

#75-154-XA
#106

CROSS STREET FOUNDRY CO. #75-154-XA
Bldg. 463, 11th E of Ridge Rd. and
2600th NW of Green Spring Ave NW

CROSS STREET
FOURTH CORP. INC.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty). Data Transmission Company ("Datran") has entered into an agreement to purchase approximately two acres of land (the "Subject Property") located in the County of Baltimore, Maryland. The proposed use of the Subject Property is for the construction of a radio communications network for the transmission of computer and other data messages. The Datran network is based upon an antenna system that transmits information across the country on a point-to-point basis. As such, the network requires a clear line of sight between each antenna within the system. Datran is presently taking steps to place an antenna in downtown Baltimore City, and the antenna to be located on the Subject Property would be a vital link in the Datran network. The use of the Subject Property for the proposed use is regulated by the Communications Commission, and as such is required to coordinate its transmissions system with other users of high-frequency radio communications. These factors, taken together, necessitate locating an antenna on the Subject Property. Further, the physical attributes of the Subject Property make it an ideal location for the antenna. The Subject Property is situated on a hill, and there is a line of sight to other antennas within the Datran network. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be bound by the terms and conditions of the Zoning Regulations of Baltimore County, and to pay the costs of advertising and restrictions of Baltimore County advertised pursuant to the Zoning Law for Baltimore County.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of June, 2018.

Zoning Commissioner of Baltimore County

(over)

ORDER OF DISMISSAL

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman
Robert L. Gilland
John A. Miller

DESCRIPTION TO ACCOMPANY
PETITION FOR
VARIANCE AND SPECIAL USE EXCEPTION
PROPERTY TO BE ACQUIRED BY
DATA TRANSMISSION COMPANY
EIGHTH ELECTION DISTRICT
BALTIMORE, COUNTY, MARYLAND

PURDUM AND JESCHKE, ENGINEERS AND LAND SURVEYORS 1028 NORTH CALVERT STREET, BALTIMORE, MARYLAND 21202

Page 1 of 2

November 8, 1974

DESCRIPTION TO ACCOMPANY
PETITION FOR
VARIANCE AND SPECIAL USE EXCEPTION
PROPERTY TO BE ACQUIRED BY
DATA TRANSMISSION COMPANY
EIGHTH ELECTION DISTRICT
BALTIMORE, COUNTY, MARYLAND

(3) North 89° 10' 30" West 295.87 feet, thence leaving said Ninth

PURDUM AND JESCHKE
ENGINEERS AND LAND SURVEYORS
1023 NORTH CALVERT STREET, BALTIMORE, MARYLAND 21202

Page 2 of 2

April 28, 1975

Beginning 463.18' E of Ridge Road
and 2600' NE of Green Spring Avenue -
8th Election District

Counsel for Protestants

People's Counsel

RE: CROSS STREET POULTRY COMPANY, INC. : BEFORE THE
Petition for Special Exception for : ZONING COMMISSIONER
a wireless transmitting and receiving :
structure, beginning 463.18 feet East :
of Ridge Road and 2600 feet North- : FOR BALTIMORE COUNTY
east of Greenspring Avenue, 8th District :
Case No. 75-154-XA

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

I hereby certify that a copy of the foregoing Order was mailed this 24th day of January, 1975, to William R. Hansen, Esquire, Piper & Marbury, 2000 First Maryland Building, 25 South Charles Street, Baltimore, Maryland 21201.

Re: Cross Street Poultry Co., Inc.
File Nos. 75-154XA and 75-168-A

Dear Mr. Reiter:

The cases captioned above (the "Appeals") are scheduled for a concurrent public hearing on Tuesday, October 7, 1975, beginning at 10:00 a.m. Please be advised that the Petitioners, Cross Street Poultry Company, Inc., and Data Transmission Company, have elected to withdraw the Appeals. Please remove the Appeals from your docket.

Very truly yours,

William R. Hansen
Attorney for the Petitioners

cc: Daniel O'Connell Tracy, Jr., Esq.
Thomas F. McDonough, Esq.
John W. Hessian, III, Esq.

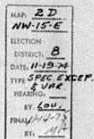
Rec'd 8/29/75
10.30 am

NOV 20 1975

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, CROSS STREET POULTRY COMPANY, INC. legal owner... of the property situated in Baltimore County, which is described in the description and plat attached hereto and made a part hereof, hereby petition (4) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from NO. 75-154-XA to the following reasons:



See attached description

and (5) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a wireless transmitting and receiving structure, which use is a recognized special exception in an R.D.P. Zone pursuant to Section 1A001b.20 of the Baltimore County Zoning Regulations.

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.

