



Agenda Item # 12
BOA-003631-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

360 Palmetto Street

Applicant / Agent:

Shawn Blassingill (Baker Bonelson Law Firm, Agent)

Property Owner:

Hardee Lands, LTD

Current Zoning:

I-1, Light Industry District

Future Land Use:

Water Dependent

Case Number:

6738

Unified Development Code (UDC) Requirement:

- The UDC requires telecommunication towers to be setback from all property lines a distance equal to the height of the tower (160-feet), towers be camouflaged, the provision of compliant off-street parking, and full compliance with tree plantings and landscape area requirements in an I-1, Light Industry District.

Board Consideration:

- Setback, Camouflage, Parking, and Tree Planting & Landscape Area Variances to allow a telecommunications tower with reduced setbacks, no camouflage, no off-street parking, and no tree plantings and landscaped area in an I-1, Light Industry District.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	4
Exhibits	6

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER <u>6738</u> DATE <u>March 2, 2026</u>
APPLICANT <u>Shawn Blassingill (Baker Bonelson Law Firm, Agent)</u>
REQUEST <u>Setback, Camouflage, Parking, and Tree Planting & Landscape Area Variances</u>



SITE HISTORY

There is no history of applications before either the Planning Commission or the Board of Zoning Adjustment for the subject site.

STAFF COMMENTS

Engineering Comments:

No comments on the proposed variances; however, according to the submitted plans, the proposed project will require a Land Disturbance Permit to be submitted through Central Permitting.

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 is requesting Setback, Camouflage, Parking, and Tree Planting & Landscape Area Variances to allow a telecommunications tower with reduced setbacks, no camouflage, no off-street parking, and no tree plantings and landscaped area in an I-1, Light Industry District; the Unified Development Code (UDC) requires telecommunication towers to be setback from all property lines a distance equal to the height of the tower (160-foot), towers be camouflaged, the provision of compliant off-street parking, and full compliance with tree plantings and landscape area requirements in an I-1, Light Industry District.

A detailed description of the proposed Variance request is available via the link on Page 1 of this report.

It should be noted that due to the site including development of a lease parcel, the applicant has submitted a two (2) lot Subdivision application to accommodate the proposed development. The Subdivision application is scheduled to be considered by the Planning Commission at its March 19th meeting. If approved, a copy of that recorded Subdivision should be submitted to staff prior to the issuance of permits.

The applicant is proposing to construct a new 160-foot tall telecommunications tower. The applicant is requesting a setback variance to allow reduced setbacks for the proposed tower. However, it should be noted that Chapter 64, Section 4-9.G.7(f)(1) allows new towers to be setback from property lines a distance equal to the underlying setback requirement for an I-1 zoning district. As such, there is a 25-foot front yard setback, and there are no side or rear setbacks. The tower is depicted as being approximately 43-feet, 10-inches from the front property line, making the setback request moot.

Chapter 64, Article 4-9.G.18. of the UDC requires new telecommunications towers to be camouflaged from view. The applicant states that camouflaging the tower would reduce the number of carriers who can co-locate on the tower and reduce the types of technology able to be utilized on the site.

The applicant is requesting approval to have no parking spaces provided at the subject site. Table 64-3-12.1 states that no parking spaces are required for a telecommunications facility, making this request moot.

Chapter 64, Article 4-9.G.13. of the UDC requires new telecommunications towers to fully comply with tree planting and landscape area requirements of their underlying zoning district. The applicant states that due to unique spatial constraints and the irregular shape of the property, there is insufficient room to accommodate the landscaping requirements.

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 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 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:

