



Agenda Item # 18
BOA-003072-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

7170 Howells Ferry Road

Applicant / Agent:

Crafton Communications / Hope Carrico

Property Owner:

American Tower Corporation

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Low Density Residential

Case Number(s):

6624

Unified Development Code Requirement:

- Replacement telecommunications towers must be setback from the property line a distance equal to the tower height in in an R-1, Single-Family Residential Suburban District.

Board Consideration:

- Setback Variance to allow a replacement 145-foot tall telecommunications tower to be less than 145-feet from the property line in an R-1, Single-Family Residential Suburban 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 residential and commercial units.

APPLICATION NUMBER <u>6624</u> DATE <u>September 9, 2024</u>
APPLICANT <u>Crafton Communications / Hope Carrico</u>
REQUEST <u>Setback Variance</u>



SITE HISTORY

The subject site was included in the Howells Ferry Place Subdivision, heard before the Planning Commission on October 20, 2011, with the Final Plat recorded on December 1, 2011.

The site was annexed into the City of Mobile on July 18, 2023, and assigned the R-1, Single-Family Residential Suburban classification.

There have been no other Planning Commission or Board of Zoning Adjustment applications associated with the site.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

No traffic impacts anticipated by this variance request.

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 within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

Planning Comments:

The applicant has requested a Setback Variance to allow a replacement 145-foot tall telecommunications tower to be less than 145-feet from the property line in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) requires replacement telecommunications towers in an R-1, Single-Family Residential Suburban District to be setback from the property line a distance equal to their height.

The complete application and supporting documents are available via the link on page 1.

The site is developed with a telecommunications tower, established by 2002. The site is bounded to the north by a mobile home park in an R-3, Multi-Family Suburban District, to the east by a single-family residence in an R-1 Single-Family Residential Suburban District, to the south by a church and across Howells Ferry by undeveloped property, both in R-1 districts, and to the west by a single-family residence in an R-1 Single-Family Residential Suburban District.

Article 4, Section 64-4-9.G.20.(a)(3) allows existing telecommunications facilities to be relocated/rebuilt on the same parcel in its exact previous location, or within a twenty-five-foot radius of the previous location, subject to the setback requirements of Article 4, Section 64-4-9.G.7.(f). The setback requirements state that *“the Setback on all sides shall be a distance equal to the height of the Tower.”*

The existing tower is approximately 23-feet from the nearest property line. The replacement tower will be approximately 25-feet from the nearest property line, thus not the 145-foot setback required based upon the height of the tower.

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.

The shape of the existing lot makes it impossible to comply with the setback requirements for the proposed replacement tower. Relocating the tower to a property where it would be allowed by Special Exception, would require a relocation of approximately 580-feet. The nearest “by-right” location is approximately 6,000 feet away. Each of these potential relocation sites would also have setback compliance challenges, thus are not viable options.

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 4 Section 64-4-9.G.21.(a) states that the Board may grant approval of a site plan development Variance if the Applicant demonstrates with written evidence that:

- The location, shape, appearance or nature of use of the proposed Tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the Tower is proposed to be located; and
- The site plan development modification will not create any threat to the public health, safety or welfare.

Article 4 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.

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:

