



Agenda Item # 1 - HOLDOVER

BOA-003446-2025

View additional details on this proposal and all application materials using the following links:

[Applicant Materials for Consideration](#)

DETAILS

Location:

6710 Old Shell Road

from dwelling structures by a minimum of 150% the height of the tower.

Applicant / Agent:

American Tower Corporation (Amanda Novas, Agent)

Board Consideration:

- Height Variance to amend a previously approved variance to allow a 172.1-foot-tall telecommunications tower in a B-2, Neighborhood Business Suburban District.
- Setback Variance to amend a previously approved variance to allow a reduced setback for a 172.1-foot-tall telecommunications tower in a B-2, Neighborhood Business Suburban
- Residential Buffer Variance to amend a previously approved Variance to allow a 172.1-foot-tall telecommunications tower less than 255 feet from the closest residential structure in a B-2, Neighborhood Business Suburban District.

Property Owner:

DAC Properties, Inc.

Current Zoning:

B-2, Neighborhood Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6699/4585/4969

Unified Development Code (UDC) Requirements:

- The Unified Development Code (UDC) does not allow structures taller than 45 feet in a B-2, Neighborhood Business Suburban District.
- The Unified Development Code (UDC) requires telecommunications towers to be setback from the property lines a distance equal to their height in a B-2, Neighborhood Business Suburban District.
- The Unified Development Code (UDC) requires telecommunications towers to be separated

Report Contents:

	Page
Context Map	2
2 nd Holdover Comments.....	3
2 nd Holdover Considerations.....	3
1 st Holdover Comments.....	4
1 st Holdover Considerations.....	4
Site History	5
Staff Comments	5
Variance Considerations	7
Exhibits	9

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.
Residential units and a church lie to the southeast.

APPLICATION NUMBER 6699 DATE December 1, 2025
 APPLICANT American Tower Corporation (Amanda Novas, Agent)
 REQUEST Height, Setback, and Residential Buffer Variances



2nd HOLDOVER COMMENTS

This application was heldover from the Board's November 3rd meeting to allow staff to re-advertise the application to include a Residential Buffer Variance request.

Staff determined during the review for the associated Major Modification of the August 1996 Planning Approval that, since a residential apartment complex has recently been developed within the required 150% of the tower height residential buffer, a Residential Buffer Variance to allow the proposed new tower height of 172.1 feet would also be required.

No changes to the site configuration are proposed with this additional request.

2nd HOLDOVER CONSIDERATIONS

Standards of Review:

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Article 5 Section 64-5-10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest,
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 64-5-10-E.2. states no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

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

If the Board approves the request, the following conditions could apply:

- 1) Approval of a Major Modification to the previously approved Planning Approval; and
- 2) Full compliance with all municipal codes and ordinances.

1st HOLDOVER COMMENTS

This application was heldover by the Board of Adjustment at its October 6, 2025 meeting to allow the applicant to have a representative present, as there was none at that meeting.

There has not been any new information submitted relating to the application.

1st HOLDOVER CONSIDERATIONS

Standards of Review:

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Article 5 Section 64-5-10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest,
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 64-5-10-E.2. states no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

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

If the Board approves the request, the following conditions could apply:

- 1) Approval of a Major Modification to the previously approved Planning Approval; and
- 2) Full compliance with all municipal codes and ordinances.

SITE HISTORY

The subject site was annexed into the City in 1956.

With the adoption of the Zoning Ordinance in 1967, the site was assigned an R-1, Single-Family Residential zoning classification.

In September 1993, the Planning Commission considered a request for Rezoning from R-1 to B-2, Neighborhood Business District, but recommended denial of the request. The City Council ultimately approved the Rezoning.

In October 1993, the site was made a legal lot of record with the approval and recording of the three (3)-lot Nolfe Commercial Subdivision.

In October 1994, a Planned Unit Development (PUD) was approved by the Planning Commission to allow retail and storage warehouses on the site.

In August 1996, the Planning Commission approved a Planning Approval to allow a 150-foot steel monopole communications tower on the site.

In October 1996, the Board of Zoning Adjustment approved a Tower height Variance to allow a 150-foot-high steel monopole communications tower on the site.

In October 2000, the Board approved a Use Variance to allow a boat and RV storage facility in a B-2 District for the site.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

No comments.

Urban Forestry Comments:

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the International Fire Code (IFC).

