

Office Use Only	9/21/23	\$175	BOA-23-28429
	Date Filed	Fee	Application Number



JOHNSON COUNTY, IOWA

APPLICATION FOR: SPECIAL EXCEPTION OR VARIANCE APPROVAL



Application is hereby made for approval of a:

- ☐ Special Exception (reduction of requirement by 50% or less)
- ☒ Variance (reduction of requirement by more than 50%)
- ☐ Variance from Floodplain Management Regulation
- ☐ Modification of Subdivision Regulations

on property located at (street address if available or layman's description):

4170 NE 245th Street Solon Iowa

Parcel Number: 0710101002

Current Zoning: A- Agriculture Proposed Use of the Structure: Communications Tower

For setback reduction requests (Special Exception or Variance) – complete the following:

	Front	Side	Side	Rear
Required Setback:	_____	_____	_____	545.5-feet
Requested Setback:	_____	_____	_____	264-feet

Note: On a separate sheet you must explain how or why this request satisfies the practical difficulty, unnecessary hardship, or exception hardship criteria – as applicable. The location of these criteria in the Unified Development Ordinance is outlined on page 2 of this application.

The undersigned affirms that the information provided herein is true and correct. If applicant is not the owner, applicant affirms that the owner(s) of the property described on this application consent to this application being submitted, and said owners hereby give their consent for the office of Johnson County Planning, Development, and Sustainability to conduct a site visit and photograph the subject property.

Glenn & Irene Shima
Name of Owner

Christopher Madigan, LCC Telecom
Name of Applicant (if different)

10700 W Higgins Road, Rosement IL 60018
Applicant Street Address (including City, State, Zip)

(847) 608-6300
Applicant Phone

cmadigan@lcctelecom.com
Applicant Email

Christopher Madigan
Applicant Signature

Digitally signed by Christopher Madigan
Date: 2023.09.19 11:35:21 -04'00'

See back page for Application Submittal Requirements and Checklist

Applications should be emailed to planning@johnsoncountyiowa.gov and delivered to the Planning, Development and Sustainability Office (913 South Dubuque Street, Iowa City, IA 52240)

The following items must be submitted for the application to be complete. Incomplete applications will be returned and will not be considered until the next submission deadline. Preference is that electronic submission is provided prior to hard copy submission, but will be accepted until 12:00 p.m. the day after the submittal deadline.

Initial each empty box below to ensure you included all necessary information in the appropriate form for an application to be considered complete. Some items may require both electronic and physical copies.

Items Required	Electronic Copy (PDF unless otherwise noted)	Hard Copy
Application Fee (varies based on application. Fee: \$ <u>175</u>)		
This application form with all information completed		(2)
<p>Brief cover letter explaining the nature of the request, as well as detailing practical difficulty (for special exceptions) or unnecessary hardship (for variances) as outlined in the ordinance sections listed below:</p> <ul style="list-style-type: none"> • <u>For Special Exceptions</u>: the practical difficulty standards are set forth in section 8:1.28.E.2.a-f of the Unified Development Ordinance. You must explain direct answers as to how or why this request satisfies ALL practical difficulty criteria listed in this section of the ordinance. • <u>For Variances</u>: the unnecessary hardship standards are set forth in section 8:1.28.D.2.a-e of the Unified Development Ordinance. You must provide direct answers as to how or why this request satisfies ALL hardship criteria listed in this section of the ordinance. • <u>For Variances from Floodplain Management Regulations</u>: the exceptional hardship standards are set forth in section 8:4.11.C and D.2.a.i-xiii of the Unified Development Ordinance. You must provide direct answers as to how or why this request satisfies ALL hardship criteria listed in this section of the ordinance. • <u>For Variances from Subdivision Regulations</u>: the unnecessary hardship standards are set forth in section 8:1.27.F.12.a and 8:1.28.G of the Unified Development Ordinance. You must provide direct answers as to how or why this request satisfies ALL hardship criteria listed in this section of the ordinance. 		
<u>For setback reduction requests</u> : A complete building permit must be on file with the PDS Department before an application to reduce zoning requirements will be accepted.		





