



CU-24-21

Conditional Use Permit

Status: Active

Submitted On: 9/12/2024

Primary Location

110 Buford Hill Road
Eden, GA 31307

Owner

DICKERSON CRAIG AND
TOSHIA D
128 BUFORD HILL RD EDEN,
GA 31307

Applicant

Mary Palmer
 205-568-6317
 mpalmer@bakerdonelson.com
 1901 Sixth Avenue North
Suite 2600
Birmingham, Alabama 35203

Staff Review

Planning Board Meeting Date*

10/15/2024

Board of Commissioner Meeting Date*

10/15/2024

Notification Letter Description*

to allow for a telecommunication in tower, in AR-1.

Property Location*

110 Buford Hill Road

Map #*

302

Parcel #*

150A

Commissioner District*

1st

Has Business License been applied for?*

N/A

Public Notification Letters Mailed

09/18/2024

Planning Board Ads

09/25/2024

Board of Commissioner Ads

09/25/2024

🔒 Request Approved or Denied

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Applicant Information

Who is applying for the Conditional Use?*

Agent

Applicant / Agent Name*

Vertical Bridge c/o Baker Donelson

Applicant Email Address*

mpalmer@bakerdonelson.com

Applicant Phone Number*

2055686317

Applicant Mailing Address*

1901 Sixth Avenue North

Applicant City*

Birmingham

Applicant State*

Alabama

Applicant Zip Code*

35203

Property Owner Information

Owner's Name*

Craig and Toshia Dickerson

Owner's Email Address*

unknown

Owner's Phone Number*

770-787-1230

Owner's Mailing Address*

110 Buford Hill Road

Owner's City*

Eden

Owner's State*

Georgia

Owner's Zip Code*

31307

Property Information

Property Location*

110 Buford Hill Road

Present Zoning of Property*

AR-1

Map/Parcel Number*

03020150A00

Total Acres of Property*

26

Water Connection*

Private Water

Sewer Connection*

Private Septic System

Conditional Use Requested

Conditional Use*

Other

Status of Business License?*

Need to apply

Detailed Description of Type of Business*

Vertical Bridge hereby submits its Application for a Conditional Use Permit to construct a new wireless telecommunications facility on property located at 110 Buford Hill Road (Parcel 03020150A00) in Eden with an Agricultural District (AR-1) zoning classification. The property owner is Craig Dickerson and Toshia Dickerson, with a reservation of tower lease area rights and easement to Allen A. Cote and Colleen M. Cote.

The proposed facility will be a one hundred ninety-five-foot (195') monopole telecommunications tower with a four-foot (4') lightning rod at its top. It will be designed based on EIA/TIA Code for at least four (4) total tenants with the required separation between tenants.

Reason:*

In order to improve coverage and alleviate capacity issues due to increased wireless demand and congestion in Effingham County, Verizon Wireless requires a new cell site in the vicinity of the above-referenced site address. Upon concluding there are no available suitable structures in the area upon which to co-locate Verizon Wireless' equipment, the only option is to build a new telecommunications tower. The Towers, LLC, a Vertical Bridge, LLC entity ("Vertical Bridge") will construct and own the new tower and lease antenna space on the structure and necessary ground space to Verizon Wireless and other wireless providers.

In order to maintain a level playing field with its competitors also offering similar services, Verizon Wireless needs the proposed tower, at the proposed location, at the proposed height, and at the requested signal levels, to deliver a consistently reliable signal in this geographic area.

How does request meet criteria of Section 7.1.6 (see Attachment C):

The requested Conditional Use will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Effingham County, GA.