DATE TRANSMISSION COMPANY CROSS STREET POULTRY COMPANY, INC.
By Edward Heyman, President By Edward Heyman, President
Contract purchaser Legal Owner
Address 8110 Boone Boulevard Address 24 E. Cross Street
Vienna, Virginia 22180 Baltimore, Maryland 21230
William R. Hansen
Attorney for Data Transmission Company
2000 First Maryland Building
Baltimore, Maryland 21201
Petitioner's Attorney
Protector's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of December, 1974, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout 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 20th day of January, 1975, at 10:15 o'clock.

Zoning Commissioner of Baltimore County.

(over)

LAW OFFICES OF
PIPER & MARBURY
2000 FIRST MARYLAND BUILDING
25 SOUTH CHARLES STREET
BALTIMORE 21201
TELEPHONE 301-930-8830
April 15, 1975

Mr. E. Eric DiNenna
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case Nos. 75-154XA and 75-168A
(Item 106)

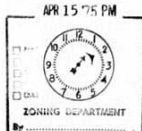
Dear Mr. DiNenna:

As counsel for Cross Street Poultry Company, Inc. and Data Transmission Company, I hereby notice an appeal from the Orders, dated March 27, 1975, of Mr. James E. Dyer in the cases captioned above. I have enclosed a check in the amount of \$145.50, in payment of the fee for appealing this matter to the County Board of Appeals. Please request the Board of Appeals to schedule cases 75-154XA and 75-168A for a concurrent hearing.

Very truly yours,

William R. Hansen
William R. Hansen

WRH:bb
Enclosure



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
AND VARIANCE : DEPUTY ZONING
Beginning 463.18' E of Ridge Road and : COMMISSIONER
2600' NE of Green Spring Avenue - :
8th District : FOR
Cross Street Poultry Company - :
Petitioner :
NO. 75-154-XA (Item No. 106) : BALTIMORE COUNTY

This Petition represents a request for a Special Exception for a wireless transmitting and receiving structure in a R.D.P. Zone pursuant to Section 1A001b.20 of the Baltimore County Zoning Regulations, together with a request for a Variance to construct an antenna to a height of 310 feet, more or less. Said Variance request has been withdrawn due to a miscalculation with regard to the required height and has been refiled separately, Case No. 75-168-A, which requests a height of 330 feet, more or less.

The two Petitions were heard collectively with experts testifying to both the subject hearing and the Variance hearing. (A strict interpretation of the Zoning Regulation from which the Variance of 330 feet was requested, has resulted in said Variance request being dismissed as unnecessary. The Zoning Regulations, as written, do not limit the height of transmitting and receiving structures in the R.D.P. Zone.)

The site is part and parcel of an abandoned Nike site, located east of Ridge Road and northeast of Green Spring Avenue, in the Eighth Election District of Baltimore County.

During the course of the hearing, several highly qualified experts in the fields of radio engineering, land planning and structural engineering; and a representative of the Data Transmission Company (Datran), contract purchaser of the subject property, testified with regard to the request. Their testimony was thorough and included a great deal of technical data as to how the subject

Others, like a cemetery, do not fit into any of the zone categories, that is, residential, business, and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed (as Special Exceptions in various zones) are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public.

It is the opinion of the Deputy Zoning Commissioner, that the herein requested use falls within the second category and must be located with discrimination in relation to its surroundings. The site in question lies adjacent to a planned residential development. The use would tower over that development, would be out of character and would most certainly be detrimental to the general welfare of the community.

Considering the vastness of the northern part of Baltimore County, which is relatively undeveloped, it appears highly unlikely that the Data Transmission Company could not find a site that would not be in such close proximity to a budding residential development.

The fact that the Datran Company may be required to acquire additional sites at added cost cannot be given prime consideration in deciding whether or not to grant a request for this or any other Special Exception. For these reasons, the Petitioner's request must be denied.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 27th day of March, 1975, that the herein requested Special Exception should be and the same is hereby DENIED.

It is further ORDERED, that as the Variance request was withdrawn, the matter is hereby DISMISSED.

James E. Dyer
Deputy Zoning Commissioner of
Baltimore County

site was chosen and the need for clear lines of sight between each antenna in the system. The requested height of 330, more or less, was considered an absolute necessity in order to provide unobstructed sight lines between connecting antennas in Datran's system. Additional antennas at a lesser height but at closer intervals was considered too costly. Additional testimony included the type of construction which would exceed County Building Code specifications by thirty per cent and a preventive maintenance program which would require that the structure be inspected twice a year and, otherwise, maintained in top condition. The structure was not expected to interfere with television reception and was described as being capable of serving as a lightning protection for any home within 900 feet of the antenna.