APPLICANT: VB BTS II, LLC



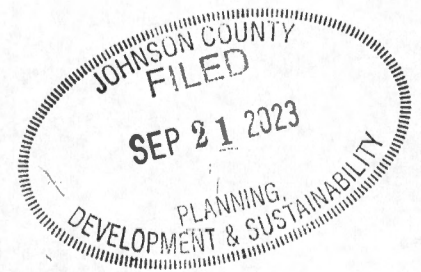
**APPLICATION FOR SPECIAL EXCEPTION APPROVAL FOR
THE PROPOSED COMMERCIAL COMMUNICATIONS TOWER AT**

**4170 NE 245TH STREET
SOLON, IA
PARCEL ID: 0710101002**

VERTICAL BRIDGE SITE ID# -- US-IA-5223

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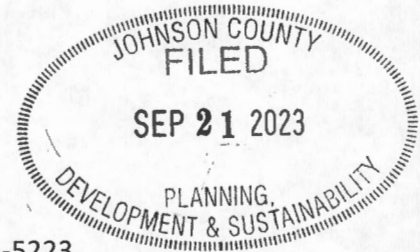
1. Letter of Application
2. Application Materials
3. Site Data Sheet
4. Legal Description
5. Narrative Overview
6. Compliance Special Exception Standards
7. Site Plan



Letter of Application

September 18, 2023

Mr. Josh Busard
Director of Planning, Development and Sustainability
Johnson County
913 S Dubuque Street
Iowa City IA 52240



RE: Proposed Vertical Bridge Commercial Communications Tower – US-IA-5223
4170 NE 245th Street Solon, IA
Parcel No. 0710101002

Dear Mr. Bushard:

LCC Telecom Services, on behalf of the applicant VB BTS II, LLC ("Vertical Bridge"), has finalized plans with the property owners of the site referenced above to replace and reconstruct a commercial communications tower to be used by wireless carriers. The proposed shared use facility is designed to house the equipment necessary to provide clear and uninterrupted wireless telecommunications services to the residents of Johnson County. The tower was previously approved as a conditional land use but collapsed due to a recent storm, though the conditional use approval remains intact. Placing the tower exactly as it was located previously would leave the tower setback 65% of its total height from the north property line, where 110% of its total height is required. This setback standard has changed since the original tower was constructed. As a result, Vertical Bridge is requesting special exception approval to allow encroachment into a required tower setback. This request equals a tower setback reduction of 41%.

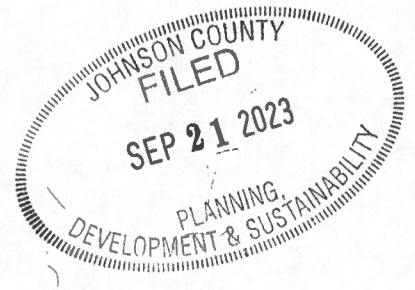
This mobile service support structure is being constructed pursuant to the Johnson County Zoning Ordinance. The proposed commercial communications tower will consist of a 495'-0" tall self-guyed tower. The proposed tower will be erected, owned, and operated by Vertical Bridge. The facility will be open for collocation to other wireless providers.

On behalf of the applicant VB BTS II, LLC ("Vertical Bridge"), LCC Telecom Services has submitted all required documentation for the proposed communications tower in accordance the regulations and procedures of the Johnson County Zoning Ordinance. Should you have any questions please feel free to contact me. I look forward to working with you during the review and approval process. Vertical Bridge looks forward to helping provide Johnson County with improved wireless coverage.

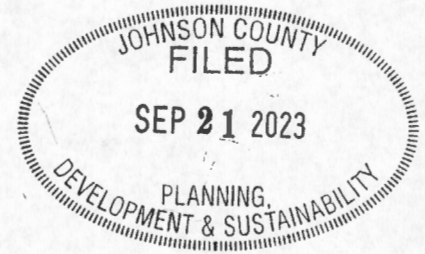
Sincerely,

Chris Madigan, AICP
Zoning Manager
LCC Telecom Services
10700 Higgins Road, Suite 240
Rosemont, IL 60018
cmadigan@lcctelecom.com
Cell - (630) 947-6670

cc: Steve Nicley, Project Manager, Vertical Bridge



Application Materials



Site Data Sheet

Applicant: VB BTS II, LLC ("Vertical Bridge")
750 Park of Commerce Drive
Suite 200
Boca Raton, FL 33487