Attachment C - Site Plan Requirements

All Conditional Use submissions shall be accompanied by a site plan. This site plan shall be made on a scale in conformance with appropriate County Tax Maps and contain the following elements, as applicable (consult with Planning & Zoning staff to determine what features are required):

A.) Dimensions of the property involved. B.) Location and dimensions of existing and/or proposed structures with the type of usage designated. C.) Requested variance in relation to existing structures and surrounding parcels and uses. D.) Access road or easement. E.) Setbacks. F.) Right-of-way. G.) Proposed or existing water, sewer, and drainage facilities. H.) Buffers. I.) Off-street parking. J.) Wetlands. K.) Floodplain. L.) Loading areas, parking, signage, and outdoor lighting.

Appendix C – Zoning Ordinance, Article VII. – Planning Board, Section 7.1.

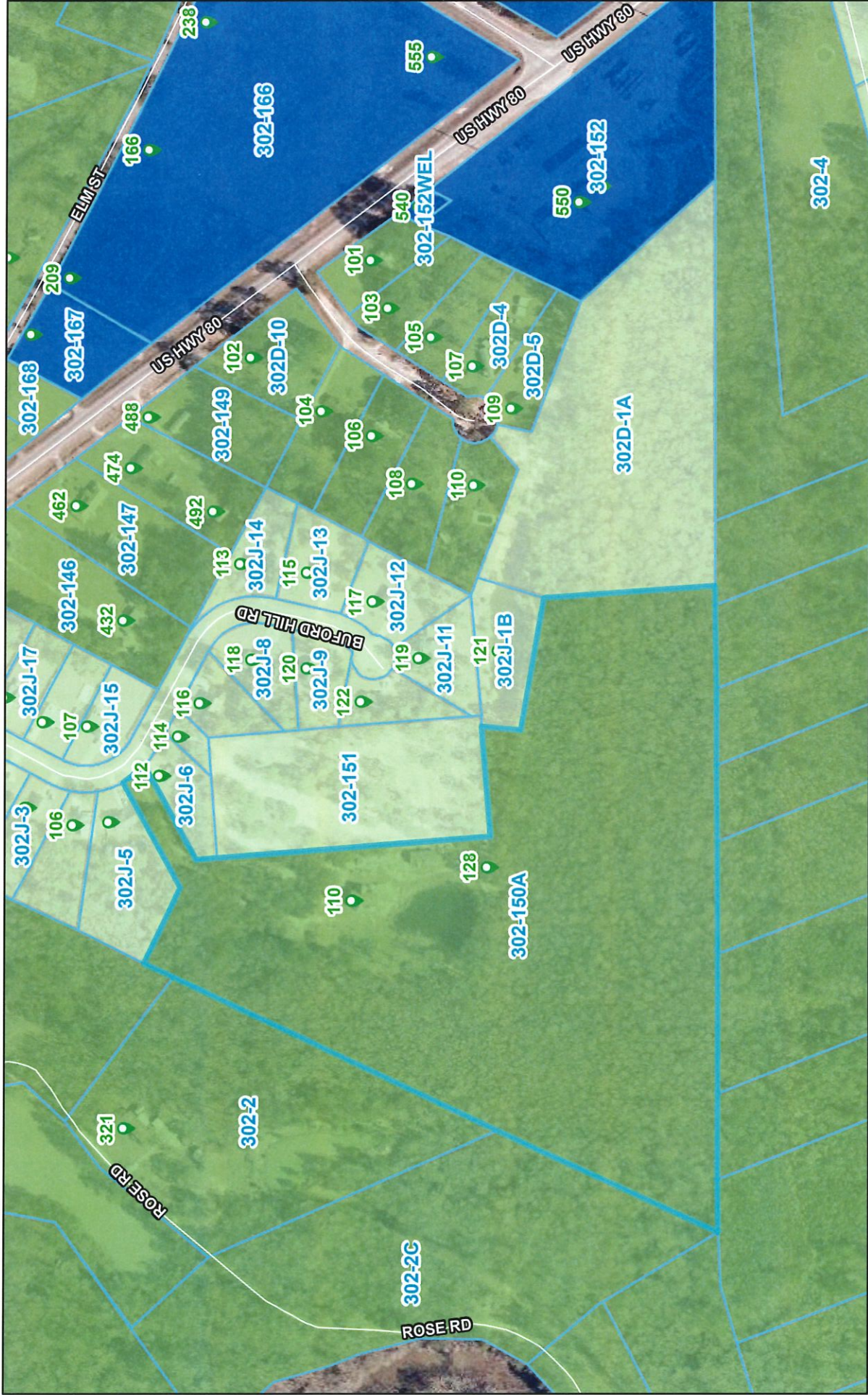
Organization 7.1.6 Conditional uses. It shall be the responsibility of the planning board to review and recommend to county commission on all requests for interpretation of conditional use. The initial application for a conditional use shall be made to the zoning administrator who shall determine whether the use is allowed as a conditional use in the particular zone. If such use is allowed, then the zoning administrator shall submit the application to the planning board. After review by the planning board, recommendations shall be presented to the county commission as to additional restraints, restrictions, qualifications, or limiting factors that are felt to be desirable. The county commission shall review all recommendations and approve or disapprove the conditional use upon review by the planning board. Considerations for determining additional requirements for conditional use: (a) Approval of a conditional use shall not adversely affect the economic values or the physical appearance of the neighborhood or areas surrounding the site or lot in question. (b) The physical and environmental effects of allowing the conditional use shall be considered. (c) Buffer zones, where necessary to shield any adverse factors, shall be considered. (d) Additional space for parking, landscaping, building, loading zones, and setback shall be considered if necessary to protect adjacent structures or lots from any adverse impact.