Several area residents, many of whom had recently moved into newly constructed dwellings in the first section of the adjoining residential development, appeared and testified in protest to the Petitioner's request. Their primary concern was the effect that a structure, of the magnitude proposed, would have on their homes and community. They felt that a structure of 330 feet in height, painted various colors and adorned with several large disks, would in no way be in keeping with their homes. Such a structure would, in their opinion, lessen their enjoyment of and devalue their investment in their homes.

Without reviewing the testimony and evidence in detail, but based on all the testimony and evidence presented, one must conclude that the proposed antenna would be constructed in such a manner as not to present any hazards to nearby existing or proposed dwellings. Said structure and use, with one exception, would also meet all other requirements of Section 502.1. The one prerequisite that the antenna fails to meet is that of proving that the antenna would not be detrimental to the general welfare of the community.

- 2 -

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

OFFICE OF ZONING COMMISSIONER



March 27, 1975

S. ERIC DINENNA
Zoning Commissioner
JAMES E. DYER
Deputy Zoning Commissioner

494-3351
494-3351

William R. Hansen, Esquire
2000 First Maryland Building
25 South Charles Street
Baltimore, Maryland 21201

RE: Petition for Special Exception
and Variance
Beginning 463.18' E of Ridge Road
and 2600' NE of Green Spring
Avenue - 8th District
Cross Street Poultry Company -
Petitioner
NO. 75-154-XA (Item No. 106)

Dear Mr. Hansen:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

James E. Dyer
JAMES E. DYER
Deputy Zoning Commissioner

JED/mc

Attachments

cc: Daniel O'Connell Tracy, Jr., Esquire
409 Washington Avenue
Towson, Maryland 21204

Thomas F. McDonough, Esquire
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204
111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

The Nike site, of which a small portion is proposed to be utilized for the Petitioner's antenna structure, was established many years ago by the United States government. The site and improvements, were, no doubt, at that time, considered necessary to our national defense and were constructed without the necessity of complying with local zoning ordinances. The use and necessity has since been abandoned, buildings and other structures razed or removed and the site sold or auctioned off to private owners.

The flourishing residential development, one of the few enjoying any measure of success due to the present state of the economy, is presently under way on land adjoining the site in question. A subdivision plat has been recorded, roads built, dwellings completed, sold and occupied, and others have been sold and are under construction. The developer and the recent purchasers of homes did not consider the abandoned site as a threat to be developed in anyway other than that permitted by the Zoning Regulations for the zone in which it is located.

As a result, the request for such a large antenna comes as a shock to those individuals who just recently and most carefully chose a site in the country, as well as the developer who would be expected to sell home sites in the shadow of the antenna.

On the other hand, the Petitioner contends that transmitting and receiving antennas are permitted by Special Exception, under the properties present zoning classification of R.D.P., and should be expected and permitted, provided certain requirements are met.

In describing Special Exceptions under Section 5/2, the Zoning Regulations state that:

"A few uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the M.H. Zone, to which they are restricted."

- 3 -

William R. Hansen, Esquire
Page 2
March 27, 1975

cc: Mr. A. D. McComas
Falls Road
Cockeysville, Maryland 21030

Mr. John J. McCarthy
12529 Greenspring Avenue
Owings Mills, Maryland 21117

NOV 20 1975

Baltimore County Office of
Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Cross Street Poultry Company,
Inc. - Petitions for Special
Exception and Zoning Variance.

Dear Sir:

The Cross Street Poultry Company, Inc. ("Cross Street"), a Maryland Corporation, and Data Transmission Company ("Datran"), a Delaware corporation, (collectively, the "Applicant") have on this date filed the following Petitions (collectively, the "Petitions") with your office:

- (1) Petition for Special Exception (3 original copies) - to permit the construction of a radio-type wireless transmitting and receiving structure, (the "tower") together with an accessory equipment shelter and a chain link fence 7 feet in height, on a two (2) acre site located in an R.D.P. Zone;
- (2) Petition for Zoning Variance from Height Regulations (3 original copies) - to permit construction of the aforementioned tower to a height of 310+ feet.

This letter is intended to accompany and supplement the Petitions, in order to facilitate your review thereof.

The Availability of Zoning Relief

Section 1A00.2B.20 of Article 1A of the Baltimore County Zoning Regulations (as amended by County Council Bill No. 100, effective September 19, 1970) (the "Zoning Regulations") establishes wireless transmitting and receiving structures as a conditional

PIPER & MARBURY

several criteria that must be considered when reviewing an application for a variance from height or area regulations, notably:

- (1) that "strict compliance with the zoning regulations . . . would result in practical difficulty or unreasonable hardship";
- (2) that "no increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations"; and,
- (3) that "any such variance shall be granted only if in strict harmony with the spirit and intent of said height . . . regulations, and only in such a manner as to grant relief without substantial injury to public health, safety and general welfare."

