

**BOARD OF ZONING ADJUSTMENT
LETTER OF DECISION**

November 3, 2009

Board of Water & Sewer
207 N. Catherine St.
Mobile, AL 36604

Re: **#5571**
(Case #ZON2009-02603)
Board of Water and Sewer Commissioners of the City of Mobile
4800 Moffett Road
(Northwest corner of the Moffett Road and Shelton Beach Road Extension)

Dear Applicant/Property Owner:

On November 2, 2009 the Board of Zoning Adjustment approved your request for **Use, Height, Side Yard Street Setback and Tree Planting Variances to allow the construction of a 153-foot monopole communications tower 112-feet from the side street property line and no tree plantings in an R-1, Single-Family Residential District; the Zoning Ordinance prohibits telecommunications towers in R-1, Single-Family Residential Districts, the maximum height allowed in R-1 Districts is 35' with a minimum 20' side yard street setback, and one tree per 30 linear feet of the leased parcel (with at least 50% of the number of trees to be overstory trees) is required for such a use** at the above referenced location, subject to the following conditions:

- 1) limited to the one existing private collocation; and**
- 2) full compliance with all other 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.

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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 May 3, 2010, the **Use, Height, Side Yard Street Setback and Tree Planting Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

Reid Cummings, Chairman

By: _____
Caldwell Whistler, Planner I

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