



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

August 7, 2013

Edward L. Donohue
117 Oronoco Street
Alexandria, VA 22314

Re: Special Permit Amendment Application SPA 76-M-088
The Parklawn Recreation Association, INC. &
New Cingular Wireless PCS, LLC

Dear Mr. Donohue:

At its July 31, 2013 meeting, the Board of Zoning Appeals took action to **DENY** the above-referenced application. A copy of the Resolution is attached.

If you have any questions, please contact Rebecca Horner, Staff Coordinator, at 703-324-1280.

Sincerely,



John W. Cooper, Deputy Clerk
Board of Zoning Appeals

Enclosure: As stated

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

THE PARKLAWN RECREATION ASSOCIATION, INC. & NEW CINGULAR WIRELESS PCS, LLC, SPA 76-M-088 Appl. under Sect(s). 3-303 and 3-304 of the Zoning Ordinance to amend SP 76-M-088 previously approved for a community swim club to permit construction of a wireless telecommunications facility. Located at 6011 Crater Pl., Alexandria, 22312, on approx. 14.54 ac. of land zoned R-3. Mason District. Tax Map 61-4 ((6)) (T) 056 and 72-2 ((3)) (T) C. (Indefinitely deferred from 4/14/10 at appl. req.) (Reactivated on 5/11/12) (Admin. moved from 10/17/12, 12/12/12, 1/16/13, 3/6/13, 5/8/13 and 7/10/13 at appl. req.) (Decision deferred from 7/17/13.) Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 31, 2013; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 14.53 (sic) acres.
4. Staff has recommended approval, but in this instance, the Board does not agree with that recommendation.
5. The Board does not agree that it is in conformance with the Comprehensive Plan.
6. As noted in the public hearing, the Board has one responsibility, and that is to determine if this application meets Zoning Ordinance criteria under Sect. 8-006 of the Zoning Ordinance.
7. In the Board's view, this application does not meet Standards 1, 2 or 3.
8. Standard 1, the proposed use of the specified location shall be in harmony with the adopted comprehensive plan.
 - A. A key concept in assessing telecommunications facilities is mitigation, which is defined as actions taken to reduce or eliminate negative visual impacts.
 - B. On page 6 of the staff report, the 2232 analysis, plan guidelines support the location of telecommunication uses on existing private recreation in a predominately residential area when other more suitable land uses, such as public property or commercial or industrial properties, are not available and the telecommunications facility is located to blend into its surroundings.
 - C. In the staff report itself, quote, the proposed installation will result in visual impacts that may not be fully mitigated for some of the surrounding properties.
 - D. On page 8 of the staff report, quote, while the monopole has a clear impact to some adjacent properties, the visual impact to the

- overwhelming majority of the surrounding properties is reasonably mitigated, unquote. Quote, staff concludes the monopole, with a graduated paint, blends better in the areas where the pole extends above the tree line, although it is not necessarily a quote, stealth design, unquote.
9. The mere fact that there has been several unsuccessful attempts over the past several years beginning in 2007 by another telecommunications carrier to locate a telecommunications facility on this particular property should give us all pause.
 10. Whether it is a monopole that purports to blend into the sky or not, it is going to extend 50 to 75 feet above the tree line.
 11. The trees in this area are deciduous. They are not pine and are going to be barren of leaves for a significant portion of the year, meaning residents immediately adjacent to the monopole will have a direct view of that monopole.
 12. Standard 2, the proposed use will be in harmony with the general purpose and intent of applicable zoning district regulations.
 - A. The site as contemplated is not compatible with the residentially zoned land based on the information provided in the staff report, at least as the Board interpreted it, and the testimony given during the public hearing.
 - B. Although the site itself is 14.53 (sic) acres, much of the parcel is not useable as it is in a resource protection area and flood plain.
 - C. This has resulted in the tower being placed only 226 feet from the nearest residence.
 - D. It is not the number of acres that counts. It is where the monopole is placed on that acreage and the mitigation techniques used that are paramount.
 - E. In other applications approved by the Board, the placement of the pole has been mitigated by it being a flagpole, a cross or being placed in the steeple of a church.
 - F. The Board has also approved monopoles on recreation sites that are surrounded by pine trees and have been able to mitigate the effects by using a monopine.
 - G. None of those mitigation techniques can or have been used in this case.
 13. Standard 3, the proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size, and height of building structures, walls, fences, and the nature and extent of screening, buffering, and landscape shall be such that the use will not hinder or discourage the appropriate development use of adjacent or nearby land or buildings or impair the value thereof.
 - A. Reading the analysis in the Thorne Evaluation study, of the six sites that were analyzed, five were in the state of Maryland. There would have been much more relevance if the studies had concentrated on value patterns in Fairfax County.
 - B. The Board agrees with Thorne that some of the primary reasons an individual purchases a home are good schools, the neighborhood, and transportation. Although these may be the primary reason, a simpler test

would be viewing two homes of exactly the same value, with exactly the same access to good schools, and exactly the same access to the same transportation and having the opportunity to buy one without a monopole that is 128 feet tall that is in the backyard or one that does not have a monopole and has open vistas, which home would be purchased? The home without the monopole.

- C. This leads to two alternatives that any homeowner has in that situation. You either decrease the value of your property to bring it in line so people will purchase your home or your home stays on the market for a longer period of time. That decreases the value of your home.
14. It is also noted that of the 158 members of the Parklawn Recreation Association, 70 percent do not reside in the neighborhood and, therefore, would have no issue with a monopole.
 15. Also noted, based on the petition that was circulated, just about everyone in the community is dead set against this monopole.
 16. There are other technologies available, and they were never presented to the Board.
 17. With any applicant, cost could be a factor, but the Board was never apprised of the reasons other techniques were not employed or other locations whereby the applicants' coverage concerns could be met fully and would truly mitigate the effects of the equipment used.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has not presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **DENIED**.

Ms. Gibb seconded the motion, which carried by a vote of 6-0-1. Mr. Hart moved to waive the 12-month waiting period for refiling an application. Mr. Beard seconded the motion, which carried by a vote of 4-2-1. Mr. Hammack abstained from the votes.

A Copy Teste:



John W. Cooper, Deputy Clerk
Board of Zoning Appeals