

#### **Section 4.10.3.1(c) Statement**

WVIR-TV respectfully requests a waiver of the lot line setback requirement of Section 4.10.3.1(b). As a result of a federal mandate, WVIR-TV proposes to replace a tower that has been in existence since 1973. The new tower will be in exactly the same location and will be the same height as the existing tower and this precise site has been approved by both the FAA and FCC. The existing tower is, and hence, the new tower will be, within 314 feet of a corner of the adjacent lot. This adjacent lot is part of the apple orchard on Carter's Mountain; apples have been produced on this adjacent lot for more than 50 years. There are no houses, or other structures on this adjacent lot (TM 91, parcel 18A) within 314 feet of WVIR-TV's tower.

There is no risk to the public health, safety or welfare in allowing the proposed replacement tower to be erected. The antenna farm on Carter's Mountain is not open to the public. Likewise, the apple orchard on the adjacent lot is not open to the public. Clearly, the public health, safety and welfare will be better served by allowing the waiver; without it, Albemarle County residents may lose its strongest and most viewed television station along with its six (6) hours of local news per day and an additional four and a half (4 ½) hours of national news per day. In addition, it may lose a source of the emergency alert system, designed to warn citizens in the event of a national emergency, as well as local weather emergencies. WVIR-TV employs nearly 100 people. Without a waiver, their welfare may be adversely affected.

Finally, it is worth noting that there are many towers in the antenna farm on Carter's Mountain, several of which, including the County's own emergency communications tower, are located in very close proximity to the corner of the adjacent lot (TM 91, parcel 18A), and some of which are likely within the lot line setback requirement of Section 4.10.3.1(b). Indeed, the adjacent

lot itself has long had a tower on it (the local public television station). Replacement of WVIR-TV's existing tower will not burden the adjacent lot.

Clearly, the public health safety and welfare will be equally or better served by the requested waiver or modification.

**COUNTY OF ALBEMARLE****APPLICATION FOR A SPECIAL EXCEPTION**

☒ Request for a waiver, modification, variation or substitution permitted by Chapter 18 = **\$457**

☐ Variation to a previously approved Planned Development rezoning application plan or Code of Development = **\$457**

OR

☐ Relief from a condition of approval = **\$457**

**Provide the following**

- ☐ 3 copies of a written request specifying the section or sections being requested to be waived, modified, varied or substituted, and any other exhibit documents stating the reasons for the request and addressing the applicable findings of the section authorized to be waived, modified, varied or substituted.

**Provide the following**

- ☐ 3 copies of the existing approved plan illustrating the area where the change is requested or the applicable section(s) or the Code of Development. Provide a graphic representation of the requested change.
- ☐ 1 copy of a written request specifying the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation.

**Project Name :** WVIR-TV Replacement of existing television tower

**Current Assigned Application Number (SDP, SP or ZMA)** 2018-00020

**Tax map and parcel(s):** TM 91, parceel 28

**Applicant / Contact Person** Virginia Broadcasting, LLC c/o Gregory S. Duncan

Address 222 Court Square City Charlottesville State Va Zip 22902

Daytime Phone# ( 434 ) 979-8556 Fax# (        )                      Email gregdun@ntelos.net

**Owner of Record** Crown Orchard, LLC

Address P.O. Box 299 City Batesville State Va Zip 22924

Daytime Phone# ( 434 ) 977-0619 Fax# ( 434 ) 979-6277 Email                     

County of Albemarle  
Community Development

401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126

# COUNTY OF ALBEMARLE

## APPLICATION FOR A SPECIAL EXCEPTION

### APPLICATION SIGNATURE PAGES

#### VERIFICATION OF THE SIGNATURE ON THE NEXT PAGE MUST HAPPEN BEFORE THE APPLICATION MAY BE DEEMED COMPLETE

If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, an LLC, a corporation, a partnership or association, or a trust, then a document acceptable to the County must be submitted with this application certifying that the person signing has the authority to do so.

If the applicant is a contract purchaser, a document acceptable to the County must be submitted containing the owner's written consent to the application and must include any applicable documents authorizing that person to provide consent.

If the applicant is the agent of the owner, a document acceptable to the County must be submitted that is evidence of the existence and scope of the agency. Please attach the owner's written consent.

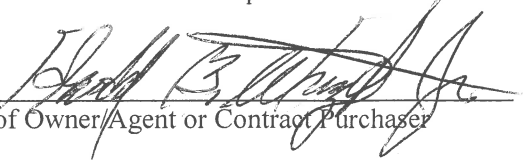
#### One (1) copy of the applicable ownership information.

CHECK AS APPLICABLE	OWNERSHIP OF THE PROPERTY IS A	DOCUMENT TO BE PROVIDED FOR THIS APPLICATION
<input type="checkbox"/>	Limited liability company ("LLC")	The articles of organization and when the power is delegated to someone other than a manager or a member, also the operating agreement.
<input type="checkbox"/>	Stock & Nonstock corporation	
<input type="checkbox"/>	for a board of directors	Stock - the articles of incorporation or a shareholders agreement may limit the board's statutory authority.  Nonstock - the articles of incorporation and the by-laws, the latter of which may include a member or director agreement, may limit the board's statutory authority
<input type="checkbox"/>	for a person expressly authorized by the board of directors	written evidence of that authorization such as a board resolution or board minutes
<input type="checkbox"/>	for a committee	an action of the board of directors authorizing the committee to act; the articles of incorporation or the by-laws may limit the statutory authority
<input type="checkbox"/>	for a corporate officer	the by-laws or the delegating resolution of the board of directors.
<input type="checkbox"/>	Partnership	The statement of partnership authority, which may limit the authority of one or more partners.
<input type="checkbox"/>	Limited partnership	The partnership agreement, or amendments thereto, which may limit the authority of one or more general partners.
<input type="checkbox"/>	Incorporated & Unincorporated church and other religious body	(1) for trustees, an authorizing court order (2) for the corporation holding title, the appropriate corporate documents (2) for a bishop, minister or ecclesiastical officer, the laws, rules or ecclesiastical polity of the entity that authorizes the person to hold, improve, mortgage, sell and convey the property.
<input type="checkbox"/>	Land trust	The deed of conveyance to the trustees and the trust instrument

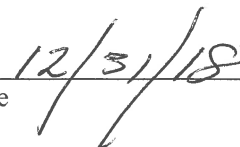
See Attachment A in the Land Use Law Handbook for a complete list of Authorized Signatories for Land Use Applications

**COUNTY OF ALBEMARLE****APPLICATION FOR A SPECIAL EXCEPTION****Owner/Applicant Must Read and Sign**

I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner in filing this application. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge. By signing this application I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.

  
Signature of Owner/Agent or Contract Purchaser

Date



Harold Wright, Jr.

Print Name

(434) 220-2900

Daytime phone number of Signatory

FOR OFFICE USE ONLY APPLICATION# \_\_\_\_\_ Fee Amount \$ \_\_\_\_\_ Date Paid \_\_\_\_\_

By who? \_\_\_\_\_ Receipt # \_\_\_\_\_ Ck# \_\_\_\_\_ By \_\_\_\_\_