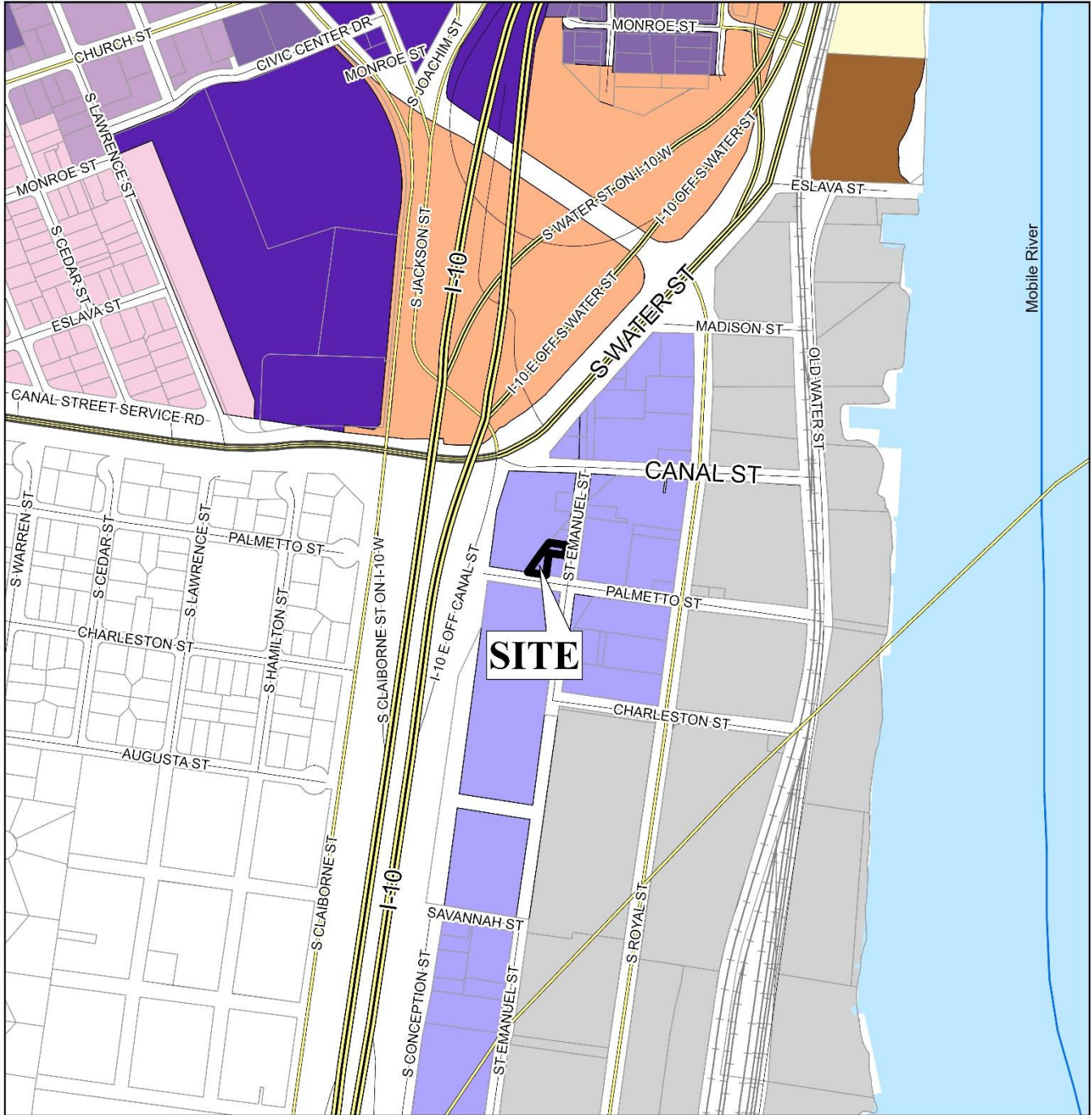
If the Board considers approval of the request, the following findings of fact must be present:

- 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 approved, the Variance should be subject to the following conditions:

- 1) Submittal of the required copies of the recorded two-lot Subdivision to be considered by the Planning Commission on March 19, 2026 (if approved); and
- 2) Full compliance with all municipal codes and ordinances.

