

**BOARD OF ZONING ADJUSTMENT
LETTER OF DECISION**

September 13, 2011

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

Re: **#5705/5673**
(Case #ZON2011-001990)
New Cingular Wireless, LLC

42 South Hamilton Street

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

Side and Rear Setback Variances to amend a condition of approval of previously- granted 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 September 12, 2011, the Board of Zoning Adjustment approved a variance **to amend a condition of approval of previously- granted 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**, 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 Floodplain Evacuation Plan acceptable to the City of Mobile's Floodplain Manager;**
- 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;**
- 4) the applicant or operator obtain a building permit and zoning inspection each time the tower and equipment are placed on the site; and**

5) 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 March 12, 2012, 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: _____
Caldwell Whistler, Planner I

cc: SMW Engineering Group

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