned parcels exist on the North side of HWY 52 and one PID zoned parcel exists to the Northwest, just past the Gillsville Hwy intersection. None of those parcels would be able to meet either the tower setback or residential separation requirements under the Code. Please see the enclosed Site Plan Set as well as the enclosed Hall County Zoning Map and Tax Assessor's Aerial.

- a. Applicants must identify all existing towers and all towers for which there are applications currently on file with the planning department which are located within or near the applicant's search area. Applicant must provide evidence of the lack of space on all suitable existing towers to locate the proposed antenna and of the lack of space on existing tower sites to construct a tower for the proposed antenna. If co-location of any such towers would result in less visual impact than the visual impact of the proposed tower, applicant must justify why such co-location is not being proposed. If co-location on any such tower would increase negative visual impact, then the applicant must so state and demonstrate. The county commission will review with special care, justifications that rely only upon undue expense and/or undue difficulties in entering into a lease agreement. The county commission shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site and on the surrounding area.

Please see the enclosed Inventory of FCC Registered towers in Hall County.

- c. In all zoning districts, applicants must demonstrate that they cannot provide personal wireless communication service without the use of a new tower.

Please see the enclosed RF Package.

14. The applicant must provide any other information that may be reasonably requested by the director to fully evaluate and review the application and the potential impact of the proposed telecommunications facility.

Noted.

- D. *Public notice requirements.* All telecommunications facilities to be reviewed as uses subject to county commission approval shall have public notice requirements in addition to those requirements of Section 17.380 of the Hall County Zoning Ordinance. The applicant shall provide the planning department with the names and addresses of all abutting property owners and all owners of property lying in whole or in part within a distance of six tower lengths from the proposed tower, or 500 feet from the property line of the parcel on which the tower is to be constructed, whichever is greater. The owners of record shall be as shown on the Hall County Tax Assessor's records. The planning department shall send these property owners a letter postmarked no later than fifteen days prior to the public hearing by the planning commission informing them of the time and place of the public hearing and a general description of the application.

Noted.

- E. *Visual simulation.* For all towers, the applicant shall contract with a company to fly a balloon at proposed tower height for a period of 4 hours, during normal daylight hours on a Saturday, prior to the planning commission meeting. The applicant will be responsible for notifying the planning commission, county commission, & officially noticed area residents of the date and time of the simulation. The applicant shall provide third party certification to verify the correct location and height was used. The applicant shall provide color photos prior to the planning commission meeting showing a rendering of the proposed tower at the proper height from four locations demonstrating the most significant impact on the view of nearby residents or the traveling public in each general direction from the tower.

Please see the enclosed Photo Simulations.

17.410.060. Additional general requirements for all telecommunications facilities.

- A. *Building codes and safety standards.* To ensure the structural integrity of telecommunications facilities, the owner of such a facility shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes for telecommunications facilities, as amended from time to time.

The Lattice will comply with all applicable building codes. Please see enclosed Sheet T-1.

- B. *Regulatory compliance.* All telecommunications facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate telecommunications facilities. If such standards and regulations are changed, to the extent required by any such regulations, then the owners of the telecommunications facilities governed by this chapter shall bring such telecommunications facilities into compliance with such revised standards and regulations within the date established by the agency promulgating the standards or regulations.

Vertical will comply with all FAA and FCC state or federal regulations.

- C. *Security.* All towers and supporting equipment shall be enclosed by fencing not less than six feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative and must include a secure gate and lock. Each tower shall have posted on the gate a metal sign 12" X 12", black letter, white background identifying owner's name, address, and telephone number. The sign shall be immediately updated for any changes and maintained for legibility.

The Lattice will be enclosed by a compound with a 6' tall chain link fence with 3 barbed wires mounted on top. The compound shall be accessed securely by a locked gate. Please see enclosed Sheets C-1 and C-3.

- D. *Landscaping and buffering.* landscaping shall be used to effectively screen the view of the equipment shelters or cabinets from adjacent public ways, public property and residential property. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be planted so as to, at a minimum, meet the buffer requirements for outdoor retail activities. The county commission may waive or modify the landscaping requirement where lesser requirements are desirable for adequate visibility for security purposes, for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms, or where an antenna is placed on an existing structure. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be modified or waived by the county commission.

