

**BOARD OF ZONING ADJUSTMENT
LETTER OF DECISION**

February 5, 2002

Faulk & Foster o/b/o Louisiana Unwired
1811 Auburn
Monroe, LA 71201

Re: #5092

(Case #ZON2002-00006)

Faulk & Foster o/b/o Louisiana Unwired
1509 Government Street

(South side of Government Street, 100' \pm East of Tuttle Avenue, extending to the East side of Tuttle Avenue, 50' \pm North of Church Street, and the North side of Church Street, 100' \pm East of Tuttle Avenue)

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

On February 4, 2002, the Board considered your request for **Height, Setback and Buffer Separation Variances to allow a 41 foot flagpole rooftop Telecommunications Tower; to allow 89 feet overall height; and to allow a 10 foot setback from the property line and a buffer separation of 25' from residential property** at the above referenced location.

After discussion the Board approved **Height, Setback and Buffer Separation Variances to allow a 30 foot flagpole rooftop Telecommunications Tower; to allow 78 feet overall height; and to allow a 10 foot setback from the property line and a buffer separation of 25' from residential property** subject to the following conditions:

1. reduce the height of the tower to 21 feet, if the approved 30 feet is insufficient to allow co-location;
2. the removal of the tower, at the owner's expense, if the tower ceases operation for two years or more;
3. that the design of the tower be limited to a flagpole, with all antennae located within the flagpole structure;
4. that a flag of proportionate size with the overall flagpole structure be located on the flagpole and maintained in good repair;
5. that the flagpole be relocated to the Northeast corner of the building;
6. the submission of documentation from an engineer stating that the building (antennae support structure) will adequately support the proposed flagpole and associated telecommunication structure;

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7. full compliance with the landscaping and tree planting requirements of the Ordinance
8. the submission of all documentation and certifications as required by the Telecommunications Towers and Facilities Ordinance, prior to the issuance of any permits; and
9. the provision of a Certification of Insurance naming the City of Mobile as an additional insured.

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 4, 2002, the Height, Setback and Buffer Separation Variances will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

John Peebles, Chairman

By: /s/ Richard Olsen, Planner II

/rm