

Revised Statement of Hardship

Chapter 3307 of Columbus Zoning Code

Section 3307.10 Variances by City Council

New Par, d/b/a Verizon Wireless (hereinafter referred to as “Applicant”), a registered public utility in the State of Ohio, by counsel and pursuant to the Telecommunications Act of 1996 and the Columbus Zoning Ordinance respectfully submits this Amended Council Variance Application to replace an existing transmission tower owned and operated by Columbus and Southern Ohio Electric Company c/o American Electric Power, a registered public utility in the State of Ohio, with a new slimline monopole suitable for the installation of a wireless communications facility.

Pursuant to a license issued by the Federal Communications Commission (“FCC”) (the “FCC License”), Verizon Wireless has the right to operate its wireless communications network in a licensed area which includes Columbus, Ohio. Wireless communication systems rely on an overlapping and interconnected network of wireless communication facilities, including antennas and the towers, poles, or other structures that support them. These facilities receive and transmit wireless communications signals to and from mobile wireless handsets and similar products. Each facility has a limited coverage area, the extent of which depends on several factors including, but not limited to, tower height, local topography, existing structures or landscape features that block the path of the wireless signal, proximity to other antennas, and public usage demands.

A significant service gap in Verizon Wireless’ network coverage exists in a portion of Columbus, Ohio, at or near McCutcheon Road, which negatively affects commercial, residential, and other uses throughout the area. Within this gap, Verizon Wireless customers have only intermittent ability to use their mobile wireless handsets to make and maintain a connection with the national communications system.

Applicant’s radio frequency engineers have determined that a new wireless communication facility is required to remedy this gap. In order to fill the coverage gap, Verizon Wireless’ radio frequency engineers first determined the service requirements to remedy this deficiency. Applicant’s engineers then identified the optimum location and height at which Verizon Wireless’ antenna(s) should be placed to interface properly with existing network components, to accommodate customer usage patterns, and to avoid interference with other wireless communications sites.

Taking into account such factors as topography, usage demands, and the location of other network components, and after limiting the site selection to parcels that are both suitable for and compatible with a wireless communications installation, Verizon Wireless’ engineers have determined that a new facility at the 2305 McCutcheon Road, Columbus, Ohio is the optimum location for the required facility.

The applicant seeks a variance to allow a telecommunications antenna in an Institutional District (1) on a 135-foot replacement utility pole at the 2305 McCutcheon Road, Columbus, Ohio. The existing land use is an electrical utility substation owned and

operated by Columbus and Southern Ohio Electric Company c/o American Electric Power, a registered public utility in the State of Ohio. A new utility pole can be erected as a matter of right by the landowner, Columbus and Southern Ohio Electric Company c/o American Electric Power.

The existing tower which applicant proposes to replace is located within an established electrical substation. There are existing tall poles in place at the site. Applicant is *not* proposing to introduce a new tower in the middle of a residential neighborhood. Rather, applicant seeks to replace an existing tower in an industrial location dedicated to public utility use. Additionally, in an effort to respond to the concerns specifically identified by the Northeast Plan Commission, the facility has been redesigned to minimize its visual impact on the surrounding area. The redesigned pole is a "slimline" monopole. Instead of the typical 20' wide "top hat" antenna array, it will use flush mount antennas that will present a smaller visual profile and make it less visible to surrounding property owners. The pole will be finished in a neutral gray color which further minimizes the visual impact on the surrounding area.

The redesigned, slimline antenna mast will also be able to accommodate multiple carriers as recommended by the Columbus Zoning Ordinance. This will reduce the need for additional towers in the future. The existing electrical transmission tower supports AEP electrical lines. The replacement pole will also support AEP electrical lines.

The proposal includes the placement of a new 12' x 30' equipment shelter at the base of the structure. For security, the site will be fully enclosed within an 8'-0" chain link fence, which is similar to the existing fencing surrounding the utility substation. The site will be screened to 75% opacity with a 5' evergreen planting buffer or privacy slats. To further buffer the site, an existing earth mound along the western property line currently used to screen the utility substation will remain. The FAA does not require lighting for the pole. There will not be any signs at the site other than notice required by the FCC.

