

IN THE MATTER OF
THE APPLICATION OF
McCORMICK PROPERTIES, INC.
FOR A SPECIAL EXCEPTION AND
VARIANCES ON PROPERTY
LOCATED ON THE SOUTHWEST
SIDE OF LOVETON CIRCLE,
2819.5 FT. WEST OF YORK RD.,
8th DISTRICT
KENNETH BOSLEY,
PROTESTANT-APPELLANT
ZONING FILE NO. 84-363-XA

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
CG Doc. No. 4
Folio No. 345
File No. 84-CG-1445

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE
ZONING COMMISSIONER AND THE BOARD OF
APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William R. Evans, Diana K. Vincent, and Lawrence E. Schmidt, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF
BALTIMORE COUNTY

No. 84-363-XA

May 22, 1984 Petitions of McCormick Properties, Inc. for special exception for the installation of a wireless transmitting and receiving structure and zoning variance for front, side and rear yard setbacks, on property located on the southwest side of Loveton Circle, 2819.5' west of York Rd., 8th District

May 22, 1984 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for June 26, 1984, at 10:15 a.m.

June 7, " Certificate of Publication in newspaper - filed

June 8, " Certificate of posting of property - filed

June 15, " Comments of Baltimore County Zoning Plans Advisory Committee

June 19, " Additional Comments of Baltimore County Zoning Plans Advisory Committee

June 11, " Comments of Baltimore County Director of Planning

June 26, " At 10:15 a.m. hearing held on petitions by Zoning Commissioner

July 11, " Order of Deputy Zoning Commissioner granting variances and granting special exception, with restrictions.



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

December 21, 1984

IN THE MATTER OF
McCORMICK PROPERTIES, INC.
FOR A SPECIAL EXCEPTION
AND VARIANCES
SW/S OF LOVETON CIRCLE
2819.5' W. OF YORK ROAD
8th DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
4/345/84-CG-1445

TO THE JUDGE OF SAID COURT:

This case has been appealed to the Circuit Court for Baltimore County by Kenneth Bosley, Protestant. Mr. Bosley insists that since he is questioning the accuracy of only one part of the testimony it is not necessary to file a complete transcript of the hearing before the County Board of Appeals, but only that portion which he is questioning. It is the Board's position that any appeal to the Circuit Court must be accompanied by a complete record.

The Board is forwarding the file to the Circuit Court with the partial record as requested by the Appellant, however, the Board wishes to make clear that the submission of the partial record is strictly upon the insistence of Mr. Bosley and in no way reflects the Board's position in this matter.

Respectfully submitted,

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County

McCormick Properties, Inc.
Case No. 84-363-XA

August 7, 1984 Order for Appeal to C. B. of A. from Order of Deputy Zoning Commissioner by Kenneth Bosley, Protestant-Appellant

September 6, " Hearing on appeal before County Board of Appeals

September 25, " Order of County Board of Appeals ordering that the Motion to Dismiss the Appeal be Granted and that the decision of the Deputy Zoning Commissioner dated July 11, 1984, granting the Petition for Special Exception, BE AFFIRMED

October 22, " Petition for Review and Request for a Hearing to the County Board of Appeals from Kenneth Bosley, Protestant

October 25, " Board of Appeals advised Mr. Bosley that the Petition for Review was denied.

November 21, " Order for Appeal filed in the Circuit Ct. for Baltimore County by Kenneth Bosley, Protestant-Appellant

November 26, " Certificate of Notice sent to all interested parties

December 11, " Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County

December 21, " Transcript of testimony filed

December 21, " Petitioner's Exhibit No. 1 - Chart showing horizontal and vertical views of property owned by McCormick Properties, Inc. & surrounding land.

December 21, " Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations whenever directed to do so by this Court.

Respectfully submitted,

June Holmen
County Board of Appeals of Baltimore
County

cc: Kenneth Bosley
Keith Ronald, Esq.
People's Counsel

Mr. Bosley notified the Court Reporter that he only wanted a certain portion of the testimony in the McCormick case which he appealed to Circuit Court.

When I could not reach Mr. Bollinger, I requested a ruling on this from Pete Zimmerman. He looked up the law and informed me that we would have to file the complete record, that to his knowledge he never heard of a case going to Circuit Court on a partial record. This information I passed on to the Court Reporter.

12/7/84- Received a call from Carol Peatt saying that she had advised Mr. Bosley that the complete record was required but he still contended that he was correct, that from his experience this could be done, that he was only taking an appeal from that portion of the testimony which he claimed was incorrect.

12/7/84 - I advised Tom Bollinger of the above and requested his advice as to whether or not I should file the case in Circuit Court when I received only a partial record from the Court Reporter. He advised that we should file the partial record BUT to write a letter calling the Court's attention to this fact and that the Appellant only ordered and would only pay for the partial transcript. A copy of this letter should be sent to People's Counsel and opposing counsel so they will be informed.

IN THE MATTER OF
THE APPLICATION OF
McCORMICK PROPERTIES, INC.
FOR A SPECIAL EXCEPTION AND
VARIANCES ON PROPERTY
LOCATED ON THE SOUTHWEST
SIDE OF LOVETON CIRCLE,
2819.5 FT. WEST OF YORK RD.,
8th DISTRICT
KENNETH BOSLEY,
PROTESTANT-APPELLANT
ZONING FILE NO. 84-363-XA

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
CG Doc. No. 4
Folio No. 345
File No. 84-CG-1445

CERTIFICATE OF NOTICE

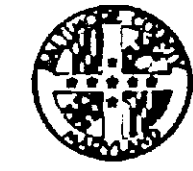
Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William R. Evans, Diana K. Vincent, and Lawrence E. Schmidt, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Kenneth Bosley, Box 334, Cockeysville, Md. 21030, Protestant-Appellant; Alan P. Medinger, V.P., McCormick Properties, Inc., 11011 McCormick Rd., Hunt Valley, Md. 21031, Petitioner; Keith E. Ronald, Esq., Suite 314, 409 Washington Ave., Towson, Md. 21204, Counsel for Petitioner; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
494-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Kenneth Bosley, Box 334, Cockeysville, Md. 21030, Protestant-Appellant; Alan P. Medinger, V.P., McCormick Properties, Inc., 11011 McCormick Rd., Hunt Valley, Md. 21031, Petitioner; Keith E. Ronald, Esq., Suite 314, 409 Washington Ave., Towson, Md. 21204, Counsel for Petitioner; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 26th day of November, 1984.

June Holmen
County Board of Appeals of
Baltimore County



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

November 26, 1984

Mr. Kenneth Bosley
Box 334
Cockeysville, Maryland 21030

Dear Mr. Bosley:

Re: Case No. 84-363-XA
McCormick Properties, Inc.

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

June Holmen, Secretary

Encls.

November 26, 1984

BILLED TO: Kenneth Bosley
Box 334
Cockeysville, Md. 21030

Cost of certified documents in
Case No. 84-363-XA \$ 31.00
McCormick Properties, Inc.
SW side of Loveton Circle,
2819.5' W. of York Rd.
8th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Rm. 200, Court House
Towson, Md. 21204

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL ADMINISTRATION
REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 85170

DATE Dec 19, 1984 ACCOUNT 01-712

AMOUNT \$ 31.00

RECEIVED FROM Kenneth Bosley, Box 334, Cockeysville, Md. 21030

FOR Cost of certified documents in Case No. 84-363-XA
McCormick Properties, Inc.

B 8200*****3120:1a #154F

VALIDATION OR SIGNATURE OF CASHIER



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

November 26, 1984

Keith E. Ronald, Esq.
Suite 314, 409 Washington Ave.
Towson, Maryland 21204

Dear Mr. Ronald:

Re: Case No. 84-363-XA
McCormick Properties, Inc.

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen, Secretary

Encl.
cc: Alan Medinger, McCormick Properties, Inc.
Phyllis C. Friedman
Arnold Jablon
Jean Jung
Norman Gerber
James Hoswell
James Dyer

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Joblan, Zoning Commissioner
Office of Planning and Zoning
Date: Nov. 26, 1984

FROM: William L. Hackett, Chairman
County Board of Appeals

SUBJECT: Certified copies of zoning documents
Case No. 84-363-XA McCormick Properties, Inc.

Attached please find the necessary documents from the Zoning Commissioner's file which must be certified as True Test copies for the Circuit Court.

