

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT, VIRGINIA**

**R-18-11**

At the regular meeting of the New Kent County Board of Supervisors in the Boardroom of the Administration Building in New Kent, Virginia, on the 13<sup>th</sup> day of June, 2011:

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Present:	Vote:
David M. Sparks	Nay
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

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Motion was made by Mr. Trout, which carried 4:1, to adopt the following resolution:

**A RESOLUTION TO APPROVE  
CONDITIONAL USE PERMIT APPLICATION CUP-01-11  
AUTHORIZING THE INSTALLATION & OPERATION OF A  
COMMUNICATION TOWER NO GREATER THAN  
250' IN HEIGHT (EXCLUSIVE OF LIGHTNING ROD)  
IN THE A-1, AGRICULTURAL ZONING DISTRICT**

WHEREAS, George Allen, Jr. has requested a Conditional Use Permit to install and operate a cellular tower located on property identified on the New Kent County digital map as GPIN F19-1953-2246 and is identified on the New Kent County tax map as parcel 43-4-E; and

WHEREAS, this application was referred to the New Kent County Planning Commission ("the Commission") in accordance with established procedure; and

WHEREAS, subsequent to receiving a complete application and within the timeframes established by Code, the Commission scheduled and conducted a formal and duly advertised public hearing, carefully considering the public comment received; and

WHEREAS, the Commission voted 6:0:1 to forward the subject application to the New Kent County Board of Supervisors ("the Board") with a favorable recommendation; and

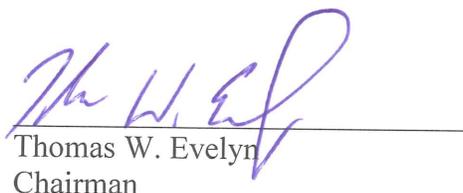
WHEREAS, the Board is aware that, pursuant to New Kent County Zoning Ordinance Sections 98-745(b)(12)(f) & 98-873(m)(11), a communication tower structure shall not be located within 750' of an existing residential structure unless the Board of Supervisors finds that (1) topographical or similar physical conditions existing on the property make such a set back an undue hardship and (2) the reduction in the set back will not adversely impact the peaceful enjoyment and use of the residential structure by its occupants. Any such reduction in the distance permitted by the Board shall not result in a tower structure being erected at a distance nearer than 125 percent of the tower height to any dwelling unit and shall be buffered from view from that dwelling unit;

NOW THEREFORE BE IT RESOLVED this, the 13<sup>th</sup> day of June, 2011, that the New Kent County Board of Supervisors finds that (1) topographical or similar physical conditions exist on the property that make the 750' set back an undue hardship and (2) the reduction in the set back will not adversely impact the peaceful enjoyment and use of the residential structure by its occupants; and

BE IT FURTHER RESOLVED by the Board that Conditional Use Permit Application CUP-01-11 be, and it hereby is, approved subject to the following conditions:

1. The communication tower shall meet all applicable requirements set forth in New Kent County Code Section 98-873(m) – Standards for communication and broadcast towers: radio, television, cellular telephone, and microwave, and in New Kent County Code Section 98-745(b)(12) – Conditions for radio, television or communication stations and/or towers which exceed 50 feet in height in the conservation and agricultural zoning districts.
2. The communication tower erected on the site shall not exceed 250 feet in height exclusive of a lightning rod.
3. Lighting of the communication tower shall be limited to red lighting unless federal regulations dictate otherwise.
4. This Conditional Use Permit shall expire on the 2<sup>nd</sup> anniversary of its approval if a building permit pertaining to the communication tower site has not been issued.

  
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G. Cabell Lawton, IV  
County Administrator

  
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Thomas W. Evelyn  
Chairman