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Department of Community Development
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December 5, 2012

Mr. Stephen DelSordo
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

**RE: Section 106 Review Comments
Hansen/Hirtz Tower
808 Tower Hill Road, Appomattox, Virginia**

Dear Mr. Delsordo;

Thank you for the opportunity to comment on the proposed tower to be located on property owned by Mr. Frank Hansen, 808 Tower Hill Road, Appomattox, Virginia. As you know the facility is scheduled to be 380 feet tall upon completion. I would like to begin by recapping a few actions taken by the County as it relates to the land use petition.

- Staff met with Mr. Chuck Hirtz for the first time June 24, 2010.
- Mr. Hirtz, acting as agent, submitted the Conditional Use Permit application-September 29, 2010.
- County held no less than three (3) public hearings on this petition. Only issues raised were access to the property and one adjoining neighbor wanted the position of the tower adjusted slightly.
- Prior to the Board of Supervisors making a decision, County staff made multiple attempts to contact National Park personnel in an effort to get comments about the impact on the park. First response was in August, 2011.
- Board of Supervisors approved a Conditional Use Permit for a 380 foot tower to be constructed on property owned by Frank Hansen-June 6, 2011.

Appomattox County's slogan is "Where Our Nation Reunited". This unique identity bestowed upon our county in 1865 was an accidental stumble into the annals of history due to a convergence of missteps by the Confederate Army and the aggressive, unrelenting pursuit by the Union Army. As unfortunate as it was to admit defeat,

General Lee recognized that the carnage must end, thus setting in motion the reunification of our nation. Beginning in a small hamlet far removed from that days' seats of power, two men shook hands and set a new course for the nation. In the 1930's, the National Park Service set a new course for our community by establishing the Appomattox Courthouse National Historical Park and with that the quaint village was reborn. Since that time, the County and Town of Appomattox have worked diligently to preserve the history of one of our nation's seminal moments. As a community, we have embraced our place in history. We aim to honor that day in April, 1865 by preserving the village, so that all Americans can visit the location where we once again became the UNITED States of America.

In recent years, we have been fortunate to rediscover the Battle of Appomattox Station location and to have the Civil War Trust invest in its protection. The National Park Service and the Virginia Department of Conservation and Recreation played integral roles in the discovery of this lost battlefield and plans are being made to incorporate this site into the story that is Appomattox. In 2010, the Museum of the Confederacy, recognizing the importance of Appomattox, decided to construct a satellite location within walking distance of the National Park and the Appomattox Station battlefield site.

These Civil War amenities are vital to our community. The preservation of such amenities is essential to our local burgeoning tourism industry. The County has set several goals and objectives in its Comprehensive Plan related to historic preservation:

- Maintain and Protect Appomattox County as a Rural Community that focuses on its Important Position in American History.
 - Identify, preserve, and protect existing areas of historical significance.
 - Promote preservation of historic areas through land use and development controls.
 - Encourage the preservation of historic structures throughout the County for the enjoyment of residents for years to come.
- The Board of Supervisors designated the National Historical Park Protection Area, which encompasses lands within the current park boundaries and all adjacent land as part of a Comprehensive Plan amendment in March, 2007.

The Appomattox County Board of Supervisors did not realize the adverse impact the tower would have at the time it made its decision to approve the Conditional Use Permit. The tower location is approximately $\frac{3}{4}$ mile from the closet park boundary and the petitioner presented evidence that seemingly negated any adverse visual impact.

If the Board of Supervisors was aware of any report that showed an adverse impact to the National Park, I am confident, based on our zoning code, the outcome of the petition would have been different. Section 170-115 (E) of the Appomattox County

Zoning Ordinance specifically states in part....“The Board of Supervisors can disapprove a conditional use permit application based upon any adverse impact that a proposed tower may have on the Park.” (meaning Appomattox Courthouse National Historical Park).

In conclusion, I would again like to thank you and the Virginia Department of Historic Resources for the opportunity to comment. We hope you will find this letter helpful to your Section 106 review and look forward to learning about your findings.

Sincerely,

Johnnie Roark

Johnnie Roark
Director of Community Development

Cc: Members, Appomattox County Board of Supervisors
W. Gillespie, Interim Town Manager, Town of Appomattox
C. Novelli, Virginia Department of Historic Resources