



MORGANTOWN BOARD OF ZONING APPEALS

November 29, 2012
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
George Papandreas
Jim Shaffer
Tom Shamberger

STAFF REPORT

CASE NO: V12-34 / West Virginia Radio Corporation / 1251 Earl L. Core Road

REQUEST and LOCATION:

Request by West Virginia Radio Corporation for variance relief from Article 1331.06(30) "Telecommunications Facility" as it relates to maximum height at 1251 Earl L. Core Road.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 31, Parcel 7.1; I-1, Industrial District

SURROUNDING ZONING:

North: R-1A, Single-Family Residential District

East, West, South: I-1, Industrial District

BACKGROUND and ANALYSIS:

The petitioner seeks to remove an existing "Class I Telecommunications Facility" located on the roof of the Greer Building and construct a new 120-foot self-supporting tower adjacent to two existing ground satellite facilities toward the rear of the parking lot. Addendum A of this report illustrates the location of the subject site.

According to the petitioner, the purpose of the existing and proposed tower facility is to provide line-of-site broadcasting from the Greer Building to the WVAQ radio transmitter site located above the Morgantown Industrial Park on the west bank of the Monongahela River. The existing tower facility is experiencing interference and unstable signal transmission, particularly high definition signals, as a result of urban forest growth between the two respective sites. The proposed site of the new tower facility is intended to optimize line-of-site requirements while keeping the necessary tower height to a minimum. The Greer Building is home to the Dominion Post, four radio stations, and the statewide METRONEWS Radio Network.

Article 1331.06(30) provides that "Class I Telecommunications Facilities" include television antennas, ham radio antennas, and AM/FM reception. Article 1331.06(30)(b)(i) provides that "Class I Telecommunications Facilities":

1. Permitted in any zoning district;
2. Maximum height of sixty (60) feet above grade;
3. Standard Building Permit required; and,
4. A structural engineer shall certify that the design of such structure is such that in the event of structural failure, no part of the structure will encroach upon any adjoining property or public right-of-way.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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The adjoining property in which the Deckers Creek Trail is located on is currently owned by Glenmark Holdings, LLC or its subsidiary and leased by the City of Morgantown for the purpose of the public rail-trail facility.

The petitioner will provide a technical presentation illustrating present signal interference conditions, technical requirements, and design elements for the proposed tower facility.

STAFF RECOMMENDATION:

The Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a conditional use by reaching a positive determination for *each* of the "Findings of Fact" submitted by the petitioner. Addendum B of this report provides Staff recommended revisions to the petitioner's findings of fact (deleted matter struck through; new matter underlined).

Staff recommends approval of Case No. V12-34 as requested with the following conditions:

1. That any and all related requirements provided under Article 1743 "Floodplain Ordinance" shall be met to the satisfaction of the City Engineer.
2. That the owner of the subject telecommunications facility shall name and maintain as co-insured any and all owners, tenants, leaseholders, etc. of real estate located within the facility's designed collapse zone; which is understood for these purposes to be that area within which the structure may fall in the event of structural failure. The certificate of insurance shall be provided yearly to said owners, tenants, leaseholders, etc.
3. That a structural engineer shall certify the telecommunications facility's design and related collapse zone, which must be delineated on a scaled site plan that also illustrates the location of the telecommunications facility and appurtenances, property boundaries, structures, roadways, waterways, and the Deckers Creek Trail within a radius from the telecommunications facility extending outward to a distance equal to the telecommunications facility's height.
4. That the existing "Class I Telecommunications Facility" (relay tower) on the Greer Building must be removed within ninety (90) days following the proposed "Class I Telecommunications Facility" being constructed and placed into service.

Enclosures: Application and accompanying exhibits

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STAFF REPORT ADDENDUM A

V12- 34 / West Virginia Radio Corporation / 1251 Earl L. Core Road



STAFF REPORT ADDENDUM B

V12-34 / WV Radio Corporation / 1251 Earl L. Core Road

Staff recommended revisions to petitioner's Findings of Fact (deleted matter struck through; new matter underlined)

Finding of Fact #1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

West Virginia Radio Corporation is a fully licensed commercial broadcast facility housing stations WAJR, WVAQ, WKKW, and WFGM as well as the METRONEWS Radio Network. It is imperative that these federally licensed facilities have the means to send aural programming content to a number of radio transmitter locations in Monongalia and Marion counties in West Virginia. West Virginia Radio Corporation owned and operated stations – as well as radio stations affiliated with West Virginia Radio Corporation – serve the public interest with news, sports, weather and public service information – as well as virtually a single source for information in the event of community, statewide or national emergency. It appears that the proposed location and height of the Class I Telecommunications facility is necessary to preserve continued transmission between fixed locations given the growth of the surrounding urban forest, which cannot be controlled or mitigated by the petitioner.

