

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 P.M., WEDNESDAY, May 7, 2014
CITY COUNCIL CHAMBERS, 2ND FLOOR OF CITY HALL
823 ROSENBERG, GALVESTON, TEXAS

A. Attendance

B. Conflict of Interest

C. Approval of Minutes: April 9, 2014

D. Old Business and Associated Public Hearing

14Z-08 (6918 Broadway Boulevard)

Request for a variance from the Galveston Zoning Standards Section 29-84,(b) (1) regarding the installation of a new LED "Billboard" sign, 29-82 (k)(3) regarding sign size, and 29-82 (f) (2) regarding sign height, in a Light Industrial, Gateway Development Zone, Zone-2, (LI-GDZ-2) zoning district. Property is legally described as part of Lot 534 (534-4), Trimble and Lindsey Section One, in the City and County of Galveston, Texas.

Applicant: Mark Davis & Dick Daugird c/o TX Lighthouse Foundation

Property Owner: L&L Realty Partnership

Documents: [14Z-08 STF2.PDF](#)

E. New Business and Associated Public Hearing

14Z-09 (1212 10th Street)

Request for a variance from the Galveston Zoning Standards Section 29-68, regarding fence height requirement within the Multi Family – One, Neighborhood Conservation District - One, (MF-1, NCD-1) zoning district. Property is legally described as the South ½ of Lot 1 (1-1) Block 9, a subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Walter and Janie Langford

Documents: [14Z-09 STF.PDF](#)

14Z-10 (310 Postoffice/Ave E)

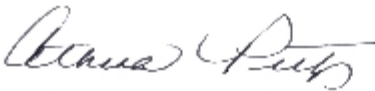
Request for a variance from the Galveston Zoning Standards regarding setback requirements for a "Radio, Television, or Microwave Tower" in a Multiple Family-Two, Height and Density Development Zone, Zone 2 (MF-2-HDDZ-2) zoning district. Property is legally described as Block 483 and west half of adjacent 3rd Street, in the City and County of Galveston, Texas.

Applicant: Joel Colwell, % Midtown Engineering, LLC

Property Owner: CenterPoint Energy, % Allen Varner, Jr., % Kevin A. Meals

Documents: [14Z-10 STF.PDF](#)

F. Adjournment

Prepared By: 
Athena Petty, Planning Assistant
Date Prepared: May 2, 2014

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY'S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TEXAS 77550 (409-797-3510).

MEMBERS OF CITY COUNCIL MAY BE ATTENDING AND PARTICIPATING IN THIS MEETING.

14Z-08 (6918 Broadway Boulevard) Request for a variance from the Galveston Zoning Standards Section 29-84 (b) (1) regarding the installation of a new LED "Billboard" sign, 29-82 (k)(3) regarding sign size, and 29-82 (f) (2) regarding sign height, in a Light Industrial, Gateway Development Zone, Zone-2, (LI-GDZ-2) zoning district. Property is legally described as part of Lot 534 (534-4), Trimble and Lindsey Section One, in the City and County of Galveston, Texas.

Applicant: Mark Davis & Dick Daugird c/o TX Lighthouse Foundation

Property Owner: L&L Realty Partnership

Case Manager: Janice Norman, Planner II, Zoning Administrator

Existing Zoning and Land Use:

Zoning	Light Industrial, Gateway Development Zone, Zone -2 (LI-GDZ-2)
Land Use	Commercial

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Light Industrial, Gateway Development Zone, Zone-2 (LI-GDZ-2)	Commercial, Height and Density Development Zone, Zone- 1	Commercial, Height and Density Development Zone, Zone 1 (C-HDDZ-1)	Commercial, Height and Density Development Zone, Zone 1 (C-HDDZ-1)
Land Use	Commercial	Residential	Commercial	Commercial

Property Owner Notification as of April 9, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
5				

Advertisement Date: March 27, 2014

City Department Notifications:

Airport: No Objection
 Building Department: Pending
 Fire Chief: Pending
 Fire Marshal: No Objection
 Police Department: No Objection
 Public Works: No Objection with comment: *The sign location as indicated on Google Earth is close to Galveston's 30-inch water line. See attached City utility map, the blue line is closest to the building, is the old 30-inch water transmission line. Coordinate with Utility Division Director David Van Riper at 409-797-3962 to ensure location of 3—inch line is clearly marked prior to any excavation begins.*

BACKGROUND

The applicant originally submitted a sign variance regarding an off premise doubled faced LED Billboard sign that exceeded the height and size requirements for signage. The Zoning Board of Adjustment on April 9, 2014, determined that the request for an LED Billboard sign was outside of their purview due to the LED Billboard off-premise sign being a prohibited sign type according to

the Galveston Zoning Standards. The applicant has modified their original request to an on premise single face sign that is 50-feet in height but does exceed the size requirement for a detached sign.