Please certify these documents and return same to this office.

Very truly yours,

William L. Hackett
William L. Hackett, Chairman
County Board of Appeals

IN THE MATTER OF
McCORMICK PROPERTIES, INC.
BELL ATLANTIC
FOR A SPECIAL EXCEPTION AND
VARIANCES ON PROPERTY LOCATED
ON THE SOUTHWEST SIDE OF LOVETON
CIRCLE, 2819.5 FT. WEST OF YORK
ROAD, 8th DISTRICT, SPARKS.

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
(Administrative Appeal from
Order of the County Board of
Appeals of Baltimore County)
File No. 84-363-XA

ORDER FOR APPEAL

MR. Clerk:

Please enter an Appeal on behalf of Kenneth Bosley from an Order of the County Board of Appeals of Baltimore County passed in the above entitled matter on September 25, 1984, and Motion for a re-hearing denied on October 25, 1984.

Kenneth Bosley
Kenneth Bosley
Box 334
Cockeysville, Maryland 21030
Appellant

CERTIFICATE OF COMPLIANCE

I hereby certify that a copy of the above Order for Appeal has been delivered to the County Board of Appeals of Baltimore County in accordance with Rule 14C and Rule 306c of the Maryland Rules of Procedure prior to the filing of the same with the Clerk of the Circuit Court for Baltimore County.

Kenneth Bosley
Kenneth Bosley
Appellant

I hereby certify that a copy of the foregoing were mailed on this 21 day of November 1984, postage prepaid to Keith E. Ronald and W. Lee Thomas, Suite 314, 409 Washington Avenue, Towson, Maryland 21204.

W. Lee Thomas
W. Lee Thomas, Esquire
People's Counsel

IN THE MATTER OF
PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE

BEFORE
COUNTY BOARD OF APPEALS

RE: SW/S OF LOVETON CIRCLE
2,819.5 FT. W. OF YORK ROAD
8TH DISTRICT

OF
BALTIMORE COUNTY

McCormick Properties, Inc.
Petitioner
No. 84-363-XA

Kenneth T. Bosley
Protestant

ANSWER TO PROTESTANT'S PETITION AND
REQUEST FOR HEARING

COMES NOW Keith E. Ronald, attorney for Bell Atlantic Mobile Systems, Inc., Lessee of the Petitioner, McCORMICK PROPERTIES, INC., and the proponent of the Special Exception and Variance granted by this Board, and in response to Protestant's Petition and Request for Hearing, states as follows:

1. That he denies the allegations contained in Paragraphs 1, 2 and 3 of Protestant's Petition; and states further
2. That in addition to the evidence and testimony presented by Petitioner's consultant, the Board heard substantial testimony and received sufficient evidence to support its decision, and
3. That Petitioner should not be required to incur the additional expense of again retaining its consultant to appear before the Board to defend this matter without first requiring Protestant to provide the Board and your Petitioner with specific details on the alleged fraud, mistake or irregularity which is a prerequisite to any exercise by the Board of its revisory power and control regarding the Order.

W. LEE THOMAS, P.A.
ATTORNEY AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
284-9777

IN THE MATTER OF
McCORMICK PROPERTIES, INC.
FOR A SPECIAL EXCEPTION
AND VARIANCES
ON PROPERTY LOCATED ON THE
SOUTHWEST SIDE OF LOVETON
CIRCLE, 2819.5 FT. WEST OF
YORK ROAD - 8th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

No. 84-363-XA

OPINION

The hearing before the Board was to consider a motion, made by the attorney for the Petitioner, to dismiss the appeal taken by the Protestant. The attorney, Mr. Keith Ronald, contends that the Protestant, Mr. Kenneth Bosley, is not an aggrieved party, and therefore the Protestant's appeal should be dismissed.

The property in question is owned by McCormick Properties, Inc., a portion of which is to be leased by Bell Company. Bell Company, upon approval of the FCC, intends to construct a monopole antenna to enhance the range of the modular phone system the company is currently marketing. Once constructed, the height of the antenna will be about 167 ft. above ground.

The Protestant claims that the value of the properties he owns, forty plus acres to the west and thirty-six acres to the east of the site, will be diminished by the unsightliness of the antenna. He is also concerned because the proposed construction is in the middle of several and near one in particular, natural gas line, and that should the proposed antenna fall, he would be in great danger. In addition, he is concerned that the radio waves transmitted by the tower would affect his own communication system, which he operates from his residence some 5,500 feet away from the site.

Through its consultant, Mr. David Thaler, the Petitioner presented evidence in the form of a chart showing that a ridge line, with trees along the top, lies between Mr. Bosley's residence and the proposed tower, completely blocking Mr. Bosley's view of the tower. By his own testimony, Mr. Bosley indicated that his home lies at the southern end of the property and that between his home and the entrance to his property off York Road, is a 110 foot easement he must maintain to accommodate the natural gas line that also runs through his property.

WHEREFORE, Petitioner and Bell Atlantic, by the undersigned, respectfully request that

A. Protestant's request for a special hearing be denied; or in the alternative that,

B. Protestant be required to provide this Board and the undersigned with specific details in support of the allegations contained in his Petition prior to the scheduling of any hearing on this matter; and

C. This Board order such other and further relief as it may deem necessary and appropriate.

Respectfully submitted,

Keith E. Ronald
Keith E. Ronald
Suite 314
409 Washington Avenue
Towson, Maryland 21204
Attorney for Bell Atlantic
Mobile Systems, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Answer to Protestant's Petition was mailed, postage prepaid, this 26th day of October, 1984, to Kenneth T. Bosley, P.O. Box 334, Cockeysville, Maryland 21030, Protestant.

Keith E. Ronald
Keith E. Ronald

RECEIVED
COUNTY BOARD OF APPEALS
NOV 30 4 49 PM '84

IN THE MATTER OF
McCORMICK PROPERTIES, INC.
FOR A SPECIAL EXCEPTION
AND VARIANCES
ON PROPERTY LOCATED ON THE
SOUTHWEST SIDE OF LOVETON
CIRCLE, 2819.5 FT. WEST OF
York Road-8th District
Sparks, Maryland

BEFORE THE COUNTY BOARD OF
APPEALS
OF BALTIMORE COUNTY

No. 84-363-XA

PETITION FOR REVIEW AND REQUEST FOR A
HEARING

Kenneth Bosley, the Protestant, in the above matter, herein requests that the County Board Appeals review the Appeal and for reasons herein cited request a special hearing:

1. For that the evidence presented by the Petitioner's Consultant was false, untrue, in error, and was fraudulently prepared.
2. That also the Consultant's testimony concerning his work product was in part false and untrue.
3. That also as a direct result of the above the Board of Appeals of Baltimore County has filed an Opinion on the 25th day of September 1984 that contains errors and mistakes and irregularities.

WHEREFORE, your Protestant requests a special hearing to review the above.

Kenneth Bosley
Kenneth Bosley, Protestant
Box 334
Cockeysville, Maryland 21030
771-4316

I Herby certify that on this 22 day of October 1984 that a copy of the above was mailed to Keith E. Ronald and W. Lee Thomas, Suite 314, 409 Washington Avenue, Towson, Maryland 21204.

Kenneth Bosley
Kenneth Bosley



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

October 25, 1984

Kenneth Bosley
Box 334
Cockeysville, MD 21030

Re: Case No. 84-363-XA
McCormick Properties, Inc.

Dear Mr. Bosley:

The Board has received your Petition to Review filed in the above entitled case. After careful consideration, the Board wishes to advise you that this Petition for Review is denied.

Very truly yours,

William R. Evans
William R. Evans, Acting Chairman

Keith E. Ronald, Esquire
W. Lee Thomas, Esquire
People's Counsel

McCormick Properties, Inc.
Case No. 84-363-XA

Such an easement substantially limits his ability to develop his property in the future. He finally agreed that he would be able to see the tower only from the northern end of his property, some twenty plus acres north of his residence.

As to the property Mr. Bosley owns on the west side of the site in closer proximity to the proposed tower, Mr. Bosley informed the Board that while he does have plans to develop his property, he has not filed for any building permits. Once again, there are inherent limits on the development of the property because the gas lines run through the west side of the property as well, again requiring that a 110 foot easement be maintained.