Finding of Fact #2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

~~Current rules and regulations regarding the height of tower structures within the city limits of Morgantown, West Virginia.~~ An increase in tower height ~~is required~~ appears necessary due to the increased growth of trees along the microwave pathway from 1251 Earl L. Core Road to the WVAQ transmission and distribution tower above the Morgantown Industrial Park Complex on the Monongahelia River. The increase to a 120' self-supporting tower appears to ensure long-term viability of the delivery pathway for any future eventuality.

Finding of Fact #3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The newspaper-radio station facility at 1251 Earl L. Core Road has been used in this same capacity since it was built in the mid 1960's. No residential housing is near the facility that already has satellite earth stations and other equipment required in the construction and broadcast of radio content. The communication tower located on top of the Greer Building at 1251 Earl. L. Core in Morgantown, West Virginia, will be removed when the new relay tower is constructed and placed into service. The base of the tower will be properly secured with locked fencing to prohibit ~~passerby's~~ passersby from being able to get close to or climb the structure. While the tower will be lightly loaded with transmission equipment, the tower has been designed with 28% more structural strength than required for a tower of this size.

Finding of Fact #4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The property at 1251 Earl L. Core Road is a dual use commercial newspaper-radio facility and the tower structure is part of the equipment necessary to connect the radio stations to the various transmitter sites used for Federal Communications Commission licensed broadcasts. It is both expected and necessary that the tower exist to provide a communications path to the various transmission facilities. The equipment located on the tower will be of an ultra-low radio frequency nature and will not transmit potentially dangerous RF signals. The power levels used are a fraction of a single watt and occur in the 11Ghz and 950 Mhz range of the radio spectrum. Variance relief will not contribute to, or mitigate, existing traffic patterns.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V12-34
RECEIVED:	10/10/12
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	West Virginia Radio Corporation		
Mailing Address:	Street	1251 Earl L. Core Road		Phone:	304 296 0029
	City	State	Zip	Mobile:	304 288 0717
	MORGANTOWN	WV	26505	Email:	dmiller@wvradio.com
II. PROPERTY		Street Address:	1251 Earl L. Core Road		
Owner:	West Virginia Radio Corporation			Zoning:	Commercial
Mailing Address:	Street	1251 Earl L. Core Road		Tax Map No:	31
	City	State	Zip	Parcel No:	0007 0001 0000
				Phone:	304 296 0029
III. NARRATIVE		Please describe the nature and extent of your variance request(s).			
<p>West Virginia Radio Corporation is requesting a zoning variance to construct and maintain a 120-foot self-supporting tower adjacent to the Greer Building at 1251 Earl L. Core Road in Morgantown, West Virginia, that is essential to provide a clear communications pathway from the property to the WVAQ radio transmitter site located above the Morgantown Industrial Park on the west bank of the Monongahela River. Tree growth over the years has made the current communications pathway unsustainable. The building located on the property is used both as a newspaper building and houses four radio stations and the METRONEWS Radio Network. A tower drawing is attached.</p>					
V. ATTEST					
<p>I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.</p>					
Dale B. Miller/President & CEO				10/10/2012	15:03:16
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date	

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.



APPLICATION FOR ZONING VARIANCE

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COMPLETE:	

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. *Staff will check the appropriate boxes below that must be addressed.*

Land Use Characteristics (complete only those that apply)

- Residential
 Single-Family Dwelling
 Townhouse Dwelling
 Two-Family Dwelling
 Multi-Family Dwelling

Non-Residential or Mixed (*please explain*)

Commercial property housing the Morgantown Dominion Post, WAJR radio, WVAQ radio, WKKW radio, WFGM radio and the METRONEWS Radio Network.

Structure Characteristics (complete only those that apply)

Total number of buildings: _____ Gross floor area of each building: _____

Estimated number of employees: _____ No. of dwelling units: _____ No. of bedrooms: _____

Additional structure-related details:

The variance request is for the erection of a communications relay tower to be located next to the Greer Building at 1251 Earl L. Core Road in Morgantown.

