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April 24, 2012

Steve Corbit, VCO
Purchasing / Risk Manager
15 N. Cameron Street
Winchester, Virginia 22601

RE: Zoning Interpretation, 700 Jefferson Street (Tax Map: 190-01--3)

Dear Mr. Corbit:

The purpose of this letter is to serve as an official interpretation of the Winchester Zoning Ordinance, specifically regarding a potential installation of an emergency communications tower at 700 Jefferson Street (hereafter noted as "The Property"). This property is located entirely within the Education, Institution and Public Use (EIP) Zoning District.

The description of the tower referenced in the Request for Proposal materials leads me to the determination that this structure will most closely match the classification as a communications tower outlined in Section 16.1-2-1 of the Zoning Ordinance. Within the EIP Zoning District, communications towers are permitted through the conditional use permit process, pursuant to Section 16.1-2-1 of the Winchester Zoning Ordinance:

SECTION 16.1-2 USES PERMITTED WITH A CONDITIONAL USE PERMIT.

16.1-2-1 Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems in accordance with Section 18-2-1.2 of this Ordinance.

Additionally, the provisions outlining minimum standards for communications towers in Section 18-2-1.2 of the Zoning Ordinance do not specifically address the maximum height for such structures within the EIP Zoning District. The most relevant Ordinance section states:

18-2-1.2 Proposals for transmitting and receiving facilities and towers for cellular communications systems and similar communications systems shall demonstrate the following: (2/14/96, Case TA-95-07, Ord. No. 002-96)

- **The height of any tower is no more than the minimum to accomplish required coverage and any new tower is separated from property lines in a residential district by not less than the height of the tower.** In no case shall any tower exceed 75 feet in height in a LR, MR, HR, RO-1, RB-1 or HS Districts, nor 100 feet in the B-1, B-2, CM-1, PC, MC or HE-1 Districts, nor 200 feet in the M-1 or M-2 Districts.

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Since the Zoning Ordinance is silent regarding an absolute height maximum for communications towers within the EIP district, it will be the responsibility of the applicant for a conditional use permit to demonstrate before the Planning Commission and City Council that the height proposed is the minimum necessary height needed in order to achieve necessary transmission requirements.

Additionally, a site plan will be required to be submitted to the Planning Director prior to the installation of such communications tower to ensure the development is in conformance with Zoning Ordinance standards.

In accordance with Section 15.2-2311 of the Code of Virginia (1950), as amended, you have the right to appeal this decision to the Board of Zoning Appeals within 30 days after your receipt of this letter. Otherwise the letter set forth in this letter shall be final and unappealable if not appealed within the thirty-day period. The filing fee associated with an application for appeal is \$200.00, and should be enclosed with a completed application if you intend to appeal this decision.

If you have any questions or concerns, please do not hesitate to contact me directly at (540) 667-1815 x1492.

Regards,

A handwritten signature in black ink, appearing to read "A. M. Grisdale". The signature is fluid and cursive, with the first name "A." and last name "Grisdale" clearly visible.

Aaron M. Grisdale, CZA
Acting Zoning and Inspections Administrator