When questioned by the Board as to the Protestant's use of the radio system he has in his home, Mr. Bosley could not give any particulars as to the frequency of radio waves nor did he mention any communication licenses which he currently holds.

The Protestant's only witness was a wind energy expert, who seemed to have some knowledge of towers and their construction, but who was unable to add any pertinent information regarding the motion to dismiss.

In the case cited by the Petitioner, (Md. 137, 230 A.2d 289 (1967)) the Court listed the requirements necessary to achieve the status of an "aggrieved person". The section included in the memorandum submitted by Mr. Ronald was:

"a person aggrieved by the decision of a board of zoning appeals is one whose personal or property rights are adversely affected by the decision of the board. The decision must not only affect a matter in which the protestant has a specific interest or property right but his interest therein must be such that he is personally and specially affected in a way different from that suffered by the public generally. DuBay v. Crane, 240 Md. 180, 185, 213 A.2d 487 (1965)."

Further reading of the case said that:

"The circumstances under which this occurs have been determined by the courts on a case by case basis and decisions in each case rest upon the facts and circumstances of the particular case under review."

McCormick Properties, Inc.
Case No. 84-363-XA

In summary, the court said in the above cited case, that in cases involving appeals under the provisions of a zoning ordinance; (a) it is sufficient if the facts constituting grievance appear in the petition for appeal either by express allegation or by necessary implication; (b) an adjoining, confronting, or nearby property owner is deemed prima facie to be specially damaged and, therefore, a person aggrieved; (c) a person who is far removed from the subject property will not be considered a person aggrieved unless he proves that his personal or property rights are specially and adversely affected by the Board's action; and (d) in determining status to appeal the question is whether the property owner may reasonably be thought to be specially damaged if the application is approved.

While the Board of Appeals must recognize the wording in the Baltimore County Code, Section 22-32, which says "any person . . . feeling aggrieved by any decision of the Zoning Commissioner shall have the right to appeal therefrom to the County Board of Appeals," it is the responsibility of this Board to assign some reasonable interpretation to the County law. The members of the Board find that Mr. Bosley has failed to prove that he will be specially damaged by application of the decision by the Deputy Zoning Commissioner, and therefore grant the motion to dismiss.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 22nd day of September, 1984, by the County Board of Appeals, ORDERED that the Motion to Dismiss the Appeal is GRANTED and that the decision by the Deputy Zoning Commissioner, dated July 11, 1984, granting the Petition for Special Exception, BE AFFIRMED.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William R. Evans, Acting Chairman
Diana K. Vincent
Lawrence E. Schmidt

IN THE MATTER OF
PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

RE: SW/S OF LOVETON CIRCLE
2,819.5 FT. W. OF YORK ROAD
8TH DISTRICT

MCCORMICK PROPERTIES, INC.,
PETITIONER

No. 84-363-XA

KENNETH T. BOSLEY,
PROTESTANT

MOTION TO DISMISS

COMES NOW the Petitioner, MCCORMICK PROPERTIES, INC., by and through its attorney, Keith E. Ronald, and for cause set out in the attached Memorandum of Law, moves this County Board of Appeals to:

1. Dismiss the above captioned appeal; or
2. Set this Motion in for a preliminary hearing before any date for the special exception and variance is scheduled.

Respectfully submitted,

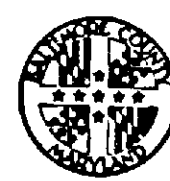
Keith E. Ronald
W. Lee Thomas, P.A.
Suite 314
409 Washington Avenue
Towson, Maryland 21204
(301) 296-6777
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion to Dismiss and Memorandum of Law were mailed this 15th day of August, 1984, postage prepaid to Mr. Kenneth T. Bosley, P.O. Box 334, Cockeysville, Maryland 21030, Protestant.

Keith E. Ronald

W. LEE THOMAS, P.A.
ATTORNEY AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

September 25, 1984

Mr. Kenneth T. Bosley
Box 334
Cockeysville, Maryland 21030

Dear Mr. Bosley:

Re: Case No. 84-363-XA
McCormick Properties, Inc.

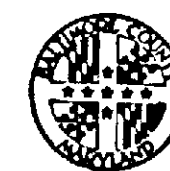
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Jane Holman, Secretary

Encl.

cc: Keith Ronald, Esq.
McCormick Properties, Inc.
Phyllis C. Friedman, Esq.
Norman Gerber
James Hoswell
Jean Jung
James Dyer
Arnold Jablon



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

August 16, 1984

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(B). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(C), COUNTY COUNCIL BILL #59-79

CASE NO. 84-363-XA

MCCORMICK PROPERTIES, INC.

FOR SE - MONOPOLE ANTENNA
FOR VARIANCES (SETBACKS)

SW/S OF LOVETON CIRCLE 2819.5'
W. OF YORK ROAD

8th DISTRICT

7/11/84 - DZC GRANTED PETITION

ASSIGNED FOR:

HEARING ON MOTION TO DISMISS APPEAL ONLY
THURSDAY, SEPTEMBER 6, 1984 at 9:30 a.m.

cc: Keith E. Ronald, Esquire

Alan P. Medinger and
J. Richard Uhlig, V.P.'s
McCormick Properties, Inc.

Kenneth T. Bosley

Phyllis C. Friedman

Norman E. Gerber

James G. Hoswell

Jean M. H. Jung

James E. Dyer

Arnold Jablon

Counsel for Petitioner

Petitioners

Protestant-Appellant

People's Counsel

Edith T. Eisenhart, Adm. Secretary

IN THE MATTER OF
PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

RE: SW/S OF LOVETON CIRCLE
2,819.5 FT. W. OF YORK ROAD
8TH DISTRICT

MCCORMICK PROPERTIES, INC.,
PETITIONER

No. 84-363-XA

KENNETH T. BOSLEY,
PROTESTANT

PETITIONER'S MEMORANDUM OF LAW

Section 22-32 of the Baltimore County Code states that "any person...feeling aggrieved by any decision of the zoning commissioner shall have the right to appeal therefrom to the county board of appeals". In Brynarski v. Montgomery County Board of Appeals, 247 Md. 137, 230 A.2d 289 (1967), the majority opinion listed the requirements necessary to achieve the status of an "aggrieved person", stating the rule that

"a person aggrieved by the decision of a board of zoning appeals is one whose personal or property rights are adversely affected by the decision of the board. The decision must not only affect a matter in which the protestant has a specific interest or property right but his interest therein must be such that he is personally and specially affected in a way different from that suffered by the public generally. DuBay v. Crane, 240 Md. 180, 185, 213 A.2d 487 (1965)."

Later on in the same opinion, Judge Barnes opined that "(a) person whose property is far removed from the subject property ordinarily will not be considered a person aggrieved", citing Wilkinson v. Atkinson, 242 Md. 231, 218 A.2d 503 (1966); DuBay v. Crane, supra;

City of Greenbelt v. Jaeger, 237 Md. 456, 206 A.2d 694 (1965); Marcus v. Montgomery County Council, 235 Md. 535, 201

W. LEE THOMAS, P.A.
ATTORNEY AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

MCCORMICK PROPERTIES, INC. :
And :
BELL ATLANTIC MOBILE SYSTEMS :
Petitioner :
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

vs. :
No. 84-363-XA
Kenneth T. Bosley, Protester :
Loveton Circle

ANSWER TO MOTION TO DISMISS

The Protester, Appellant, Kenneth T. Bosley, in answer to the Petitioners, McCormick Properties Inc. and Bell Atlantic Mobile Systems, herein states:

1. That the Petitioners have failed to state any reason in their motion for dismissal of this matter.
2. That the Zoning Commissioner of Baltimore County did not disqualify the Protester, Bosley, as a party of interest.

WHEREFORE, the Protester requests that this motion to be dismissed be denied.

Kenneth T. Bosley
Box 334
Cockeysville, Md. 21030

I hereby certify that a copy of the above answer was mailed to W. Lee Thomas, P.A., Suite 314, 409 Washington Avenue Towson, Maryland 21204.

Kenneth T. Bosley

A.2d 777 (1964); and Pattison v. Corby, 226 Md. 97, 172 A.2d 490 (1961) in support thereof.