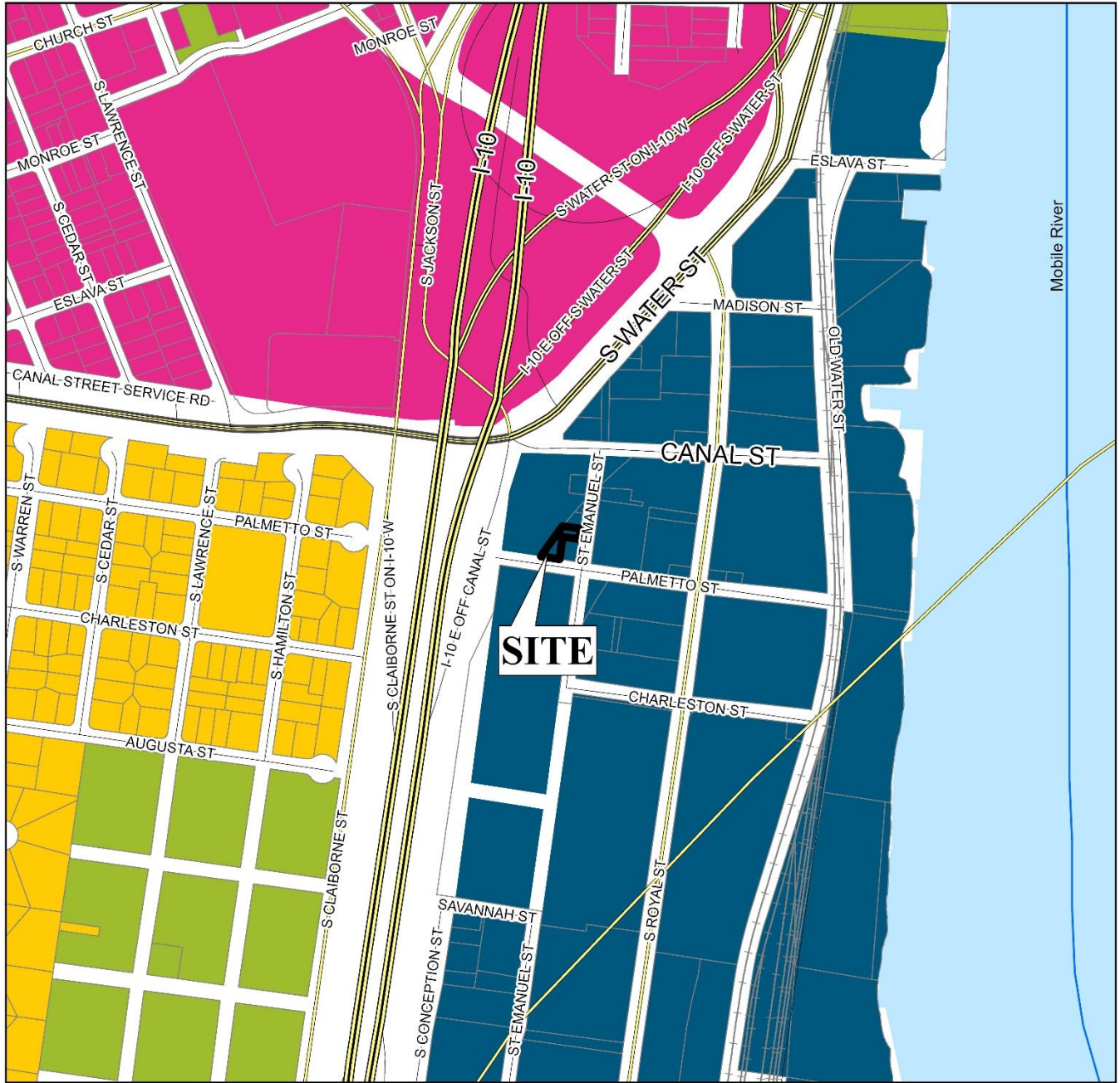
LOCATOR ZONING MAP



APPLICATION NUMBER	6738	DATE	March 2, 2026
APPLICANT	Shawn Blessingill (Baker Bonelson Law Firm, Agent)		
REQUEST	Setback, Camouflage, Parking, and Tree Planting & Landscape Area Variances		