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in Appendices B and C of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the International Residential Code (IRC) functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the International Fire Code, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

Planning Comments:

The applicant has requested Height and Setback Variances to amend a previously approved variance to allow a 172.1-foot tall telecommunications tower in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) does not allow structures taller than 45 feet in a B-2, Neighborhood Business Suburban District, and requires telecommunications towers to be setback from the property lines a distance equal to their height.

The applicant has submitted permit applications to increase the height of the existing tower from 150 feet to 172.1 feet, when they were advised that the Tower Height Variance approved by the Board in October 1996 must be amended to allow the revisions proposed.

The subject site is developed as a boat and RV storage facility. Adjacent zoning to the East is also B-2, used as a mosque, with vacant R-1, Single-Family Residential Suburban District zoning to the North and West, owned by the University of South Alabama.

The existing tower is 149.1 feet tall, and a proposed modification to accommodate the collocation of an additional carrier antenna will require the height to be extended 23 feet to 172.1 feet in order to support the proposed equipment. The tower is centered 25 feet from the nearest property line (less than a distance equal to the tower height), and the extended height would require an even greater setback. As variance approvals are site plan specific, the proposed modifications will require an amendment to the original approval to allow such.

Article 2, Section 64-2-14.E.4. of the UDC limits structures to a maximum of 45-feet tall in a B-2, Neighborhood Business Suburban District. For typical structures, this is generally adequate; however, telecommunications facilities require a greater height so that they are able to overcome intervening objects, such as trees, other buildings, and topography. Section 64-4-9.G.7.(c) allows Class 4 towers up to a maximum of 180-feet by-right in I-

1 and I-2 districts, but allows for towers in other districts to exceed the maximum allowable height of other zoning districts, only if a variance is granted by the Board.

Article 4, Section 64-4-9.G.7.(f)(2) of the UDC requires Class 4 towers to have a setback on all sides, a distance equal to the height of the tower; the applicant is proposing an extension of the existing tower to 172.1 feet, while maintaining the existing 25-foot setback from the nearest property line of the subject site. Furthermore, Section 64-4-9.G.21.(b)(1) states that setback variances should only be granted for towers where the proposed location makes compliance impossible, and the only alternative is for the tower to be located 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. It should be noted that the existing tower cannot meet setback requirements at the proposed site.

Article 4, Section 64-4-9.G.9.(a) of the UDC requires Class 4 telecommunications towers to be separated from all buildings and dwelling structures on residentially zoned properties a minimum of 200-feet or 150% of the height of the tower (258.15 feet), whichever is greater. As proposed, with the extension, the tower will not have any buildings or dwellings on residentially zoned properties within that separation buffer.

Finally, it should be noted that as the applicant is proposing to increase the tower height by more than 10%, a Major Modification to a previously approved Planning Approval will be required prior to the issuance of permits.

VARIANCE CONSIDERATIONS

Standards of Review:

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Article 5 Section 64-5-10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest,
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 64-5-10-E.2. states no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