In Brynarski, the Court found that the Protestants did in fact have standing to appeal as they were "owners of property immediately contiguous or in close proximity to the subject property". In determining whether the status of an aggrieved person exists, "close proximity" has been defined as anywhere from 100-850 feet in those situations where the subject property lies within unobstructed view of the protestant's residence and where the protestants prove some sort of special damage, such as depreciation in property value or a negative impact on the use and enjoyment of the protestant's real property.

In DuBay, however, the Court found that the protestants could not be treated as parties aggrieved, as (1) no evidence was shown that the action of the board of appeals would cause any of the protestants any unique or special kind of damage other than that suffered by the whole community, and (2) the protestant nearest to the reclassified property resided some 1,500 feet in a straight line from, and out-of-sight of, said property. Similar results were reached in Loughborough Development Corp. v. Rivermass Corporation, 213 Md. 239, 131 A.2d 461 (1957) and Marcus v. Montgomery County Council (supra), where the protestants resided one-half and one-quarter miles respectively from, and out-of-sight of, the properties which were the subject of the appeals.

Petitioner contends that the Protester, Kenneth T. Bosley, does not qualify as a person aggrieved according to these standards set down by the Court of Appeals. Upon Petitioner's cross examination before Deputy Commissioner Jung, Mr. Bosley admitted that he lived approximately one mile from the subject property. This testimony is substantiated by computations made from a scale map of the area,

W. LEE THOMAS, P.A.
ATTORNEY AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

AUG 1 1984

which indicate that Protestant resides some 3,800 feet in a straight line from the property in question and 1.2 miles from same by roadway.

A review of the site plan forwarded to the Board of Appeals by the Zoning Commissioner indicates that the site at issue is located in the southernmost portion of the industrial park known as Loveton Center. Mr. Bosley resides some 3,400 feet north of the southern intersection of Loveton Circle and York Road. The land found in between the two properties is improved by warehouses and office buildings located within the Loveton Industrial Park. The remaining unimproved property between Mr. Bosley's residence and the site at issue is covered with trees and has a rolling topography. Protestant has no view of Loveton Circle (and particularly the subject property) from his residence due to the substantial screening in the area and the fact that he resides on the opposite side of a large hill which separates the site from Mr. Bosley's home.

At the zoning hearing before Deputy Commissioner Jung, Protestant expressed his concerns regarding potential interference with radio and television reception resulting from installation and operation of the monopole as well as structural limitations which could cause the failure of the monopole. In response, a certified engineer provided factual information addressing each such concern, after which Mrs. Jung issued her Orders from which this appeal was taken. Petitioner contends that these concerns, as well as any other matters which Protestant may raise at a hearing on the merits before the Board, do not constitute a specific interest or property right that personally or specially affects Mr. Bosley in any way different from that suffered by the public generally (Dubay, supra).

My client and I respect the right of an aggrieved party to pursue an appeal in accordance with the guidelines, procedures and case law promulgated in furtherance thereof. The Board of Appeals must take care, however, to assure that the rights of all concerned are

protected. This requires careful review of each appeal to determine if the party bringing same has proper standing to maintain his action. If the Board determines that such capacity is lacking, a prompt and final dismissal is appropriate in order to further the rights of the appellee and to ensure that the Board's docket is not cluttered with appeals not allowed under the statute.

For the reasons stated herein, Protestant's appeal should be dismissed, as Mr. Bosley fails to qualify as an aggrieved party under Maryland law. In accordance therewith, Petitioner would respectfully request that this Board issue an Order dismissing the above captioned appeal.

Respectfully submitted,

Keith E. Ronald
Keith E. Ronald
W. Lee Thomas, P.A.
Suite 314
409 Washington Avenue
Towson, Maryland 21204
(301) 296-6777
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petitioner's Memorandum of Law was mailed this 15th day of August, 1984, postage prepaid to Mr. Kenneth T. Bosley, P.O. Box 334, Cockeysville, Maryland 21030, Protestant.

Keith E. Ronald
Keith E. Ronald

W. LEE THOMAS, P.A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

August 15, 1984

Mr. William T. Hackett, Chairman
County Board of Appeals of Baltimore County
Room 200
Court House
Towson, Maryland 21204

Re: Case No. 84-363-XA

Dear Mr. Hackett:

In response to Mr. Bosley's appeal of Mrs. Jung's Order in the above referenced, please find enclosed a Notice to enter my appearance on behalf of the Petitioner.

Also enclosed is a Motion to Dismiss and accompanying Memorandum of Law. It is Petitioner's position that Mr. Bosley is not an aggrieved party to this proceeding and consequently has no standing to maintain his appeal.

I recognize that the Board may be reluctant to rule on this Motion prior to the scheduled hearing date on which the merits of the special exception are to be heard. However, I would respectfully request that a ruling on my Motion be rendered as a preliminary matter.

In order to properly represent my client, I must bring in experts from Colorado and New Jersey to testify as to the structural and technological aspects of the monopole. The substantial expense incurred in obtaining such testimony would be for naught if the Board ordered the dismissal of Protestant's appeal in response to my motion to dismiss tendered at the commencement of the hearing. As case law not only supports but requires a dismissal in this instance, I believe a preliminary ruling would be appropriate in this matter.

I have forwarded copies of this correspondence to Mr. Bosley. Should you wish to discuss this matter or set up a meeting to allow Mr. Bosley to respond to my request, please do not hesitate to contact me.

Very truly yours,
Keith E. Ronald
Keith E. Ronald

KER:drj
cc: Mr. Kenneth T. Bosley

RECEIVED
COUNTY BOARD OF APPEALS
AUG 15 1984

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

84-363-XA

District: 8th Date of Posting: 8-17-84

Posted for: Appeal

Petitioner: Mr. McCormick Properties, Inc.

Location of property: SW/4 Loveton Circle, 2,819.5' W. of York Road

Location of Sign: SW/4 of Loveton Circle in front of Lot #9

Remarks:

Posted by: *John M. Jung* Date of return: 8-24-84

Number of Signs: 1

84-363-XA 8th District
SW/4 Loveton Cir., 2819.5' W of York Road
McCormick Properties, Inc.
1 SIGN

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

August 9, 1984

Keith E. Ronald, Esquire
409 Washington Avenue
Suite 314
Towson, Maryland 21204

Re: Petitions for Special Exception and Variances
SW/4 Loveton Cir., 2,819.5' W of York Road
McCormick Properties, Inc. - Petitioner
Case No. 84-363-XA

Dear Mr. Ronald:

Please be advised that an appeal has been filed by Kenneth T. Bosley, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County, in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,
Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:aj

cc: People's Counsel

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 133219

DATE: 8-7-84 ACCOUNT: R-01-615-000

AMOUNT: \$180.00

RECEIVED FROM: *Kenneth T. Bosley*
FOR: *Appeal of Case # 84-363-XA*
(McCormick Properties, Inc.)

657-0000180000180000

VALIDATION OR SIGNATURE OF CASHIER

ZONING COMMISSIONER
County Office Building
Towson, Maryland 21204

AUG 7 1984
August 7, 1984

RE: Petition for Special Exception and Variances

SW/4 of Loveton Circle, 2,819.5 feet

WEST of York Road, 8th District

BELL ATLANTIC Mobile Phone Systems

and McCormick Properties, Inc.,

Petitioners

No. 84-363-XA (Item No. 210)

Dear Zoning Commissioner:

Please enter an appeal to the County Board of Appeals in the above entitled case on this date.

Thank you,
Kenneth T. Bosley
Kenneth T. Bosley
Box 334
Cockeysville, Maryland
21030

cc: Keith E. Ronald
409 Washington Avenue, Suite 314
Towson, Maryland 21204

ZONING COMMISSIONER
County Office Building
Towson, Maryland 21204

AUG 7 1984
August 7, 1984

RE: Petition for Special Exception and Variances

SW/4 of Loveton Circle, 2,819.5 feet

WEST of York Road, 8th District

BELL ATLANTIC Mobile Phone Systems

and McCormick Properties, Inc.,

Petitioners

No. 84-363-XA (Item No. 210)

Dear Zoning Commissioner:

Please enter an appeal to the County Board of Appeals in the above entitled case on this date.