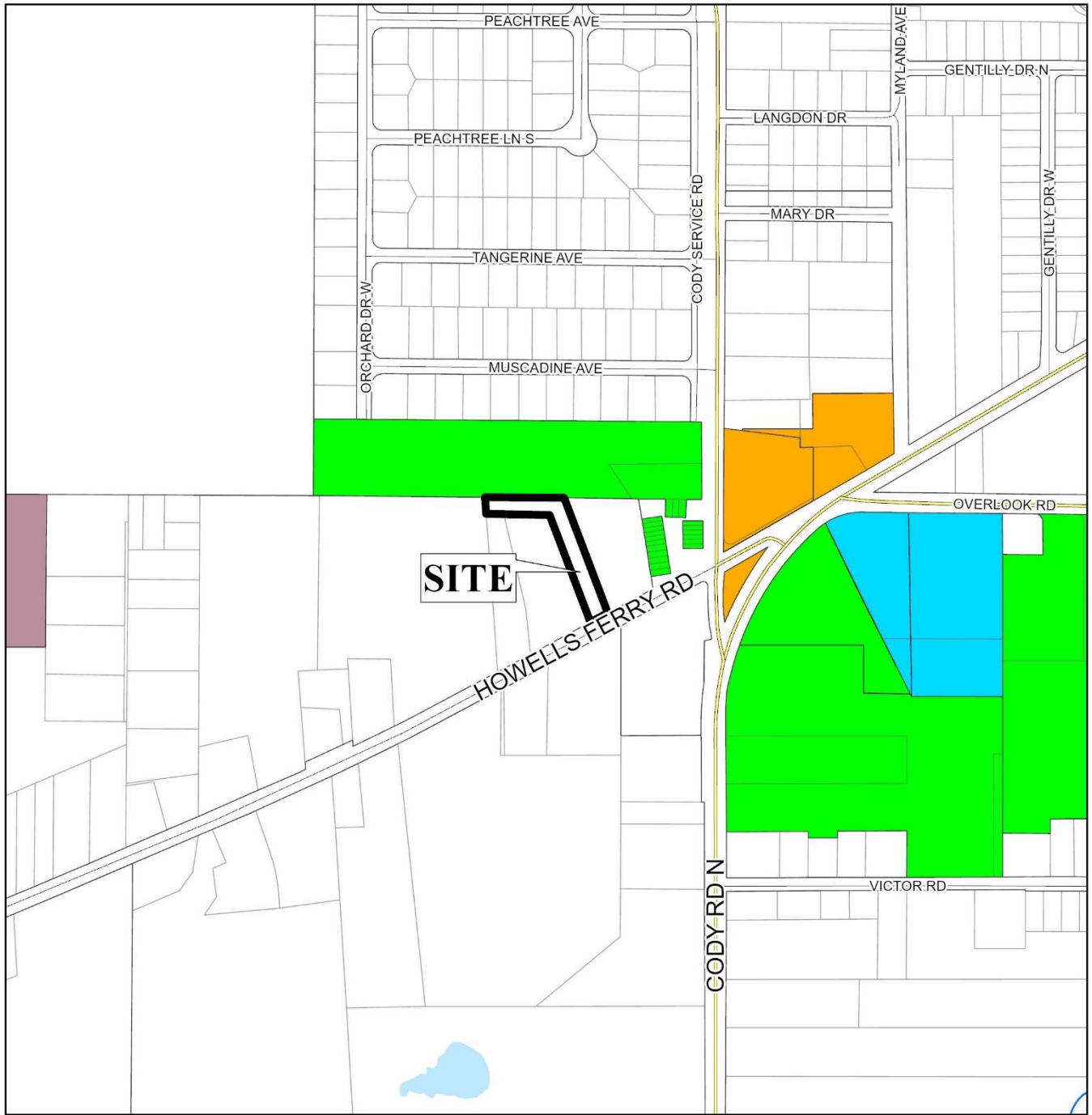
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

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.

