

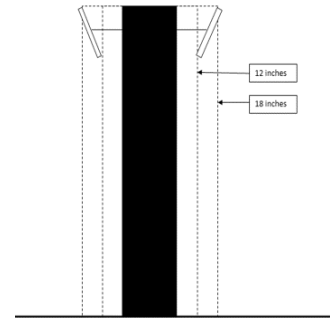
## ATTACHMENT B – STAFF ANALYSIS

**STAFF PERSON:** Francis MacCall, Deputy Zoning Administrator  
**BOARD OF SUPERVISORS:** May 1, 2024  
**PROJECT:** SE202400003 Verizon Wireless - Colthurst Personal Wireless Service Facility Special Exception  
**PARCEL ID:** 06000-00-00-002A1

### **PROPOSAL**

The applicant has requested a special exception from the antenna standoff requirements on a proposed replacement antenna on an existing personal wireless service facility. County Code § 18-5.1.40(b)(2)(c) requires:

(c) *Projection.* No antenna shall project from the facility, structure, or building beyond the minimum required by the mounting equipment, and in no case shall the closest point of the back of the antenna be more than 12 inches from the facility, structure, or building, and in no case shall the farthest point of the back of the antenna be more than 18 inches from the facility, structure, or building;



This special exception request is to increase the distance of the farthest point of the back of the proposed antenna to 38 inches from the power utility structure. The proposed antenna would comply with all other ordinance requirements, including the size limit of 1,400 square inches.

### **CHARACTER OF THE AREA:**

The property is zoned Rural Areas (RA), within an Entrance Corridor Overlay District and the Moorman's River Agricultural and Forestal District. The existing facility is located on an existing power utility structure on a 44.69-acre parcel. The facility is approximately 505 feet from the right of way of Route 654 Barracks Road, well over 2000<sup>+/-</sup> feet from the dwelling on the property, and 1300<sup>+/-</sup> feet from the residence on the adjacent parcel. (Attachment C - Location Map).

### **PLANNING AND ZONING HISTORY:**

The existing wireless service facility has been approved on this property since 2012, with SP2012-00015 being a Tier III facility.

### **PERSONAL WIRELESS FACILITY POLICY:**

The wireless policy encourages the construction of facilities with limited visual impact on the community. Visibility is the primary focus in reviewing personal wireless service facilities, and facilities with limited visibility are encouraged. The policy encourages the use of existing structures where possible. The policy also encourages facilities with adequate wooded backdrop and facilities that do not adversely impact Avoidance Areas (including Agricultural and Forestal districts and historic resources). The existing facility was approved before the subject parcel was added to the Moorman's River Agricultural and Forestal District. As that factor was known when the property was added to the district, it is believed that the existing facility's visibility has no impact on the district.

### **ANALYSIS OF THE SPECIAL EXCEPTION REQUEST:**

The Board of Supervisors may approve a special exception pursuant to County Code § 18-33. The following criteria for reviewing this special exception are found in County Code § 18-5.1 and § 18-33.9:

**Sec. 5.1 - Supplementary regulations.** The following supplementary regulations apply to referenced uses in all districts whether or not such uses are permitted by right or by special use permit. These supplementary regulations are in addition to all other requirements of this chapter, the Code, and all other applicable laws. Unless a waiver or modification is expressly prohibited, any requirement of

section 5 may be modified or waived in an individual case, as provided herein:

- a. The Board of Supervisors may modify or waive any such requirement upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement; and upon making any finding expressly required for the modification or waiver of a specific requirement; except that, in no case, shall such action constitute a modification or waiver of any applicable general regulation set forth in [section 4](#) or any district regulation. In granting a modification or waiver, the commission may impose conditions as it deems necessary to protect the public health, safety, or welfare.

**Sec. 33.9 - Special Exceptions; Relevant Factors to be Considered; Conditions; Revocation.**

Special exceptions are subject to the following provisions:

- A. *Factors to be considered when acting.* In acting upon a special exception, the Board of Supervisors will consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter. The Board is not required to make specific findings in support of its decision.
- B. *Conditions.* In approving a special exception, the Board of Supervisors may impose reasonable conditions to address any possible impacts of the special exception. Except as the Board may specify in a particular case, any condition imposed on a special exception will be deemed essential and non-severable from the special exception itself, and the invalidation of any condition will invalidate the entire special exception.
- C. The Board of Supervisors may revoke a special exception if the Board determines, after a public hearing, that the permittee or any successor has not complied with any conditions of the special exception. Notice of the public hearing will be provided pursuant to [section 33.10](#).

With the replacement of the existing antenna (Attachment D - Proposed Plans), the proposed increase in the standoff projection of 20 inches (from 18" to 38") is not expected to cause negative visual impacts; see Attachments C & D. The proposed antenna would comply with all other concealment elements, including color and antenna size.

**RECOMMENDATION:** Staff recommends approval of the special exception proposal based on the above analysis, provided that the farthest point of the back of any subject antenna be no more than 38 inches from the face of the power utility structure.