Thank you,
Kenneth T. Bosley
Kenneth T. Bosley
Box 334
Cockeysville, Maryland
21030

cc: Keith E. Ronald
409 Washington Avenue, Suite 314
Towson, Maryland 21204

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

July 11, 1984

Keith E. Ronald, Esquire
409 Washington Avenue
Suite 314
Towson, Maryland 21204

RE: Petition for Special Exception and Variances
SW/4 of Loveton Circle, 2,819.5' W of York Rd. - 8th Election District
McCormick Properties, Inc. - Petitioner
No. 84-363-XA (Item No. 310)

Dear Mr. Ronald:

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

Very truly yours,
Jean M.H. Jung
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMH/ac

Attachments

cc: Mr. Kenneth Bosley
Box 334
Cockeysville, Maryland 21030

People's Counsel

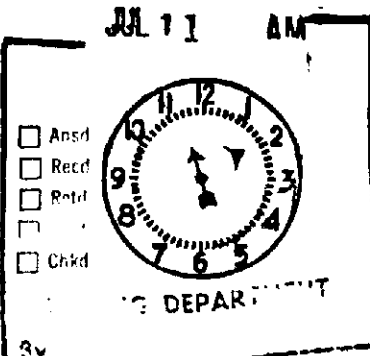
Box 334, Cockeysville, Md.
21030

Dr. Kenneth T. Bosley

York Road - Sparks, Maryland 21152

301-771-4316

July 7, 1984



Ms. Jean Jung
Deputy Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No 84-363-XA (Bell Atlantic Radio Tower)

Dear Ms. Jung:

In response to the Petitioner's letter to your office, dated June 29, 1984, I would like to make the following comments:

1. In 1974 less than a mile away from the proposed tower site an 83 mile wind storm blew my barn down. The insurance company has records of such storms. The barn was a large bank barn that would house 25 cows and 50 tons of hay.
2. The above had a great impact on my son who is in the wind business. (SEE ATTACHED RESUME).
3. Riverside County, California, has an ordinance for Wind Mills and towers that require one and one-half times the height of the tower from the tower to the edge of the property line.
4. Regardless of the wind conditions the towers in Baltimore County should be built only on property large enough for a free fall condition, in this case:
167 feet high x 1.5 factor = 250 feet
5. Therefore, Bell Atlantic, who has the buying power, should be required to have a 250 feet use for free fall surrounding the entire sides of the structure.

I have order. a copy of the California zoning laws relating to towers and I will forward them as soon as these are received.

Thank you for your time spent in this new zoning area.

cc. Keith Ronald

Very truly yours,

Kenneth T. Bosley

Prepared Jan. 1982

KENNETH W. BOSLEY

14611 York Road, Sparks, MD 21152 USA

301/771-4316

Cojo Wind Company
Del Mar, CA
March 1981

American Refining Corp.
Energy Unlimited, Inc.
Philadelphia, Pennsylvania
Perry Hall, President
February 1980-March 1981

WTG Energy Systems, Inc.
1977 - 1979
Buffalo, New York
Allen P. Spaulding, Jr.
President

United Nations
Energy Section
Dr. Howard Brand, Director
New York, NY 10017
717/754-8773
May-Oct. 1977

Fraser/Ruder & Finn
Edith Fraser, President
Suite 1006
1000 K St., NW
Washington, DC 20006
202/452-1188
May-Oct. 1976

W.A. Wind Energy Systems, 1978, Goddard/Novich College, Vermont, B.S., Mass Communication, 1977, Towson State University, Maryland, CPA, 34 in major, 31 overall, B.S. done in 2 1/2 years. Studies at University of Wisconsin & New Mexico Solar Energy Institute & National Student Exchange. Undergraduate courses included Windmill Technology (actual windmill installation & repair); credit directed study in wind energy; and Energy & Electric Power. Obtained FCC Commercial Broadcast License in 1978. On FM station broadcast staff. Completed USAF Communications Electronics Course, Keesler AFB, Mississippi.

Cojo Wind Company is the third largest Enertech (Bendix) dealer. As Vice President, I wrote proposals, trained staff, sold and installed Jacobs (Corcoran Data), Sencenbren and Independent Energy (Skyhawk). I am individually responsible for acquiring unlimited zoning for wind turbines in San Diego County. No permits of any kind are now required for units up to 130 feet tall in unincorporated areas. Previously, all wind turbines were strictly prohibited. I drove 25,000 miles within California to make sales calls and site surveys. I supervised one salesman who made over \$100,000 in sales. During the California Energy Commission's "Investing in Wind Energy Conference," Palm Springs, April 1981, I was interviewed by PBS as the L.A. Times concerning my contributions to conference sessions on zoning issues. I attended USDOE Wind Workshop IV, Washington DC.

American Refining is providing windfarm financing, engineering, & installation management to VTG Energy Systems, Inc. This joint venture has resulted in several multi hundred million dollar proposals to Windfarms, Ltd. (Standard Oil & Transamerica Corp.) & to several utilities directly. Windfarms, Ltd. is now funding WTG Energy Systems to develop a 1.25 Megawatt wind turbine. The Windworks (10KW) & Northwind (25KW) H&E which were developed under USDOE contract are marketed exclusively by American Refining who also owns stock in these companies. I initiated sales to the Canadian Coast Guard, the U.S. Coast Guard, the Norfolk & Western Railroad, & the Washington Island Wisconsin Rural Electric Cooperative. I did research in American Refining's other projects in solar, hydro, and alcohol, but I was the only person on staff with previous experience in wind energy. Harry Halloran, President of American Refining, spent more time with me than with any other staff person. I functioned as the liaison between engineers, salesmen, and financial people. I designed new wind turbines, devised testing procedures & did site application analyses to advise on investment strategy. I conducted economic studies to discern optimal generation mix via siting & financial packaging within dispatch & power quality requirements. I attended the line 1980 American Wind Energy Association conference. At the "Third International Symposium on Wind Energy Systems" held in Denmark, I represented WTG Energy Systems, Inc. in meetings with the Central Electrical Generating Board of Great Britain arranged by USDOE. During a later trip to Europe, I presented a paper titled Large & Small Electric Wind Turbines for Isolated Applications at the "Energy for Rural & Island Communities Conference" held in Scotland, published by Persanton Press in hardback. There, I met a wind turbine manufacturer who later bought a \$300,000 50 KW, MP 5-200 wind turbine from WTG Energy Systems, Inc. instead of a machine from British Aerospace Corp. (B.A.C.), makers of the Concordes. In Europe, I inspected dozens of installations of wind turbines & several factories.

This small firm designs & builds the world's largest commercially installed wind turbine generators. I initiated their first sale, a \$300,000 MP 2-200 which was bought by Nova Scotia Power Corporation. The prototype, the MP 1-200, is located on Cuthbert Island, Massachusetts. A total of five units have been built. I worked as Administrative Manager & Market/Applications Analyst, & did proposal work for the R & D testing & manufacturing of the MP 1-200 & small & megawatt size units. I was responsible for reading the Commerce Business Daily, getting on bid lists, & the receipt & analysis of all incoming government & private requests for proposals. I researched & wrote technical trade off analyses & detailed specifications sections of the U.S. Department of Energy's M204 wind turbine manufacturing & Niagara Mohawk Power Corp.'s wind turbine hydro pump back study proposals. Researched & conducted on site inspections of competitive wind turbines. Researched & wrote feasibility & wind monitoring reports for sites & regional areas with high cost competing energy systems - lack ground economy of the area - sites suitable for the MP 1-200 design - specific potential buyers with funds & reasons to buy. Located new US and foreign government & private requests for proposals, research & development efforts, feasibility studies, & wind monitoring programs. Conducted similar analyses of incoming inquiries. Researched new technical concepts & components for wind turbines, wind monitoring equipment, batteries, other storage systems, hydroelectric generators, & solar systems. Updated supplier quotes & selected components. In-house manager of media coverage, including the PBS hour-long documentary about the company, "Generation of the Wind." Functioned as main professional liaison contact. On American Wind Energy Association's Centralized Utilization Committee. Attended USDOE Wind Workshop IV.

Selected as only intern in Energy & Mineral Development Branch during 1977. All projects dealt with renewable sources of energy. Specified equipment & devised technical innovations for the Rural Energy Centres located in Sri Lanka and Senegal. Prepared abstract data base for the 1981 U.N. New Sources of Energy Conference in Kenya. Compiled report on all current & previous U.N. activities in renewable energy. Lectured at World Game's Energy Seminar. Attended USDOE Wind Workshop III.

