



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

February 9, 2018

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

**Re: #6155**  
**(Case #BOA-000369-2017)**  
**Branch Towers III, LLC**  
(Southwest corner of South Sage Avenue and Eslava Creek Parkway.)

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

On February 5, 2018, the Board of Zoning Adjustment considered your request for a **Height, Setback, Landscape, and Access and Maneuvering Variances** to allow a 140' tall telecommunications tower 26.25' from the property line with a gravel access road and no tree planting in a B-1, Buffer Business District at the above referenced location.

After discussion, the Board determined the following findings of fact for Approval of the height, Setback, Landscape, Access/Maneuvering and Parking Surface Variance Requests:

- 1) Based on the fact that site selection was limited by non-availability of other larger sites, the variance will not be contrary to the public interest;
- 2) These special conditions (no sites in the area allow a for a 140' high structure, the site is of limited space, and the site is adjacent to a creek and its associated flood zones) 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, Setback, Landscape, Access/Maneuvering and Parking Surface Variances are recommended for Approval, subject to the following conditions:

- 1) the tower is limited to a monopole design with an over-all structure height of 140', including antennae;
- 2) subject to the Planning Commission approval of the Planning Approval and Subdivision applications for the proposed tower and site;
- 3) donation of two trees to the Mobile Tree Commission Tree Bank (\$ 200 per tree);
- 4) revision of the site plan to indicate an 8' high wooden privacy fence enclosing the equipment compound;
- 5) placement of a note on the site plan stating that no barbed wire or similar fencing is allowed on the site;
- 6) subject to the Engineering comments: *[If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: a. Submit and receive a TIER 2 Land Disturbance Permit for the proposed site development through Central Permitting. b. Submit a ROW Permit (City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW.];*
- 7) 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).];* and
- 8) full compliance with all municipal codes and ordinances.

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.


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 August 5, 2018, the **Height, Setback, Landscape, and Access and Maneuvering Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By:

  
Bert Hoffman  
Principal Planner

cc: Regions Bank Trust Department  
De Boer  
Branch Communications

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