



County of Fairfax, Virginia

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

June 4, 2009

Jim Michal
Jackson & Campbell, PC
1120 Twentieth Street, NW
South Tower
Washington, DC 20036-3437

Re: Interpretation for Special Exception Amendment SEA 89-S-072; Tax Map 66-4 ((3)) 1;
T-Mobile, 12700 Popes Head Road: Equipment Compound Layout

Dear Mr. Michal:

This is in response to your letters of March 17 and May 14, 2009, requesting an interpretation of the Special Exception Amendment (SEA) Plat and development conditions approved by the Board of Supervisors in conjunction with SEA 89-S-072 (to permit a telecommunications facility and site modifications for a previously approved electrical substation). As I understand it, the question is whether modifications to the layout of the equipment compound would be in substantial conformance with the SEA Plat and development conditions. This determination is based on your letter dated March 17, 2009; the revised letter dated May 14, 2009; and the plan titled "T-Mobile Northeast LLC, Site Name: Novec, Site Number: WAC142F, 12700 Popes Head Road, Clifton, VA 20124," prepared by Entrex Communication Services, Inc., dated March 5, 2009, as revised May 7, 2009. Copies of the letters and plans are attached.

On March 31, 2008, The Board of Supervisors approved SEA 89-S-072, subject to development conditions, for the construction and operation of a telecommunications facility consisting of a 140-foot high tree monopole and an associated equipment compound measuring 35 feet by 50 feet. Your letter states that subsequent to the approval, it was discovered that an underground bank of electrical conduit lines impacted the approved location of the equipment cabinets and equipment shelter, necessitating revision of the layout of the compound. You are proposing to reorient the compound from the approved rectangular configuration to an "L" shaped configuration and rearrange the equipment cabinets within it. You indicate that the proposed modified layout of the equipment compound will not increase the total disturbed area, will not exceed the approved 1,750 square foot compound area, and will not decrease the amount of approved landscaping per the approved SEA Plat. No change is proposed in the approved parking configuration.

Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
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Integrity * Teamwork * Public Service

James R. Michal
Page 2

It is my determination that the proposed modification to the equipment layout as described above is in substantial conformance with the SEA Plat and development conditions. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please contact Carrie Lee at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director
Zoning Evaluation Division, DPZ

RCC/CDL/O:\clee01\ActionAssignments\Interpretations\SEIT-Mobile_12700 Popes Head Rd_equipment compound reorientation.doc

Attachments: A/S

cc: Pat Herrity, Supervisor, Springfield District
Peter F. Murphy, Jr., Planning Commissioner, Springfield District
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Chief, Plan and Document Control, Land Development Services, DPWES
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: SEA 89-S-072, SEI 0903 017, Imaging, Reading File



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Attorneys and Counselors at Law

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March 17, 2009

RECEIVED
Department of Planning & Zoning

MAR 19 2009

Zoning Evaluation Division

VIA HAND DELIVERY

Ms. Regina Coyle
Director
Zoning Evaluation Division
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

Re: Request for Minor Modification, 12700 Popes Head Rd., Clifton,
VA 20124

Dear Ms. Coyle:

Applicants Smartpole Inc. ("Smartpole") and Northern Virginia Electrical Cooperative ("NOVEC") respectfully request that the Zoning Administrator make a determination that the proposed equipment compound modifications set forth below comply with the provisions set forth in Article 9, Section 9-011 et al. relating to the approved Special Exception Amendment, SEA 89-S-072, on the property owned by NOVEC with an address of 12700 Popes Head Rd., Clifton, VA 20124.

On March 5, 2008, SEA 89-S-072 was approved by the Board of Supervisors allowing the construction and operation of a 140' high telecommunication wireless structure designed as a tree monopole and related ground equipment to be located within a 35' by 50' rectangular compound, totaling 1750 square feet.

Subsequent to the approval of SEA 89-S-072 Applicants determined that an underground bank of electrical conduit lines in close proximity to the equipment compound was potentially impacted and that it was prudent to slightly reconfigure the

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Attorneys and Counselors at Law

compound instead of relocating the underground bank thereby avoiding substantial disturbance to the ground and significant costs.

As noted above, the approved SEA 89-S-072 provides for a rectangular equipment compound measuring 35' by 50'. The proposed reconfiguration of the compound shall be in the form of an "L" and will continue to measure 1,750 square feet. The proposed new compound does not increase the total disturbed area for the ground equipment per the approved original special exception amendment. Site plans for the original compound and the proposed compound are attached hereto.

The proposed setbacks from the compound fencing are as follows:

- 328.9' from the western property line (no change from original approval);
- 179.3' from the eastern property line (a 24' reduction from the original approval);
- 117.2' from the southern property line (a 3' reduction from the original approval);
- 176.9' from the northern property line (no change from original approval);

The number of approved carriers and structures (cabinets/shelters) will remain the same and there will be no change to the 140' high wireless telecommunication structure.