Authorized Agent: Mike Bieniek, AICP
LCC Telecom Services
10700 Higgins Road
Suite 240
Rosemont, IL 60018

Tower Owner: VB BTS II, LLC
750 Park of Commerce Drive
Suite 200
Boca Raton, FL 33487

Applicant's Interest in the Property: Leasehold

Property Owner: Glenn and Irene Shima

Address of Property: 4170 NE 245th Street
Solon, Iowa

Parcel Number: 0710101002

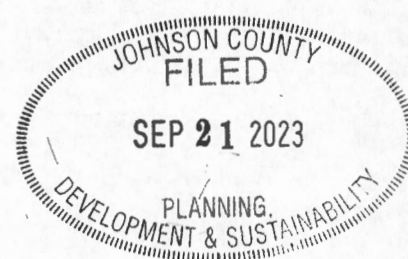
Request: Application for special exception approval and any other approvals or permits necessary to erect a 495'-0" guyed tower.



Legal Description

PARENT PARCEL (BOOK 2277, PAGE 31)

The Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 10, and the West None-half of the Northwest Quarter (W1/2 NW1/4) of Section 11, except the following described tract: Beginning at the Northwest corner of the Northwest Quarter of said Section 11, thence South 89°37'26" East, an assumed bearing along the Northerly line of said Section 11, 1,033.66 feet to its intersection with the centerline of Sugar Bottom Road, N.E., thence Southwesterly 571.13 feet along said centerline on a 5,376.14 foot curve concave Northwesterly, whose 570.56 foot chord bears S 42°15'45" West, thence North 89°37'26" West 1,078.62 feet, thence North 45°27'00" East 601.80 feet to the point of beginning, containing 10.37 acres more or less, all in Township 80 North, Range 6 West of the 5th P.M., Johnson County, Iowa.

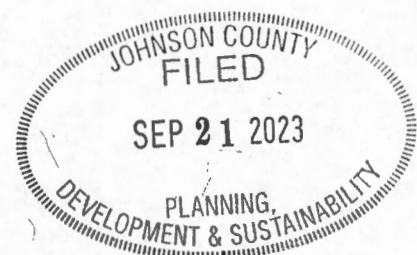


Narrative Overview

VB BTS II, LLC ("Vertical Bridge") seeks special exception approval and any other permits or approvals necessary in order to replace and reconstruct the commercial communications tower that previously existed on property located at 4170 NE 245th Street Solon, Iowa .

The commercial communications tower that Vertical Bridge is proposing to install on the property is necessary to provide uninterrupted wireless services to the emergency personnel, residents, Johnson County and surrounding area, including wireless telephone service, voice paging, messaging and wireless internet and broadband data transmission. All registered wireless provider's technology operates at various radio frequency bands allocated by the FCC as part of their license. Wireless telecommunications facilities are located based on the need for strict adherence to the grid plan and to replicate prior service the tower is proposed in the same footprint. Radio frequency engineers have identified the need for the continued use of the property located at 4170 NE 245th Street, Solon. Based on a computerized engineering study considering local population density and influx of seasonal visitors to the area, this property meets the engineering criteria necessary for an effective cell site.

Wireless systems operate on a grid system where overlapping cells mesh together, forming a seamless network. No single site can function as a stand-alone entity as each site is interconnected, forming the network. The technical criteria for establishing cell sites are very exacting as to the location and height. The proposed site 4170 NE 245th Street Solon, Iowa is within the geographic area deemed necessary for the anchor wireless telecommunications providers to provide uninterrupted services. The facility will minimize the impact on the surrounding property, its facility will be compatible with the existing environment and will not disrupt any future development of the area. Due to its location, it will not impede improvements of surrounding property. To the contrary, enhanced wireless communications will have a positive influence for local residents of Johnson County.



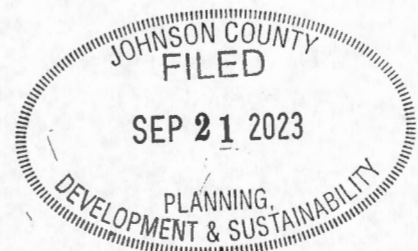
In accordance with the Johnson County Unified Development Code, Vertical Bridge has made application to install a commercial communications tower facility. The proposed new facility will consist of a 495'-0" tall guyed tower.