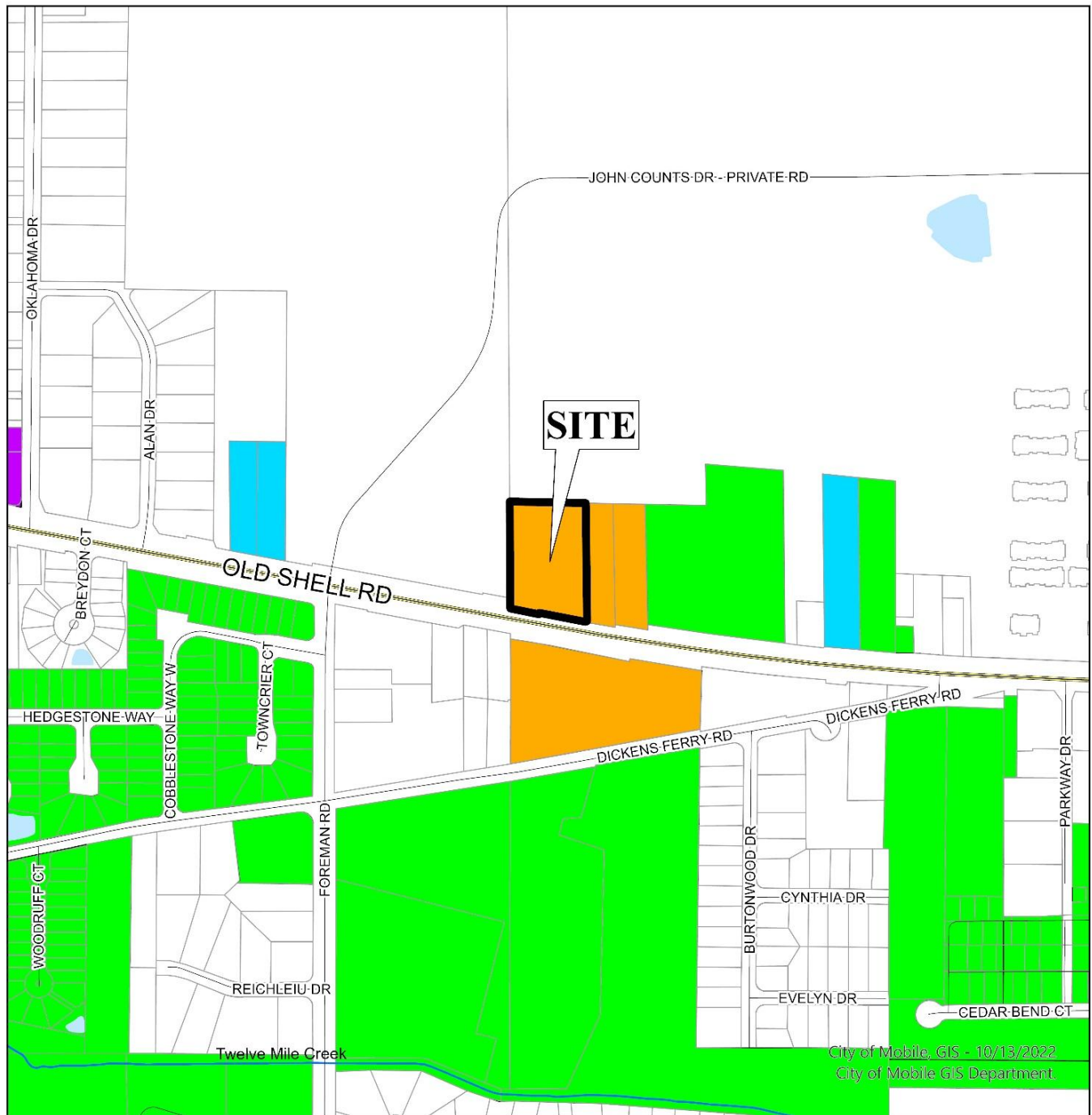
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

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

If the Board approves the request, the following conditions could apply:

- 1) Approval of a Major Modification to the previously approved Planning Approval; and
- 2) Full compliance with all municipal codes and ordinances.