Article 9, Section 9-011, Paragraph 4 of the Fairfax Zoning Ordinance states:

*"Minor modifications to an approved special exception may be permitted when it is determined by the Zoning Administrator that such are in substantial conformance with the approved special exception and that such: are in response to issues of topography, drainage, **underground utilities**, [emphasis added] structural safety, layout, design, vehicular circulation, or requirements of the Virginia Department of Transportation or Fairfax County."*

Article 9, Section 9-011, Paragraph 4 A (1) thru (7) of the Fairfax Zoning Ordinance states:

(1) Change the amount of land area or permit a more intensive use which shall include but not be limited to an expansion of the hours of operation or an increase in number of seats, dwellings, students or employees from that approved pursuant to the special exception; or

Applicants Response: Applicants will not change the amount of land area or permit a more intensive use.

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(2) Result in an increased parking requirement, except for any additional parking which may be required for any building additions or modifications permitted under Par. 4A(7) below; or

Applicants Response: Applicants' requested modification will not result in an increased parking requirement.

(3) Permit uses other than those approved pursuant to the special exception, except that accessory uses in accordance with this paragraph may be permitted; or

Applicants Response: Permitted uses remain the same.

(4) Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space; or

Applicants Response: Applicant will not reduce the effectiveness of the approved transitional screening, buffering, landscaping or open space.

(5) Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or

Applicants Response: No adverse impact to adjacent property given the minor reconfiguration of the compound. Also, the existing dense and mature vegetation on and surrounding the property effectively screens the approved facility.

(6) Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or

Applicants Response: Applicants will not cause in increase in the amount of clearing and/or grading.

(7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that the sum total of all such structures or additions shall not exceed the following:

Applicants Response: No additional buildings or structures.

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Applicants submit that they meet the above referenced standards of the Zoning Ordinance and that the requested minor modification will further enhance realization of the special exception amendment and the related development conditions.

For the reasons stated above, Applicants respectfully request that the Zoning Administrator approve the modifications to the equipment compound as described in the attached drawings.

If you should have any questions or need any other information, please so advise me. Thank you for your consideration of the request.

Very truly yours,

JACKSON & CAMPBELL, P.C.

A handwritten signature in black ink, appearing to read "James R. Michal", with a long horizontal flourish extending to the right.

James R. Michal

Enclosures: As Stated



JACKSON & CAMPBELL, P.C.

Attorneys and Counselors at Law

JAMES R. MICHAL
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jmichal@jackscamp.com

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May 14, 2009

RECEIVED
Department of Planning & Zoning

MAY 19 2009

Zoning Evaluation Division

VIA E-MAIL & FIRST CLASS MAIL

Ms. Regina Coyle
Director
Zoning Evaluation Division
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

**Re: Request for Minor Modification, 12700 Popes Head Rd., Clifton,
VA 20124 – SEA 89-S-072**

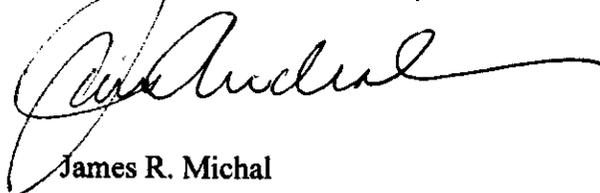
Dear Ms. Coyle:

This letter is to confirm that the Applicants will maintain the approved parking configuration and that the only requested modification is to the approved equipment compound design as set forth in my determination letter request dated Marc 17, 2009. Updated drawings are attached.

Thank you for your further consideration of this matter. I shall await your determination.

Very truly yours,

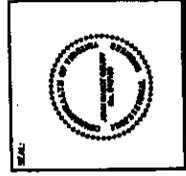
JACKSON & CAMPBELL, P.C.



James R. Michal



DATE	DESCRIPTION	BY
08-15-00	ISSUE FOR PERMITS	W.A.
08-15-00	ISSUE FOR PERMITS	C.S.
08-15-00	ISSUE FOR PERMITS	C.S.
08-15-00	ISSUE FOR PERMITS	C.S.
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08-15-00	ISSUE FOR PERMITS	C.S.
08-15-00	ISSUE FOR PERMITS	C.S.



1-MOBILE IDENTIFICATION
 10000 PEACHTREE LAKES BLVD. NW
 ATLANTA, GA 30328
 PHONE: (404) 251-1000

PROJECT NO.: 10000033
 DESIGNER: W.A.
 ENGINEER: C.S.
 SCALE: 1/8" = 1'-0"
 GRAPHIC SCALE IN INCHES

NOVEC
 WACH2 F
 12700 POPPES HEAD ROAD
 CUSTON, VA 20024
 SPECIAL EXCEPTION
 Z203-0074
 SEAN-4-1712

EQUIPMENT DETAILS
 SHEET NUMBER: Z-7

