



THE CITY OF MOBILE, ALABAMA  
BOARD OF ZONING ADJUSTMENT  
LETTER OF DECISION

July 16, 2018

Branch Towers III, LLC  
C/O David Wilkins  
P.O. Box 1038  
Gulf Shores, AL 36547

**Re: #6185/1339**  
**(Case #BOA-000527-2018)**  
**Branch Towers III, LLC**  
**1857 Duval Street**  
**(South side of Duval Street, 560'± West of Houston Street.)**

Dear Applicant(s) / Property owner(s):

On July 9, 2018, the Board of Zoning Adjustment considered your request for a **Height, Lease Parcel Setback, Residential Buffer Separation, Landscaping and Tree Planting Variances** to allow a 150' monopole telecommunications tower in a B-3, Community Business District, setback 25' from the lease parcel line and 138' from residentially zoned property, with no landscaping or tree plantings provided at the above referenced location.

After discussion, the Board determined the following findings of facts for

Approval of the **Height, Lease Parcel Setback and Residential Buffer Separation Variance** requests:

- 1) Based on the fact that site selection was limited by non-availability of other larger sites, the variances will not be contrary to the public interest;
- 2) These special conditions (no sites in the area allow a for a 150' high structure and the site is of limited space) exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variances in that no other tower sites were available for collocation or new construction within the area.

Therefore, the Height, Lease Parcel Setback and Residential Buffer Separation Variances were Approved, subject to the following conditions:

- 1) the tower is limited to a monopole design with an over-all structure height of 150', including antennae;
- 2) subject to the Planning Commission approval of the Planning Approval, Subdivision and Planned Unit Development applications for the proposed tower and site;
- 3) placement of a note on a revised site plan stating that no barbed wire or similar fencing is allowed on the site unless approved by the Director of Build Mobile;
- 4) subject to the Urban Forestry comments: *[Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64).]*;
- 5) submittal to and approval by Planning and Zoning of two (2) copies of a revised site plan prior to the submittal for building permits; and
- 6) full compliance with all municipal codes and ordinances.

After discussion, the Board determined the following findings of facts for Approval of the Landscaping and Tree Planting Variance requests:

- 1) Approving the variance will not be contrary to the public interest because the applicant will coordinate with Planning and Urban Forestry to provide some landscaping and tree plantings;
- 2) Special conditions do exist (Alabama Power powerline right-of-way) and there are hardships which exist that make some consideration of the request necessary; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the applicant will coordinate with Planning and Urban Forestry to provide some landscaping and tree plantings.

The approval is subject to the following condition:

- 1) The applicant to coordinate with Planning and Urban Forestry to indicate which trees on the site will be retained, and if any new required trees cannot be planted, the applicant is to donate to the Tree Bank, in the amount of \$200 per tree. Coordination to occur prior to any land disturbance permit issuance.

Any party aggrieved by this decision may, within fifteen days of the date of the decision, appeal to the Circuit Court of Mobile County by filing a written notice of appeal, specifying the decision from which the appeal is taken. Notice of the appeal, as well as a date stamped copy of the appeal filed in Circuit Court must be filed with this Board within the fifteen-day appeal period.

**Branch Towers III, LLC**

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No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before January 9, 2019, the **Height, Lease Parcel Setback, Residential Buffer Separation, Landscaping and Tree Planting Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By:

  
Margaret Pappas

Deputy Director of Planning & Zoning

Cc: Hardy Engineering, Inc.

Rowe Engineering & Surveying, Inc.

Alfred Reese