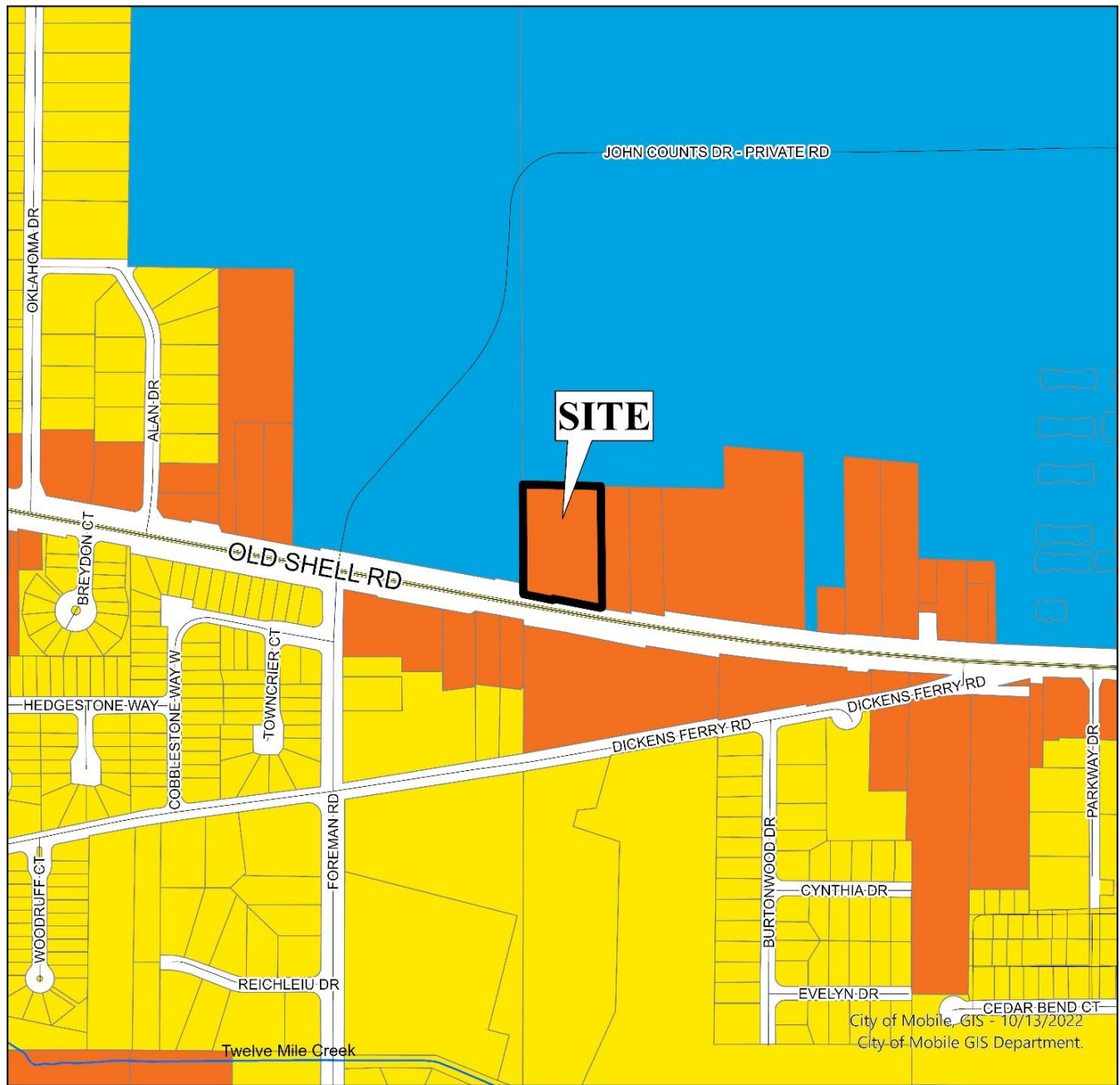
LOCATOR ZONING MAP



APPLICATION NUMBER 6699 DATE December 1, 2025
APPLICANT American Tower Corporation (Amanda Novas, Agent)
REQUEST Height, Setback, and Residential Buffer Variances



FLUM LOCATOR MAP



APPLICATION NUMBER 6699 DATE December 1, 2025
 APPLICANT American Tower Corporation (Amanda Novas, Agent)
 REQUEST Height, Setback, and Residential Buffer Variances

Low Density Residential	Neighborhood Center - Traditional	Light Industry	Water Dependent
Mixed Density Residential	Neighborhood Center - Suburban	Heavy Industry	
Downtown	Traditional Corridor	Institutional	
District Center	Mixed Commercial Corridor	Parks, Open Space	



