

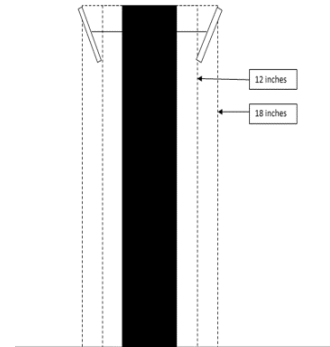
ATTACHMENT B – STAFF ANALYSIS

STAFF PERSON: Francis MacCall, Deputy Zoning Administrator
BOARD OF SUPERVISORS: April 19, 2023
PROJECT: SE202300002 Bellair Personal Wireless Facility Special Exception
PARCEL ID: 076C0-02-00-00200

PROPOSAL

The applicant has requested a special exception from the antenna standoff requirements on a proposed 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 from 18 inches to 30 inches from the facility. 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 R1 Residential within an Entrance Corridor Overlay District and is surrounded by residential uses, a vacant wooded parcel, and the public right of way for Route 29. The existing personal wireless service facility is located at 20 Deer Path on a 1.39-acre parcel. The facility is located in a wooded area behind the existing dwelling on the property, is 22^{+/-} feet from the right of way of Route 29, 125^{+/-} feet from the dwelling on the property, and 285^{+/-} feet from the dwelling on the adjacent parcel to the south. (Attachment C - Location Map and Page 2 of Attachment D - Proposed Plans).

PLANNING AND ZONING HISTORY:

Two personal wireless service facilities have been approved on this property. One was originally approved in 1998 (SP1997-00016 and amended with SP1999-00039), and one was approved in 2000 (SP2000-00017 and amended with SP2003-00014). The facility approved in 1998 is subject to this request. The subject facility, as built, would qualify as a Tier II (treetop) personal wireless service facility.

PERSONAL WIRELESS FACILITY POLICY:

The wireless policy encourages constructing facilities with limited visual impact. 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 Entrance Corridors and historic resources).

ANALYSIS OF THE SPECIAL EXCEPTION REQUEST:

The Board of Supervisors may approve a special exception pursuant to County Code § 18-9. 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](#).

The proposed increase in the projection of 12 inches (from 18" to 30") is not expected to cause visual impacts. This existing wireless facility has limited visual impacts. It is now considered a treetop facility with adequate wooded areas between the site and surrounding residential areas and the public road mitigating the facility's visibility, particularly from the Entrance Corridor. The proposed antenna would comply with all other concealment elements, including color and antenna size.

The proposed antennae would replace the existing antennae. Although the facility's size would exceed the wireless ordinance design guidelines, the increase in standoff is not expected to have negative visual impacts.

RECOMMENDATION: Staff recommends approval of the special exception proposal based upon the above analysis, provided that the farthest point of the back of the antenna project no more than 30 inches from the face of the monopole.