Vertical Bridge respectfully proposes to use the nature native trees around the Lattice in lieu of removing them to plant a juvenile buffer. Please see the enclosed Sheet L-1 and Photosimulations.

- E. *Maintenance impacts.* Equipment at a telecommunications facility shall be automated to the greatest extent possible to reduce traffic and congestion. Access to the site shall be provided off of the adjacent street with the lowest functional classification.

The Lattice will typically require no more than one trip per carrier per month trip typically in a pickup truck sized vehicle. A parking space will be provided in Vertical Bridge's access easement.

F. *Principal, accessory and joint uses.*

1. Accessory structures may be installed in direct support of a telecommunications facility, but the site shall not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility.

Noted.

2. Telecommunications facilities may be located on sites containing another principal use in the same buildable area.

Noted.

17.410.070. Additional general requirements for towers.

- A. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses, and the zoning district as much as possible. Towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical.

The parent parcel is 62.5 acres and is zoned AR-IV with a future land use designation of Rural Residential (AR-IV). The proposed Lattice will be located in the South-central portion surrounded by existing dense mature vegetation on all four sides of the compound. Please see the enclosed sheet L-1.

- B. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

The Lattice will be located at the edge of a small clearing and make use of existing access road on the property. Therefore, the tower and compound will impact a minimal amount of vegetation and topography. Please see enclosed Survey and Topographical Sheet as well as Sheet L-1.

- C. At a tower site the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower and related facilities to the natural setting and built environment.

The Lattice will have a galvanized steel finish and located in a stand of trees. Please see enclosed Sheets C-1 and C-3 as well as the enclosed PhotSimulations.

D. With the exception of those towers to be located on the same parcel of property, towers shall not be located any closer than 1500 feet from an existing tower unless technologically required or visually preferable, or if the tower has insufficient antennae mounting space or insufficient structural capacity to accommodate co-location.

The closest tower is 5.44 miles to the Southeast. Please see enclosed RF Package.

E. Towers shall not be sited where they will negatively affect historic or scenic view corridors as designated by the governing body or any state or federal law or agency, or where they will create visual clutter.

The Lattice will not negatively affect historic or scenic view corridors as designated by the governing body or any state or federal law or agency nor will it create a visible clutter. Please see NEPA as well as PhotoSimulations.

F. When two or more towers are proposed on the same site, they may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails. The clustering of new towers on the same parcel near existing telecommunications facilities is encouraged.

N/A

G. Towers shall be located in a manner such that all ice-fall or debris from the tower structure or guy wires will not fall outside the parcel under the ownership or control of the applicant and on which the tower is located.

The Lattice will be setback as follows:

| | Required | Provided |
|---------------|-----------------|------------------|
| North: | 510' | 1,796'-6" |
| South: | 510' | 523'-1" |
| East: | 510' | 679'-6" |
| West: | 510' | 535'-7" |

Therefore, the Lattice will not cause ice or debris to fall outside the parent parcel. Please see Sheet C-1.

- H. The use of strobe lights or other visibility lighting shall be the least number and shortest duration of use as required by the Federal Aviation Administration or any other agency of the state or federal government with the authority to regulate telecommunications facilities.

The Lattice will be illuminated to the minimum amount necessary to comply with FAA requirements. Please see the enclosed Sheet C-1 and the FAA Proposed Construction or Alteration Report.

- I. The county shall have the right to co-locate its own antennas on any approved tower, at no cost, if such installation does not interfere with existing or proposed antennas.

Noted.

17.410.080. Appeals.

Appeals from any decision of the director or building official may be taken by any person aggrieved or any official of Hall County affected by the decision of the director or building official. Such appeal shall be made pursuant to section 17.360.020 of the Official Code of Hall County, Georgia. Appeals from any decision of the governing body shall be made to the superior court within 30 days of the decision. Any decision by the director or the building official denying a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record. Any decision by the governing body denying or approving a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record.

Noted.