Signature*

 Mary S. Palmer

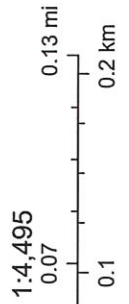
Sep 12, 2024

302-150A



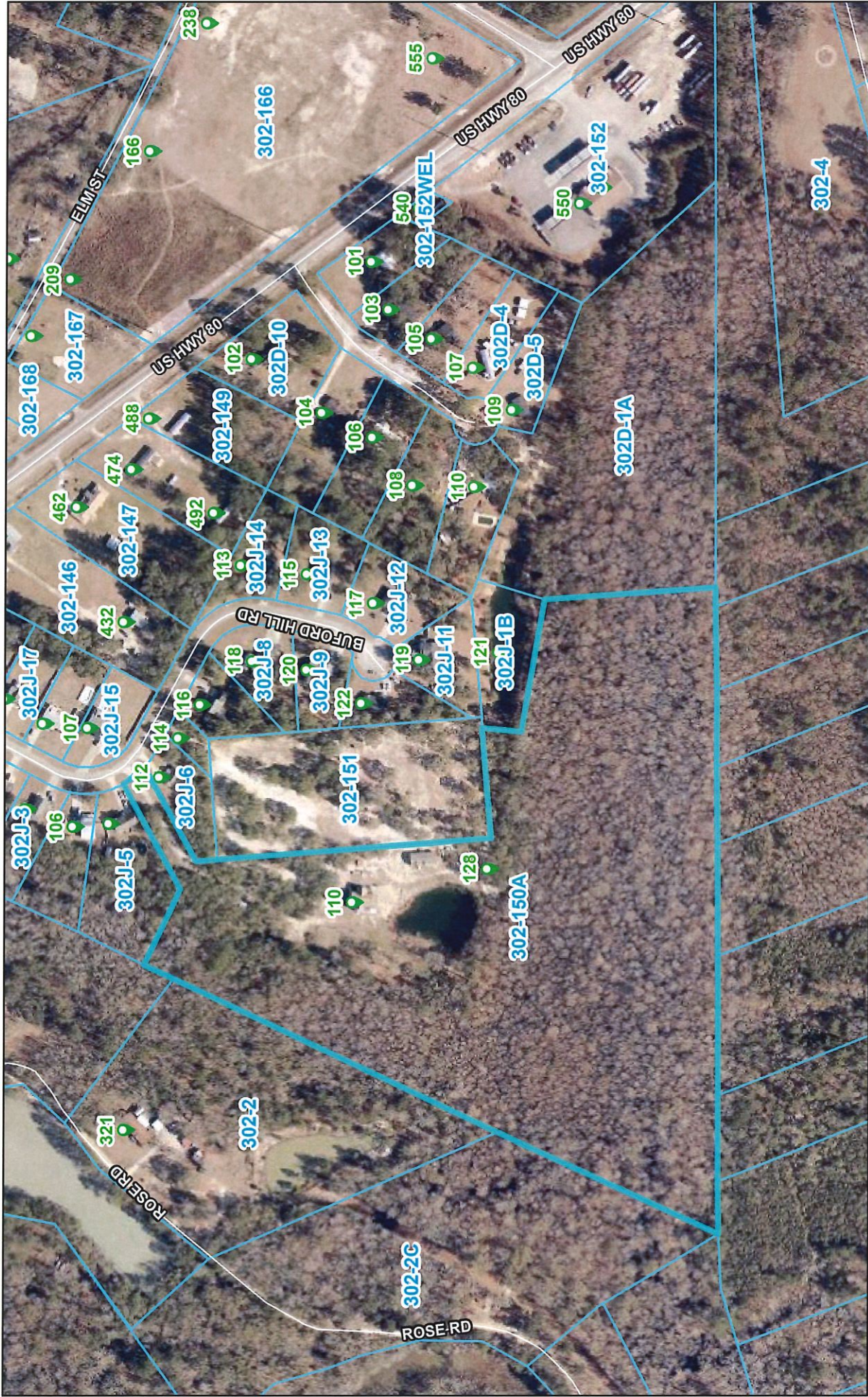
9/18/2024

- Addresses
- Parcels
- Roads
- Zoning
 - AR-1
 - AR-2
 - B-3



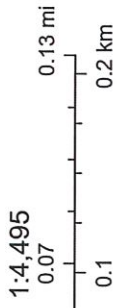
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

302-150A



9/18/2024

-  Addresses
-  Roads
-  Parcels



Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

BAKER DONELSON

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bakerdonelson.com

N. ANDREW ROTENSTREICH
Direct Dial: 205.250.8304
Direct Fax: 205.488.3704
E-Mail Address: arotenstreich@bakerdonelson.com

September 12, 2024

VIA FEDERAL EXPRESS

Building and Zoning Official
Effingham County, GA
904 Pine Street
Springfield, GA 31329

Re: Conditional Use Application for new Telecommunications Facility
Site Name: Eden
Site Address: 110 Buford Hill Road, Eden, GA 31307

To Whom It May Concern:

In order to improve coverage and alleviate capacity issues due to increased wireless demand and congestion in Effingham County, Verizon Wireless requires a new cell site in the vicinity of the above-referenced site address. Upon concluding there are no available suitable structures in the area upon which to co-locate Verizon Wireless' equipment, the only option is to build a new telecommunications tower. The Towers, LLC, a Vertical Bridge, LLC entity ("Vertical Bridge") will construct and own the new tower and lease antenna space on the structure and necessary ground space to Verizon Wireless and other wireless providers.

Vertical Bridge hereby submits its Application for a Conditional Use Permit to construct a new wireless telecommunications facility on property located at 110 Buford Hill Road (Parcel 03020150A00) in Eden with an Agricultural District (AR-1) zoning classification. The property owner is Craig Dickerson and Toshia Dickerson, with a reservation of tower lease area rights and easement to Allen A. Cote and Colleen M. Cote.

The proposed facility will be a one hundred ninety-five-foot (195') monopole telecommunications tower with a four-foot (4') lightning rod at its top. It will be designed based on EIA/TIA Code for at least four (4) total tenants with the required separation between tenants.