The City of Columbus Title 33 Zoning Code, Section 3349.03 Institutional District, does not list Telecommunication Sites as a permitted use. The tower will replace an existing electrical transmission tower which supports AEP electrical lines. The new pole will also be used as support for AEP electrical lines which is permitted. A new utility pole can be erected as a matter of right by the landowner, Columbus and Southern Ohio Electric Company c/o American Electric Power.

The City of Columbus Title 33 Zoning Code, Section 3389.14 Monopole Telecommunications Antennas, paragraph B.5, requires a monopole to be set back 200% from residentially zoned districts. No such requirement exists for an electrical transmission tower which supports AEP electrical lines. The utility pole will be set back 250' from the nearest residential building. While the site is located within an Institutional Zoning District, it will be setback 22' from the nearest Residential District.

The requested variance will not adversely affect the surrounding property or adjacent neighborhood. The granting of said variance will not impair an adequate supply of light

or air to adjacent properties, or unreasonably increase the congestion of public roads. It will not unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

The granting of said variance will alleviate the difficulties encountered by the owners of the property located at **2305 MCCUTCHEON ROAD (43219)**, in using said property as desired. The landowner is a public utility which can erect the requested replacement pole as a matter of right.

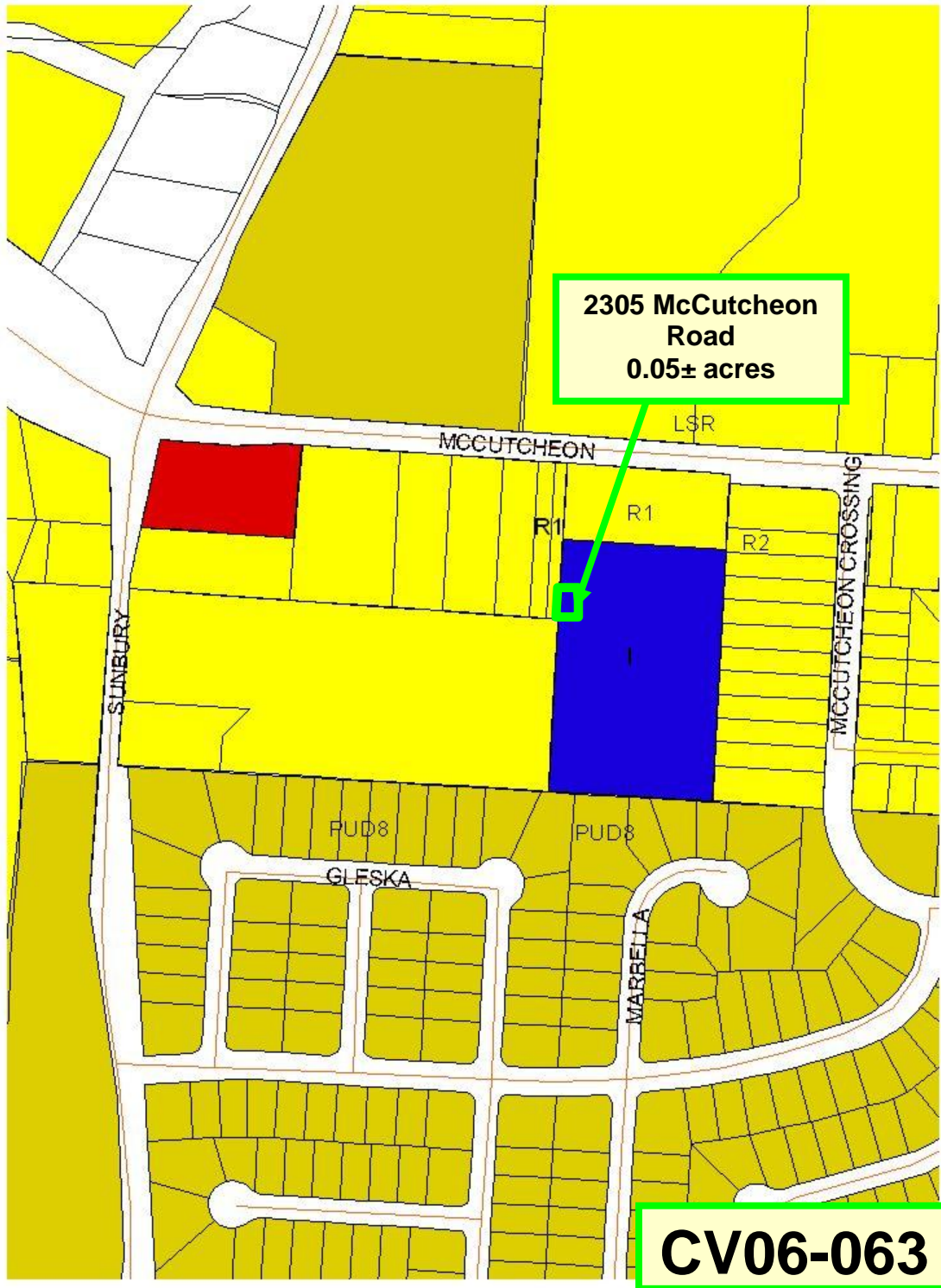
Applicant therefore requests that Council grant a Variance from the provisions of Section 3349.03, I, Institutional District Use, of the Columbus City Codes for the property located at **2305 MCCUTCHEON ROAD (43219)**, to permit a monopole telecommunication antenna with a reduced setback in the I, Institutional District. (Council Variance #CV06-063).