After the initial construction, the facility is unstaffed and will only require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month. Access will be provided via an existing driveway off 245th Street NE. Utilities required to service the facility are power and fiber. The site is entirely self-monitored through a sophisticated alarm system which is connected to a main switch station. The system alerts personnel to any equipment malfunction or breach of security. Additionally, there is no impact on Johnson County's utilities such as water and sanitation, as they are not used at the site.

In accordance with FCC regulations, the proposed commercial communications tower will not interfere with any form of communications, including but not limited to, land-line phones, cable and satellite television and radio broadcasts. Wireless technology has become a vital part of emergency services, aiding local residents and motorists in a variety of situations, thus helping to protect the general public's health, safety and welfare. The proposed wireless telecommunications facility at this site will further enhance goals of providing the most reliable wireless coverage possible in this area.

The proposed facility will be designed and constructed to meet all applicable governmental and industry safety standards, including the supplemental conditions for commercial communications towers outlined at Section 8:1.23(H) of the Johnson County Unified Development Code. Additionally, Vertical Bridge will comply with all FCC and FAA rules and regulations regarding construction requirements and technical standards. RF emissions are subject to the exclusive jurisdiction of the FCC. Any height, lighting or marking issues are subject to the exclusive jurisdiction of the FAA.

LCC Telecom Services, on behalf of Vertical Bridge, looks forward to working with Johnson County to bring the benefits of the proposed improved wireless services to the area. The reconstruction of the facility will ensure the best uninterrupted wireless services for Johnson County.



Special Exception Standards

Requests for Special Exception shall only be approved if the Board of Adjustment finds that an application substantially conforms with the following practical difficulty criteria:

- A. Strict compliance with the restrictions governing setback, frontage, height, or other bulk provisions of this chapter would result in a practical difficulty upon the owner of such property.

This site was originally selected to ensure adequate wireless coverage for the area, and in turn the conditional land use to construct the facility was approved by Johnson County. Wireless facilities are laid out in a grid pattern and the spacing, height and location of this component site are critical for the successful operation of the system. The proposed property meets the engineering criteria for the necessary site in this area and has operated at this location with no issues. If the strict letter of the regulations were carried out, the wireless telecommunications facility could not be constructed at the proposed location due to more restrictive setback requirements than when the original tower was constructed in this location. Strict compliance with the standards would discontinue a previously approved conditional land use and would impose a practical difficulty on the property owner, limiting reasonable use of the property.

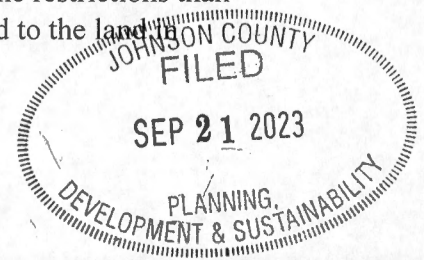
- B. The practical difficulty is due to circumstances unique to the property and that prohibits the use of the subject property in a manner reasonably similar to that of other property in the same district.

The property was initially created in conformance with the applicable size and dimensional standards of the district it was located within, and eventually to accommodate the approved communications tower conditional land use. In order to provide minimum adequate service to the surrounding area, the tower must be the height and type that was originally approved and is being proposed with this application. Disapproving the special exception would prohibit continued use of a previously approved conditional land use and limit the use of the land in a manner reasonably similar to that of other property in the same district.

- C. The exception relates entirely to a permitted use (principal, conditional, or accessory) classified by applicable district regulations, or to a permitted sign or off-street parking or loading areas accessory to such a permitted use.

Yes, this request for special exception approval is entirely related to continued operations of a previously approved conditional use.

- D. A grant of the special exception applied for, or a lesser relaxation of the restrictions than applied for, is reasonably necessary due to practical difficulties related to the land use.



question and would do substantial justice to an applicant as well as to other property owners in the locality.

This application is being submitted in order to replace and continue operations for a previously conditional land use as was initially approved. Granting the special exception would not grant any additional rights which were not previously held by the property owner. The special exception would do substantial justice to the applicant as well as to other property owners in the locality.

- E. The problem cannot be alleviated by zoning the property to another classification.

No, the need for relief from the district setback standards would not be alleviated by zoning the property to another classification.