ANALYSIS

The applicant is requesting a variance from the Galveston Zoning Standards in order to install a new LED on premise sign that exceeds the size requirements for signs in the zoning district.

Zoning District: Light Industrial, Gateway Development Zone, Zone-2, (LI-GDZ-2)

	Sign Type Detached	Electronic Sign Display	Size	Height
Required	1 per street frontage	Permitted	200 square feet	50 feet
Proposed	1 detached	LED Sign	672	50 feet

2) Section 29-82 (k) (1)

(k) Signs In The PD, R, C, LI, and HI Districts:

- (1) Detached sign, one for each street frontage associated with any business, (owner-identification) shall not exceed sixty (60) square feet of area for each sixty feet (60') of street frontage or portion thereof. The permitted sign area for detached signs may be cumulative, but no one (1) sign shall exceed two hundred (200) square feet in area.

Variance(s) Requested – Sign area from 200 square feet maximum, to 672 square feet.

CONDITIONS FOR A VARIANCE

A variance may be granted from a requirement of the Zoning Ordinance when the Zoning Board of Adjustment finds that all of the following conditions have been met:

1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.
2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant.
3. The variance is not contrary to the public interest, in that:
 - a. It does not allow applicants to impair the application of these regulations for:
 - i. Self-imposed hardships;
 - ii. Hardships based solely on financial considerations, convenience or inconvenience; or
 - iii. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
 - b. The variance will not have a detrimental impact upon:
 - i. The current or future use of adjacent properties for purposes for which they are zoned;
 - ii. Public infrastructure or services; and
 - iii. Public health, safety, morals and general welfare of the community.

4. The degree of variance allowed from these Land Development Regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (*e.g.*, if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).
6. By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.

APPEAL FROM DECISION OF BOARD

In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the Court within ten (10) days from the day the Board renders its decision, and not thereafter. The time period set forth herein shall be deemed jurisdictional.

ATTACHMENTS

“A” – Zoning Map

“B” – Site Plan/Aerial

“C” – Applicant’s Submittal (Narrative and Picture of similar sign)

6918 Broadway Blvd.



INVESTMENT
FC
PROPERTIES LTD.
No. 007-72-2536
G.C.D.R.

CE FOUCE ROUSSE
FC No. 008-99-0309
G.C.D.R.

Survey - T15
SCALE: 1" = 20.0'

69TH STREET

LOT 534

0.98 ACRE
PARCEL 3

METAL WAREHOUSE

110' HOUSTON LIGHTING & POWER EASEMENT

Set 1/2" L. Rod

P.O.B.
PARCEL 3
Set 1/2" L. Rod

P.O.B.
PARCEL 3

N 25°15'00" W 279.75'

S 25°15'20" E 297.89'

S 76°59'00" W 145.51'

N 76°59'00" E 152.29'

51.16'



