



## Loudoun County, Virginia

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Department of Building and Development  
1<sup>st</sup> Harrison Street, S. E., Leesburg, VA 20177-7000  
Administration: 703/777-0397 Fax: 703/771-5215

March 10, 2004

Jack C. Hammett, Jr.  
40282 Doe Run Lane  
Paeonian Springs, VA 20129

**SUBJECT: Permissibility of Multiple Amateur Radio Antenna Support Structures**  
**LCTM: /38///3////5/**  
**MCPI: 306-27-9916**

Dear Mr. Hammett:

This correspondence is in response to your letter dated January 20, 2004 to Melinda M. Artman, Zoning Administrator, requesting a determination as to whether 4 amateur radio antenna support structures, two at 120 feet in height and two at 100 feet in height, are permitted on the subject property under the Revised 1993 Zoning Ordinance (the Ordinance). In short, the answer is yes.

The subject property is 38.65 acres in size and is located in the Agricultural Rural-1 (AR-1) zoning district and the Mountainside Development Overlay District (MDOD). As stated in your letter, the proposed antenna support structures are solely for attaching amateur radio antennas for use only by the residents of the residential dwelling on the subject property. Such amateur radio antennas, and their supporting structures, are considered an accessory use as defined by Article 8 of the Zoning Ordinance.

Section 5-101(A)(12) of the Zoning Ordinance lists radio antennas as a permitted accessory use/structure to a principal residential use. A single family dwelling is a permitted residential use in the AR-1 Zoning District. Section 5-101(A)(12) requires that accessory radio antennas be setback a minimum of one foot for each foot in height from required yards. Section 2-103, Lot and Building Requirements, establishes the yard requirements for lots in the AR-1 zoning district. The side and rear yards are 25 feet, and the front yard adjacent to local roads is 35 feet. Therefore, the proposed 120-foot towers must be no less than 145 feet from any side and rear property line, and 155 feet from any front property line. The proposed 100-foot towers should be no less than 125 feet from any side and rear property line, and 135 feet from any front property line. Based on the information provided with the request, "Tower 1" is proposed at 140 feet from the eastern property line, which is not in conformance with the Ordinance regulations, and therefore must be relocated.

Due to portions of the subject property being located within the MDOD, you will need to coordinate with the County Soil Scientist, Alex Blackburn, and receive a locational clearance for any proposed land disturbing activities, prior to the issuance of any zoning permits for the construction of the proposed towers, in accordance with Section 4-1604 of the Ordinance.

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This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the **Board of Zoning Appeals** in strict accordance with **Section 15.2-2311** of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days.

I trust this information will serve your needs. If you have any further questions, please contact me at 703-777-0397.

Sincerely,



Monty Lowe, AICP  
Planner, Zoning Administration

Attachments: (1) Section 2-100, AR-1 Agricultural Rural-1, of the Revised 1993 Zoning Ordinance; (2) Article 8, Definitions, Use, Accessory of the Revised 1993 Zoning Ordinance; (3) Section 5-100, Accessory Uses and Structures, of the Revised 1993 Zoning Ordinance; and (4) Section 4-1600, Mountainside Development Overlay District (MDOD)

cc: Sarah H. "Sally" Kurtz, Catoclin District Supervisor  
Melinda Artman, Zoning Administrator  
Mark Stultz, Assistant Zoning Administrator  
Marsha Keim, Planner, Permits