Ruder & Finn was the second largest international public relations firm. Completed 90% of the research & writing of 44-page ENERGY ATLAS (government agencies' energy jurisdiction directory - new editions are the ENERGY EXECUTIVE DIRECTORY), contributed to CAPITAL CONTACTS & CONSUMERISM book. Supervised typists & proofreaders. Worked on marketing the books. Accounts worked on: Gulf & Western's Energy Development Associates' zinc chloride batteries, Lohs Khoades geothermal investing, Ajinomoto (Japanese food processing firm), Blue Bell (Wrangler) clothes line & Tailwax. Assisted Mr. Fraser with client accounting analysis. Received four raises. Continued to lose lance after October 1976.

W.A. Wind Energy Systems, 1978, Goddard/Novich College, Vermont, B.S., Mass Communication, 1977, Towson State University, Maryland, CPA, 34 in major, 31 overall, B.S. done in 2 1/2 years. Studies at University of Wisconsin & New Mexico Solar Energy Institute & National Student Exchange. Undergraduate courses included Windmill Technology (actual windmill installation & repair); credit directed study in wind energy; and Energy & Electric Power. Obtained FCC Commercial Broadcast License in 1978. On FM station broadcast staff. Completed USAF Communications Electronics Course, Keesler AFB, Mississippi.

8/16/83 - Notified of hearing on MOTION TO DISMISS ONLY set for THURSDAY, SEPT. 6, 1984 at 9:30 a.m.

Keith E. Ronald, Esq.
Alan P. Medinger
J. Richard Uhlig
Kenneth T. Bosley
Phyllis C. Friedman

Keith E. Ronald, Esquire
409 Washington Avenue
Suite 314
Towson, Maryland 21204

May 29, 1984

NOTICE OF HEARING
Re: Petition for Special Exception & Variances
SW/8 Loveton Cir., 2,819.5' W of York Rd.
McCormick Properties, Inc. - Petitioner
Case No. 84-363-XA

TIME: 10:15 A.M.

DATE: Tuesday, June 26, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Baltimore County
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 130220

DATE: 5/2/84 ACCOUNT: R-01-615-000

AMOUNT: \$700.00

RECEIVED FROM: Keith E. Ronald

FOR: Flag for Petition # 303

1 clw

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

June 19, 1984

Keith E. Ronald, Esquire
409 Washington Avenue
Suite 314
Towson, Maryland 21204

Re: Petitions for Special Exception and Variances
SW/8 Loveton Cir., 2,819.5' W of York Road
McCormick Properties, Inc. - Petitioner
Case No. 84-363-XA

Dear Mr. Ronald:

This is to advise you that \$58.50 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

No. 131903

ARNOLD JABLON
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 6/26/84 ACCOUNT: R 01-615-000

AMOUNT: \$58.50

RECEIVED FROM: W. Lee Thomas, Esquire

FOR: advertising and posting Case 84-363-XA

6 042*****585010 5264A

VALIDATION OR SIGNATURE OF CASHIER

W. LEE THOMAS, P. A.
ATTORNEY AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

May 9, 1984

Arnold Jablon, Esquire
Zoning Commissioner of Baltimore County
County Office Building
111 Chesapeake Avenue
Towson, MD 21204

Re: Petition for Special Exception and
Variance filed by McCormick Properties, Inc.
Item No. 308

Dear Commissioner Jablon:

The above referenced applications deal with Bell Atlantic's third request to install one of its antennas in Baltimore County to promote its mobile telephone service. As you may recall, no protestants appeared at our previous hearings, which lasted some ten minutes each. This third application is the most ideal site to date, as it is located in the Loveton Industrial Park. Consequently, we do not anticipate any community objection to our application.

Bell's competitor is already providing service and is gaining a distinct advantage in the marketplace, which is contrary to the FCC's desire. Bell is doing everything possible to put its service on line in order to provide consumers with an alternative.

As an attorney in the County, I appreciate the changes you have incorporated to date in your office to make the zoning process more efficient. As Bell's representative I would ask that you approve this request to further expedite our petitions, so that a hearing may be scheduled at the earliest possible date.

Very truly yours,

Keith E. Ronald

KER:lah

Description of 3600 Square Foot
Portion Of
McCormick Properties
Lot 9 Loveton Center

Beginning for the same at a point in the center line of Loveton Circle at its intersection with the center line of York Road (being the southernmost intersection of Loveton Circle and York Road) thence leaving York Road and running with the center line of Loveton Circle in a westerly direction 2819.5 feet to a point opposite the northernmost corner of Lot #9 of Loveton Center and thence running from said corner South 29 degrees 16 minutes 11 seconds West 467.71 feet to an iron bar now set at the southwest corner of an existing blacktop parking lot, thence running so as to describe the parcel of land in the lease area and with the southern edge of said parking lot, 1. South 48 degrees 16 minutes 45 seconds East 60.00 feet to an iron bar now set, thence leaving the edge of said parking lot, 2. South 41 degrees 43 minutes 15 seconds West 60.00 feet to an iron bar now set, 3. North 48 degrees 16 minutes 45 seconds West 60.00 feet to an iron bar now set, 4. North 41 degrees 43 minutes 15 seconds East 60.00 feet to the place of beginning of the lease area.

This description to be used for Baltimore County descriptive purposes only and is not to be used for inclusion in any legal agreements.

D. J. [Signature]

PETITION FOR SPECIAL EXCEPTION AND VARIANCES
8th Election District

ZONING: Petition for Special Exception and Variances
LOCATION: Southwest side Loveton Circle, 2,819.5 ft. West of York Road
DATE & TIME: Tuesday, June 26, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for the installation of a wireless transmitting and receiving structure (a monopole antenna) and Variances to allow a front yard setback of 21.5 ft. in lieu of the required 25 ft. and to allow side yard setbacks of 17.5 ft. and 6 ft. and rear yard setback of 6 ft. all in lieu of the required 30 ft.

Being the property of McCormick Properties, Inc., as shown on plat plan filed with the Zoning Department.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

26327 87496
CERTIFICATE OF PUBLICATION
 84-363-XA
 Towson, Md. 8/20 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for consecutive weeks, the first publication appearing on the 14th day of June 1984.

The TOWSON TIMES
 Cost of Advertisement: \$26.50

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland 84-363-XA

District: 8th Date of Posting: 8-5-84
 Posted for: Special Exception
 Petitioner: McCormick Properties, Inc.
 Location of property: S.W. 1/4 of Lot 10, Block 2, E. 12th St. W. of York Rd. - 8th District
 Location of Signs: S.W. 1/4 of Lot 10, Block 2, E. 12th St. W. of York Rd. - 8th District
 Remarks: S.W. 1/4 of Lot 10, Block 2, E. 12th St. W. of York Rd. - 8th District
 Posted by: J. J. Smith Date of return: 8-15-84
 Number of Signs: 2

IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCES
 SW/S Loveton Cir., 2,819.5' W of York Rd. - 8th District
 McCormick Properties, Inc.,
 Petitioner