FLUM LOCATOR MAP

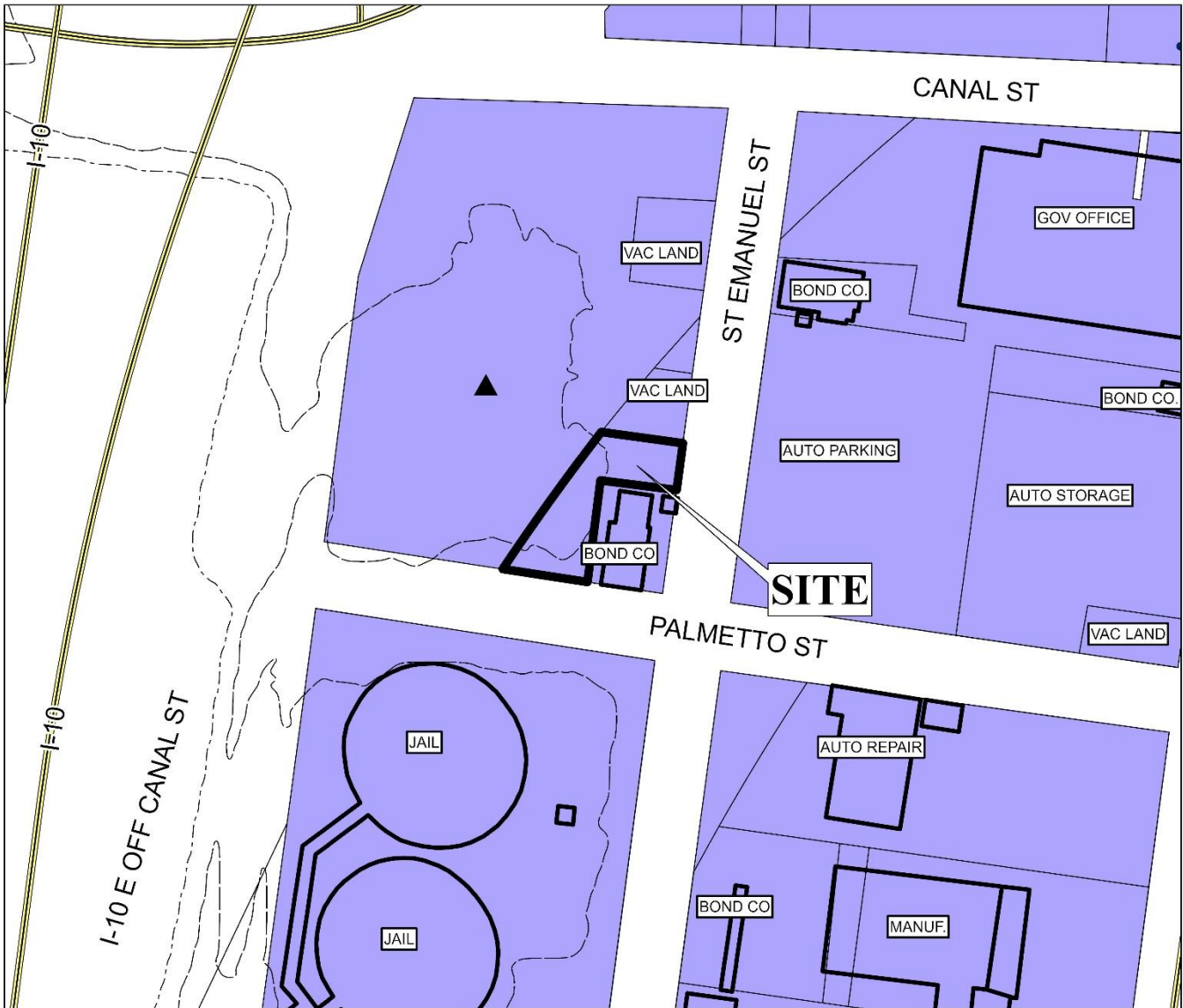


APPLICATION NUMBER 6738 DATE March 2, 2026
 APPLICANT Shawn Blessingill (Baker Bonelson Law Firm, Agent)
 REQUEST Setback, Camouflage, Parking, and Tree Planting & Landscape Area Variances

- | | | | |
|---|--|---|---|
| ■ 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 | |



