



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

August 8, 2016

Mary Palmer
420 20th Street North, Suite 1400
Birmingham, AL 35203

Re: #6053
(Case #ZON2016-01448)
Eco-Site (Baker Donelson/Mary Palmer, Agent)
2617 Dauphin Street
(Southeast corner of Dauphin Street and the CSX Railroad right-of-way).

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

On August 1, 2016, the Board of Zoning Adjustment considered your request for **Height, Setback, Residential Buffer, Landscaping, Tree Planting and Camouflage Variances** to allow a 185' monopole telecommunications tower setback 17.0' from a lease parcel line and 34.0' from residentially zoned property, with no landscaping or tree planting provided, and without camouflaging details in a B-3, Community Business District at the above referenced location.

After discussion, the Board determined the followings findings of fact for Approval:

- 1) Based on the fact that the site is located within an area surrounded by commercial uses, the variances will not be contrary to the public interest;
- 2) These special conditions (the site is of limited space and adjacent to commercial uses) 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:

- 1) the tower is limited to a monopole design with an over-all structure height of 185' with a 10' lightning rod atop;
- 2) subject to the Planning Commission approval of the Planning Approval, Planned Unit Development and Subdivision applications for the proposed tower;
- 3) removal of the two trees to be permitted by and coordinated with Urban Forestry;
- 4) submission to Planning and Zoning of a revised tower elevation drawing to indicate no portion of the antennas extending above the 185' tower structure height;

- 5) submission to Planning and Zoning of a revised site plan indicating the removal of the chain link/barbed wire fence within the tower compound;
- 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) revision of the site plan, if required, to correct the ownership (CN Railway) of the railroad right-of-way along the South border of the site; 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 February 1, 2017, the **Height, Setback, Residential Buffer, Landscaping, Tree Planting and Camouflage 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:

Cox Properties
SMW Engineering Group, Inc.

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