

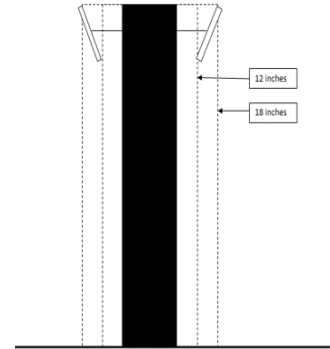
ATTACHMENT B – STAFF ANALYSIS

STAFF PERSON: Rebecca Ragsdale, Planning Manager
BOARD OF SUPERVISORS: February 1, 2023
PROJECT: SE202200064 Charlottesville Church of the Brethren
Wireless Special Exception
PARCEL ID: 062A1-00-OK-00100

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 closest point of the back of proposed antenna from 12 inches to 14.5 inches from the facility. At no point would the back of antenna project more than 18 inches. 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 R2 Residential and is within an Entrance Corridor Overlay District. The proposed personal wireless service facility is located at 1227 Rio Rd. E on a 5.42 acre parcel. The tower site is located in a 150'+ wooded area behind the existing church on the property. The parcel is surrounded by residential uses and another nearby church. The tower is located 300+ feet from nearby residences. (Attachment C - Location Map).

PLANNING AND ZONING HISTORY:

SDP201700081-PWSF A tier II personal wireless service facility with a 100-foot-tall monopole was approved.

PERSONAL WIRELESS FACILITY POLICY:

The wireless policy encourages the construction of facilities that have limited visual impact on the community. Visibility is the primary focus in the review of personal wireless service facilities, and facilities with limited visibility are encouraged. The policy encourages the use of existing structures where possible. The County's wireless service facilities policy 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 § 18-33. 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](#).

The proposed increase in the standoff projection of 2.5 inches is not expected to cause visual impacts. This existing wireless facility has limited visual impacts. Adequate wooded areas between the site and surrounding residential areas provide a wooded backdrop to mitigate visibility of the tower from the Entrance Corridor. The proposed antenna would comply with all other concealment elements, including antenna size.

The proposed antennae would be collocated on an existing structure, which is encouraged by the policy. Although the facility's size would marginally exceed the wireless ordinance design guidelines, the increase in stand-off is not expected to have negative visual impacts given the minimal (2.5 inches) increase in projection.

RECOMMENDATION: Staff recommends approval of the special exception proposal based upon the analysis provided herein, provided that the antenna be no more than 14.5 inches from the face of the monopole to the closest point of the back of the antenna.