17.410.090. Nuisances.

Telecommunications facilities, including, without limitation, power source, ventilation and cooling, shall be operated at all times within the limits of the Hall County Noise Resolution as set out in the Official Code of Hall County, Georgia, chapter 8.80, and shall not be operated so as to cause the generation of heat that adversely affects a building occupant and shall not be maintained or operated in such a manner as to be a nuisance.

Noted.

17.410.100. Removal of antennae and towers.

- A. The facility owner shall post a bond prior to building permit issuance to cover the costs of tower removal and site restoration. The size of the bond shall be calculated to account for cost escalations, and shall be automatically renewable every five years.

Noted.

B. All telecommunications facilities shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such facilities. If upon inspection by the building official any such telecommunications facility is determined not to comply with the code standards or to constitute a danger to persons or property then upon notice being provided to the owner of the facility and the owner of the property if such owner is different, such owners shall have 30 days to bring such facility into compliance, provided the owner of the facility shall have such extended period as may be required beyond the 30 days if the nature of the cure is such that it reasonably requires more than 30 days and the owner of the facility commences the cure within the 30 day period and thereafter continuously and diligently pursues the cure to completion. In the event such telecommunications facility is not brought into compliance within the required time period, Hall County may provide notice to the owners requiring the telecommunications facility to be removed. In the event such telecommunications facility is not removed within 30 days of receipt of such notice, Hall County may remove such facility and place a lien upon the property for the costs of removal. Delay by Hall County in taking such action shall not in any way waive Hall County's right to take action. Hall County may pursue all legal remedies available to it to insure that telecommunications facilities not in compliance with the code standards or which constitute a danger to persons or property are brought into compliance or removed. Hall County may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower of antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

Please see sheet C-1, Abandonment Note.

17.410.120. Pre-existing towers/non-conforming uses.

A. ...

17.410.130. Penalty for violation.

Any person, firm, corporation, association or partnership violating any provision of this chapter as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this chapter as the same exists or as it may hereafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate Court of Hall County, and, upon conviction, be punished as provided in the Official Code of Hall County, Georgia section 1.50.020 for each violation in the discretion of the court. Each separate violation and each day of any continued violation shall be considered a separate offense.

Noted.

17.410.140. Coordination with federal law.

Whenever the governing authority finds that the application of this chapter would unreasonably discriminate among providers of functionally equivalent personal wireless services or prohibit or have the effect of prohibiting the provision of personal wireless services, a conditional use permit waiving any or all of the provisions of this chapter may be granted.

Noted.

17.410.110. Abandoned towers.

- A. Any telecommunications facility that is not operated for a continuous period of 12 months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of a telecommunications facility and the owner of the property where the facility is located shall be under a duty to remove the abandoned telecommunications facility. If such antenna and/or tower is not removed within 60 days of receipt of notice from Hall County notifying the owner(s) of such abandonment, Hall County may remove such tower and/or antenna and redeem the bond maintained for such removal and place a lien upon the property for any additional unrecovered costs of removal. Hall County may pursue all legal remedies available to it to insure that abandoned telecommunications facilities are removed. Delay by Hall County in taking action shall not in any way waive Hall County's right to take action. Hall County may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

Please see sheet C-1, Abandonment Note.

- B. If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this chapter as if such tower or antenna were a new tower or antenna.

Please see Sheet C-1, Abandonment Note.

15.80.060. Variance Procedures

...

- I. Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the Hall County Engineer and the Hall County Planning Commission shall deem necessary to the consideration of the request.

Noted.

- J. Upon consideration of the factors listed above and the purposes of this chapter, the Hall County Engineer and the Hall County Planning Commission may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this chapter.

Noted.

K. Variances shall not be issued "after the fact."

Vertical Bridge respectfully requests the variance for a proposed Lattice style communication tower, which will support antennas for T-Mobile.

17.2.60.030. Powers and duties.

.....