* BEFORE THE
 * BOARD OF APPEALS
 * OF BALTIMORE COUNTY
 * Case No. 84-363-XA

Entry of Appearance

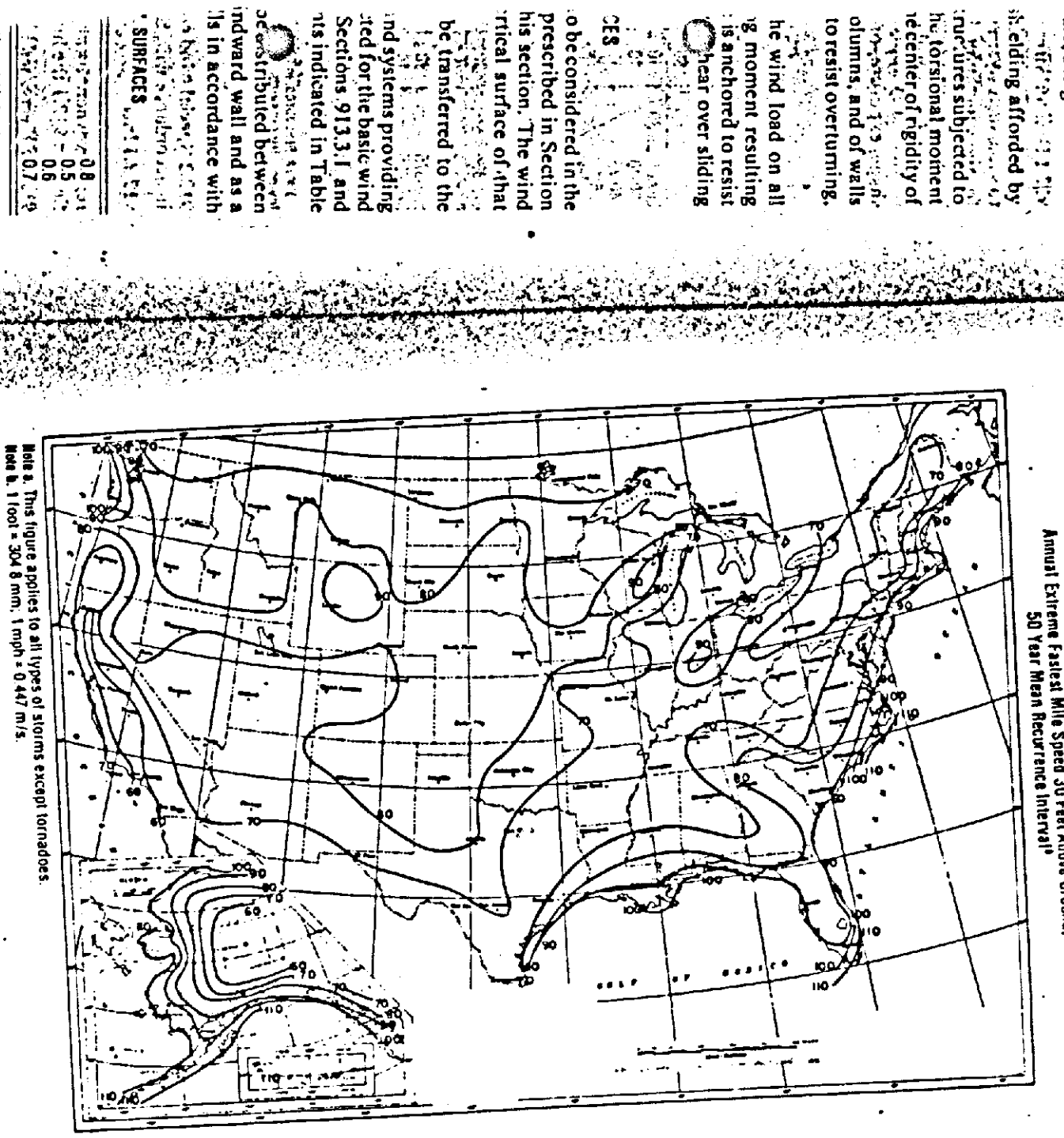
Please enter my appearance as a party in the above captioned matter, pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all notices be forwarded to my office, including but not limited to hearing dates and/or preliminary or final Orders.

Arnold Jablon
 Arnold Jablon
 Zoning Commissioner of Baltimore County
 Room 109 - 111 West Chesapeake Avenue
 Towson, Maryland 21204
 494-3353

Certificate of Mailing

IT IS HEREBY CERTIFIED that on this 9th day of August, 1984, copies of the foregoing Entry of Appearance were mailed, postage prepaid, by first class delivery to the County Attorney of Baltimore County, People's Counsel for Baltimore County, Petitioner(s) and/or Protestor(s) in the above captioned matter.

Arnold Jablon
 Arnold Jablon



84-363-XA
CERTIFICATE OF PUBLICATION
 TOWSON, MD., June 7, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 7, 1984.

THE JEFFERSONIAN
 Publisher
 Cost of Advertising 22.00

84-363-XA
 BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 22nd day of May, 1984.

Arnold Jablon
 Zoning Commissioner

Petitioner: McCormick Prop., Inc.
 Petitioner's Attorney: Keith E. Rosella
 Received by: Nicholas B. Commodari
 Chairman, Zoning Plans Advisory Committee

ANDERSON & HASTINGS, CONSULTING ENGINEERS, INC.
 2059 BRYANT STREET, DENVER, COLORADO 80211
 303/433-8486

Principals:
 James M. Hastings
 Albert E. Anderson
 John D. Park
 Ronald L. Stevens

August 26, 1983

Mr. Alfred H. Carter
 Wilkes, Artis, Hedrick & Lane
 Attorneys at Law
 51 Monroe Street
 Rockville, Maryland 20850

RE: Monopole Mast for the
 Advanced Mobile Phone Service, Inc.

Dear Mr. Carter:

In response to the request of the A.M.P.S. organization our office has performed an extensive investigation of the tower structure. It is our opinion that the tower is structurally sound and will safely withstand wind forces of 100 m.p.h. for towers described as models AT 8935 types B, C and D. Tower models AT 8935 type E, F and G will safely withstand forces of 120 m.p.h. Our investigation is based on the following standards and codes:

1. The American National Standards Institute, Inc., (A.N.S.I.) ANSI A58.1-1972.
2. American Institute of Steel Construction, Inc., Specification for the Design, Fabrication and Erection of Structural Steel for Buildings, Eighth Edition.
3. A.S.C.E., Design of Steel Transmission Pole Structures, 1978.

We are including with this letter report the back-up materials used in our studies.

Very truly yours,
 Albert E. Anderson

AEA/JJ
 Enclosure
 cc: Mr. Stan Miller
 Advanced Mobile Phone Service, Inc. - Mid Atlantic

ANDERSON & HASTINGS, CONSULTING ENGINEERS, INC.
 2059 BRYANT STREET, DENVER, COLORADO 80211
 303/433-8486

Principals:
 James M. Hastings
 Albert E. Anderson
 John D. Park
 Ronald L. Stevens

December 29, 1983

Mr. Stephen J. Crenn
 Wilkes, Artis, Hedrick & Lane
 Attorneys at Law
 51 Monroe Street
 Rockville, Maryland 20850

RE: Bell Atlantic Mobile System Site at
 Bullis School, Rockville, Maryland

Dear Mr. Crenn:

The following are responses to your inquiries regarding the monopole tower proposed at this site.

1. The monopole mast is erected in three sections using a friction telescoping splice standard in the transmission tower fabrication industry. I am enclosing a copy of the details of this connection for your use. It is our opinion that this connection is adequate and meets the accepted minimum standards of the industry.
2. The triangular platform is connected to the monopole mast at the top of the monopole. That connection is accomplished using latching flange plates on the mast and the platform connected together with 12 - 1" diameter high strength A325 bolts. It is our opinion that this connection is adequate and compatible with all other strength aspects of the tower.
3. In an 80 m.p.h. wind the movement of the platform may reach 7'-0" each way from vertical. In a nominal wind such as 15 m.p.h. that movement will be less than 2" each way from vertical. The movement is such less than would be expected from the tree tops in the surrounding forest.

Very truly yours,
 Albert E. Anderson

Enclosure
 cc: Mr. Larry Pasqua

SUMMARY OF TESTIMONY
 ALBERT E. ANDERSON, MARYLAND PROFESSIONAL ENGINEER, STRUCTURAL DESIGN ENGINEER, ANDERSON & HASTINGS, CONSULTING ENGINEERS, INC.
 2059 Bryant Street, Denver, Colorado 80211
 (Resume Attached)

Our office has performed an extensive investigation of the tower structure. It is our opinion that the tower is structurally sound and will safely withstand wind forces of 100 m.p.h. for towers described as models AT 8935 types B, C, and D. Tower models AT 8935 type E, F, and G will safely withstand forces of 120 m.p.h. Our investigation is based on the following standards and codes:

1. The American National Standards Institute, Inc., (A.N.S.I.) ANSI A58.1-1972.
2. American Institute of Steel Construction, Inc., Specification for the Design, Fabrication and Erection of Structural Steel for Buildings, Eighth Edition.
3. A.S.C.E., Design of Steel Transmission Pole Structures, 1978.

Hurricane force winds do not usually exceed 120 m.p.h. The towers to be used in this area, and on this site are a 100 m.p.h. equivalent design. These towers may deflect more in the 120 m.p.h. winds, but would not fail.

In my opinion, the monopole tower will not be detrimental to the use, peaceful enjoyment or development of surrounding properties or general neighborhood. The monopole will not adversely affect or endanger the health, safety, security of residents, visitors or workers in the area (or students on the athletic fields nearby).