The discussion above, pertaining to the positive relationship between the requested Special Exception and the public health, safety and general welfare, is also applicable to the Petition for a Zoning Variance. Thus, in the absence of any demonstrable injury to the public health, safety and general welfare, it is clear that the requested variance stands in harmony with the spirit and intent of the height regulations. In addition, since the facility will be unannounced, the concern evidenced in item (2) above (increase in residential density) is inapplicable in this case.

As to the presence of practical difficulty or unreasonable hardship in the event strict compliance with the Zoning Regulations is required (i.e., if the tower could not exceed 100 feet, in accordance with Section 1A00.2B.20), it should be noted that the necessity of constructing the Datran network on a direct line (i.e., line of sight) basis, effectively limits the areas that are acceptable, from an engineering standpoint, as a proposed location for a particular tower within the network. In addition, sound engineering practices require the tower to be located on the highest available ground. The factor of avoiding interference with other users of radio, television or other electrical communication facilities also serves to limit the areas within which the tower can be constructed. The close interrelationship between these factors indicates the vital position that the Subject Property occupies within the Datran network. Further, given the particular topographical characteristics of the Subject Property, it will be necessary to construct the tower to the requested height in order to permit the relay antennas to achieve a direct line with the adjoining towers within the system.

I have previously indicated that the Subject Property effectively meets the criteria for the construction of a micro-

PIPER & MARBURY

use within an R.D.P. Zone. Section 1A00.2B.20 also provides that a rigid-structure antenna may not exceed a height of 100 feet or the horizontal distance to the nearest property line, whichever is less; provided, however, that the Zoning Commissioner may grant a variance from the height restrictions, pursuant to Section 307 of the Zoning Regulations. The Zoning Commissioner is vested with the authority to grant both Petitions under Section 500.5 of the Zoning Regulations.

Background Information

Datran is a public utility licensed as a Specialized Common Carrier by the Federal Communications Commission (the "FCC"). Its principal offices are located at 8130 Boone Boulevard, Vienna, Virginia 22180. Datran is in the process of assembling a nationwide high-frequency (microwave) radio communications network for the transmission of computer and other data messages. It is presently extending its network into the northeastern section of the United States to provide service to a number of major cities, including Washington, Baltimore, Philadelphia and New York. The Datran system is subject to and must comply with the applicable regulations of the FCC, and as such is required to coordinate frequencies through the FCC.

The Subject Property

Datran, as purchaser, has entered into an agreement, (the "Agreement") with Cross Street, as seller, to purchase a two (2) acre parcel (the "Subject Property") of a larger tract consisting of 16.67+ acres (the "Master Parcel"), and located in the Eighth Election District of Baltimore County, Maryland. Cross Street has agreed to assist Datran in the prosecution of the Petitions.

Datran desires to construct, on the Subject Property, a tower with microwave antennas, which tower would be approximately 310+ feet in height. Datran would also construct a one-story accessory utility building (approximately dimensions - 35' x 45' with an approximate height of 10'), which building would be used to house the equipment necessary for the operation of the antennas. The tower and the utility building would be enclosed within a chain link fence approximately seven (7) feet in height. Under the Agreement, Datran is to have access to the Subject Property by means of a right-of-way through the Master Parcel, running from Ridge Road, and more particularly described in the metes and bounds description of the right-of-way, discussed below. The Agreement specifically provides that the right-of-way grant shall be in conformance with the applicable Baltimore County laws and regulations.

The Applicant has submitted the following documents,

PIPER & MARBURY

wave relay tower. I have also alluded to the present unavailability of an acceptable alternate site. If the Petition for a Height Variance were denied, considerable delay and expense would be involved in what might prove to be a futile attempt to locate an alternate site. If Datran were in fact unable to locate an acceptable alternate site, the denial of either Petition would, in essence, block completion of the entire interstate network. Obviously, this would cause a great hardship to Datran, as well as to the public, which would benefit by the communication services the Datran network will provide. Of equal importance, it would also negate the determination of the FCC that the "public interest, convenience and necessity" will be served by the prompt completion of the network.

4. Waiver of percolation test requested

Section 1A00.3B.1 of the Zoning Regulations provides that the creation of any lot in an R.D.P. Zone is subject to the attainment of "percolation tests satisfactory to the Baltimore County Department of Health . . .". In this case, the Subject Property will be unannounced, and no one will occupy the accessory utility building. It is anticipated that, after construction is completed, there will only be occasional (i.e., perhaps monthly) inspection of the Subject Property to assure that the equipment is functioning properly. Since the building will be unoccupied, it will not be necessary for the Subject Property to be served by either water or sewerage hook-ups.