Signature of Applicant's Attorney/Agent:



David A. Pike

Dated: 5-29-08



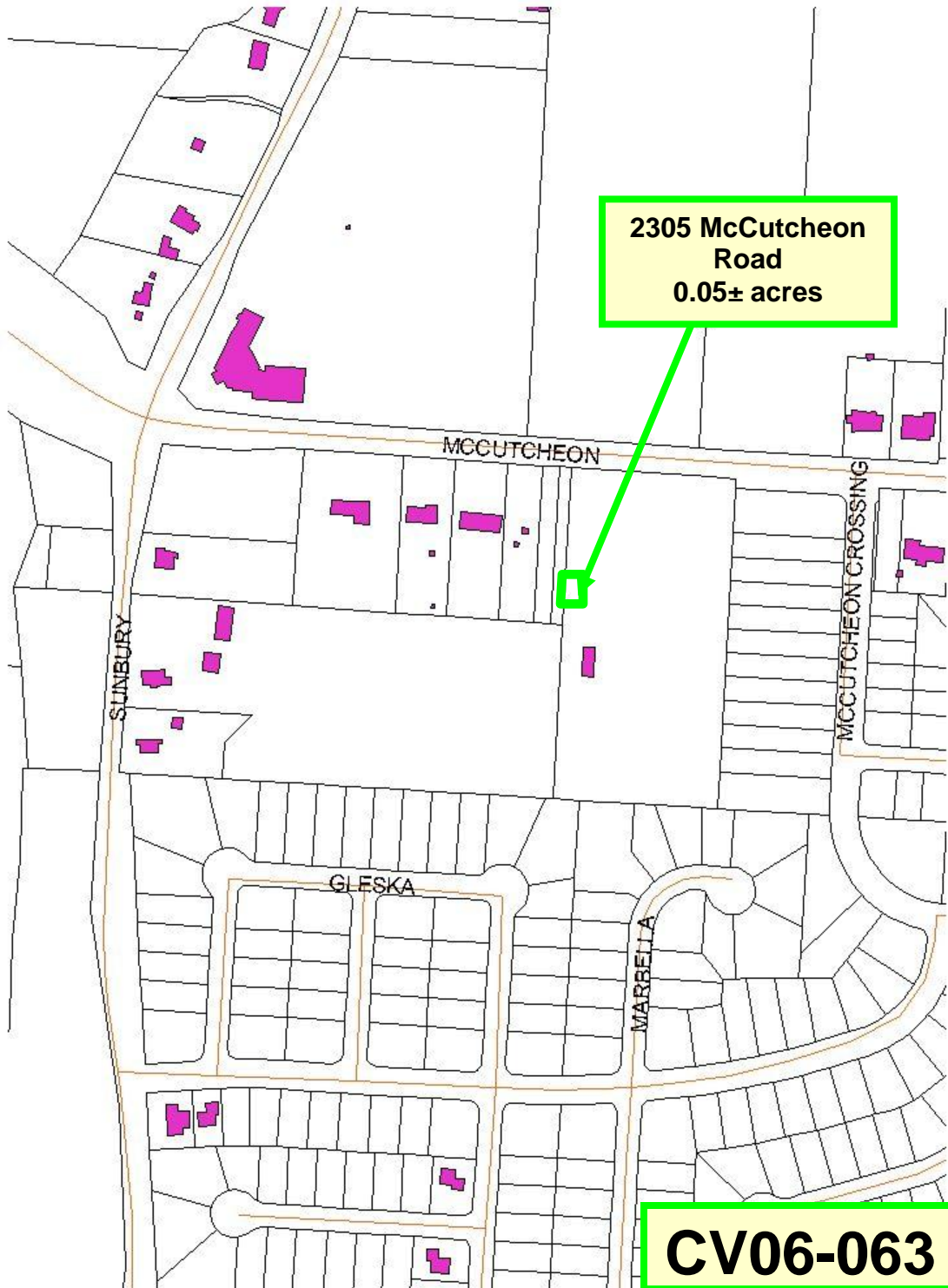
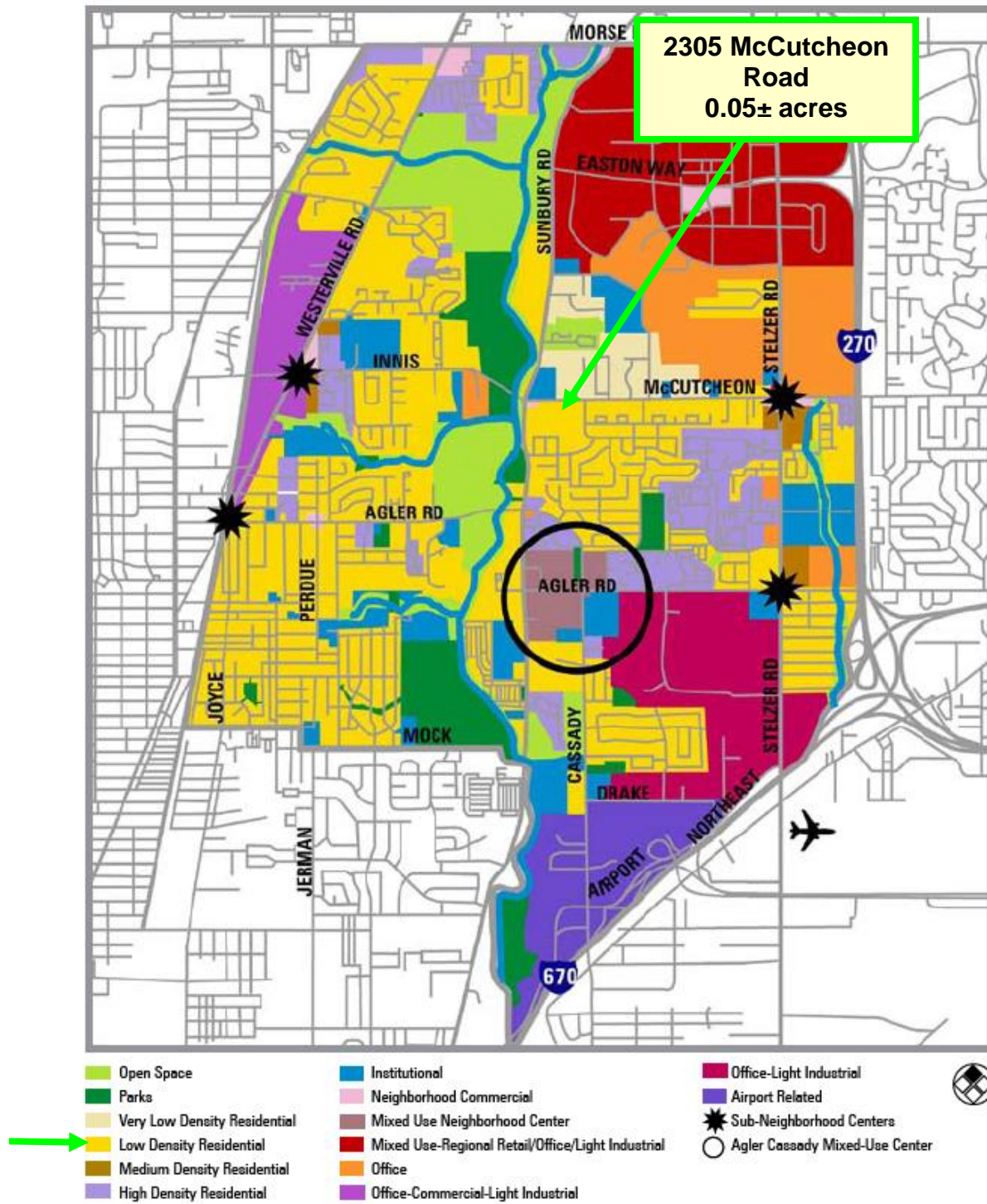