Prepared Work for
T & S
Steel Services
8818 Broadway - Houston, Texas



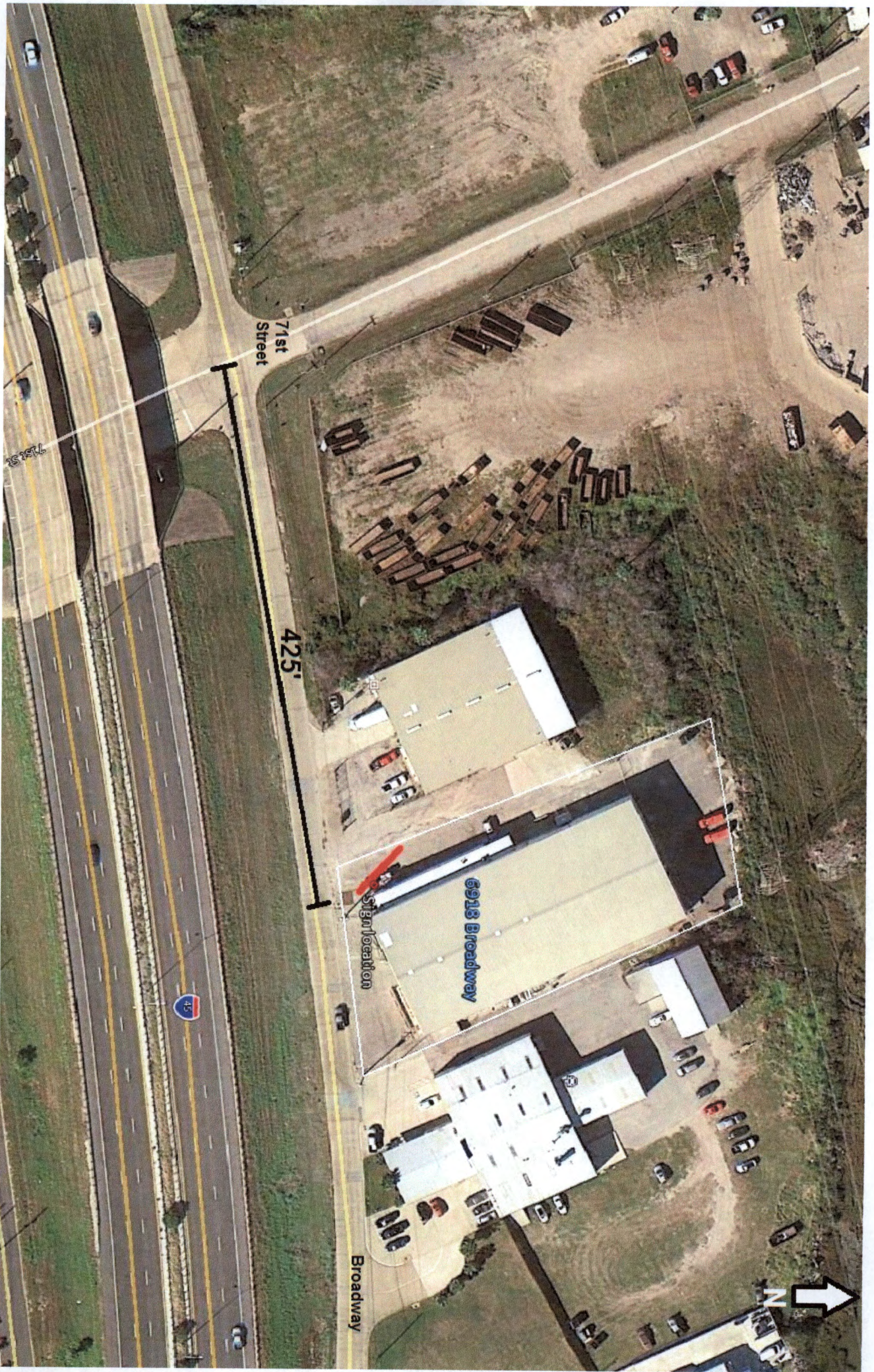
JOE J. PORTERFIELD
REGISTERED PROFESSIONAL SURVEYOR
NO. 333,489 - 801.318.8700 FAX

Revisions	By	Date
1. 01/23/04	J.P. PORTERFIELD	01/23/04
2. 01/24/04	J.P. PORTERFIELD	01/24/04
3. 02/09/04	J.P. PORTERFIELD	02/09/04
4. 02/18/04	J.P. PORTERFIELD	02/18/04
5. 03/01/04	J.P. PORTERFIELD	03/01/04
6. 03/02/04	J.P. PORTERFIELD	03/02/04
7. 03/03/04	J.P. PORTERFIELD	03/03/04
8. 03/16/04	J.P. PORTERFIELD	03/16/04
9. 04/13/04	J.P. PORTERFIELD	04/13/04
10. 05/03/04	J.P. PORTERFIELD	05/03/04

JOB NO. 01000-025
CADD NO. 01000-025 G.A. 7/16/04
DATE 04/20/04

SHEET NO.
OF:

