

**BOARD OF ZONING ADJUSTMENT
LETTER OF DECISION**

March 3, 2009

The American Red Cross, Alabama Gulf Coast Chapter
P.O. Box 1764
Mobile, Alabama 36602

Re: #5527
(Case #ZON2009-00383)
The American Red Cross, Alabama Gulf Coast Chapter
35 North Sage Avenue
Southwest corner of North Sage Avenue and Dauphin Square Connector.

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

On March 2, 2009, the Board approved your request for **Height and Setback Variances to allow the construction of a 100' tall telecommunications tower setback 87' from a property line in a B-3, Community Business District; the Zoning Ordinance allows a maximum height of 45' and requires a property line setback equal to the height of the tower (100') for a telecommunications tower in a B-3, Community Business District** subject to the following conditions:

- 1) **submission of evidence for the setback variance to satisfy Section 64-4.J.18.b(2)(a) of the Zoning Ordinance which states that the applicant must demonstrate that the area of the parcel of land upon which the tower is proposed to be located makes compliance with subsection J.5 impossible, and the only alternative for the person is to locate the tower at another site which poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land; and**
- 2) **submission of evidence for the tower height variance to satisfy Section 64-4.J.18.b(2)(b) of the Zoning Ordinance which states that the applicant must demonstrate that modification is necessary to (i) facilitate collocation of telecommunications facilities in order to avoid construction of a new tower; or (ii) meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an electrical engineer; and**
- 3) **the provision that the existing radio communications tower will be disconnected following the construction of the new radio communications tower.**

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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 September 2, 2009, the **Height and Setback Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

Reid Cummings, Chairman

By: _____
Frank Palombo, Planner II

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