In view of the fact that no waste water or sewage will be generated from the Subject Property, and in the interest of expediting the processing of the Petitions, the Applicant requests that the County waive the requirement of a percolation test relative to the Subject Property.

Very truly yours,

William R. Hansen
William R. Hansen
Attorney for Data Transmission
Company

Enclosures

PIPER & MARBURY

Prepared by the firm of Purdum & Jenckhe, Registered Land Surveyors and Civil Engineers:

1. Seven (7) copies of the metes and bounds description of the Subject Property, dated November 7, 1974;

2. Ten (10) copies of the surveyor's plat of the Subject Property, dated November 7, 1974, and depicting with respect to the Subject Property, a metes and bounds description of the Subject Property and the right-of-way thereto, the proposed location and height of the tower, the present zoning of the area and related information.

Within the Northeastern section of the United States, the Datran system will consist of a series of towers extending from Washington, D.C. to New York, N.Y. Each tower will be located approximately 25 miles from the next tower in the line. Because the signals are of high frequency, they follow a direct line (or line of sight), rather than the curvature of the earth. Accordingly, it is necessary that the microwave towers be located on the highest available ground. Such towers should be approximately the same distance from each other, and not more than 20 to 30 miles apart. It is obvious that the task of finding sites for the towers is a difficult and expensive one. Furthermore, before entering into an agreement to acquire a tract of land for a microwave relay tower, Datran must determine that each site meets the following criteria:

1. That transmissions from the tower to be constructed will not interfere with radio, television or other electrical or communications facilities in the area;
2. That transmissions from other facilities (as mentioned above) will not interfere with the transmitting or receiving ability of the subject tower;
3. That the site is available for purchase or lease; and
4. That the site is acceptable to the FCC for the issuance of a construction permit.

The Subject Property, for which the Petitions are being submitted, meets the four criteria set forth above, and Datran has been unable to find any acceptable alternate location in the Baltimore area. It should also be noted that the area itself is largely rural, and that the Subject Property was formerly the site of a Nike missile installation of the United States Government. These factors, taken together, indicate that the impact of the tower on the surrounding area would be minimal.

Compliance with applicable Baltimore County laws and regulations

1. Zoning Regulations - R.D.P. Zone Generally

Section 1A00.3B.1 of the Zoning Regulations provides

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Danheuser, Zoning Commissioner

Date: January 17, 1975

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition 75-154-X, Beginning 463.18 feet East of Ridge Road and 2600 feet North of Green Spring Avenue, more or less Northeast of Green Spring Avenue. Petition for Special Exception for a Wireless Transmitting and Receiving Structure. Petition for Variance for Antenna Height.

8th District

HEARING: Monday, January 20, 1975 (10:45 A.M.)

The Office of Planning and Zoning has reviewed the subject petition and has no comment to offer at this time.

William D. Fromm
Director of Planning

WDF:NEG:rv

PIPER & MARBURY

that any lot created in an R.D.P. Zone shall not be less than one (1) acre in size; the Subject Property is two (2) acres in size. The minimum linear dimension of the Subject Property will be greater than 150 feet, in accordance with Section 1A00.3B.2 of the Zoning Regulations. In accordance with Section 1A00.2B.20 of the Zoning Regulations, the tower will be within 50 feet of the property line of the Subject Property.

2. The Petition for a Special Exception

Section 502.1 of the Zoning Regulations provides that, "before any special exception is granted, it must appear that the use for which the Special Exception is granted will not:

- a. Be detrimental to the health, safety, or general welfare of the locality involved;
- b. Tend to create congestion in roads, streets or alleys therein;
- c. Create a potential hazard from fire, panic or other dangers;
- d. Tend to overcover land and cause undue concentration of population;
- e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- f. Interfere with adequate light and air."

The Subject Property is in a rural, sparsely developed area, and is in excess of 1000 feet from the nearest public road. The tower to be constructed will be situated on the Subject Property, and the accessory equipment shelter will be effectively out of view from the general public. The facility will not be regularly manned and, after construction has been completed, there will be very little traffic in or out of the site, inasmuch as an employee of the company will visit the premises on an average of once a month. No water or sewer facilities will be needed or provided. The perimeter of the site will be surrounded by a chain link safety fence, approximately 7 feet high, in order to prevent children and others from coming into contact with the equipment shelter which will be installed there. Therefore, the tower and equipment shelter will not tend to overcrowd the land or alter the essential character of the locality, nor will it impair the supply of light and air to adjacent properties, create traffic congestion or adversely affect the future development of the neighborhood. The distance, by presently existing roads, from the Subject Property to the nearest fire-fighting facility (Chestnut Ridge Volunteer Fire Company), is less than one mile. Therefore, the nature and location of the facility will not tend to create a potential hazard from fire or other dangers that might be detrimental to the general welfare of the neighborhood.