- F. The reduced standard to be authorized by the special exception will not alter the essential character of the locality. Granting the special exception cannot:

- a. Impede the normal and orderly development and improvement, or enjoyment, of the surrounding property.

The communications tower will not impede the normal and orderly development and improvements of surrounding property for uses permitted in this district. To the contrary, enhanced wireless communications will have a positive influence on the development of this area. As many people remove landlines from their residences, wireless telecommunications is critical especially for emergency services, therefore having robust wireless services is essential for the normal and orderly development of the area.

- b. Impair the provision of adequate utilities, access roads, drainage, and/or other necessary facilities, either to the property in question or to nearby properties.

A wireless telecommunications facility is unstaffed and entirely self-monitored. The only public utilities needed are power and teleco/fiber which are readily available to the site. Because the facility is unstaffed, there will be no impact to the existing traffic patterns nor will there be any need for additional access roads. No drainage, sanitation, refuse removal, parks, library, or school services will be necessary for this facility.

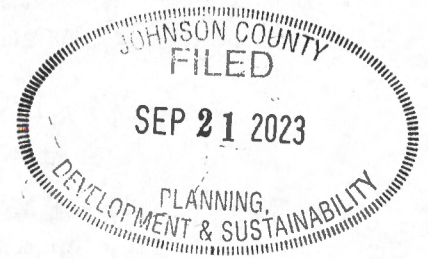
- c. Increase the danger of the hazard from fire, flood, or similar dangers nor produce nuisance conditions to occupants, or nearby premises, by reason of dust, noise, fumes, odor, vibrations, smoke, or lights.

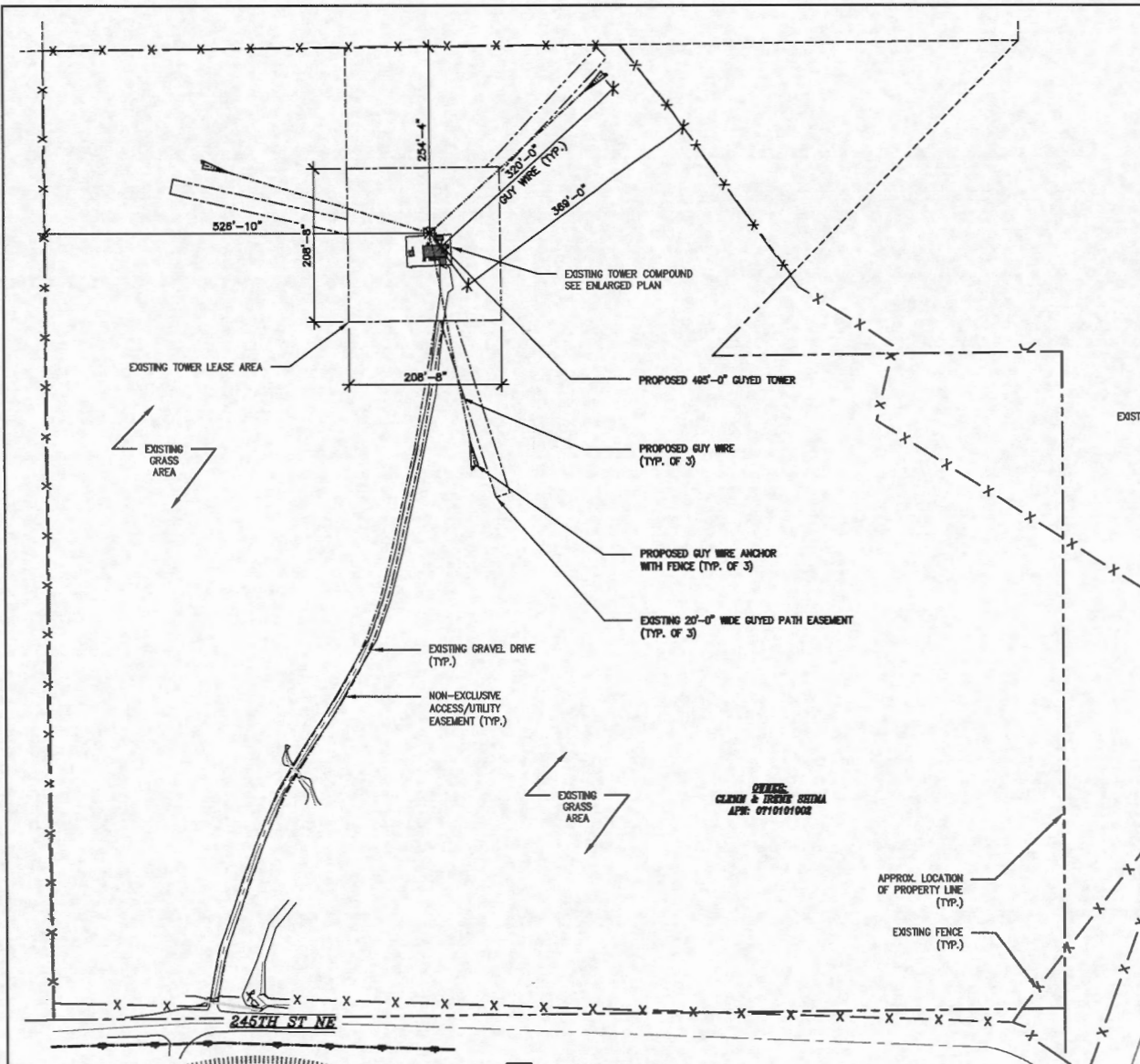
The proposed facility will not have an adverse effect on the surrounding properties nor the character of the area. A wireless telecommunications facility is unstaffed, and accordingly, there will be no impact to the existing traffic patterns nor will there be any traffic hazards or nuisance generated.



