



THE CITY OF MOBILE, ALABAMA  
BOARD OF ZONING ADJUSTMENT  
LETTER OF DECISION

July 11, 2019

Branch Towers III, LLC  
c/o David Wilkins  
P.O. Box 1038  
Gulf Shores, AL 36547

**Re: #6260**  
**(Case #BOA-000924-2019)**  
**Branch Towers III, LLC (David Wilkins, Agent)**  
**3168 Midtown Park South**  
(North side of Midtown Park South, 335'± East of Midtown Park West).

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

On July 8, 2019, the Board of Zoning Adjustment considered your request for a **Height, Setback, Landscape and Tree Planting Variances** to allow a **150' high monopole telecommunications tower with a 10' lightning rod setback 25' from the lease parcel line with no landscaping and tree planting in a B-3, Community Business District** at the above referenced location.

**After discussion, the Board determined the following findings of facts for Approval of the Variance requests:**

- 1) Based on the fact that site selection was limited by non-availability of other larger sites, the variances will not be contrary to the public interest;**
- 2) Special conditions (no sites in the area allow a for a 150' high structure and the site is of limited space) exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variances in that no other tower sites were available for collocation or new construction within the area.**

**The Approval is subject to the following conditions:**

- 1) the tower is limited to a monopole design with an over-all structure height of 150', including antennae, with a 10' lighting rod atop;**

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- 2) subject to the approval of the Planning Approval application by the Planning Commission for the proposed tower and site;
- 3) retention of the note on the site plan stating that, if barbed wire fencing is proposed, it must be approved by the Director of Build Mobile;
- 4) submission of documentation verifying that a tower illumination beacon is required by the Federal Aviation Administration (FAA), or placement of a note on the site plan stating that no tower light beacon is allowed;
- 5) retention of the note on the site plan stating that no shelters or equipment pads are to be placed within the Alabama Power Company easement;
- 6) subject to the Engineering comments: *[Please attach the following CONDITIONS to any approval: 1. Submit and receive a Land Disturbance Permit for the proposed site development. 2. Submit a ROW Permit (City of Mobile) for any work within the public ROW. Aggregate surfacing is NOT allowed within the public ROW; only pavement will be allowed.]*;
- 7) subject to the 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 (State Act 2015-116 and City Code Chapters 57 and 64).]*;
- 8) subject to the Fire Department comments: *[All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code).]*; and
- 9) full compliance with all 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.

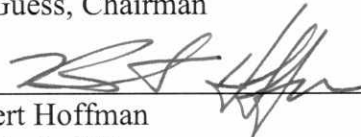
No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before January 8, 2020, the **Height, Setback, Landscape and Tree Planting Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By:

  
Bert Hoffman  
Principal Planner

Cc: Thomas Investment Properties