

PETITION FOR ZONING SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Charles L. Sill
I, or we, Charles L. Sill, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone, for the following reasons:

Section 1A02.2B20 - To permit a height of 450 feet in lieu of the required 100 feet.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County to use the herein described property, for _____ Wireless Transmitting and Receiving _____ Structure.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Baltimore Radio Show, Inc.
By: _____ Secretary
Contract purchaser
Address: 13 E. 20th Street
Baltimore, Md. 21218
W. H. Carter, Petitioner's Attorney
Address: 900 First National Bank Building
Light & Redwood Street
Baltimore, Maryland 21202
ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of February, 1972, at 10:30 o'clock.

Zoning Commissioner of Baltimore County

(over)

HOWARD D. TUSTIN, JR.
REGISTERED

ESTABLISHED 1849

S. J. MARTENET & CO.

LAND SURVEYORS

9 E. LEXINGTON STREET
BALTIMORE, MD. 21202
PHONE: 539-4263



DESCRIPTION OF LAND TO BE ACQUIRED
BY RADIO STATION W.F.B.B.

All that parcel of land situate in the Second Election District of Baltimore County bounded and described as follows:

BEGINNING for the same on the Northwest side of a road or right of way heretofore laid out 15 feet wide and now known as Clay's Lane at a point distant 2,510 feet, more or less, westerly from Rolling Road, said place of beginning being at the end of the first line of the parcel of land thirdly described in a deed from John J. Timanus, Attorney to Charles Louis Sill and wife, dated June 14, 1941 and recorded among the Land Records of Baltimore County in Liber C.W.B.Jr. No. 1167, folio 364, etc. and running thence, binding reversely on the first line of said thirdly described land and on the Northwest side of Clay's Lane with the use thereof in common as now surveyed, South 60 degrees, 53 minutes and 40 seconds West 173.53 feet to a stone heretofore planted at the beginning of said first line; thence, binding reversely on part of the sixth or last line of the land thirdly described in said deed, as now surveyed, South 51 degrees, 17 minutes and 20 seconds West 34.35 feet to a point in line with a fence situate on the southernmost side of a private road running westerly and southwesterly from the Southwest end of Clay's Lane; thence, binding on said fence and running for lines of division now made through _____ property of Charles Clay, the five (5) following courses and distances to wit: South 84 degrees, 08 minutes and 30 seconds West 226.39 feet; South 74 degrees and 30 minutes West 46.00 feet; South 64 degrees, 01 minute and 10 seconds West 291.28 feet; South 57 degrees, 08 minutes and 30 seconds West 34.06 feet and South 45 degrees, 24 minutes and 50 seconds West 202.51 feet to the Easternmost corner of a corn crib there situate; thence, running for another line of division, now made, through the property of the said Charles Clay, South 37 degrees, 10 minutes and 20 seconds West 470.43 feet to intersect the twelfth line of the whole tract of land described in a deed from N. Charles Burke, Trustee to Henry Clay dated October 8, 1888 and recorded among said Land Records in Liber J.W.S. No. 171 folio 473 etc.; thence, running with and binding on part of said twelfth line and on the first line of the parcel of land secondly described in the deed

Land to be Acquired by Radio Station W.F.B.B.

firstly hereinbefore referred to, in all, South 48 degrees, 32 minutes and 40 seconds East 716.06 feet to a stone heretofore planted at the end of the first line of said land secondly described in said first mentioned deed; thence, running with and binding on the second line of said secondly described parcel of land to the end thereof and continuing the same direction, binding reversely on the fourth and third lines of the parcel of land thirdly described in said first mentioned deed, in all North 35 degrees, 16 minutes and 40 seconds East 1467.57 feet; thence, binding reversely on the second line of said thirdly described parcel of land, as now surveyed, North 59 degrees, 39 minutes and 20 seconds West 231.32 feet to the place of beginning.

Containing 18.271 acres of land, more or less.

The courses in the above description are referred to the True Meridian adopted by the Baltimore County Bureau of Engineering.

Being and comprising part of the land described in a deed from N. Charles Burke, Trustee to Henry Clay, dated October 8, 1888 and recorded among the Land Records of Baltimore County in Liber J.W.S. No. 171 folio 473 etc. and the parcels of land secondly and thirdly described in a deed from John J. Timanus, Attorney to Charles Louis Sill and wife, dated June 14, 1941 and recorded among said Land Records in Liber C.W.B.Jr. No. 1167 folio 364 etc.

