

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS Case No. 10769 – 2011

A hearing was held after due notice on July 25, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

### Nature of the Proceedings

This is an application for a special use exception to place a telecommunications monopole.

### Finding of Facts

The Board found that the Applicant was seeking a special use exception to place a telecommunications monopole on a parcel of Briarhook Road, west of Hensley Road, together with a variance from the required warning lights. After a hearing, the Board made the following findings of fact:

1. The Applicant wishes to erect a telecommunications monopole in order to bridge an existing gap in coverage. At the commencement of the hearing, the Applicant indicated that it did not require the variance from the lighting requirements.
2. The pole will be 145' tall with a 5' lightening rod at the top. The proposed tower meets all required setback requirements and the technical requirements of the County Ordinance.
3. There are no other structures in the area tall enough to allow for the placement of an antenna, and the location on the property was limited by an existing irrigation system on the farm, as well as wetlands to the west.
4. The tower will be set within a 40'x40' fence compound, and the tower will be more than 1,000' from any other structure.
5. The tower meets the technical requirements of the ordinance.
6. The Applicant submitted an appraisal from Pam Bursler of W.R. McCain & Associates, indicating that there would be little or no adverse effect on other properties. The Applicant also submitted a report which indicated that radio frequency emissions would be well within the standard established by Federal Law.
7. Several individuals testified in opposition. Randall Handy was concerned that if the tower fell, it would fall on existing power lines. Richard Miller objected because the tower would cast a shadow on adjacent property, that the irrigation system could be adjusted to accommodate the tower at another location on the property, and that the tower should not be close to the road. Dorothy Miller testified that the tower will hurt surrounding property values, and that she would rather not see a tower in a corn field.
8. Ken Farrell testified in rebuttal, indicating that the towers are designed to collapse upon themselves so as not to fall into a road. He also indicated that whatever shadow might be cast would be limited to the 4-5' diameter at the base of the tower, and 2-3' diameter at the top. Andrew Petersohn testified that the proposed location is on the fringe of coverage in the area and is designed to cover a wider area from that location, and that the tower was necessary because of data growth in current phones.

The Board granted the special use exception, finding that it would not affect adversely the uses of neighboring and surrounding properties.

The Board granted the special use exception.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson; voting against – none.

**BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY**

  
Dale Callaway  
Chairman

If the use is not established within one (1) year from the date below the application becomes void.

Date September 8, 2011.