Additional Information (as required by Staff):

Site Plan A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE

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Suggested Scale: 1 square = 5'

*All attached
CMT*



APPLICATION FOR ZONING VARIANCE

OFFICE USE	
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COMPLETE:	

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

West Virginia Radio Corporation is a fully licensed commercial broadcast facility housing radio stations WAJR, WVAQ, WKKW and WFGM as well as the METRONEWS Radio Network. It is imperative that these federally licensed facilities have the means to send aural programming content to a number of radio transmitter locations in Monongalia and Marion counties in West Virginia. West Virginia Radio Corporation owned and operated stations - as well as radio station affiliated with West Virginia Radio Corporation - serve the public interest with news, sports, weather and public service information - as well as virtually a single source for information in the event of community, statewide or national emergency.

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

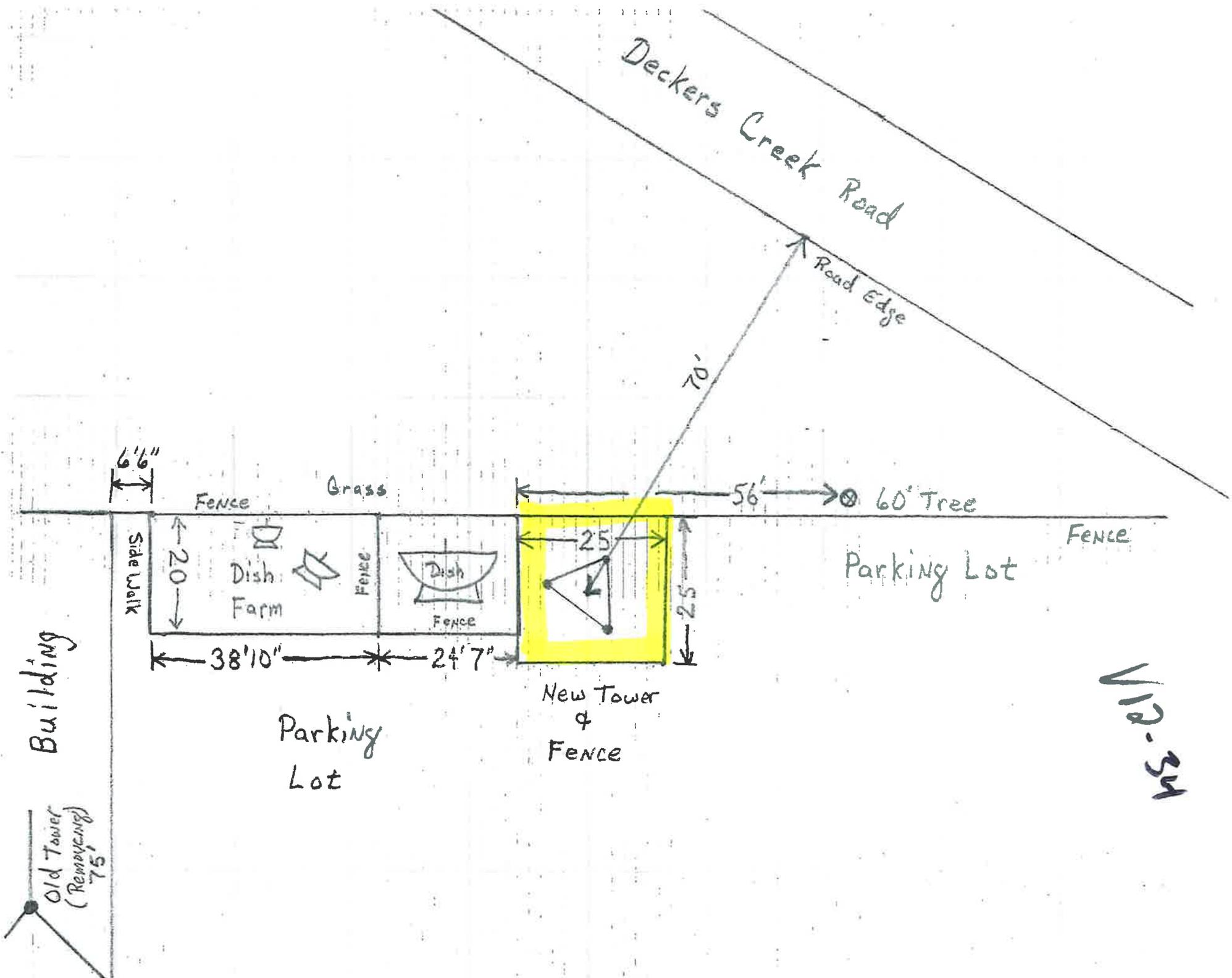
Current rules and regulations regarding the height of tower structures within the city limits of Morgantown, West Virginia. An increase in tower height is required due to the increased growth of trees along the microwave pathway from 1251 Earl L. Core Road to the WVAQ transmission and distribution tower above the Morgantown Industrial Park Complex on the Monongahelia River. The increase to a 120' self-supporting tower insures long-term viability of the delivery pathway for any future eventuality.

