



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

September 13, 2023

Allen Rogers
Telecad Wireless, Inc.
1961 Northpoint Boulevard
Suite 130
Hixson, Texas 37343

Re: #6543
BOA-002613-2023
5575 Commerce Boulevard East
Allen Rogers
District 4

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

On September 11, 2023, the Board of Zoning Adjustment considered your request for a Special Exception and Lot Size, Height, and Setback Variances to allow a 180-foot high telecommunications facility requiring a Class 4 permit, on a sub-standard lot, with a reduced setback in a B-5, Office Distribution District; the Unified Development Code (UDC) requires a Special Exception to allow a telecommunications facility requiring a Class 4 permit, requires all lots to be a compliant minimum size, limits structure heights to 45-feet, and requires a property line setback equal to the tower height in a B-5, Office Distribution District.

After discussion, the Board determined the following findings of fact for approval:

- 1) The variance will not be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter shall be observed, and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

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 11, 2024, the variance will expire and become null and void.

BOA-0026013-2023 5575 Commerce Boulevard East
September 13, 2023
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For further assistance, please call 251-208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: 

Margaret Pappas
Deputy Director of Planning and Zoning



THE CITY OF MOBILE, ALABAMA

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LETTER OF DECISION

September 13, 2023

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Telecad Wireless, Inc.
1961 Northpoint Boulevard
Suite 130
Hixson, Texas 37343

Re: #6543
BOA-SE-002611-2023
5575 Commerce Boulevard East
Allen Rogers
District 4

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

On September 11, 2023, the Board of Zoning Adjustment considered your request for a Special Exception and Lot Size, Height, and Setback Variances to allow a 180-foot high telecommunications facility requiring a Class 4 permit, on a sub-standard lot, with a reduced setback in a B-5, Office Distribution District; the Unified Development Code (UDC) requires a Special Exception to allow a telecommunications facility requiring a Class 4 permit, requires all lots to be a compliant minimum size, limits structure heights to 45-feet, and requires a property line setback equal to the tower height in a B-5, Office Distribution District.

After discussion, the Board determined the following findings of fact for approval:

- 1) The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- 2) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- 3) The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.
- 4) The proposed use is consistent with all applicable requirements of this Chapter, including: any applicable development standards in Article 3; and any applicable use regulations in Article 4.
- 5) The proposed use is compatible with the character of the neighborhood within the same zoning district in which it is located.

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- 6) The proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- 7) The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- 8) The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- 9) The site is / is not designed to minimize the impact on storm water facilities.
- 10) The use will be adequately served by water and sanitary sewer services.
- 11) The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- 12) The use will not be detrimental or endanger the public health, safety or general welfare.

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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William Guess, Chairman

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Deputy Director of Planning and Zoning