As required by the County's Code, attached with this application please find the following:

- (1) An inventory of the applicant's existing towers that are either within the jurisdiction of the governing authority or within one mile of the border thereof, including detailed information as to the location, height, and design of each tower.

Response: Please see Tab B.

(2) A site plan or plans to scale specifying the proposed location and dimensions of tower(s), size of accessory buildings or uses, access, easements, fences, existing structures within 250 feet of the proposed site on the property on which the tower will be located including the access drive and the intersection with the public street or county road system, landscaping plans, existing and adjacent land uses, and a utilities inventory indicating the location of all drainage, power lines and other items impacting the proposed tower site.

Response: Please see Tab C.

(3) An inventory of public and private airstrips and farmland, including tower site distance from such properties and facilities.

Response: Please see Tab B.

(4) A report from a professional structural engineer licensed in the state, documenting the following:

- a. Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design.
- b. Total anticipated structural capacity of the tower, including number and types of antennas which can be accommodated.
- c. Evidence of the structural integrity of the tower.
- d. Failure characteristics of the tower and demonstration that site, setbacks, and separation distances are of adequate size and distance.

Response: Please see Tab D.

(5) FAA and FCC Compliance.

Response: Please see Tab A and Tab E.

(6) 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.

Response: Please see Tab F.

In accordance with Chapter 14, Article V, Telecommunications Regulations, Vertical Bridge's proposed development meets the requirements for granting a Conditional Use Permit in the following ways:

- (1) *Determination of need.* No new tower shall be permitted unless the applicant adequately demonstrates that neither an existing tower suitable for colocation nor a suitable

alternative tower structure is available within the geographic area required to meet the applicant's engineering requirements.

Response: Please see RF Justification Report in Tab B demonstrating the evidence of need. Per such Report, there are no existing towers within 2.5 miles of the proposed site, thereby prohibiting wireless services in the geographic area to be served by the proposed tower.

- (2) *Structural design.* New communication towers and increasing size or height to existing towers shall be constructed in accordance with all applicable building codes and shall meet or exceed current standards and regulations of all applicable federal, state, and local authorities.

Response: The proposed tower will be constructed in accordance with all applicable building codes and shall meet or exceed current standards and regulations of all applicable federal, state, and local authorities.

- (3) *Setbacks and separations.*

(1) Communication tower setbacks must be located at a minimum horizontal distance of 1.2 times the length of the complete tower including the highest antenna, measured from the bottom of the tower to the very top of the highest antenna to an existing structure or property line, or in case of a break-away monopole tower, the setback distance shall be 1.2 times the length of the break-away portion of the monopole type tower. Towers placed inside a Subdivision, within 750 feet of residence, shall only be a "monopole type tower" or a camouflaged monopole type tower, to blend in with a building or similar or "monopole tree tower" that will blend in with the trees in a forested area.

(2) Guyed and latticed towers shall be a minimum distance of 1,000 feet from any residential structure or public use, excluding street rights-of-way and public access easements.

(3) Guy wires with support anchors are required to meet all setback requirements. Support anchors for guy wires must be protected with a concrete abutment, two feet by two feet and at a height of two feet above the finish grade and depth of two feet below the ground surface or similar approved by the county engineer.

(4) Except as otherwise specified in this article, all telecommunications towers and accessory structures and uses shall comply with development setbacks as required by the zoning district in which the tower is to be located.

(5) Telecommunications towers shall not be permitted within a 1,000-foot radius of another telecommunications tower except within tower farms.

(6) Telecommunications towers shall be set back not less than 100 feet from any property line adjacent to a right-of-way or approved access easement.

(7) Building height limitations in the zoning districts in which a telecommunications facility or alternative tower structure is located shall not apply

to such facilities and structures; provided, however, sound engineering evidence must demonstrate that proposed tower height is the minimum necessary to achieve parity.

Response: The non-concealed wireless telecommunications facility is constructed using breakpoint design technology. Please see Tab G for a letter stamped by a licensed professional engineer certifying that, in the unlikely event of structural failure, the tower would collapse within the lease compound.