Figure 5. Land Use Plan





July 17, 2008

Dana Hitt
Department of Development
Building & Development Services
757 Carolyn Ave
Columbus, OH 43224

Mr. Hitt:

Subject: CV06-063, property located on McCutcheon Road, Columbus, OH 43219. The North East Area Commission at a public meeting on July 3, 2008, voted to approve the above request with the following conditions.

1. Replace the existing high voltage electrical transmission pole with a 135 foot slimline monopole, designed to safely carry and support the proposed communications antennas and electrical transmission lines.
2. All antennas attached to the slimline pole shall be flush mounted
3. The slimline pole shall be silver in color NOT white.

4. Residential housing to the EAST shall be screened with 6 foot evergreen trees.

Sincerely,

A handwritten signature in black ink, appearing to read "Alice Porter", written over the word "Sincerely,".

Alice Porter – Zoning Chair
3130 McCutcheon Place
Columbus, OH 43219-3399

Cc: Elwood Rayford – NEAC Chair
David Minger – Network Real Estate
Robert Grant – Pike Legal Services

City of Columbus | Department of Development | Building Services Division | 757 Gady Avenue Columbus, Ohio 43224



AMENDED

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF ~~OHIO~~ Kentucky
COUNTY OF ~~FRANKLIN~~ Bullitt

APPLICATION # CV06-063

Being first duly cautioned and sworn (NAME) David A. Pike, Pike Legal Group PLLC
of (COMPLETE ADDRESS) P.O. Box 369, Shepherdsville, KY 40165

deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY
FOR SAME and the following is a list of all persons, other partnerships, corporations or
entities having a 5% or more interest in the project which is the subject of this application
in the following formats

Name of business or individual
Business of individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

New Par, d/b/a Verizon Wireless 180 Washington Valley Road Bedminster, New Jersey 07921 75-100 Columbus Based Employees Chris Dodd (614) 560-8552	

☐ If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 29th day
of May, in the year 2008

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

6/13/09

This Project Disclosure Statement expires six months after date of notarization.

Notary Seal Here