SURVEY



Broadway

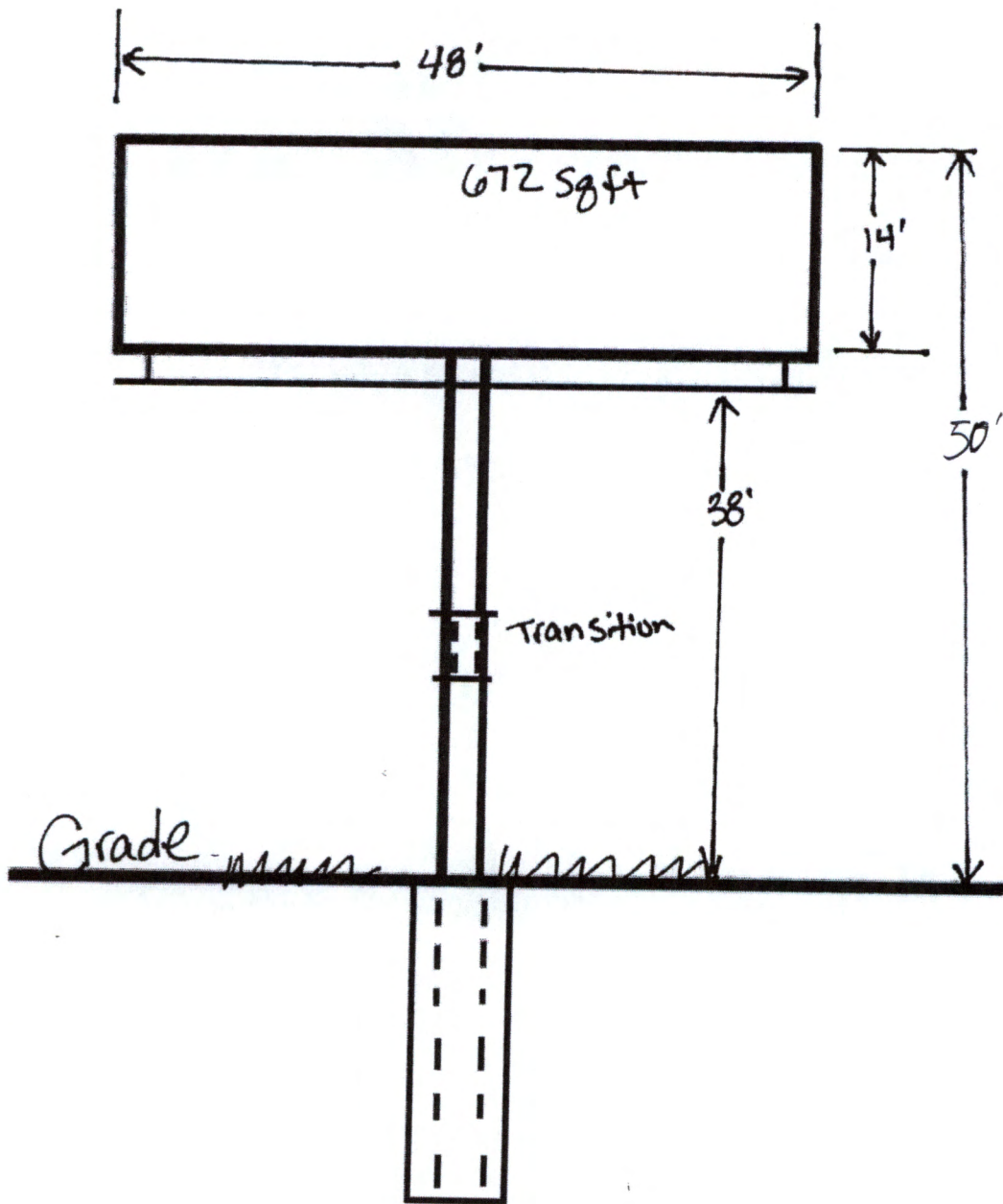
71st
Street

425'

6918 Broadway

Sign location





14Z-09 (1212 10th Street) Request for a variance from the Galveston Zoning Standards Section 29-68, regarding fence height requirement within the Multi Family – One, Neighborhood Conservation District - One, (MF-1, NCD-1) zoning district. Property is legally described as the South ½ of Lot 1 (1-1) Block 9, a subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Walter and Janie Langford

Case Manager: Janice Norman, Planner II, Zoning Administrator

Zoning	Multi-Family-One, Neighborhood Conservation District- One (MF-1, NCD-1)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Multi-Family-One, Neighborhood Conservation District- One (MF-1, NCD-1)	Retail- Seawall Development Zone Two- Height and Density Development Zone –Three (R-SDZ-2- HDDZ-3)	Multi-Family- One, Neighborhood Conservation District- One (MF-1, NCD-1)	Multi-Family- One, Neighborhood Conservation District- One (MF-1, NCD-1)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of May 7, 2014

Sent	Returned	In Favor	In Opposition	No Comment
25				

Advertisement Date: April 19, 2014

City Department Notifications:

Airport: No Objection
 Building Department: No Objection
 Public Works: No Objection
 Fire Chief: No Objection
 Fire Marshal: No Objection
 Police Department: No Objection

BACKGROUND

A red-tag was issued by the Building Department on March 19, 2014, for erecting a fence without a fence permit. Also note, upon further investigation the fence was determined to exceed the height requirement for a front yard fence.