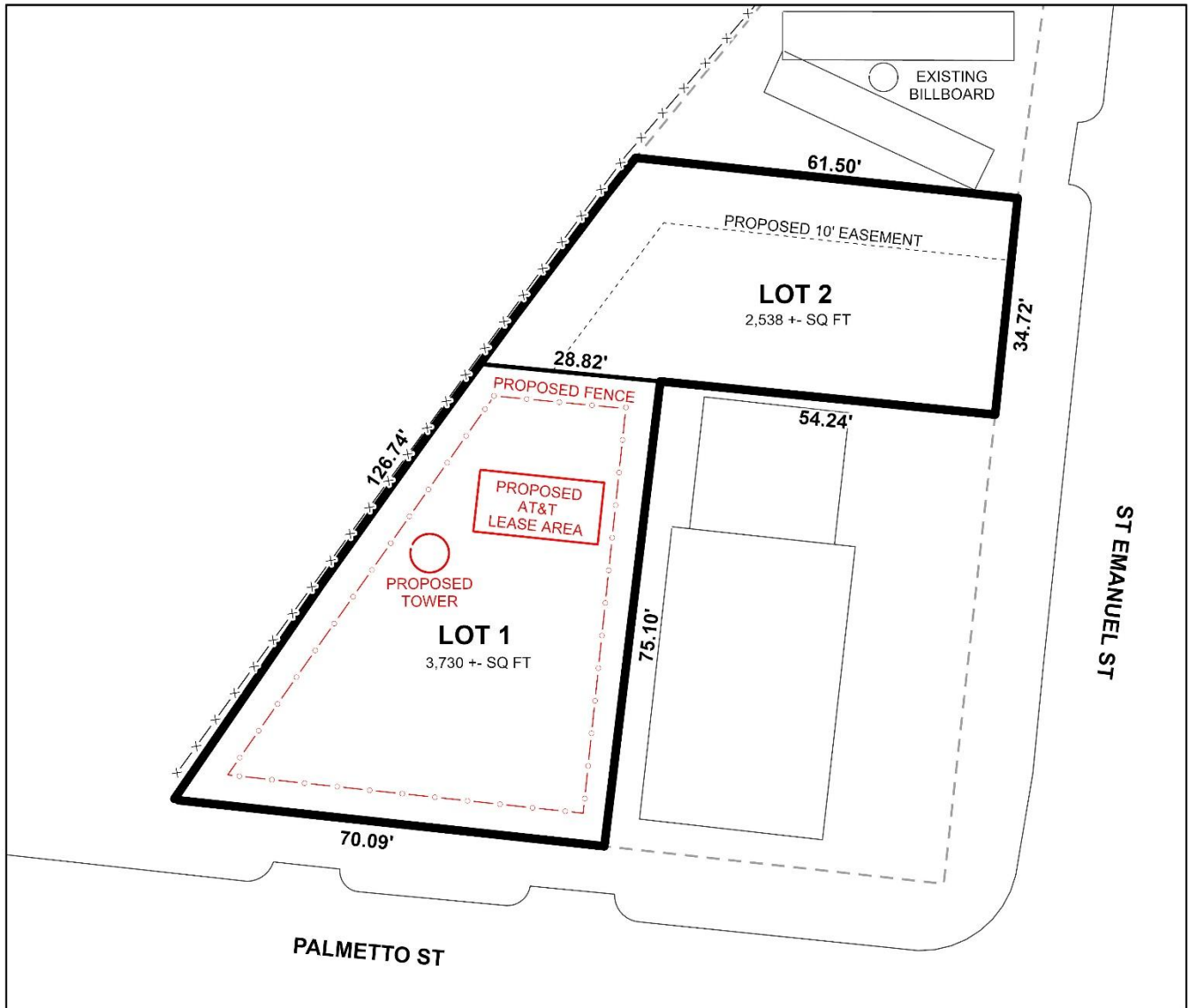
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial units.

APPLICATION NUMBER <u>6738</u> DATE <u>March 2, 2026</u>																															
APPLICANT <u>Shawn Blessingill (Baker Bonelson Law Firm, Agent)</u>																															
REQUEST <u>Setback, Camouflage, Parking, and Tree Planting & Landscape Area Variances</u>																															
<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>		 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	
 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																							