The location of the proposed tower meets the minimum setback requirement distance of 1.2 times the length of the break-away portion of the monopole tower. Furthermore, it will comply with development setbacks as required by the zoning district in which the tower is to be located.

The tower will be setback a distance of 209' to the West, 208.7' to the North, 147.4' to the East and over 1,000' to the South, meeting the setback requirements of not less than 100 feet from any property line adjacent to a right-of-way or approved access easement.

(4) *Regulatory compliance*

(1) All towers and antennae must meet or exceed current standards and regulations as set forth by the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate communication towers and antennae. If said standards and regulations are modified then the owners of the communication towers and antennae governed by this article shall bring such communications towers and antennae into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency.

(2) Tower owners shall provide documentation showing that each communication tower is in compliance with all federal and state requirements. Evidence of compliance must be submitted every 12 months.

Response: See Tab A, Compliance letter.

(5) *Security.* A chain link fence or wall not less than eight feet in height, from finished grade equipped with an appropriate anti-climbing device shall be provided around each communication tower, or the communication center. Access to the tower(s) shall be through a locked gate. Damaged fencing must be repaired or replaced within 30 days from when the damage occurred.

Response: See Tab C, Pages C-1, C-2 and C-8 which demonstrate the tower and equipment on the ground within the fenced and locked compound.

- (6) *Lighting.* No illumination is permitted on an antenna or tower unless required by the FCC, FAA, or other state or federal agency of competent jurisdiction in which case the administrator may review the available lighting alternatives and approve the design that would cause the least disturbance.

Response: Since this proposed facility is less than 200' in height and is not located within the required distances to an airport, lighting is not required by the FAA.

- (6) *Signs and advertising.* Neither the tower nor the tower site shall be used for advertising purposes nor contain any signs for the purpose of advertising. A small sign may be placed on the entrance gate not to exceed four square feet in total area. All signage must be in accordance with Effingham County Ordinances.

Response: Acknowledged.

- (7) *Visual impact.*

- (1) Communication towers shall follow FAA painting requirements or FAA published standards for finish color.
- (2) Towers shall be the minimum height necessary to provide parity with existing similar tower supported antenna and shall be freestanding where the negative visual effects are less than would be created by use of a guyed tower.

Response: Acknowledged. The proposed tower has a monopole design with no lighting required, and its location in a rural, agriculturally intensive area, minimizes adverse effects including visual impacts on the landscape and adjacent properties.

- (8) *Landscaping.* Landscaping shall be used to screen the view of the tower compound from adjacent public ways, public property, and residential property and shall consist of the following:

- (1) A landscaped buffer area a minimum of ten feet in width shall be maintained around the exterior of the security fencing.
- (2) The buffer area is to consist of materials of the evergreen variety which can be expected to grow to form a continuous hedge of at least five feet in height within two years of planting.
- (3) 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 replanted to replace that which was lost.
- (4) Trees and scrubs in the vicinity of the guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff/maintenance.

- (5) In lieu of these standards, the administrator may allow use of an alternate detailed plan for landscape and screening, however, such plans must be prepared by a registered landscape architect and satisfy the requirements of this subsection, except cases in which lesser requirements are desirable for adequate visibility for security purposes and/or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries, and tree farms. 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 requirements may be reduced or waived by the administrator.

Response: The use of existing landscaping will be utilized to the maximum extent possible. The proposed landscape design is shown in Tab C, Page Z-5.