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The newspaper-radio station facility at 1251 Earl L. Core Road has been used in this same capacity since it was built in the mid 1960's. No residential housing is near the facility that already has satellite earth stations and other equipment required in the construction and broadcast of radio content. The communication tower located on top of the Greer Building at 1251 Earl L. Core in Morgantown, West Virginia, will be removed when the new relay tower is constructed and placed into service. The base of the tower will be properly secured with locked fencing to prohibit passerby's from being able to get close to or climb the structure. While the tower will be lightly loaded with transmission equipment, the tower has been designed with 28% more structural strength than required for a tower of this size.

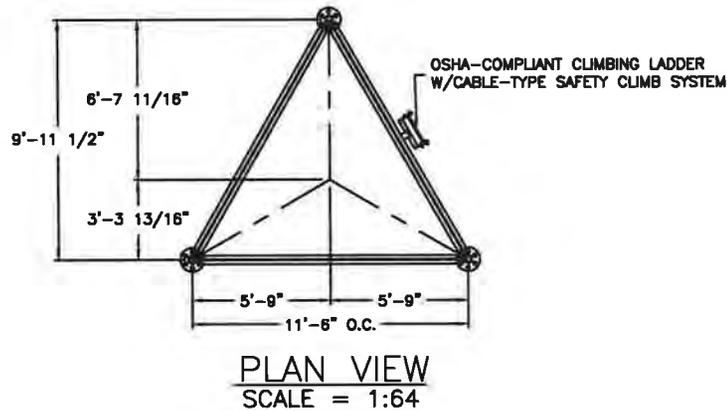
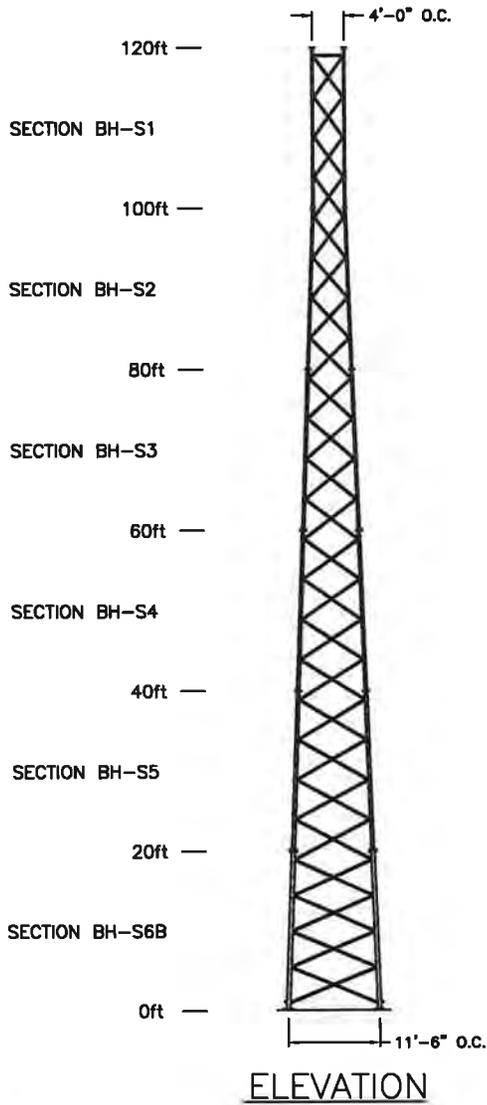
4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The property at 1251 Earl L. Core Road is a dual use commercial newspaper-radio facility and the tower structure is part of the equipment necessary to connect the radio stations to the various transmitter sites used for Federal Communications Commission licensed broadcasts. It is both expected and necessary that the tower exist to provide a communications path to the various transmission facilities. The equipment located on the tower will be of an ultra-low radio frequency nature and will not transmit potentially dangerous RF signals. The power levels used are a fraction of a single watt and occur in the 11Ghz and 950 Mhz range of the radio spectrum. Variance relief will not contribute to, or mitigate, existing traffic patterns.