Subject to the use in common with others entitled thereto of that portion of a road or right of way 15 feet wide lying South-easterly of and immediately adjacent to the line firstly described in the above description said road being the Southwesternmost portion of a road or right of way 15 feet wide described in an agreement by and between Henry Clay and wife, Henry R. Exmire and wife, George R. Bescraft and wife and Christian F. Fisher and wife dated December 22, 1915 and recorded among the Land Records of Baltimore County in Liber W.F.C. No. 459 folio 537 etc.

Subject also to the use in common with others entitled thereto of a road 12 feet wide as now laid out across and near the Northeasternmost end of the above described land and extending Southeasterly from the above mentioned 15 foot road or right of way to the land now or formerly of Frederick J. Gilman as set forth in a deed from Justie R. Rine to Frederick J. Gilman and wife dated March 16, 1944 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1336 folio 75 etc.

By: Howard D. Tustin, Jr.
Howard D. Tustin, Jr.
Reg. L.S. No. 3995
December 8, 1971

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eds. Dineen, Zoning Cor. Adviser Date: February 23, 1972

FROM: George E. Gervella, Director of Planning

SUBJECT: Petition 72-184-XA, Northwest side of Clay's Lane 2550 feet west of Rolling Road
Petition for Special Exception for wireless transmitting and receiving structure.
Petition for variance to height.
Charles Clay and Charles L. Sill - Petitioners

2nd District

HEARING: Thursday, February 24, 1972 (10:30 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for special exception together with variance.

We question the potential safety of the proposed towers not only to existing surrounding uses but to possibly more intensive future uses on adjacent properties. There is not sufficient data to determine if the property would contain wholly or one or all of the proposed towers if they were to fail.

If the proofs of Section 502.1 are met, development should be conditioned upon a site plan approved by appropriate County agencies.

GEG:NEG:msh



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

February 4, 1972

W. Minor Carter, Esq.,
900 First National Bank Building
Light & Redwood Streets
Baltimore, Maryland 21202

RE: Type of Hearing: Special Exception for
Wireless Transmitting
and Receiving Structure
Location: E/S Private Road, 400' W of
Clay's Lane
Petitioners: Charles Clay and Charles L. Sill
Committee Meeting of January 18, 1972
2nd District
Item #113

Dear Sir:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located on the south side of Clay's Lane approximately 2550 feet west of Rolling Road. The property is currently an unimproved parcel of farm land that lies adjacent to the existing barn and dwelling of the Clay property immediately to the northwest. The surrounding properties are all farm land improved with some structures, with the exception of the property to the south, which is the Diamond Ridge Golf Course of Baltimore County. Clay's Lane is an unimproved gravel and macadam road approximately 15 feet wide.

BUREAU OF ENGINEERING

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways

Fairbrook Road, a future County road, is proposed to be constructed as a 50-foot closed-type roadway cross section on a 30-foot right-of-way. The general alignment of this proposed road is projected through the northeasternmost portion of this property (indicated as Charles L. Sill 3rd Parcel). Highway improvements are not required at this time. Highway right-of-way together with any necessary reversible easements for slopes will be required in

W. Minor Carter, Esq.
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connection with any grading or building permit application. The plat should be revised to incorporate the proposed right-of-way as indicated in red on the attached print.

No further improvements are presently proposed for Clay's Lane, a 15-foot right-of-way maintained by Baltimore County. Clay's Lane is proposed to be improved in the future as a 30-foot closed-type roadway cross section on a 50-foot right-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Controls

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

Storm Drainage

In accordance with the drainage policy for this type development, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 50-year design storm. However, a minimum width of 50 feet is required.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Drainage and utility easements are required through this property to serve off site properties to the east.

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Water and Sanitary Sewer

Public water and sanitary sewerage are not available to serve this property.

DEPT. OF TRAFFIC ENGINEERING

No traffic problems are expected at this site.

SUBJECT PLANNING DIVISION

This plan has been reviewed and there are no site planning factors requiring comment.

BOARD OF EDUCATION

No bearing on student population.

HEALTH DEPARTMENT

Since these radio transmission towers will have no septic system or water wells, no health hazards are anticipated.

FIRE DEPARTMENT

Site plans approved as shown.

ZONING ADMINISTRATION DIVISION

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 50 days after the date on the filing certificate, will be forwarded to you for the next future.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

JAD:JD

Enc.