ANALYSIS

The applicant is requesting a variance from Section 29-68 (a) (1) (a) to retain an existing 7-foot tall solid fence with an 8-foot tall gate and a 7-foot tall mechanical chain link gate located in the front yard.

Section 29-68 (a) (1) (a)

- a. Within a front yard of any residential use, no solid fence or wall shall be erected to exceed forty-eight inches (48"), unless the fence or wall is at least sixty percent (60%) open, whereby the maximum height shall not exceed five feet (5').

Zoning District: One-Family-Four (1F-4)

Front Yard Fence Height	Solid Fence	Solid Gate	Chain-link Gate
Required	4'	4'	5'
Proposed	7'	8'	7'

Variance(s) Requested - the applicant is requesting a variance from the following:

- Front Yard Solid Fence Height– from 4' to 7'
- Front Yard Solid Gate Height – from 4' to 8'
- Front Yard Chain-Link Gate Height- from 5' to 7'

Applicants Justification

The fence was added for safety and security for the property due to foot traffic down the alley from the bar. The contractor built the fence higher than directed. Cutting the fence down would destroy the esthetics of the fence.

CONDITIONS FOR A VARIANCE

The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 14.401.C. in Article 14, Administrative Bodies, and if the Board makes a determination in writing that all of the following are demonstrated:

1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.
2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant.
3. The variance is not contrary to the public interest, in that:
 - i. It does not allow applicants to impair the application of these regulations for:
 - a. Self-imposed hardships;
 - b. Hardships based solely on financial considerations, convenience or inconvenience; or
 - c. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
 - ii. The variance will not have a detrimental impact upon:
 - a. The current or future use of adjacent properties for purposes for which they are zoned;
 - b. Public infrastructure or services; and
 - c. Public health, safety, morals and general welfare of the community.
4. The degree of variance allowed from these Land Development Regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other

- flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).
- 6. By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.

APPEAL FROM DECISION OF BOARD

In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the Court within ten (10) days from the day the Board renders its decision, and not thereafter. The time period set forth herein shall be deemed jurisdictional.

ATTACHMENTS

“A” – Aerial Map

“B” – Photo of Fence



1121

Ave L

10th St

927

1207

919

917

1212

1' fence
Existing fence
to remain

1211

1002

928



03/19/2014 12:34 PM



08/19/2014 12:33 PM



03/19/2014 12:33 PM



03/19/2014 12:35 PM

14Z-10 (310 Postoffice/Ave E) Request for a variance from the Galveston Zoning Standards regarding setback requirements for a "Radio, Television, or Microwave Tower" in a Multiple Family-Two, Height and Density Development Zone, Zone 2 (MF-2-HDDZ-2) zoning district. Property is legally described as Block 483 and west half of adjacent 3rd Street, in the City and County of Galveston, Texas.

Applicant: Joel Colwell, % Midtown Engineering, LLC

Property Owner: CenterPoint Energy, % Allen Varner, Jr., % Kevin A. Meals

Case Manager: Pete Milburn, Senior Planner

Existing Zoning and Land Use:

Zoning	Multi-Family Two, Height and Density Development Zone, Zone 2 (MF-2, HDDZ-2)
Land Use	Utility substation

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Institutional	Multi-Family Two, Height and Density Development Zone, Zone 2 (MF-2, HDDZ-2)	Multi-Family Two, Height and Density Development Zone, Zone 2 (MF-2, HDDZ-2)	Multi-Family Two (MF-2) and Retail (R)
Land Use	Multi-family residential	Multi-family residential	Multi-family residential	Multi-family residential/ Church

Property Owner Notification as of May 7, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
41				

Advertisement Date: April 19, 2014

City Department Notifications:

Airport:	No Objection
Building Department:	No Objection
Fire Chief:	No Objection
Fire Marshal:	No Objection
Police Department:	No Objection
Public Works:	No Objection

Background

The Planning Commission at the regular meeting of April 22, 2014, recommended denial of the Applicant's request for a Specific Use Permit for the operation of a "Wireless Communication

Facility” that includes a 150-foot monopole structure (14P-31). City Council will hear the applicant’s request for the Specific Use Permit on May 8, 2014.