LOCATOR ZONING MAP

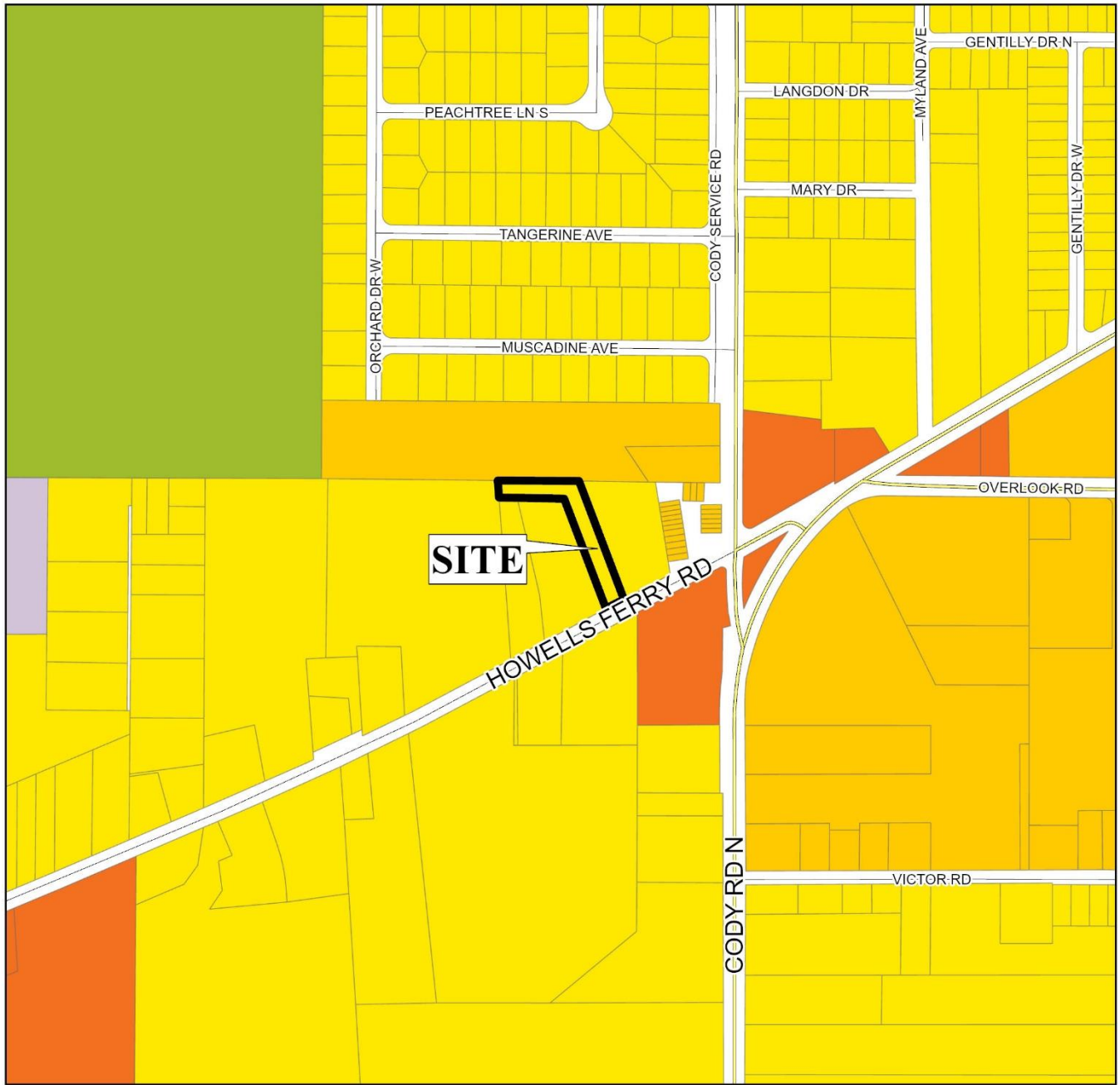


APPLICATION NUMBER 6624 DATE September 9, 2024
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FLUM LOCATOR MAP



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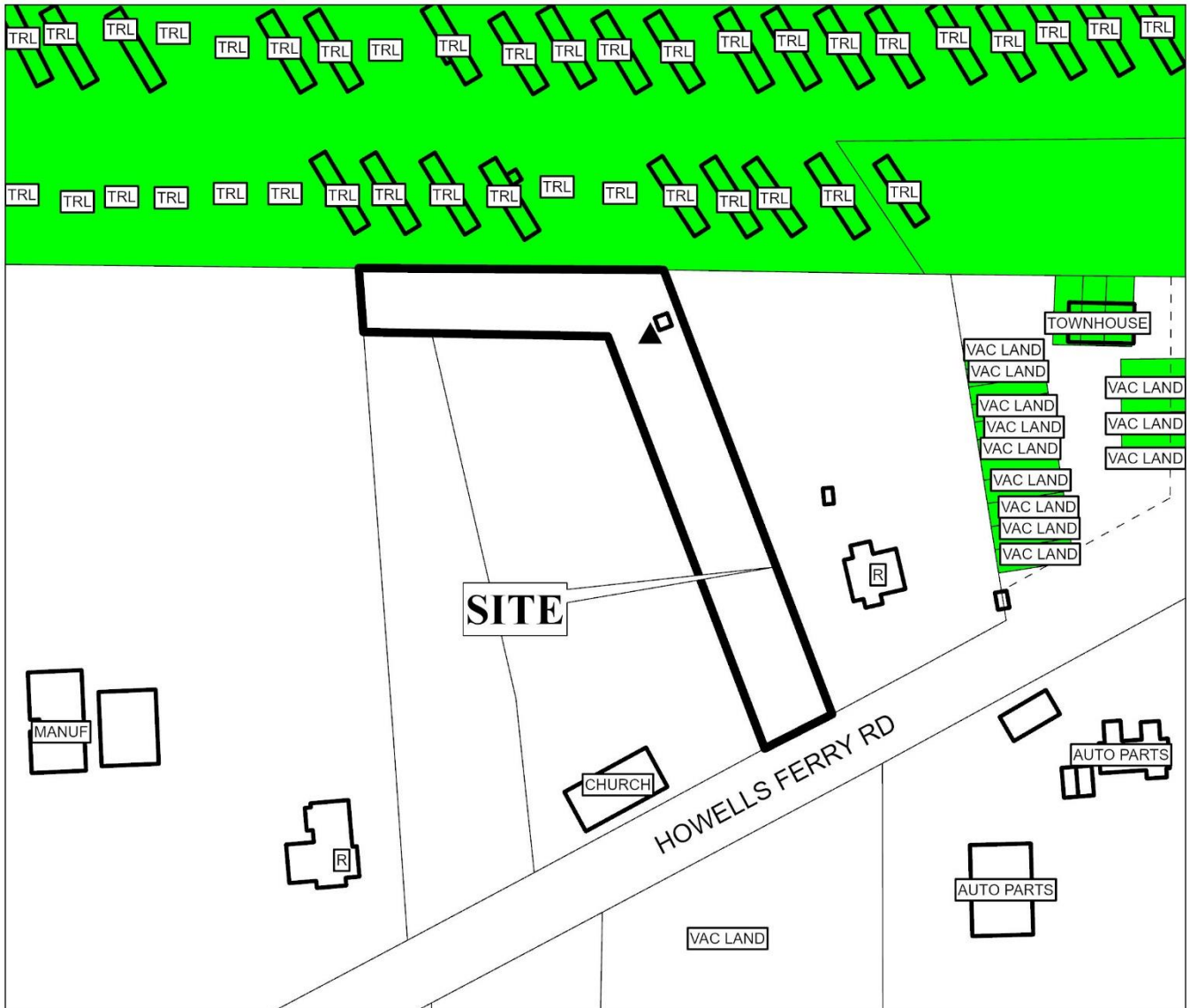
REQUEST Setback Variance