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, a Special Exception for a Wireless Transmitting and Receiving Structure should be granted; and it further appearing that by reason of the following findings of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship to the Petitioners, the Variance should be granted; and that the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, a Variance to permit a height of four hundred and fifty (450) feet instead of the required one hundred (100) feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17th day of March, 1972, that the above described property be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a _____ zone, and the Special Exception for _____ be and the same is hereby DENIED.

Special Exception for a Wireless Transmitting and Receiving Structure. The Petitioners request a Special Exception for a Wireless Transmitting and Receiving Structure, four hundred and fifty (450) feet instead of the required one hundred (100) feet should be granted. The Variance is granted from and after the date of this Order, subject to the approval of a site plan by the Bureau of Public Services and the Office of Planning and Zoning.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1972, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a _____ zone, and the Special Exception for _____ be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

PETITION FOR VARIANCE AND SPECIAL EXCEPTION
AND DISTRICT
FOR WIRELESS TRANSMITTING AND RECEIVING STRUCTURE
 The Petitioners request a Special Exception for a Wireless Transmitting and Receiving Structure, four hundred and fifty (450) feet instead of the required one hundred (100) feet should be granted. The Variance is granted from and after the date of this Order, subject to the approval of a site plan by the Bureau of Public Services and the Office of Planning and Zoning.

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 3, 1972.
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on February 3, 1972, the 3rd day of February, 1972, the 3rd day of February, 1972, appearing on the 3rd day of February, 1972.

THE JEFFERSONIAN
 Manager

Cost of Advertisement, \$ _____

PETITION FOR VARIANCE AND SPECIAL EXCEPTION
AND DISTRICT
FOR WIRELESS TRANSMITTING AND RECEIVING STRUCTURE
 The Petitioners request a Special Exception for a Wireless Transmitting and Receiving Structure, four hundred and fifty (450) feet instead of the required one hundred (100) feet should be granted. The Variance is granted from and after the date of this Order, subject to the approval of a site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Public Hearing on the above Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, a Special Exception for a Wireless Transmitting and Receiving Structure should be granted; and it further appearing that by reason of the following findings of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship to the Petitioners, the Variance should be granted; and that the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, a Variance to permit a height of four hundred and fifty (450) feet instead of the required one hundred (100) feet should be granted.

OFFICE OF
THE TIMES
 21228 February 7, 1972
 The Times is a weekly newspaper published, once a week for One
 7th day of Feb., 1972 that is to say,
 of February 3, 1972.

STROMBERG PUBLICATIONS, Inc.