ANALYSIS

The applicant is requesting a variance from the setback requirement from residential property. The setback requirement from platted residential lots, residential land use, or residential zoning districts is one and a half times the height of the tower. In this case, the setback requirement would be 225-feet for the 150-foot tower.

At its proposed location, the tower is located approximately 110-feet from the residentially zoned property to the south. Additionally, the tower is less than 180-feet from the residential district to the east. The distance of the residential use to the north and west are greater than 225-feet. Please reference the attached Aerial Map and Zoning Map for the proposed orientation of the tower.

The applicant is requesting the following variance:

Setback from Residential Zoning: from 225’ to 100’

Section 29-103 (f)(1)(a)(1) of the Galveston Zoning Standards, “Radio, Television or Microwave Tower: Design Standards” states:

(1) Setbacks from Residentially Zoned Properties

- a. The distance between the base of a single monopole tower, lattice tower, a guyed monopole tower, or any other tower structure, and all platted residential lots, residential land use, or residential zoning districts, shall not be less than:*
- 1. One and one-half (1 ½) times the height of the tower structure, if the height of that tower structure is over 85-feet, but not over 199-feet;*

Applicant’s Justification for the Variance:

Please see Attachment “C”.

CONDITIONS FOR A VARIANCE

The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 14.401.C. in Article 14, Administrative Bodies, and if the Board makes a determination in writing that all of the following are demonstrated:

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2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant.
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- c. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
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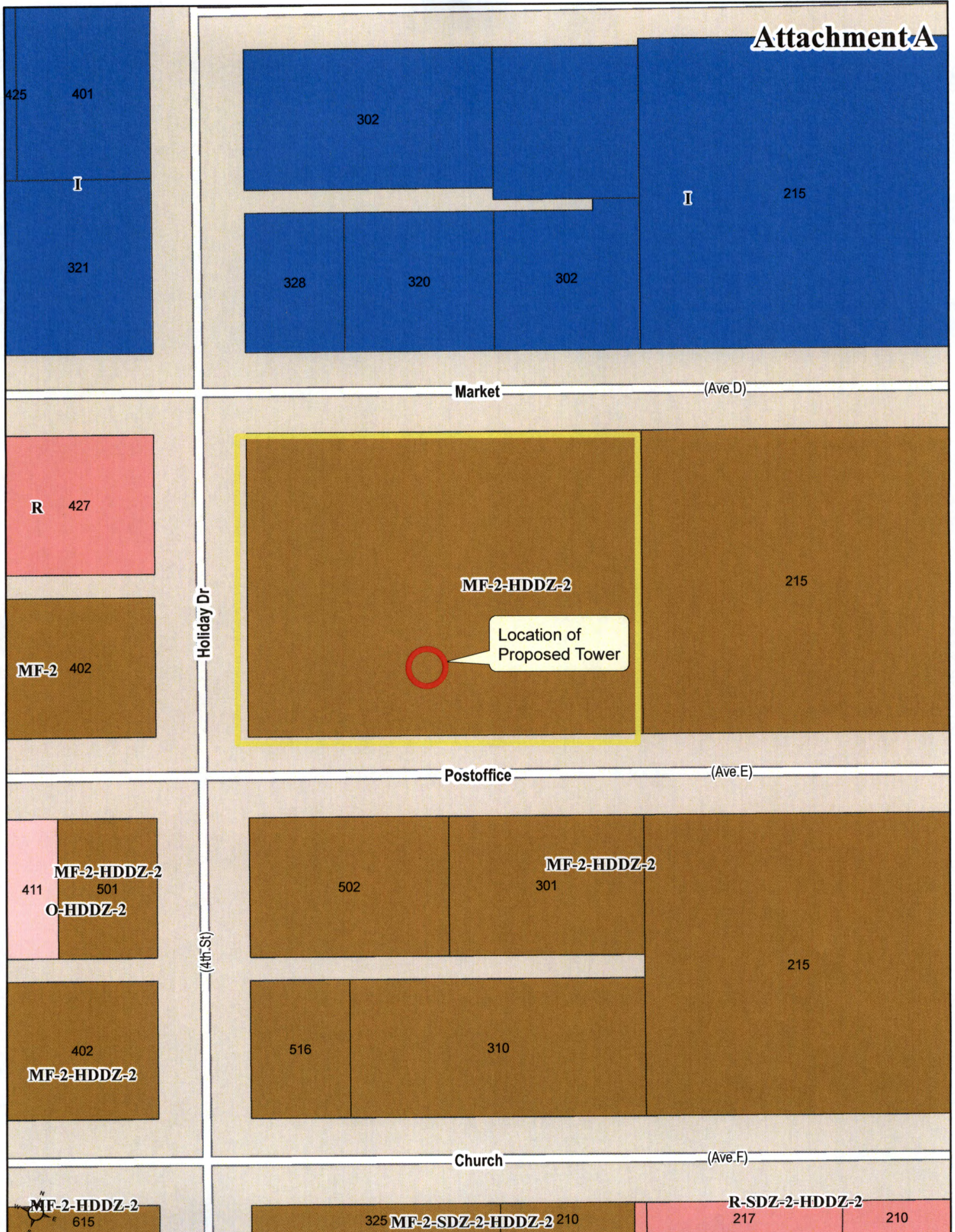
APPEAL FROM DECISION OF BOARD

