



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

CORRECTED LETTER OF DECISION

August 27, 2020

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

Re: #6325
(Case #BOA-001272-2020)
Branch Towers III, LLC
3170 Dauphin Street
(Northwest corner of Dauphin Street and Dauphin Square Connector).
Council District 1

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

On June 1, 2020, the Board of Zoning Adjustment considered your request for **Height and Setback Variances to allow a 150' monopole telecommunications tower setback 27' from the lease parcel line in a B-3, Community Business District; the Zoning Ordinance limits structures to a maximum height of 45', and telecommunications towers must be setback at least the tower height in a B-3, Community Business District.**

After discussion, the Board determined the following Findings of Fact for Approval of the Height and Setback 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. 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.**

The Approval is subject to the following conditions:

BRANCH TOWERS, III - CORRECTED

August 27, 2020

Page 2 of 2

- 1) the tower is limited to a monopole design with an over-all structure height of 150’;
- 2) placement of a note on a revised site plan stating that, if barbed wire fencing is proposed, it must be approved by the Director of Build Mobile;
- 3) submission of documentation verifying that a tower illumination beacon is required by the Federal Aviation Administration (FAA), or placement of a note on the site plan stating that no tower light beacon is allowed;
- 4) revision of the site plan to provide compliant tree plantings around the compound, to be coordinated with staff, and the possibility of reducing the number of required trees with contributions to the Mobile Tree Commission for any reduction in required plantings;
- 5) subject to the Engineering comments: *(Please attach the following CONDITIONS to any approval: 1. Submit and receive a Land Disturbance Permit for the proposed site development. 2. Submit a ROW Permit (City of Mobile) for any work within the public ROW. Aggregate surfacing is NOT allowed within the public ROW; only pavement will be allowed.);*
- 6) 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).);*
- 7) subject to the Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code).);*
- 8) subject to the approval by the Planning Commission of a Planning Approval to allow the tower in a B-3 District;
- 9) submittal to and approval by Planning and Zoning of a revised site plan prior to submittal for building permits; and
- 10) 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 **December 1, 2020**, the **Height and Setback Variance** will expire and become null and void.

For additional assistance call (251) 208-5895.

BRANCH TOWERS, III - CORRECTED

August 27, 2020

Page 2 of 3

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman



By: _____

Bert Hoffman

Principal Planner

cc: NORTHSIDE LTD