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



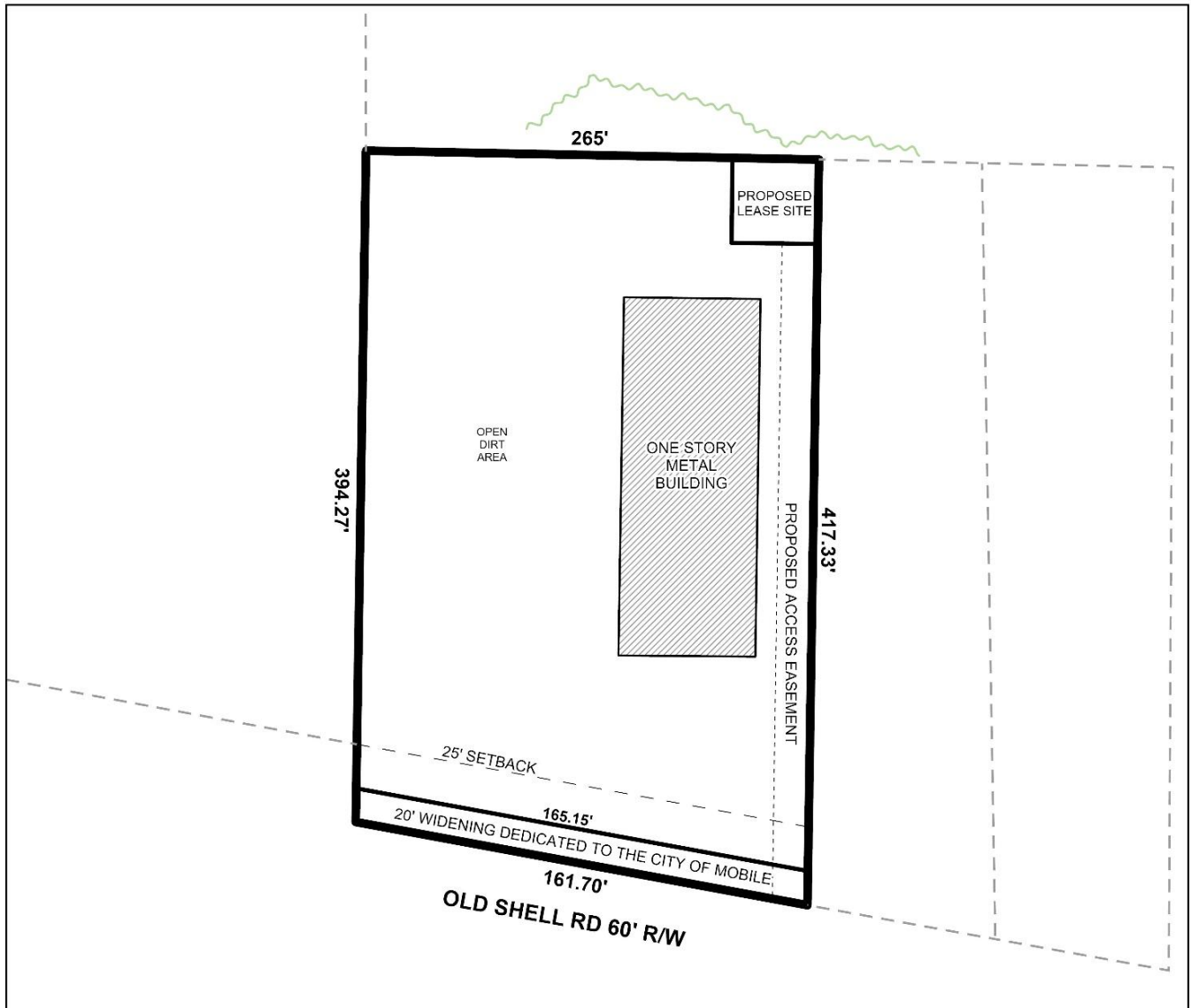
The site is surrounded by commercial units.
Residential units and a church lie to the southeast.

APPLICATION NUMBER 6699 DATE December 1, 2025
 APPLICANT American Tower Corporation (Amanda Novas, Agent)
 REQUEST Height, Setback, and Residential Buffer Variances