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ATTACHMENTS

- "A" – Zoning Map
- "B" – Aerial Map
- "C" – Applicant's Narrative
- "D" – Site Plan
- "E" – Tower Elevation

Attachment A



Planning Department

Map prepared by the City of Galveston Planning Department (milburnpet) - 4/2/2014

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 60 120 240 Feet

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.





Planning Department

Map prepared by the City of Galveston Planning Department (milburnpet) - 4/2/2014

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Variance/Special Exception being requested:

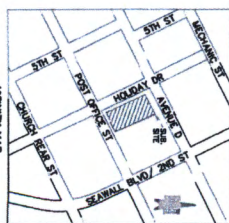
Exception to Code 29.103 (f) with states a communication tower shall be a minimum of 1.5 times the design height of the tower away from residential property.

Applicants Justification:

CenterPoint Energy desires to install a 150' tower within the existing limits of the Seawall Substation at 310 Post Office within the City of Galveston. The tower will be utilized for internal communications relating to the providing of electrical services within the City of Galveston and surrounding areas. The variance being requested involves City of Galveston Code Standard 29.103 (f) imposed restrictions. The restriction limits the distance a communication tower structures may be placed adjacent to a single family or multi-family residential property to a minimum of 1.5 times the tower height. Based on the current property usage and future design considerations, CenterPoint Energy has determined the preferred location on the property would place the tower 115' and 155' from two multi-family apartment complexes across the adjacent street. These dimensions fall within the limits of the imposed City of Galveston restrictions. However, there is no location within the existing substation property that the tower could be relocated that would meet the required distance limits of 225' and any movement of the tower location would potentially impact other adjacent properties.

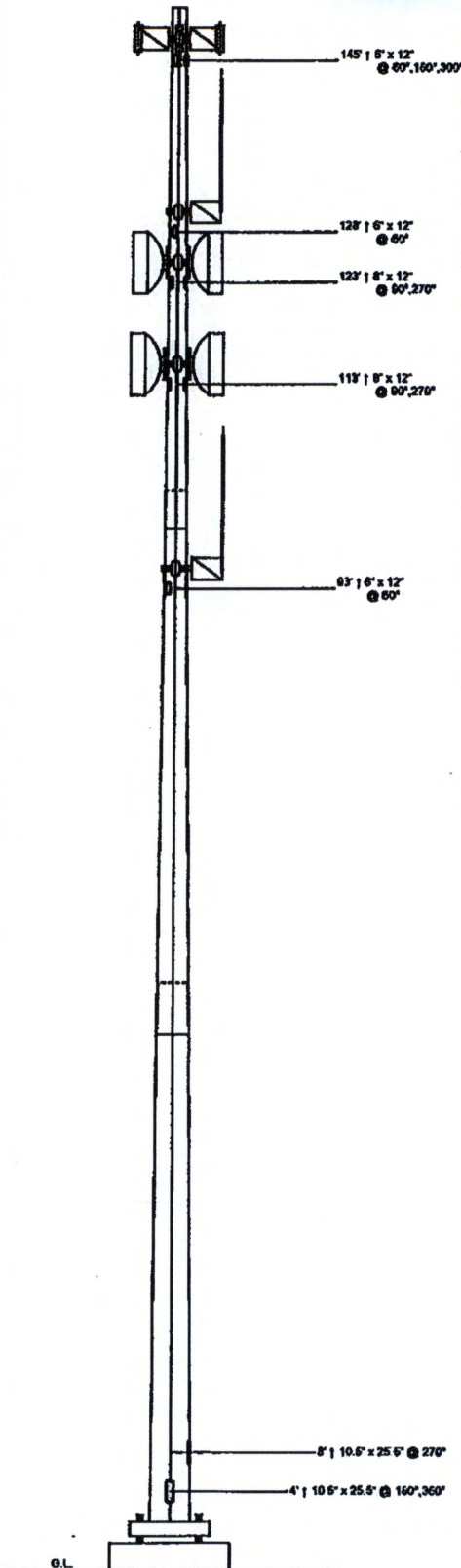
A map indicating other tower facilities has been provided as requested by the City of Galveston.