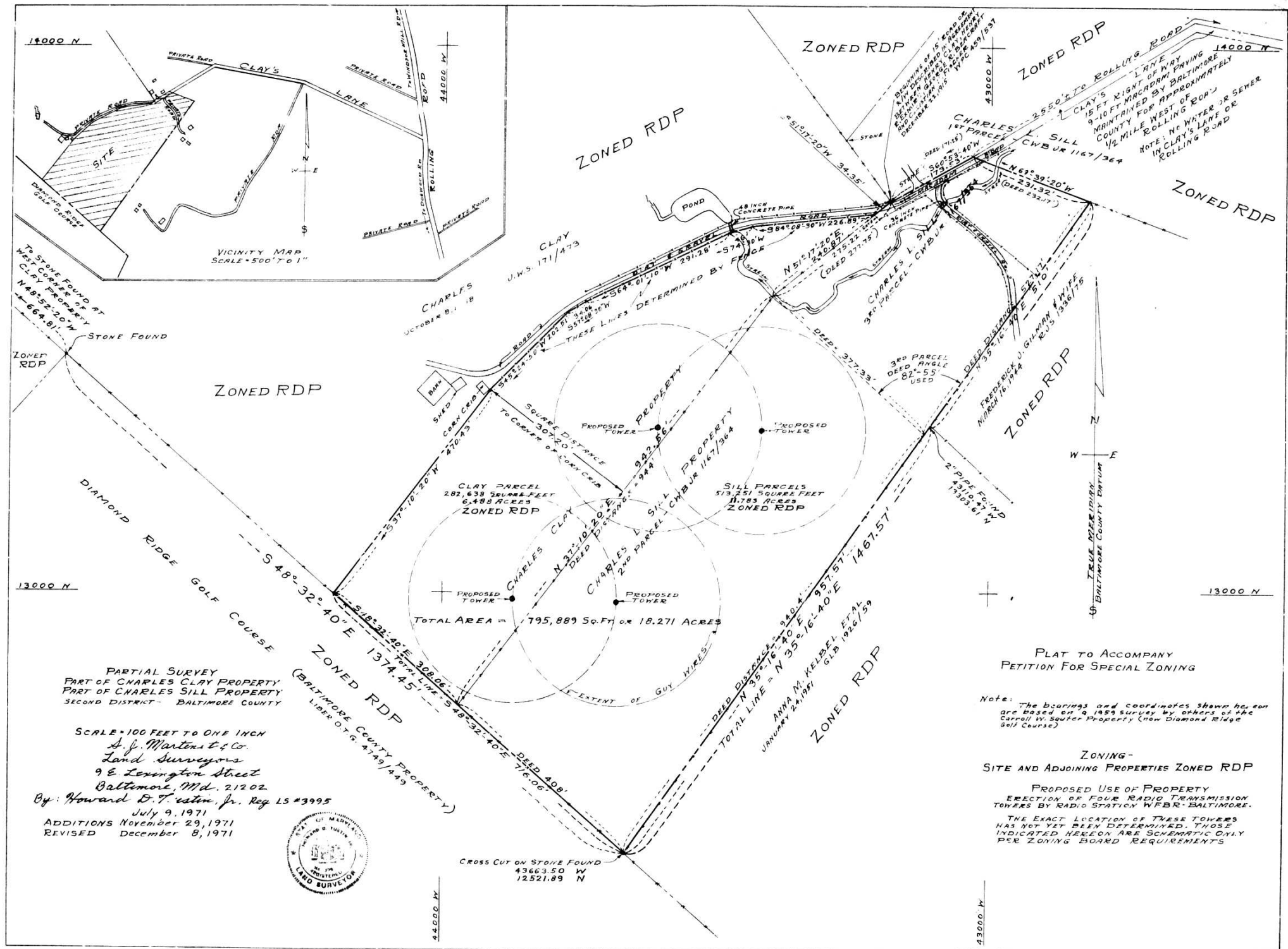
By Ruth Morgan

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 309 Date of Posting: Feb. 17, 1972
 Posted for: Charles Clay, Jr.
 Location of property: 300 First National Bank Building
 Location of Sign: 300 First National Bank Building
 Remarks: Petition for Variance and Special Exception for Charles Clay, Jr.
 Posted by: [Signature] Date of return: Feb. 17, 1972

BALTIMORE COUNTY, MARYLAND No. 1516
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
 DATE Jan. 31, 1972 ACCOUNT 01-662
 AMOUNT \$50.00
 DISTRIBUTION
 WHITE - CASHIER
 Messrs. Piper & Harbury
 300 First National Bank Building
 Light & Redwood Sts.
 Baltimore, Md. 21202
 Petition for Variance and Special Exception for Charles Clay, Jr.
 #72-104-XA

BALTIMORE COUNTY, MARYLAND No. 1563
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
 DATE March 2, 1972 ACCOUNT 01-662
 AMOUNT \$129.25
 DISTRIBUTION
 WHITE - CASHIER
 WFP
 1312 26 St.
 Baltimore, Md. 21218
 Advertising and posting of property for Charles Clay, Jr.
 #72-104-XA



11

CORN CRIBS

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY John F. Wimbley
DATE 6/11/73
72-184

DIET & GRAVEL ROAD

TO CCA'S LANE

NEW BLACKTOP

NEW CURBS

16'-7"

24'-0"

PROPERTY LINE

MACADAM CURB

NOTE: THIS DRAWING SHOULD BE
USED IN CONJUNCTION
WITH PLOT PLAN ON
SHEET C

76'-0"

45'

70'-0"

NEW BLACKTOP

POINT MARKINGS FOR PARKING SPACES

63'-0"

80'

36'

NORTH
SCALE 1/8" = 1'-0"

CONCRETE PAVEMENT

PLANTING (N.I.C.)

PLANTING

TRANSMITTER BUILDING

N.I.C. = NOT IN CONTRACT

PARKING LOT LAYOUT

Lawrence T. Mullen
SIGNATURE



TRANSMITTER BUILDING FOR
RADIO STATION WFBR
HEBRVILLE, BALTIMORE COUNTY, MARYLAND

LAWRENCE T. MULLEN, A.I.A., ARCHITECT 5
CLYNDON, MARYLAND APRIL 1973 OF 6