- J. To authorize upon appeal in specific cases such variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of Title 17 will, in an individual case, result in unnecessary hardship and so that the spirit of Title 17 shall be observed, public safety and welfare secured, and substantial justice done. In cases involving requests for variances from the building setback standards, a plat or survey of the property is required. In cases involving setback variances for commercial or industrial uses of land, a site plan of the property in question prepared by a registered land surveyor, architect, landscape architect or engineer shall be required. The authority to grant such variances shall be limited to variances from the following requirements:
1. Setbacks from property lines.
 2. Planted buffers and vision clearance requirements.
 3. Off-street parking space requirements.
 4. Other requirements where the granting of a variance is specifically authorized.
- K. Such variances may be granted in such individual cases of unnecessary hardship upon a finding of the board that:
1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship);

The location of the parent parcel relative to the gap, combined with the vegetation and topography created exceptional conditions which necessitate the relief in this instance. The height of the Lattice is directly linked to the RF propagations of T-Mobile's cellular signal, which is largely determined by the conditions of the land. Further, the requested relief minimizes the overall number of variance requests by meeting both the tower setback and residential separation requirements under the Code. Most parcels in the area are smaller than the parent parcel and would not be able to provide the code required setbacks and residential separations. Please see Sheets C-1 and L-1, as well as the enclosed Tax Assessor's Aerial and RF Package.

2. The application of the requirements of this Title 17 to this particular piece of property would create an unusual hardship;

As discussed above, the strict application of Title 17 in this instance would create an unusual hardship to T-Mobile as they would both be unable to solve a significant gap in coverage to the area around Gillsville/Hwy 52. Further, strict application of Title 17 would run in opposition to the Code's sound planning objective of minimizing the overall number of towers in Hall County. Finally, as the coverage gap would persist in if the Lattice is denied, denial of the requested relief would likely lead to future applications, situated on smaller lots around Gillsville, which would necessitate additional variances. Please see Sheets C-1 and L-1, as well as the enclosed Tax Assessor's Aerial and RF Package.

3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; and

As discussed above and below, the conditions for the requested relief are peculiar to the parent parcel. Locating the Lattice upon other parcels, would likely change the physical requirements for the tower. Such variances could be for a significantly taller tower to compensate for lower topography or relief from setbacks and residential separation requirements. Please see Sheets C-1 and L-1, as well as the enclosed Tax Assessor's Aerial and RF Package.

4. Such conditions are not the result of any actions of the property owner; and

The conditions giving rise to the requested relief did not result from any action of the property owner. Rather, they base in the physics of RF propagation, given the topography and vegetation patterns, both on the parent parcel and in the area, combined with the usage patterns of the County's Citizens. Please see the enclosed RF Package.

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of Title 17; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by Title 17 or for a conditional use which has been denied by the county planning commission.

The requested relief to the tower height and design requirements would not cause a substantial detriment to the public good or impair the intent of Title 17. Rather, the relief would support the public good by providing reliable wireless coverage to the area in and around Gillsville and Hwy 52. Further, the relief would further the sound planning objective of Title 17, at 17.410.40.C.1 to minimize the overall number of communication towers within the county as a 60' shorter tower would not be able to cover the entire gap area. Please see the enclosed RF Package.

Chapter 17.350. Conditional Uses Subject to Approval of Planning Commission or Zoning Board of Adjustments

.....

17.350.050. Review criteria.

A conditional use or permitted use may be granted when the planning commission or zoning board of adjustment finds from a preponderance of the evidence produced at the public hearing that the proposed use is suitable for the subject property considering the general lines of inquiry established under section 17.380.060.C.

Please see the enclosed analysis of 17.380.060.C, below.

17.350.070. Conditions of approval.

The planning commission or zoning board of adjustment may place any reasonable conditions or stipulations upon any approved use as deemed necessary (such as hours of operation, parking, maximum building size, lot size, outside displays, signs, landscape and buffer improvements, screens, etc.) to further insure the orderly operation of the proposed use and its compatibility with the surrounding properties.

Noted.

17.380.060. Planning commission and Hall County Commission consideration and decision.

A. ...

C. The planning commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property.

With the exception of the tower height and design relief, the Lattice will meet or exceed all the requirements the Code uses to determine whether a communication tower is suitable, given the development and zoning of the surrounding properties.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The Lattice will not adversely affect the existing use or usability of adjacent or nearby properties. Rather, the Lattice will support their use and usability by providing reliable wireless coverage to them. Please see the enclosed RF Package.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

N/A, Vertical Bridge is not requesting to change the zoning designation of the parent parcel. Rather, the Lattice is proposed to solve a gap in wireless service in the area.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service.

