

**BOARD OF ZONING ADJUSTMENT
LETTER OF DECISION**

May 3, 2011

Ezell House Corporation
P.O. Box 595
Butler, AL 36904

Re: **#5673**
(Case #ZON2011-00934)
New Cingular Wireless, LLC

42 South Hamilton Street

(Southwest corner of South Hamilton Street and Conti Street).

Side and Rear Setback Variances to allow a 67' high cell on wheels (COW) mobile telecommunications facility for special events to be located 15' off a side property line and 59' off the rear property line in a B-4, General Business District; the Zoning Ordinance requires the property line setback for telecommunications facilities be at least equal to the height of the facility (67') off all property lines in a B-4, General Business District.

Dear Applicant/Property Owner:

On May 2, 2011, the Board of Zoning Adjustment approved a variance **to allow a 67' high cell on wheels (COW) mobile telecommunications facility for special events to be located 15' off a side property line and 59' off the rear property line in a B-4, General Business District**, subject to the following conditions:

- 1) the tower only be placed on the site during the two-week period surrounding Bayfest and the five-week period surrounding Mardi Gras, the exact dates to be determined based on the actual date of the event;**
- 2) submittal of plans, stamped by a qualified engineer, indicating the tie down and stabilizing mechanisms for the mobile tower, and indicating that the tower and equipment can withstand 130 mile per hour winds;**
- 3) construction of a temporary, 8-foot high chain link fence (without barbed wire) around the tower and equipment while the tower and equipment are on site; and**
- 4) the applicant or operator obtain a building permit and zoning inspection each time the tower and equipment are placed on the site.**

New Cingular Wireless, LLC

May 3, 2011

Page 2

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 November 2, 2011, the **Side and Rear Setback 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, Planner II

cc: SMW Engineering Group

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