3. The Petition for a Zoning Variance

Section 307 of the Zoning Regulations establishes

December 20, 1974

Baltimore County Office of
Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attention: Mr. Frank T. Hogans

Re: Cross Street Poultry Company, Inc., -
Petitions for Special Exception and Zoning Variance
(Item #166)

Dear Mr. Hogans:

In the Petition for a Zoning Variance submitted in the matter captioned above, the Applicant has stated that the proposed tower would be constructed to a height of 310+ feet. It has come to my attention that the engineering studies conducted subsequent to the date on which the Petitions were submitted have confirmed that the proposed tower will have to be constructed to a height of 330+ feet. In addition, a three foot light mast will be placed on the top of the tower. Please amend the Petition for a Zoning Variance to reflect that the Applicant is requesting a variance to a height of 330+ feet.

Very truly yours,

William R. Hansen
William R. Hansen

WRI/na
cc: A. N. Benson
Donald E. Johnson
Data Transmission Company

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204

875-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Cross Street Poultry Co., Inc.

Location: Beginning 710 ft. more or less E of Ridge Rd. 2600 ft.
E of Greenspring Ave.

Item No. 106 Zoning Agenda December 3, 1974

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____

- () 4. EXCEEDS the maximum allowed by the Fire Department. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.

- () 6. Site plans are approved as drawn.

- (x) 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *J. J. Kelly* Noted and Approved:
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

Baltimore County, Maryland Department of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH H. DIVER, P.E., CHIEF

December 11, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #106 (1974-1975)
Property Owner: Cross Street Poultry Co., Inc.
Beginning 710' more or less, E. of Ridge Rd., 2600' E.
of Greenspring Ave.
Existing Zoning: R.D.P.
Proposed Zoning: Special Exception for a wireless transmitting and receiving structure, which is a recognized special exception in an R.D.P. zone pursuant to Sec. 1.A00.2B. Variance from Sec. 1.A00.2B.23 to permit the construction of a rigid-structure antenna to a height of 310', in lieu of the height limitation of 100'.
No. of Acres: 2.000 District: 8th

Dear Mr. DiNenna:

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:

Ridge Road, an existing public road, is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way, with vertical and/or horizontal realignment in the vicinity of this property; however, highway improvements and highway right-of-way and widening are not required at this time.

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

Sediment Controls:

Development of this property through striping, 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 striping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage to adjacent property, 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.

Item #106 (1974-1975)
Property Owner: Cross Street Poultry Co., Inc.
Page 2
December 11, 1974

Water and Sanitary Sewer:

Public water and sanitary sewerage are not available to serve this property, which is beyond the Baltimore County Metropolitan District and the Urban Rural Demarcation Line. The Baltimore County Comprehensive Water and Sewerage Plan, amended July 1973, indicates Planned Service in the area in 11 to 30 years.

Very truly yours,

Ellsworth H. Diver
ELLSWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

END:RAM:PMH:es

cc: J. Tremmer

S-W Key Sheet
59 NW 19 & 20 Pos. Sheet
NW 15 E Topo
50 Top Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Frank Hagen Date: December 6, 1974
FROM: Mr. Eric DiNenna
Chief of Plans Review
SUBJECT: Antennas & Towers
Radio and T.V. antennas & towers should comply with Sections 427 and 428 of the BOCA Code in relation to property line set backs.

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



December 16, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #106, Zoning Advisory Committee Meeting, December 3, 1974, are as follows:

Property Owner: Cross Street Poultry Co., Inc.
Location: Beginning 710 ft. more or less E of Ridge Road 2600 ft. E of Greenspring Ave.
Existing Zoning: R.D.P.
Proposed Zoning: Special Exception for a wireless transmitting and receiving structure, which is a recognized special exception in an R.D.P. zone pursuant to Sec. 1.A00.2B to permit the construction of a rigid structure antenna to a height of 310 ft. in lieu of the height limitation of 100 ft.
No. of Acres: 2.000
District: 8th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

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

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. YOOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

December 3, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 106, Zoning Advisory Committee Meeting, December 3, 1974, are as follows:

Property Owner: Cross Street Poultry Co., Inc.
Location: Beginning 710 ft. more or less E of Ridge Rd. 2600 ft. E of Greenspring Ave.
Existing Zoning: R.D.P.
Proposed Zoning: Special Exception for a wireless transmitting and receiving structure, which is a recognized special exception in an RDP zone pursuant to Sec. 1.A00.2B. Variance from Sec. 1.A00.2B.23 to permit the construction of a rigid-structure antenna to a height of 310 ft. in lieu of the height limitation of 100 ft.
No. of Acres: 2.000
District: 8th

Comments: Since this is for a transmitting and receiving structure, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

EHVB/acg

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: November 20, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: December 3, 1974

Re: Item 106

Property Owner: Cross Street Poultry Co., Inc.

