

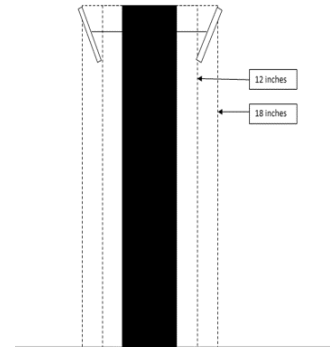
## ATTACHMENT B – STAFF ANALYSIS

**STAFF PERSON:** Kevin McCollum, Senior Planner  
**BOARD OF SUPERVISORS:** September 21, 2022  
**PROJECT:** SE202200038 Verizon Wireless - Batesville - Tier II PWSF  
**TAX MAP PARCELS:** 07200-00-00-03200

### **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 18 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.

This request is in association with SDP202200040, a Tier II wireless treetop monopole tower under review at a proposed height of 87.5 feet, which is 10 feet above the reference tree. Tier II facilities are approved administratively by the Agent and do not require Board of Supervisors action. Board action is needed only on the special exception request.

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

The proposed personal wireless service facility would be located on property of the Miller School of Albemarle, which contains over 1,046 acres. The tower site is proposed on the southwestern most portion of the parcel adjacent to Burchs Creek Road. This property and all surrounding properties are zoned Rural Areas (RA). Adjacent to the proposed tower's location is the Batesville Historic District. (Attachment C - Location Map).

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

The property is home to the Miller School of Albemarle, which is a historic private school, currently operating as a nonconforming use. Two special use permits associated with the school have been applied for in the past, SP199100026 and SP201900008, but neither was approved.

Written July 1, 1999, letter of determination LOD199900005 determined that the property as a whole is made up of many separate parcels of records, each with its own theoretical development rights.

Approved March 10, 2010, special use permit SP200900024 Rockfish Wildlife Sanctuary is for a wildlife sanctuary within an existing barn on the property.

The property is subject to one site plan on file, SDP201200032 The Miller School – New Entrance, approved June 9, 2014.

SDP202200040 Verizon – Batesville (Miller School of Albemarle) PWSF Tier II Burchs Creek Rd, for a tier II personal wireless service facility with an 87.5-foot-tall monopole, is currently under review.

Associated with that site plan is this special exception application SE202200038, to allow the closest point of the back of antenna to be more than 12 inches from the monopole.

**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](#).

This special exception request is associated with a proposed Tier II personal wireless service facility tower currently under review as application SDP202200040 (Attachment D – Proposed Plans). During the review of this application, several neighbors reached out to staff to express their concerns regarding the proposed tower's location near the Batesville Historic District and its visibility from the District. (Attachment E – Emails from the Public). A balloon test was held on July 6, 2022 to determine potential visual impacts of the proposed tower. Staff reviewed the proposed tower site in person and attempted to view the balloon, as it was flying, from as many nearby parcels and public

roads as possible. Staff concluded that the proposed tower location was well situated – the balloon was only partially visible from certain viewpoints along Burchs Creek Road, and completely unnoticeable on a majority of the public roads, including Miller School Road, Plank Road, Craigs Store Road, and from a majority of the parcels associated with the Batesville Historic District. Staff took several pictures of the balloon (Attachment F- Staff Photo Map and Attachment G – Staff Photos) and provided them to the applicant for photo simulations. The applicant provided photo simulations (Attachment H – Photo Simulations) showing what the tower could look like when it is erected.

The proposed increase in the standoff would result in an increase in antenna projection of six inches. An increase in antenna projection, or cross section view of antenna, can be more noticeable on shorter towers or where development is in close proximity to the facility. Several dwellings along Burchs Creek Road are within 600 feet of the proposed tower location. The nearest structure to the proposed facility is approximately 175 feet to the southwest. Staff believes that screening between the proposed tower and these residences is adequate. A significant number of trees surround the proposed tower on the Miller School site, along with existing trees along Burchs Creek Road. The ordinance requires a tree conservation plan for trees within 100 feet of a tower to ensure adequate screening remains in place. While the distance of the tower to Burchs Creek Road is less than 100 feet, adequate trees will remain for screening. The photo simulations provided by the Applicant also demonstrate that the increased standoff would not have adverse visual impacts.

Staff believes that the distance from the nearby dwellings and screening provided by the trees will mitigate the impacts of the increased antenna standoff distance of six inches. Based on these findings, staff believes that the increased standoff would not create additional negative visual impacts. Staff supports the applicant's request for an increased standoff.

**RECOMMENDATION:** Staff recommends approval of the special exception request based upon the analysis provided herein, provided that no antenna project more than 18 inches from the face of the monopole to the farthest point of the back of the antenna.