



**REPORT TO THE BOARD OF APPEALS
MODIFICATION OF A SPECIAL EXCEPTION
DOCKET # 1029**

SUMMARY OF REQUEST:

- Total Area of Site:** 94.416 Acres
- Total Area Disturbed:** 2,500 square feet (original Sprint approval) + 750 square feet (requested Verizon modification) = 3,250 square feet (total property disturbance).
- Location of Site:** The subject property is located at 6980 Bensville Road in White Plains, Maryland (aka Bensville Park) and is designated as Tax Map 13, Grid 23, Parcel 147 in the 6th Election District. The property is located on the west side of Bensville Road, south of the inter-section with Billingsley Road. (See attached Aerial Map, Location Map, and Zoning Map).
- Tax ID Information:** 053971
- Property Owner:** County Commissioners of Charles County Maryland
P.O. Box 2150
La Plata, Maryland 20646
- Applicant:** Verizon Wireless (VZW)
9000 Junction Drive
Annapolis Junction, Maryland 20701
- Proposed Activities:** A modification to an existing Use # 4.06.300 – Telecommunications tower more than 50 feet tall. Original approval by Board of Appeals was granted on October 23, 2001 via Docket #1029, which permitted a 190' tower with 8' lightning rod to Sprint Spectrum, LLC (198' Total). Sprint Spectrum, LLC built a 187' tower via Site Development Plan #02-0012 approved on June 11, 2002. Now Verizon Wireless (VZW) is proposing a 12' tower extension to the existing tower for a total of 199' feet and an 18' x 40' extension to the existing 50' x 50' fenced facility compound.
- Zoning:** RC(D), Rural Conservation – Deferred Development
- Meeting Date:** June 25, 2013 @ 7:00 p.m.

NEED FOR MODIFICATION TO SPECIAL EXCEPTION:

In accordance with the Charles County Zoning Ordinance - Chapter 297-415 K. Enlargements, extensions or modifications. The Board may permit the enlargement, extension or modification of an existing special exception use pursuant to the procedural requirements of this article related to notice, conduct of the public hearing and the Board's decision. The initiation of such an action and standards for the Board's decision shall conform to the requirements of this section for the granting of an application for a special exception.

USE SPECIFIC ANALYSIS & STAFF FINDINGS:

The property is presently improved by a telecommunications tower constructed by Sprint Spectrum, LLC., pursuant to a Special Exception granted by the Board of Appeals on October 23, 2001 via Docket #1029. Docket #1029 authorized a tower facility 198' feet in height, based upon Site Development Plan #02-0012, depicting a 190' monopole and an 8' foot lighting rod to be placed on top of that monopole. The monopole authorized by that approval was built to a height of 187' feet. Via this modification to special exception application, Verizon Wireless (VZW) seeks approval to raise the height of the tower facility to 199' via a 12' extension of the existing monopole, and to attach 15 of its panel antennas thereto. VZW also seeks to expand the existing compound area beyond the existing 50' x 50' boundaries, to accommodate a new VZW 11'7" x 30' equipment shelter, within an additional 18' x 40' area, to house VZW's equipment shelter. The existing chain link fence will be modified to enclose the new expansion to the compound. The new 18' x 40' compound, surrounded by an 8' chain link fence with 1' of barbed wire, is necessary due to existing Sprint / Nextel, AT&T, etc. pads and shelters occupying the available area within the 50' x 50' compound originally approved under Docket #1029. The existing 50' x 50' compound was not required to possess perimeter landscape buffering per Docket #1029 and the newly proposed 18' x 40' compound expansion is not planning on providing it either. See the attached photograph of the existing condition.

The original Staff Report generated for Docket #1029, detailing the summary of issues and findings, and the original Decision and Order, signed April 5, 2002, are attached for the Board of Appeals reference and consideration. The Applicant, Verizon Wireless is not seeking any modifications to the previous approvals or conditions other than the 12' height increase to the monopole tower and the 18' x 40' expansion to the fenced in facility compound. The Applicant's submittal materials and justification statements provided to the Board demonstrate that the previous special exception approval parameters of Use #4.06.300 have been satisfied and adhered to since the initial approval on October 23, 2001. No impacts are identified which will be caused by the granting of this modification request which would violate the special exception criteria of Chapter 297-415 H. The request meets the County's desire to limit the proliferation of new towers by enabling co-location on an existing facility.

The modification request was reviewed by the RCC Consultant, Mr. Gary M. Whitley. Mr. Whitley found that the tower extension would allow Verizon Wireless to co-locate their antennas at sufficient height to provide the desired coverage for their wireless communication system. Verizon Wireless has provided 'before' and 'after' propagation coverage maps to illustrate the benefit of increasing the towers height by 12' feet. The RCC found that the proposed extension and antenna system will not interfere with the County's communication systems. The RCC reviewed the FAA letter of "DETERMINATION OF NO HAZARD TO AIR

NAVIGATION” provided by Verizon Wireless. Verizon is required to update the FAA on the status of the tower construction and the RCC recommends that Verizon Wireless also notify the MAA of the increase height of the tower. Please reference the RCC Consultants comment letter supplied within the accompanying report materials.

STAFF RECOMMENDATIONS:

Planning Staff recommends that Docket #1029 be approved with the following **Conditions of Approval**, for the purpose of adequately and completely addressing the requirements of the *Zoning Ordinance*:

- 1) The five (5) previously applied conditions of approval applied to special exception Docket #1029, via the original Decision & Order, dated April 5, 2002, remain valid and in effect.
- 2) Verizon Wireless will provide a structural analysis with the final building permit application to confirm that the proposed structure is capable of supporting the proposed and speculative antenna loads. RCC will review the design at that time, prior to issuance of the building permit.
- 3) Verizon Wireless will notify the Maryland Aviation Administration (MAA) of the increase in the height of the tower. Documentation confirming that notification has taken place will be required to be provided to Staff prior to final Site Development Plan (SDP) approval.
- 4) The approved tower, antennas and ground support equipment, or future installation of any additional ground equipment and/or antennas, shall require the approval by the Department of Planning and Growth Management of a Site Development Plan and Building Permit, consistent with the requirements of the *Charles County Zoning Ordinance* and other applicable County regulations, and demonstrating continued conformance with the approved Special Exception.
- 5) Any future changes in height to the tower shall require approval, by the Board of Appeals, of a Modification to this Special Exception in accordance with Chapter 297-415 K.
- 6) The approval and continued effect of this Modification of a Special Exception is contingent upon compliance with all applicable County, State, and Federal regulations, including, but not limited to, the following local regulations: Charles County Zoning Ordinance, Grading and Sediment Control Ordinance, Road Ordinance, Storm Water Management Ordinance, Forest Conservation Ordinance, and Floodplain Ordinance.

Attachments