



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

November 6, 2018

American Tower Corporation
Attn: Adam Corsi, PM RE Solutions
10 Presidential Way
Woburn, MA 01801

Re: #6215/4655
(Case #BOA-000705-2018)
American Tower Corporation (Brian Sullivan, Crafton Communications, Inc –
Agent)
721 Oak Circle Drive West
(East side of Oak Circle Drive West, 350'± North of Cottage Hill Road).

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

On November 5, 2018, the Board of Zoning Adjustment considered your request for a **Tower Height Variance to amend a previously approved Tower Height Variance to allow a 154' high cellular telecommunications tower to replace an existing 150' high tower in a B-2, Neighborhood Business District** at the above referenced location.

After discussion, the Board determined the following findings of fact for Approval of the Tower Height Variance request:

- 1) Based on the fact that the tower was apparently erroneously constructed to the stated 154' height in harmony with the neighborhood, the variance will not be contrary to the public interest;**
- 2) These special conditions (the tower has remained without challenge at the stated 154' height) 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 it will allow a similar replacement tower to be constructed.**

The Approval is subject to the following conditions:

- 1) revision of the site plan to remove all barbed wire fencing, or provision of documentation to verify such is required by FCC regulations;**

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- 2) revision of the site plan to provide an 8' high wooden privacy fence around the tower compound;
- 3) subject to the Planning Commission approval of the associated Planning Approval request;
- 4) 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). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.];*
- 5) submittal to and approval by Planning and Zoning of two (2) copies of a revised site plan prior to the submittal for land disturbance and building permits; and
- 6) 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 May 5, 2019, the **Tower Height Variance** 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