Due to unimpeded access requirements and the importance of the ability to respond to any outages or issues, CenterPoint Energy requires that the tower be located within CenterPoint Energy property to eliminate any delays or hindrances in accessing the facility. Therefore, the desired components cannot be installed on other towers through leased space. Similarly, CenterPoint Energy facilities are secure facilities that do not allow access so no additional collocation will be required on the CenterPoint Energy tower.



CONFIDENTIAL AND PROPRIETARY INFORMATION—CELL

SIZES ARE PRELIMINARY AND MAY CHANGE UPON FINAL DESIGN									
Section	1	2	3	4	5	6	7	8	9
Length (ft)	51'-3"	53'-6"	55'-3"	57'-0"	58'-6"	60'-0"	61'-6"	63'-0"	64'-6"
Number Of Sides	18	18	18	18	18	18	18	18	18
Lap Splice (ft)	3'-0"	3'-0"	3'-0"	3'-0"	3'-0"	3'-0"	3'-0"	3'-0"	3'-0"
Top Diameter (in)	25.56"	25.56"	25.56"	25.56"	25.56"	25.56"	25.56"	25.56"	25.56"
Bottom Diameter (in)	27.04"	27.04"	27.04"	27.04"	27.04"	27.04"	27.04"	27.04"	27.04"
Taper (in/ft)	0.215	0.215	0.215	0.215	0.215	0.215	0.215	0.215	0.215
Grade	A572-43	A572-43	A572-43	A572-43	A572-43	A572-43	A572-43	A572-43	A572-43
Weight (lb)	2550	2550	2550	2550	2550	2550	2550	2550	2550



Designed Appurtenance Loading

Elev	Description	Tx-Line
147	(3) 3ft Sidearms	
147	(3) 28in x 7in x 4in Panel Antennas	(3) 7/8"
138.5	(1) 13' x 3in Omni Whip Antenna	(1) 1 5/8"
130	3ft Sidearm	
125	(2) Dish Mount (Monopole Only) - Pipe Mount (up to 6' Dish)	
125	(2) 6' H.P. Dishes	(2) EW52
115	(2) Dish Mount (Monopole Only) - Pipe Mount (up to 6' Dish)	
115	(2) 6' H.P. Dishes	(2) EW52
101.5	(1) 13' x 3in Omni Whip Antenna	(1) 1 5/8"
95	3ft Sidearm	

Load Case Reactions

Description	Axial (kips)	Shear (kips)	Moment (ft-k)	Deflection (in)	Sway (deg)
3s Gusted Wind	20.4	30.1	3682	14.8	10.13
3s Gusted Wind 0.9 Dead	20.3	30.1	3650	14.8	10.02
3s Gusted Wind/Ice	31.5	2.1	188	0.7	0.51
Service Loads	20.6	4.7	441	1.8	1.21

Base Plate Dimensions

Shape	Diameter	Thickness	Bolt Circle	Bolt Qty	Bolt Diameter
Round	69.25"	2.5"	63.25"	14	2.25"

Notes

- 1) Antenna Feed Lines Run Inside Pole
- 2) All dimensions are above ground level, unless otherwise specified.
- 3) Weights shown are estimates. Final weights may vary.
- 4) The Monopole was designed for a basic wind speed of 130 mph with 0" of radial ice, and 30 mph with 1/2" of radial ice, in accordance with ANSI/TIA-222-G-2 (2009), Structure Class II, Exposure Category C, Topographic Category 1.
- 5) Full Height Step Bolts

Sabre Industries
Towers and Poles

Sabre Communications Corporation
2101 Murray Street
P.O. Box 658
Sioux City, IA 51102-0658
Phone: (712) 255-8991
Fax: (712) 255-8929

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Quote:

14-1830-JAC

Customer:

Centerpoint Energy, Inc.

Site Name:

Seawall Substation, TX

Description:

150' Monopole

Date:

7/18/2013

By: TRJ

Page: 1