The Lattice will be unstaffed, located in a secured compound, and typically serviced by one pickup truck sized vehicle per carrier per month. The Lattice will only require power and telco connections. As such, the Lattice will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities, or emergency medical service. Please see the enclosed site plan set.

5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area.

The Tower Code is the implementation of the future land use plan for all communication towers in all parts of Hall County. As discussed above, with the exception of relief from tower height and design, the Lattice will meet or exceed all of the requirements of the Tower Code. Finally, the requested relief.

6. The extent to which property values are diminished by the existing zoning restrictions.

N/A, the zoning designation of the parent parcel will not change as a result of this conditional use application.

7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public.

N/A, the zoning designation of the parent parcel will not change as a result of this conditional use application. Additionally, the Lattice will support the health, safety, morals, and general welfare of the public by providing reliable wireless coverage in the area for all calls, including E911 calls. Please see the enclosed RF Package.

8. The relative gain to the public as compared to the hardship imposed upon the individual property owner.

N/A. Additionally, the Lattice will support the public by providing reliable wireless coverage in the area for all calls, including E911 calls. Please see the enclosed RF Package.

9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.

N/A. The need for the Lattice turns upon the public's use of wireless services, not whether the parent parcel is vacant.

10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

As discussed above, the size, location, topography, and vegetation both on and surrounding the parent parcel create conditions that help minimize the Lattice's visibility as much as possible will still meeting T-Mobile's RF objectives. Please see Sheet L-1, as well as the enclosed Photo Simulations and RF Package.

11. Whether the change would create an isolated district unrelated to the surrounding districts, such as "spot zoning."

N/A, the zoning designation of the parent parcel will not change as a result of this application.

12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area.

N/A, the zoning designation of the parent parcel will not change as a result of this application.

13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood.

As discussed above, the size, location, topography, and vegetation both on and surrounding the parent parcel create conditions that help minimize the Lattice's visibility as much as possible will still meeting T-Mobile's RF objectives. Please see Sheet L-1, as well as the enclosed Photo Simulations and RF Package.

14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned.

As discussed above, applying on most of the other parcels in the area would run in opposition to the Code's sound planning objective of minimizing the overall number of towers in Hall County or prevent T-Mobile from solving the gap in coverage. As the gap would persist in if the Lattice is denied, denial of the application would likely lead to future applications, situated on smaller lots around Gillsville, which would necessitate additional variances. Please see Sheets C-1 and L-1, as well as the enclosed Tax Assessor's Aerial and RF Package.

15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment.

N/A, the zoning designation of the parent parcel will not change as a result of this application.

16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted.

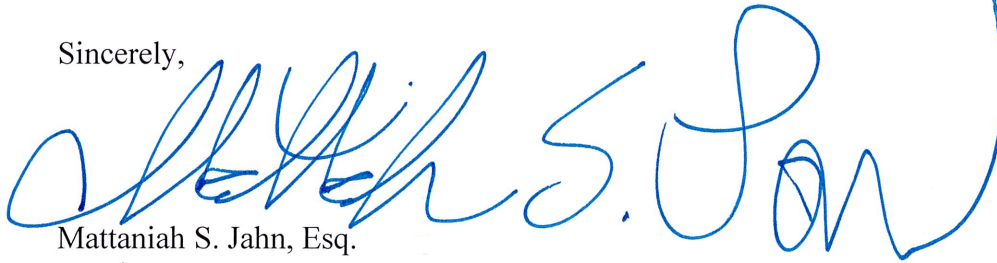
The Lattice will be unstaffed and located within a small clearing on the parent parcel, avoiding removal of the surrounding wooded areas. As such, the Lattice will not create an ecological or pollution impact.

17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property.

N/A.

Thank you for your assistance in this matter. Please do not hesitate to contact me if I am able to provide you with additional information.

Sincerely,



Mattaniah S. Jahn, Esq.
MSJ/mms

Enclosures