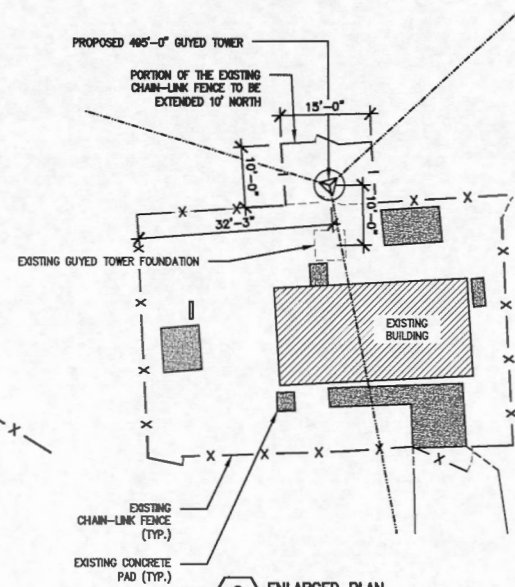
As this facility is unstaffed, the only public utilities needed are power and teleco/fiber which are readily available to the site.

Site Plan





1 OVERALL SITE PLAN
A-1 SCALE: 1"=150'-0"
 0 75' 150' SCALE: 1"=150'-0" (11x17)
 (OR) 2"=150'-0" (22x34)



2 ENLARGED PLAN
A-1 SCALE: 1"=20'-0"
 0 5' 10' 20' SCALE: 1"=20'-0" (11x17)
 (OR) 2"=20'-0" (22x34)

- LEGEND**
- PROPOSED LEASE LINE
 - PROPOSED EASEMENT
 - PROPOSED FENCE
 - EXISTING FENCE
 - EXISTING PAVEMENT
 - EXISTING PROPERTY LINE

verticalbridge

WESTCHESTER SERVICES LLC
 404 FOX GLEN
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 ee@westchesterservices.com

JOHN M. BANKS ARCHITECT
 404 FOX GLEN
 BAKERSVILLE, IL 60019
 TELEPHONE: 847-277-0070
 FAX: 847-277-0080
 jbanks@westchesterservices.com

NO.	REV.	DATE	BY	CHKD.
1	1	08/21/23		

Project Number: SITE ID: US-IA-5223

Project Title: SITE NAME: US-IA-5223
 4170 NIE 245TH ST.
 SOLOIN, IA 52333

Engineer Stamp



Drawing Title

OVERALL SITE PLAN

Drawing Scale: AS NOTED

Date:

UNAUTHORIZED ALTERATION OF ANY PART OF THIS DOCUMENT IS A VIOLATION OF APPLICABLE STATE AND/OR LOCAL LAWS

Drawing Number

A-1

JOHNSON COUNTY
 FILED
 SEP 21 2023
 PLANNING,
 DEVELOPMENT & SUSTAINABILITY