Location: Beginning 710 ft. more or less E. of Ridge Road, 2600 ft. E. of Greenspring Avenue.

Present Zoning: R.D.P.

Proposed Zoning: Special Exception for a wireless transmitting & receiving structure, which is a recognized special exception in an RDP zone pursuant to Section 1.A00.2B. Variance from Section 1.A00.2B.23 to permit the construction of a rigid-structure antenna to a height of 310 ft., in lieu of the height limitation of 100 ft.

District: 8th

No. Acres: 2.000

Dear Mr. DiNenna: No adverse effect on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative.

WNP/sl

H. EMBLE PARKS, III, PRESIDENT
EUGENE C. HESS, 1ST VICE PRESIDENT
MRS. ROBERT L. BERRY

MARCUS M. BOISANIS
JOSEPH N. MCDONNAN
ALVIN LORECK
JOSHUA R. WHEELER, SUPERVISOR

T. BAYARD WELLS, JR., JR.
RICHARD W. TRACY, V.M.D.
MRS. RICHARD A. WULFEL

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

WM. T. MELLEN
DEPUTY TRAFFIC ENGINEER

December 13, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 106 - ZAC - December 3, 1974
Property Owner: Cross Street Poultry Co., Inc.
Location: Beginning 710 ft. more or less E of Ridge Rd. 2600 ft. E of Greenspring Ave.
Existing Zoning: R. D. P.
Proposed Zoning: Special Exception for a wireless transmitting & receiving structure, which is a recognized special exception in an RDP zone pursuant to Sec. 1.A00.2B. Variance from Sec. 1.A00.2B.23 to permit the construction of a rigid-structure antenna to a height of 310 ft., in lieu of the height limitation of 100 ft.
No. of Acres: 2.000
District: 8th

Dear Mr. DiNenna:

No traffic problems are anticipated by the request special exception for a wireless transmitting and receiving structure.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan,
Asst. Traffic Engineer