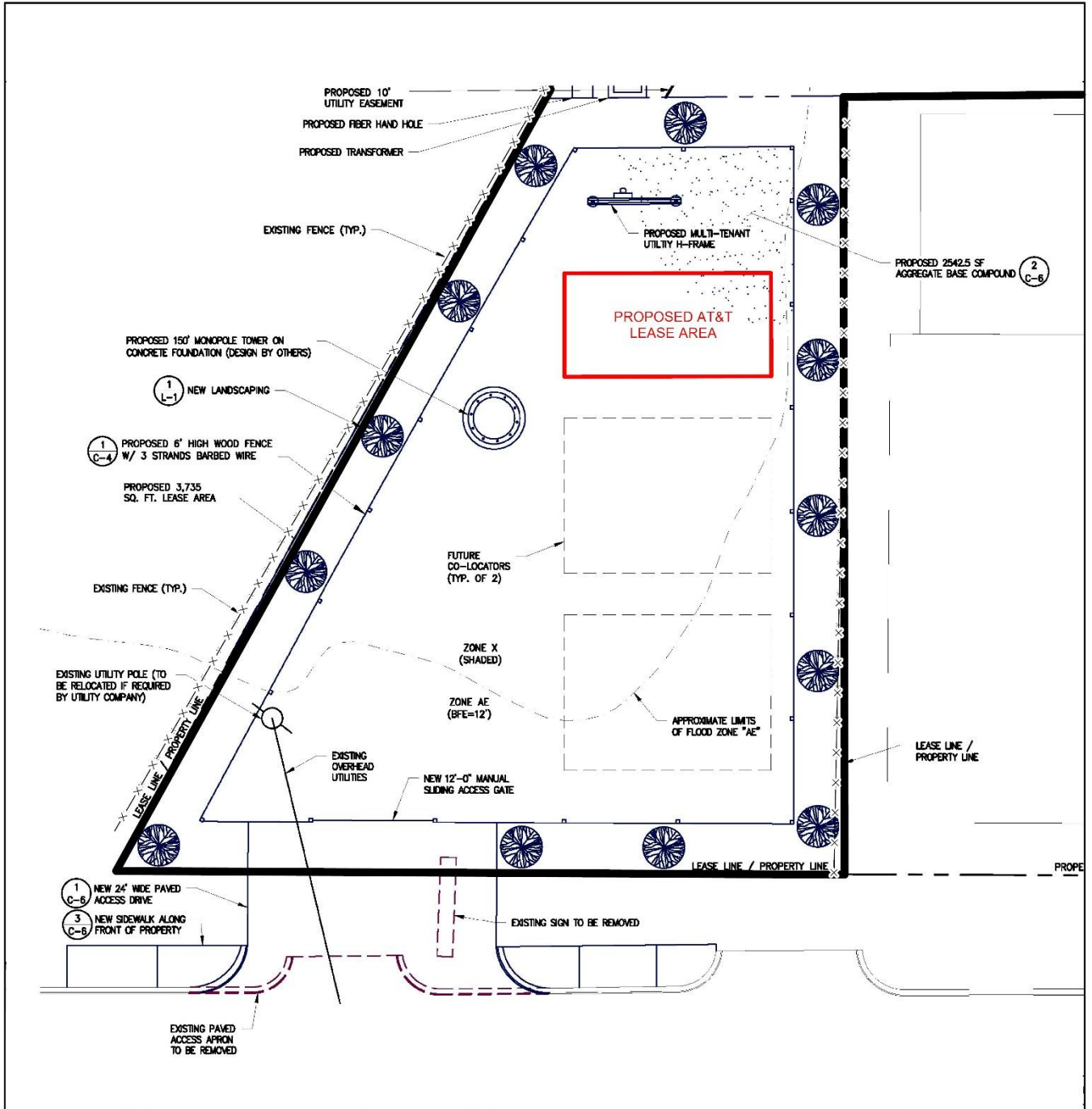
SITE PLAN



The site plan illustrates the proposed tower placements and current buildings.

APPLICATION NUMBER <u>6738</u> DATE <u>March 2, 2026</u>	
APPLICANT <u>Shawn Blessingill (Baker Bonelson Law Firm, Agent)</u>	
REQUEST <u>Setback, Camouflage, Parking, and Tree Planting & Landscape Area Variances</u>	