R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



SITE PLAN

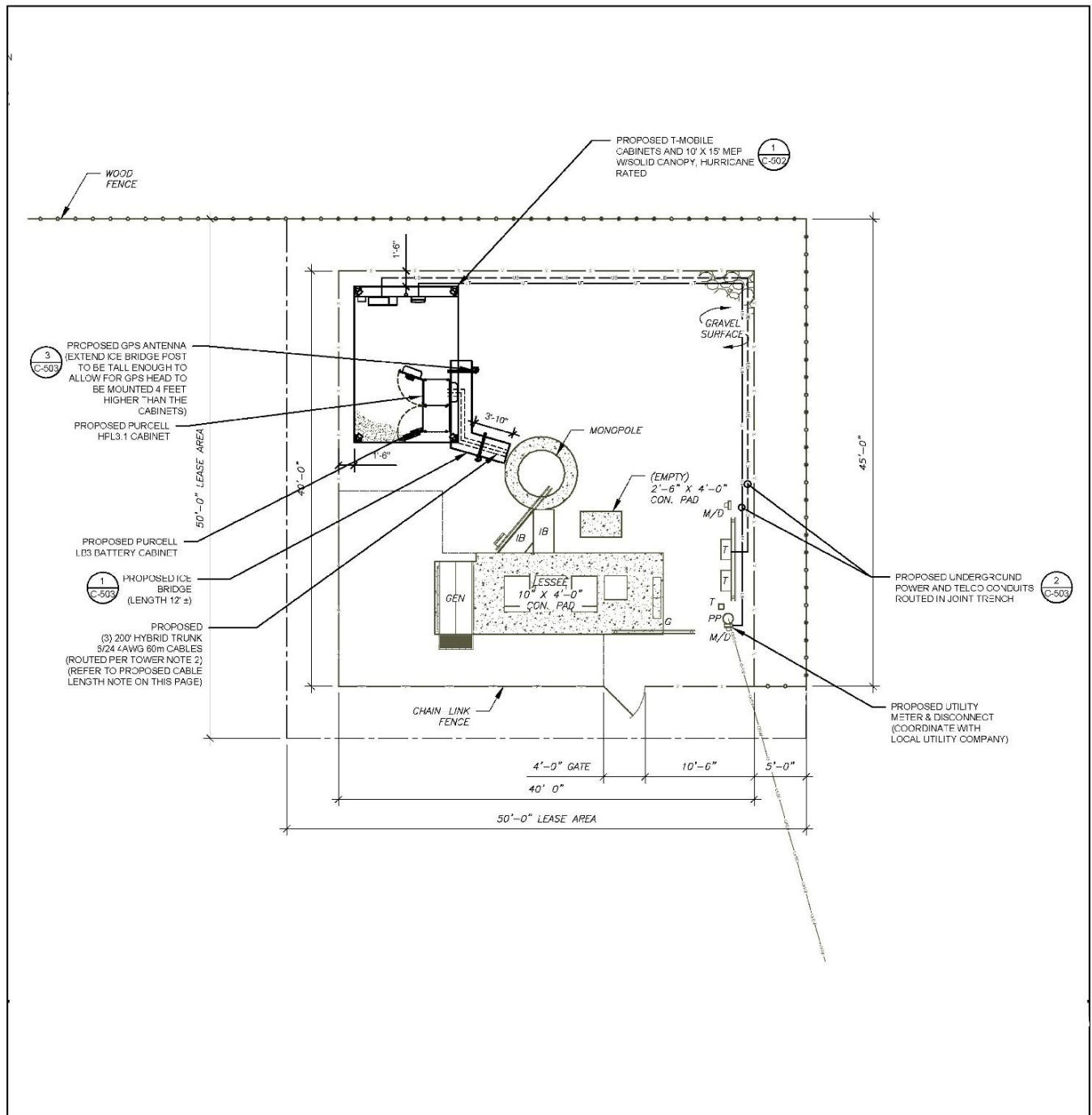


The site plan illustrates the proposed leased site and current buildings.

APPLICATION NUMBER 6699 DATE December 1, 2025
 APPLICANT American Tower Corporation (Amanda Novas, Agent)
 REQUEST Height, Setback, and Residential Buffer Variances