HSP/13b

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

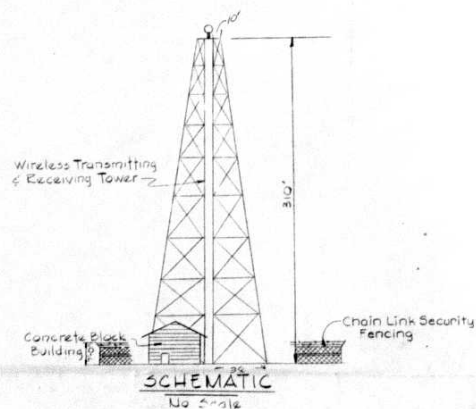
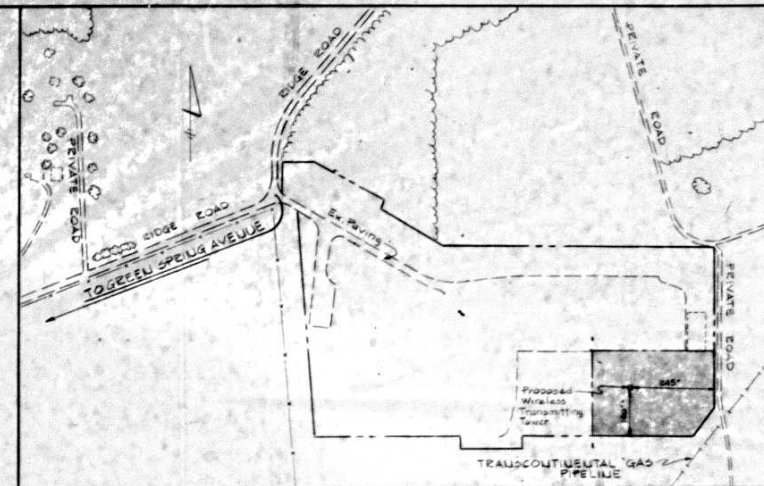
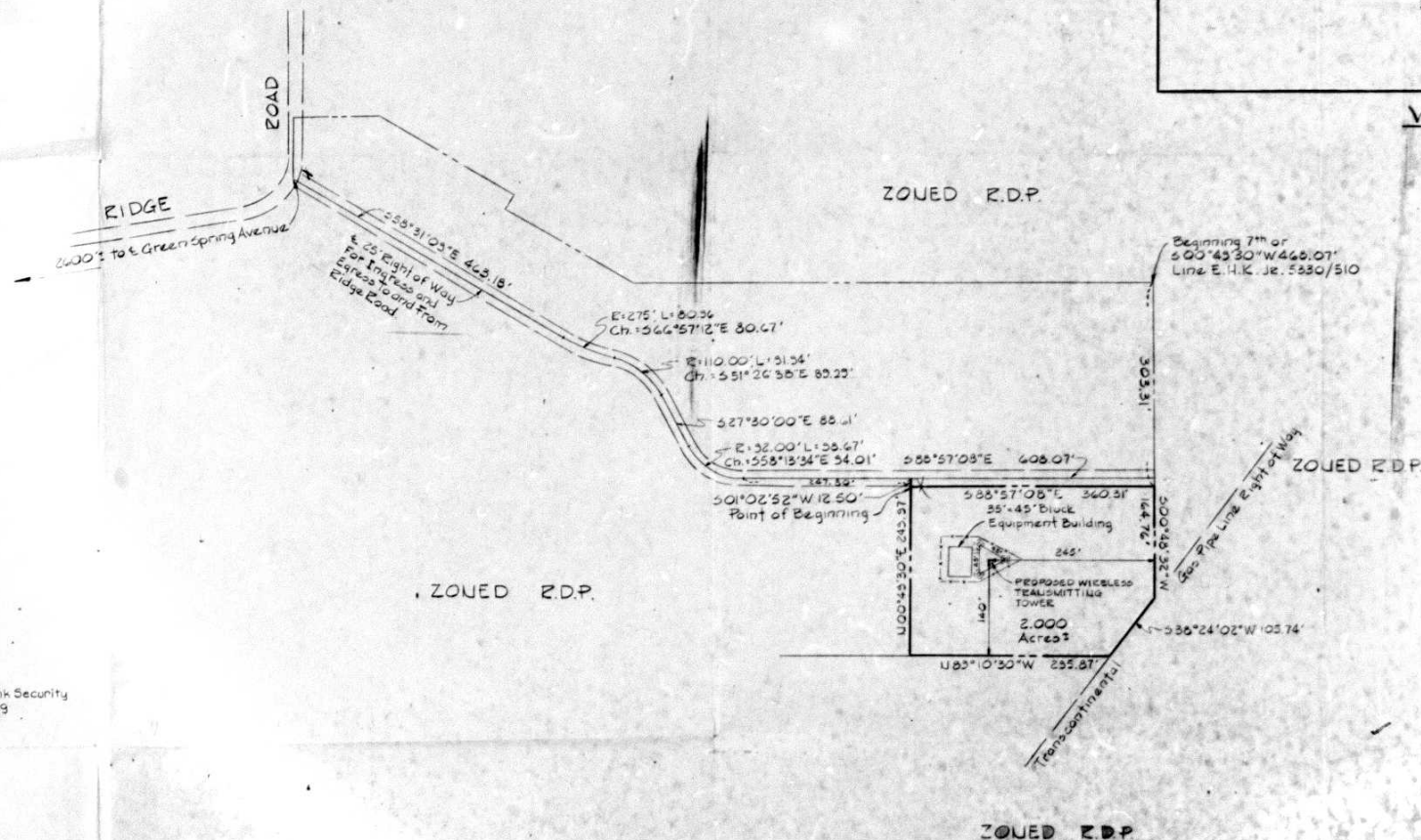
Your Petition has been received * this 7th day of November 1974. Item # _____.

Eric DiNenna
S. Eric DiNenna, C
Zoning Commissioner

Petitioner *Cross Street Realty* Submitted by *Hansa*
Petitioner's Attorney *Hansa* Reviewed by *PDH*

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.





- GENERAL NOTES
1. Present Zoning - R.D.P.
 2. Present Use - Abandoned U.S. Government Nike Missile Installation.
 3. Proposed Zoning - R.D.P. with a special use exception to construct a wireless transmitting tower. Section 1400.25 (b) (1) (B) has a variance from the 100 foot height restriction to 310 feet.
 4. Proposed Use - Wireless transmitting and receiving structure.
 5. Area Of Zoning Parcel - 2.00 Acres.
 6. Parking Data - No permanent employees on site.

PLOT PLAN TO ACCOMPANY PETITION
FOR VARIANCE
AND SPECIAL USE EXCEPTION
Property To Be Acquired
By
DATA TRANSMISSION COMPANY
8th Election District Baltimore County, Maryland
Scale 1"=100'
November 7, 1974

PURDUM & JESCHKE
CONSULTING ENGINEERS
& LAND SURVEYORS
1023 N. CALVERT STREET
BALTIMORE, MARYLAND



William D. Purdum, Registered Professional Engineer, No. 1552

DATE	11/7/74
PROJECT	DATA TRANSMISSION
CLIENT	DATA TRANSMISSION
SCALE	1"=100'
BY	W.D.P.
CHECKED	J.E.S.