112-54

LEGS	5 Sch 80 PIPE	4 Sch 80 PIPE	3-1/2 Sch 80 PIPE	3 Sch 80 PIPE	2 Sch 80 PIPE	2 Sch 40 PIPE	A500, Gr. B (50ksi)
HORIZONTALS	NONE						
DIAGONALS	2 x 2 x 3/16 L						
LATTICE BOLTS	(1) 5/8" BOLT PER CONNECTION						
LEG-SPLICE BOLTS	(6) 3/4" BOLTS/LEG (6) 3/4" BOLTS PER LEG (6) 5/8" BOLTS/LEG (4) 5/8" BOLTS PER LEG						
	A = 1-3/4 x 1-3/4 x 3/16 L, AT TOP, ONLY						



LET	REVISION	DATE	APP'D
-	PRELIMINARY RELEASE	10/10/12	D.S.

NOTES:

- TOWER IS DESIGNED TO CONFORM TO THE REQUIREMENTS OF TIA-222-G-2008 WITH CONSIDERATIONS OF 90mph WIND SPEED WITH 1/2" RADIAL ICE.
- TOWER LOADING IS AS FOLLOWS:
 - 3ft# MICROWAVE DISH, WITH ASSOCIATED FEEDLINE
 - (3) PRM950 ANTENNAS, WITH ASSOCIATED FEEDLINE
 - OSHA-COMPLIANT EXTERNAL CLIMBING LADDER WITH SAFETY-CLIMB SYSTEM
 - TOWER LIGHTNING PROTECTION/GROUNDING KIT
- ALL STRUCTURAL STEEL ANGULAR LEG MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF ASTM-A500 Gr. C (50ksi YIELD STRENGTH MATERIAL); ALL OTHER STRUCTURAL STEEL PLATES, BARS, RODS, ANGLES, SHAPES, ETC., SHALL CONFORM TO THE REQUIREMENTS OF ASTM-A36 (36ksi YIELD STRENGTH MATERIAL).
- ALL STRUCTURAL STEEL MEMBERS SHALL BE HOT-DIPPED GALVANIZED, AFTER FABRICATION, AND CONFORM TO THE REQUIREMENTS OF ASTM-A123.
- ALL BOLTS AND BOLTED CONNECTIONS SHALL BE HOT-DIPPED GALVANIZED AND CONFORM TO THE REQUIREMENTS OF ASTM-A325.
- ALL WELDED CONNECTIONS SHALL CONFORM TO THE LATEST REVISED CODE OF THE AMERICAN WELDING SOCIETY: A.W.S. D1.1.
- THIS DRAWING IS PRELIMINARY IN NATURE. ALL DIMENSIONS, MEMBER SIZES, ETC., ARE SUBJECT TO CHANGE PENDING CUSTOMER SPECIFICATIONS & COMPREHENSIVE ENGINEERING DESIGN ANALYSIS.

PRELIMINARY DRAWING

SWAGER COMMUNICATIONS INC. P.O. BOX 656; 501 E. SWAGER DR.; FREMONT, IN 46737			
<small>THIS DRAWING IS THE PROPERTY OF SWAGER COMMUNICATIONS, INC. IT IS NOT TO BE REPRODUCED, COPIED, OR TRACED IN WHOLE, OR IN PART WITHOUT OUR WRITTEN CONSENT</small>			
WEST VIRGINIA RADIO GROUP MORGANTOWN, WV	SCALE 1:192	DWN APP'D	J.NEFF D.SWAGER
TITLE 120ft TOWER ELEVATION		MODEL: 9A9-120SS	
DATE 10/10/12	DRAWING NUMBER 2070WVRG-12-01		