(9) *Principal, accessory, and joint uses.*

- (1) Accessory structures used in direct support of a tower shall be allowed but not used for offices, vehicle storage, or other outdoor usage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the tower site, unless repairs to the tower and/or related equipment are being made.
- (2) Towers may be located on sites containing another principle use in the same buildable area. As long as all of the other siting, setback, separation, and general requirements of this article are met, towers may occupy a parcel meeting the minimum lot size requirements for the zoning district in which it is located. The minimum distance between a tower and other principal use located on the same lot shall be for a monopole or lattice tower the greater of 20 percent of the tower height or 25 feet and for a guy tower the greater of 100 percent breakpoint or 25 feet. If applicant's engineer certifies a fall zone or separation greater than listed above, the engineer's specification governs. The separation requirements are required to assure compatibility of land uses and to provide for the health, safety, and welfare of individuals and structures occupying the same site.
- (3) Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution, or sale of volatile, flammable, explosive, or hazardous materials, including, but not limited to, propane, gasoline, natural gas, and dangerous chemicals.

Response: Acknowledged. See Tab G for Fall Zone Letter.

- (10) *Historic sites.* Telecommunications facilities shall not be attached to the facade or parapet of any architecturally or historically significant building or structure located in a recognized historical area. Antennae shall be permitted only on rooftops of buildings and structures a minimum of 50 feet in height, provided that such attachments shall not be visible from adjacent pedestrian walkways or streets, do not adversely impact the

structural integrity or significance of the building or structure, and so long as the addition of said antenna adds no more than 20 feet to the height of the structure.

Response: The proposed facility is not located in an historic area.

- (11) *Adherence to FAA regulations.* The passage of the ordinance from which this article derives requires adherence to Part 77 of the Federal Aviation Regulations and that all placement of towers and antennae must be approved by the FAA before a building permit or placement is allowed. This approval is generally granted by the completion of form "FAA Form 7460-1 Notice of Proposed Construction or Alteration" or its equivalent.

Response: Acknowledged. See Tab A and Tab E.

The granting of the requested Conditional Use will not be detrimental to the public safety, health, or welfare, or injurious to other property. The proposed facility will benefit public health, safety, and welfare as it will provide expanded reliable wireless and broadband service to Effingham County, Georgia residents and businesses, as well as more reliable emergency 911 access.

Furthermore, the approval of the Conditional Use will not adversely affect the economic values or the physical appearance of the neighborhood or areas surrounding the site or lot in question. The physical and environmental effects of allowing the Conditional Use have been considered.

Please process this request as required in the County's Code and under federal and state regulations pertaining to such development.

Should you require any additional information to assist your review, or if you should have any questions, please feel free to contact me.

Very truly yours,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.



N. Andrew Rotenstreich

COMPLIANCE LETTER
FOR NEW TELECOMMUNICATION FACILITY

Vertical Bridge acknowledges compliance with the Telecommunication Ordinance and all applicable regulations.

The proposed Wireless Telecommunications Facility:

- 1) shall at all times and without exception, be maintained in a safe manner, and in compliance with all conditions of all permits and authorizations.
- 2) shall at all times be operated and maintained in compliance with all federal, State and local laws, codes, ordinances, rules and regulations, including but not limited to those related to electrical powering limits and RF emissions.
- 3) shall be located, fenced or otherwise be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed into or run into.
- 4) shall furnish written certification that the Wireless Telecommunication facilities are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors after construction and prior to receiving a Certificate of Completion.

Vertical Bridge certifies that the telecommunication facility, foundation and attachments are designed and will be constructed ("as built") to meet all local, County, State and Federal structural requirements for loads, including win and ice loads prior to issuance of the Certificate of Completion.

The proposed Vertical Bridge tower will be constructed in compliance with all Federal Aviation Administration ("FAA") and Federal Communications Commission ("FCC") requirements and will maintain in compliance at all times.

Vertical Bridge will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services; and

Vertical Bridge will provide Tower maintenance and inspection procedures and related system of records in application for co-location prior to issuance of the Certificate of Completion.

Vertical Bridge proposed work is legally permissible, including, but not limited to the fact that the Vertical Bridge is authorized to do business in the State.

Signed by: C. Heath McCall being authorized to sign for and legally commit the applicant.

Print Name: C. Heath McCall