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



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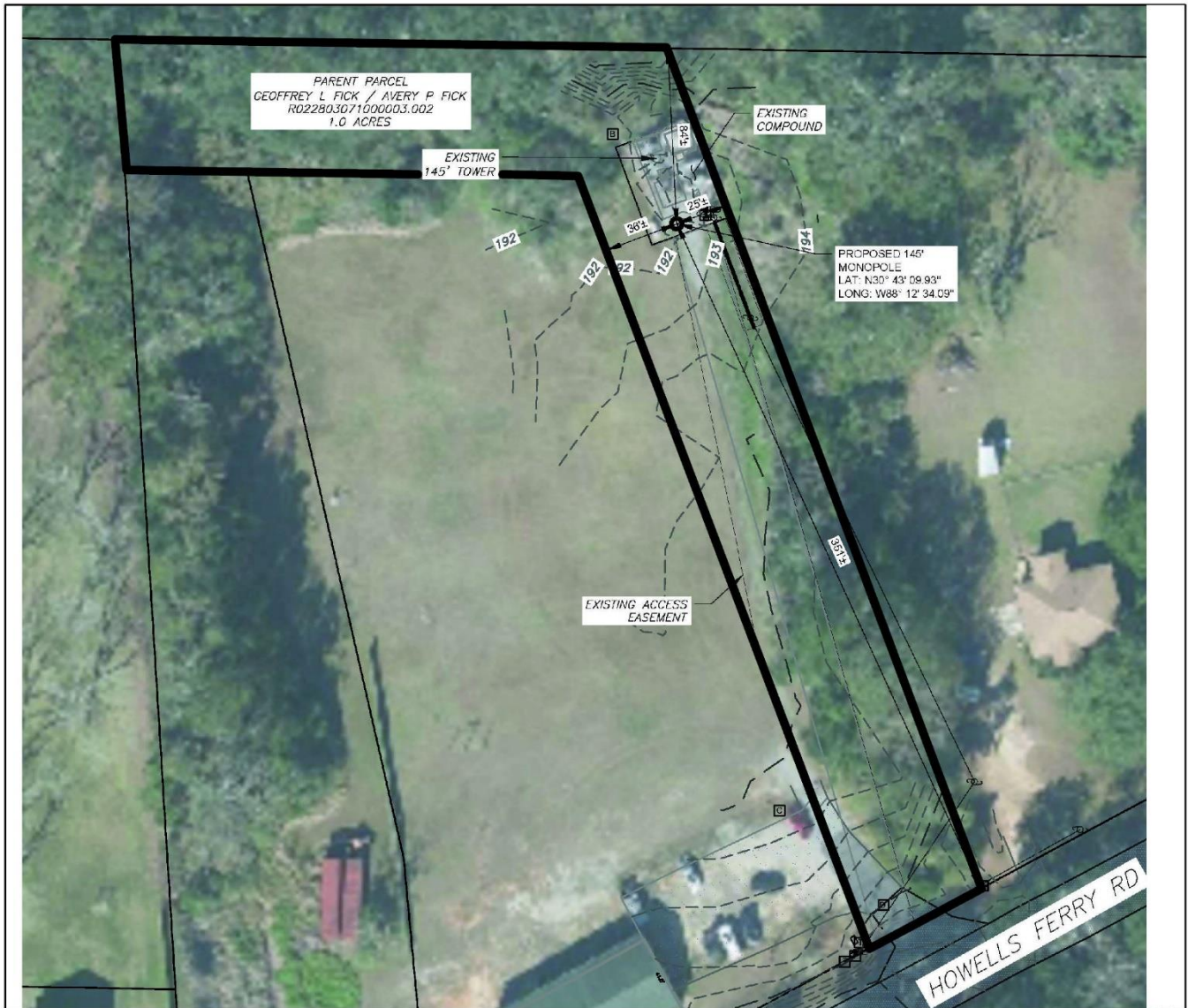
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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <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	
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SITE PLAN



The site plan illustrates the existing tower, proposed tower, and easements.