V10-34

V12-34



V12-34



V12-34



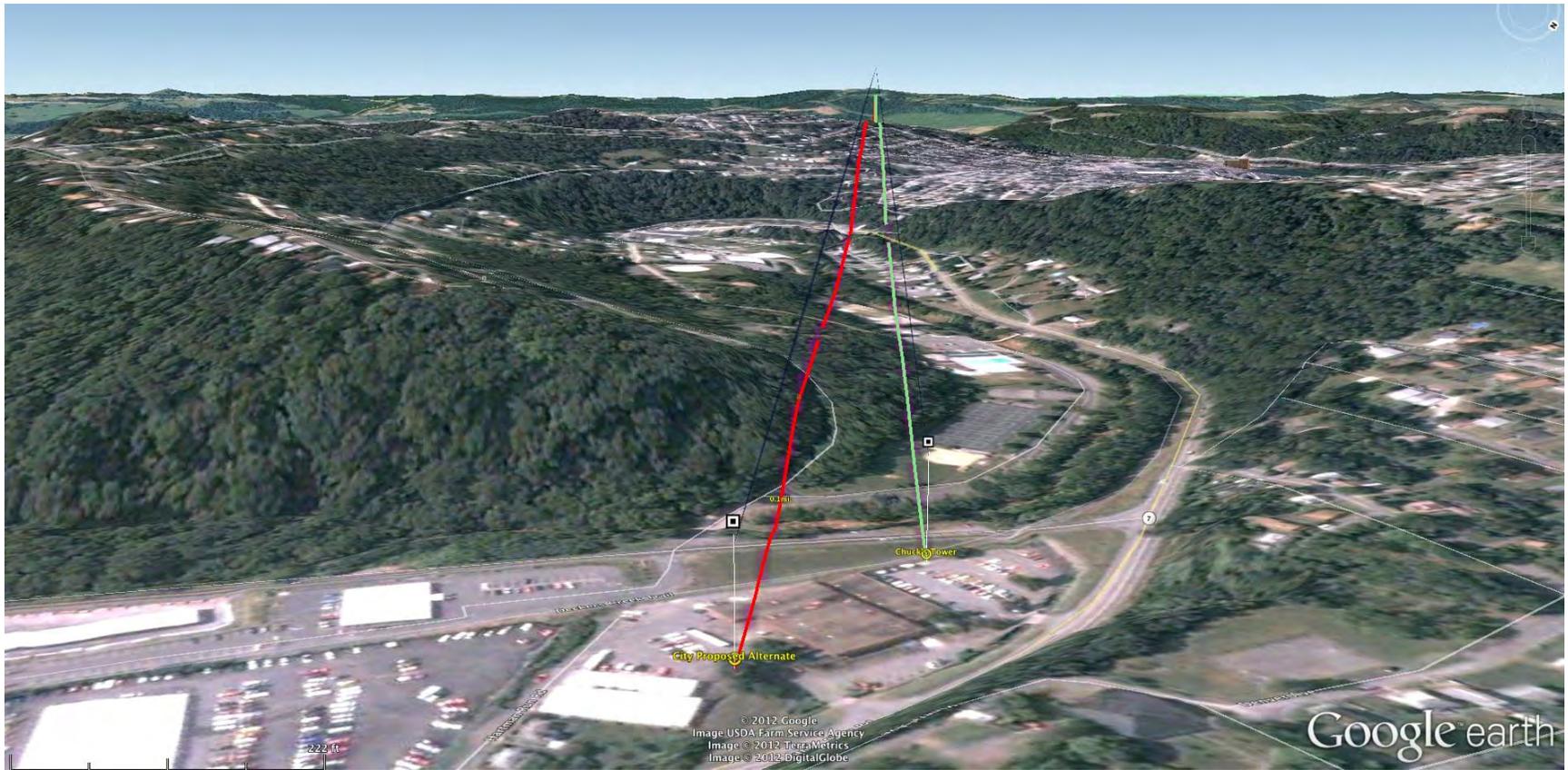
V12-34



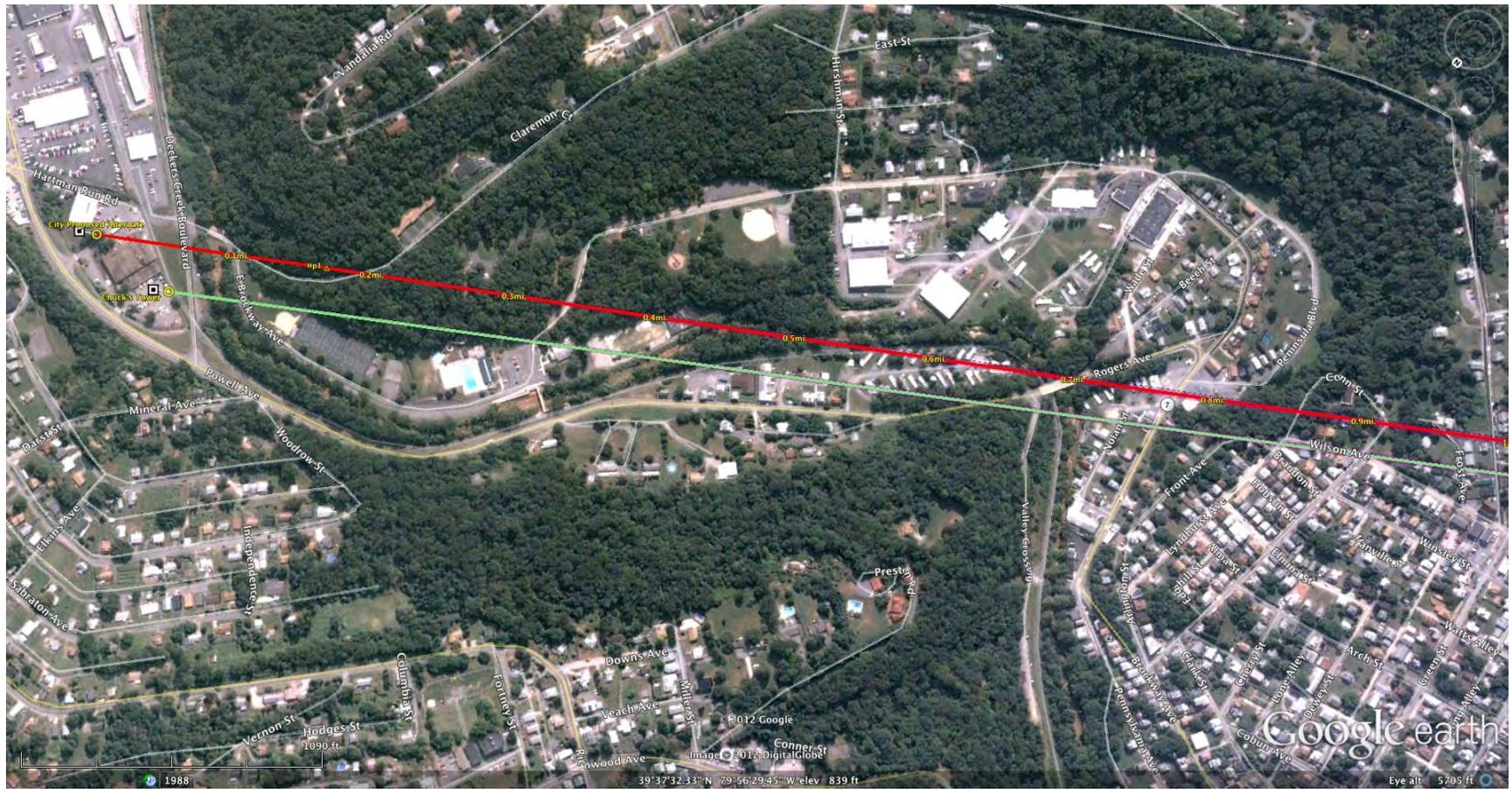