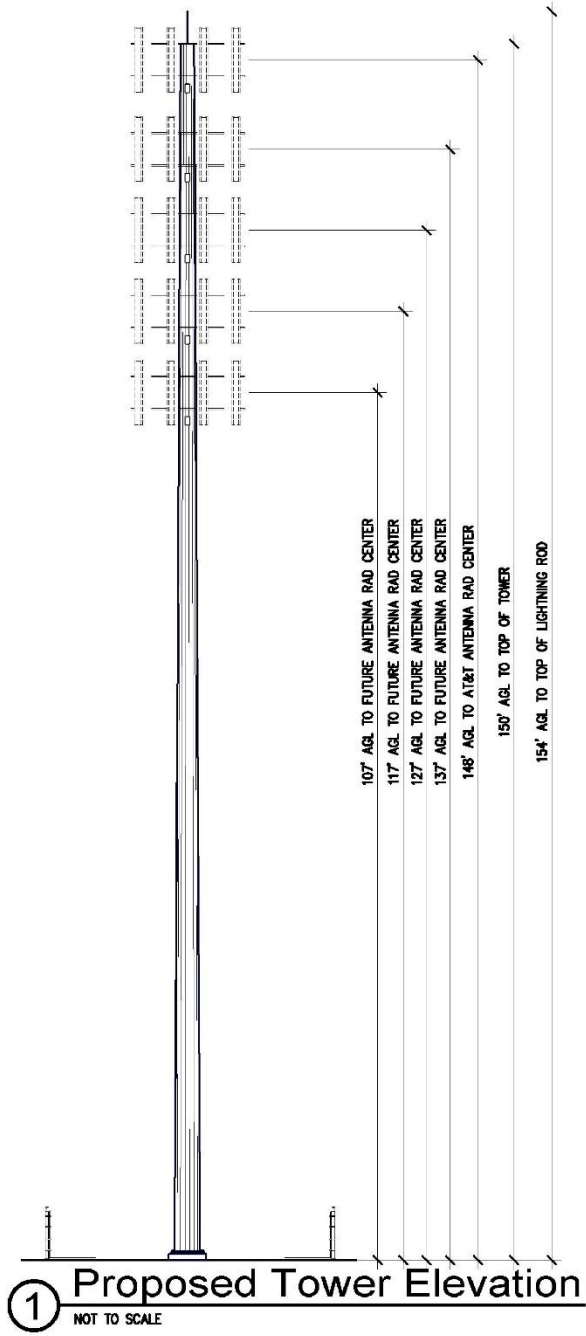
DETAIL SITE PLAN



APPLICATION NUMBER 6738 DATE March 2, 2026
 APPLICANT Shawn Blessingill (Baker Bonelson Law Firm, Agent)
 REQUEST Setback, Camouflage, Parking, and Tree Planting & Landscape Area Variances



DETAIL SITE PLAN



APPLICATION NUMBER 6738 DATE March 2, 2026
 APPLICANT Shawn Blassingill (Baker Bonelson Law Firm, Agent)
 REQUEST Setback, Camouflage, Parking, and Tree Planting & Landscape Area Variances



WATER-DEPENDENT & WATER-RELATED USES (WDWRU)

This designation applies to areas within the Mobile-Tensaw River Delta, Mobile Bay, Dog River, and associated tributaries, where potential future uses must, under normal operating conditions, be located on, in, or immediately adjacent to coastal waters in order to be physically and economically practicable. This includes various Uses of Regional Benefit. It may also apply to water-related and water-enhanced uses such as marinas, complementary marine businesses, industry and warehousing, housing, restaurants, and other facilities that are open to the public and offer public access to the waters of the state. These areas include port terminal facilities, docks, shipyards, drydocks, etc., that are mostly owned by the State of Alabama (but are not subject to local zoning).



ENVIRONMENTALLY SENSITIVE AREAS

Environmentally Sensitive Areas identify land that may exhibit potential for flooding or have significant development limitations due environmental conditions. In some cases, these lands also serve as buffers to separate areas that may have the potential to become conflicting land uses. The purpose of this overlay is to identify these sensitive areas so that they are given consideration for protection or incorporated as amenities within new developments. This designation does not mean existing development cannot expand in these areas.

The FLUM depicts these areas partially based upon data on environmental constraints that may not correspond precisely with conditions on the ground. However, these areas may also contain specific limitations such as riparian buffer overlays which have a defined width established through the zoning code. When considering rezoning requests or other development proposals, some areas classified as Environmentally Sensitive may be determined not to contain anticipated development constraints, or that existing conditions can reasonably be mitigated. In such cases, the future preferred land use should be based on the underlying designations, contextual considerations, and other relevant City policies.



Intent

- ▶ Conserve environmentally sensitive land.
- ▶ Buffer incompatible land uses with open space.
- ▶ Develop a connected open space network through the city for recreation.