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DETAIL SITE PLAN



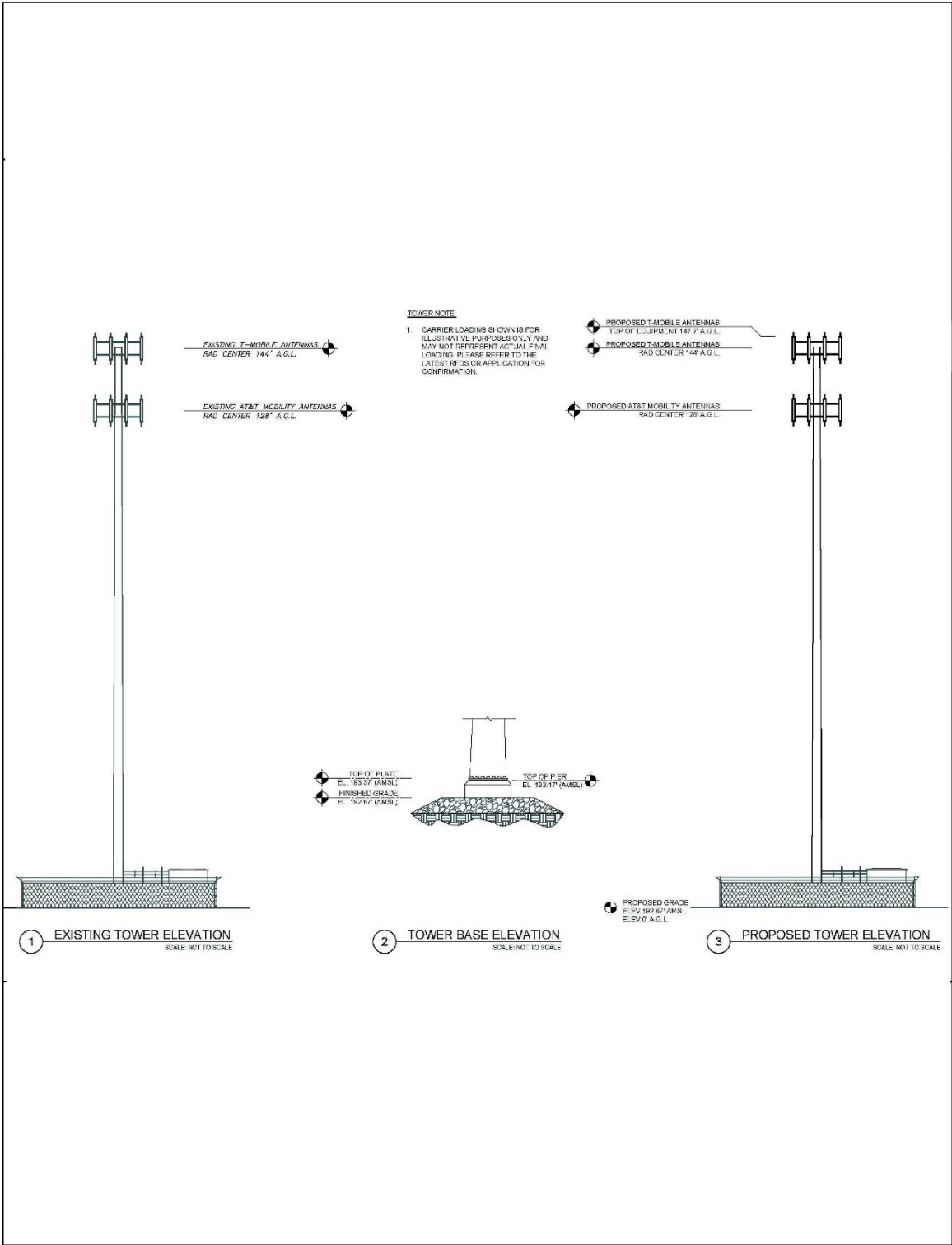
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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRLU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□	□	□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

Residential Land Use



LOW DENSITY RESIDENTIAL (LDR)

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.