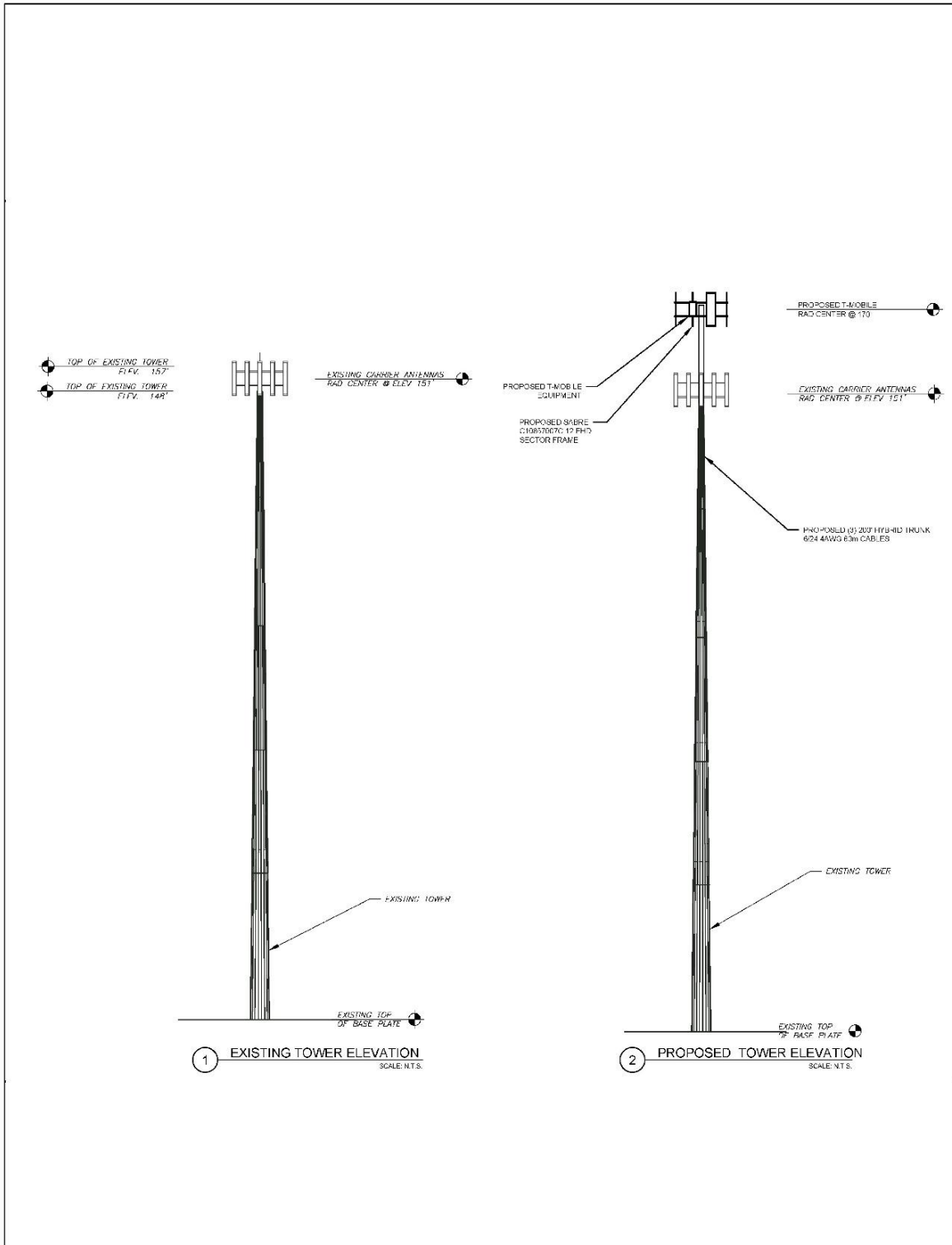
DETAIL SITE PLAN



APPLICATION NUMBER 6699 DATE December 1, 2025
 APPLICANT American Tower Corporation (Amanda Novas, Agent)
 REQUEST Height, Setback, and Residential Buffer Variances



DETAIL SITE PLAN



APPLICATION NUMBER 6699 DATE December 1, 2025

APPLICANT American Tower Corporation (Amanda Novas, Agent)

REQUEST Height, Setback, and Residential Buffer Variances

N
↑
NTS

DETAIL SITE PLAN

T-MOBILE
EL: 171.0' [PROPOSED]

EL: 172.1'
[PROPOSED TOP OF STRUCTURE]

SECTION 6

EL: 149.1'
[EXISTING TOP OF STRUCTURE]

SECTION 5

EL: 125.8'

SECTION 4

EL: 96.5'

SECTION 3

EL: 68.0'

SECTION 2

EL: 40.0'

SECTION 1

EL: 0.0'
[BOTTOM OF STRUCTURE]

TOWER ELEVATION VIEW

INSTALL 23 FT EXTENSION
[14"Ø X 0.437" PIPE W/
2'-0" INTERFACE]
FROM EL: 149.1' TO 172.1'. SEE SHEETS
S-605 TO S-608 FOR INSTALLATION DETAILS.

INSTALL (3) PLATE REINFORCEMENT
[PL 1 1/4" X 3"]
FROM EL: 138.0 1/2 TO 149.1 1/2 &
INSTALL (3) PLATE REINFORCEMENT
[PL 1 1/4" X 3"]
FROM EL: 143.5 1/2 TO 149.1 1/2. SEE SHEETS
S-604 & S-605 FOR INSTALLATION DETAILS.

INSTALL (3) DYWIDAG
#20 ALL THREAD RODS
FROM EL: 104.0' TO 144.0'.
SEE SHEETS S-601 TO S-603
FOR INSTALLATION DETAILS.

APPLICATION NUMBER 6699 DATE December 1, 2025

APPLICANT American Tower Corporation (Amanda Novas, Agent)

REQUEST Height, Setback, and Residential Buffer Variances