VD-34

Remove

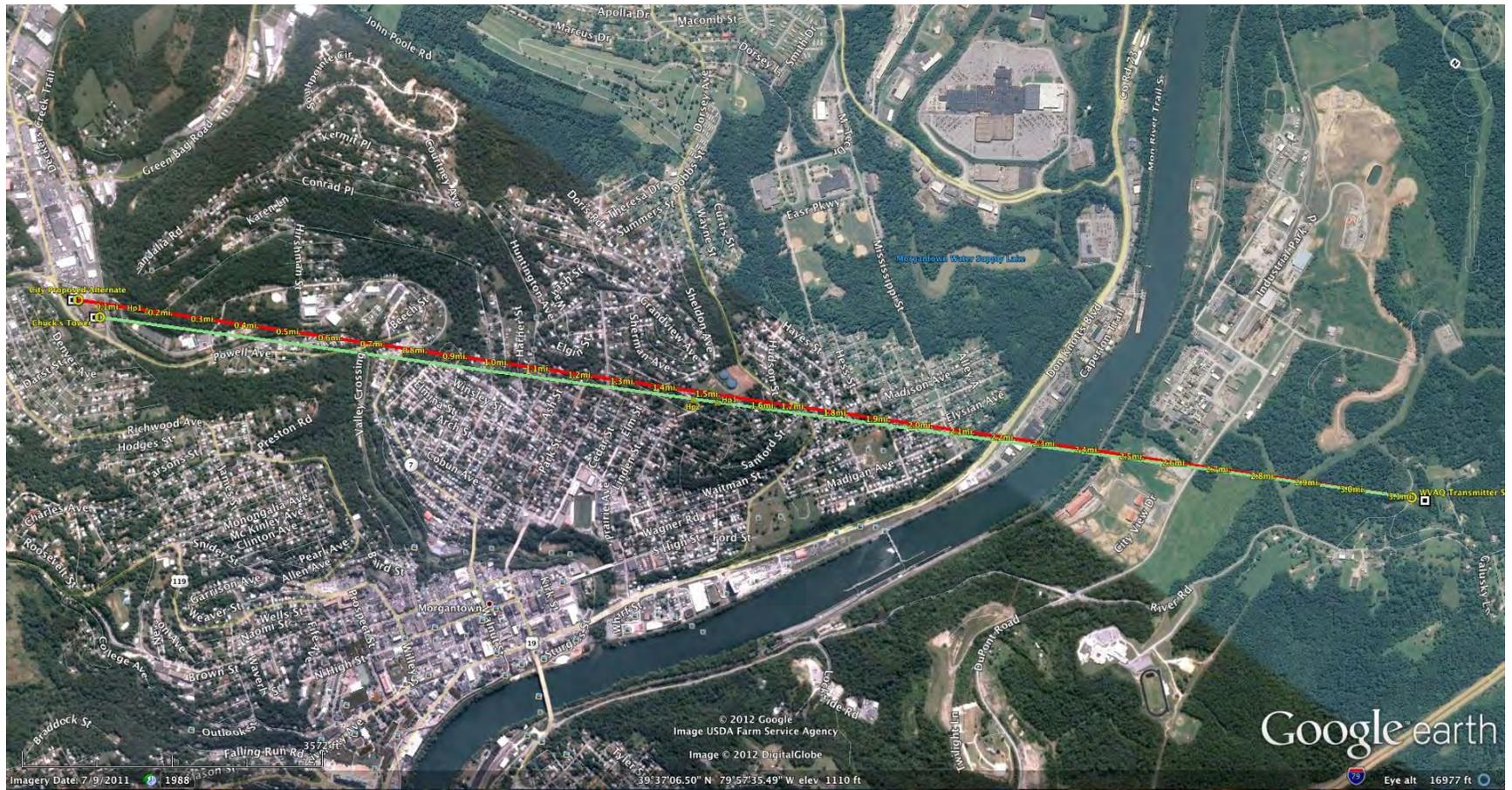




V12-34

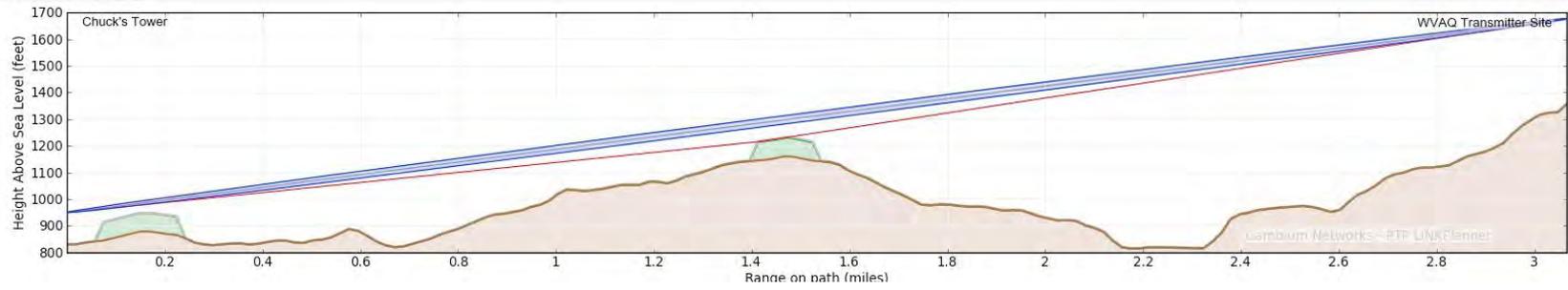


V12-34



V12-34

Profile: 3.1 miles, Line-of-Sight



Profile: 3.1 miles, Non Line-of-Sight