The tower structure has no special requirements for police, fire protection, location of fire hydrants or any other special precautions of any kind required due to its location or construction or equipment which might put an additional burden on local government facilities.

ALBERT E. ANDERSON, PROFESSIONAL ENGINEER
 EIRTH DATE: April, 1932

EDUCATION: Graduated from University of Colorado
 Boulder, Colorado in 1957
 Bachelor of Science Degree in Civil Engineering

PROFESSIONAL REGISTRATION: Registered Professional Engineer in the following states:
 Colorado, 1961; Texas, 1971; Utah, 1973; Wyoming, 1966; & Idaho, 1977.
 Certified Consulting Engineer - August, 1977
 Past President of Consulting Engineers Council of Colorado
 Member of the American Concrete Institute & American Society of Civil Engineers.

PROJECT QUALIFICATIONS:

Total engineering experience of 26 years with 17 years in the position of responsible charge of work. The following assignments are applicable:

Structural Design Engineer and Partner with Ketchum, Kenkel & Hastings, Consulting Engineers, Denver, Colorado for a period of 11 years with experience in structural design of numerous projects.

Principal and Engineer in-charge for Anderson & Hastings, Consulting Engineers, Inc., on the following projects:

Structural design in reference to remodeling, renovating, and construction of additions and new buildings for Mountain Bell, and consultation with Mountain Bell on these projects.

Design Engineer and consultant on various additions and new structures at the University of Southern Colorado, including survey of existing structures and analysis.

Structural design and consultation of buildings at the Broadmoor Hotel, Colorado Springs, in coordination with C.B. Guy & Associates, Colorado Springs, Colorado.

Design and consultant pertaining to bracing and shoring investigations in coordination with building constructions of Mountain Bell and Poole Construction Co., Ltd.

Consultant and design engineer in regards to additions to and survey of existing systems at Rocky Flats, Dept. of Energy, Denver, Colorado, and Climax Hydroelectric Co., Climax, Colorado.

Structural consultant and design engineer regarding additions, investigations and design of City buildings in cooperation and coordination with City of Denver officials.

Received "Q" clearance at Rocky Flats, Rockwell International, 1980.

ANDERSON & HASTINGS

AMPS RADIO MAST
AT-8935

July 17, 1981

Two heights available: 150ft. and 100ft.

Meets all standards for safety commonly used in the tapered steel pole industry including:

1. EIA Standard RS-222-C "Structural Standards for Steel Antenna Towers and Antenna Supporting Structure, 1976, Electronic Industries Association.
2. NEMA Standard TT-1-1977, "Tapered Tubular Steel Structure, 1977, National Electric Manufacture Association.
3. Bell System Practices 940-240-140, "Radio Engineering, Mobile Radio Antenna Supporting Structure, 1965.
4. "AISC Specification for the Design, Fabrication, and Erection of Structural Steel for Buildings", February 1969, American Institute of Steel Construction.

The mast is designed per the above industry standards to survive with adequate safety margin a wind load corresponding to 100 mph with allowance for such effects as wind gustiness, dynamic deflections, and vortex shedding.

1. GENERAL

The foundation shall be a buried structure of concrete reinforced with steel rods and designed to support a mounted free-standing steel radio mast 150 feet high or 100 feet high ~~depending on location~~.

The allowable stresses and design methods used shall conform to the requirements of the latest edition of the Standard Building Code Requirement for Reinforced Concrete (ACI-318), issued by the American Concrete Institute.

A safety factor of 1.78 shall be applied to design loads.

2. DESIGN LOADS

The following loads are based on a survival wind loading of 100 mph.

Mast height:	150 ft	100 ft
Total weight resting on foundation:	20,000 lbs	12,000 lbs
Overturning moment at mast/foundation interface:	1,197,000 lb-ft	578,000 lb-ft

Issue 1 12-10-80

3. MAST/FOUNDATION INTERFACE

The mast shall be mounted to the foundation via a base plate (an integral part of the mast), and studs embedded in and protruding 11 inches from the concrete foundation. A double-nut arrangement shall be used for adjustment and locking -- one nut above and one nut below the base plate at each stud. The lower nuts are to be installed in a level plane before the mast is put in place. After the mast is installed and the nuts adjusted and torqued, the space under the base plate is to be grouted with concrete.

3.1 Foundation Physical Parameters

To accommodate the base plate of the mast, the foundation must be designed according to the following parameters.

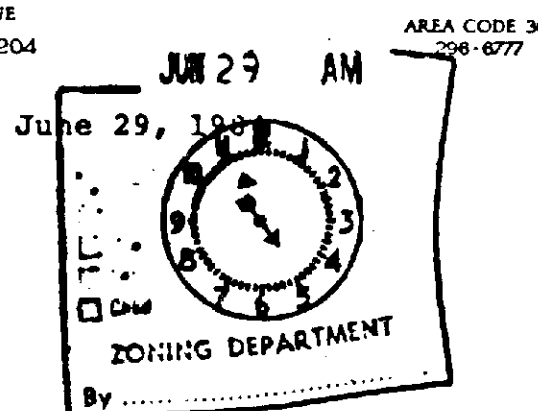
Mast base plate	
Face dimensions:	44 in. square
Inside diameter of opening:	30 in.
Thickness:	2.5 in.

Studs

Number:	Eight, in groups of two, spaced 6.0 in. apart on centers (see 3 and Figure 1)
Bolt circle:	44 in.
Diameter and thread:	2.25 in., 4.5 threads/in.
Length:	124 in. minimum
Material:	Structural steel, ASTM A-615, 75 ksi yield strength, #18S deformed rebar

Issue 1 12-10-80

W. LEE THOMAS, P. A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204



Ms. Jean Jung
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 84-363-XA
Property Owner: McCormick Properties, Inc.
Lessee: Bell Atlantic Mobile Systems

Dear Ms. Jung:

Per your requests in our zoning hearing of the morning of Tuesday, June 26, I forward to you the following information regarding wind velocity in Baltimore County and the County Fire Department's comments on Bell's application.

Neither Bell nor any of their experts have conducted any tests or surveys with respect to how often in the past Baltimore County has experienced 100 mph winds or when such an event could be expected to occur in the future. An inquiry to the U.S. Weather Service revealed that there were no facilities or equipment in this area to measure wind speeds in excess of eighty miles per hour prior to ten years ago, but that during the last decade, no wind speeds have been recorded in excess of 100 mph. Additionally, the U.S. Weather Service does not compile any type of report which would be the "wind" equivalent of a 50 or 100 year floor plain.

I also spoke with Albert E. Anderson, a Registered Maryland Professional Engineer, who has done extensive consulting work for Bell on sites throughout the country. He informed me that the design criteria for monopoles is not determined based on maximum wind velocities alone, but rather on all-encompassing studies compiled by the National Bureau of Standards. Enclosed please find photocopies of reports prepared by Mr. Anderson and other representatives of Bell which itemize some of the standards which Bell's monopoles meet or surpass.

Finally, I contacted Mr. Ed Bauer, of the County's Plans Review Office. His main concern was that the monopole surpass those standards set down by the Electronic Industries

W. LEE THOMAS, P. A.

Ms. Jean Jung

June 29, 1984

Association, which our monopole does. Mr. Bauer also referred me to Figure 912.1 of the BOCA regulations, which charts on a nationwide basis the Annual Extreme Fastest mile speed on a fifty year mean recurrence interval, a copy of which is enclosed for your reference. The figure, which applies to all types of storms except tornadoes, places Baltimore County, Maryland in the 70-80 mph range.

During a telephone conversation with Captain Kelly, I learned that his comment number four was meant to address his department's preference that Bell construct an island in the parking lot abutting the walkway to the building in order to prevent tenants parking in that spot. This would insure fire department access to the site in the event of an emergency. I discussed the Captain's comments with Doug Harrington of McCormick Properties, who expressed his reluctance to allow an island, as it would create a safety hazard for anticipated truck traffic in the parking lot and possibly reduce the nature of use McCormick could offer to prospective tenants. I shall again confer with Captain Kelly regarding a possible compromise of painting a "No Parking Fire Zone" in the parking space in front of the walkway. If this is agreeable, I shall make sure the new plat to be prepared for recordation addresses this matter appropriately.

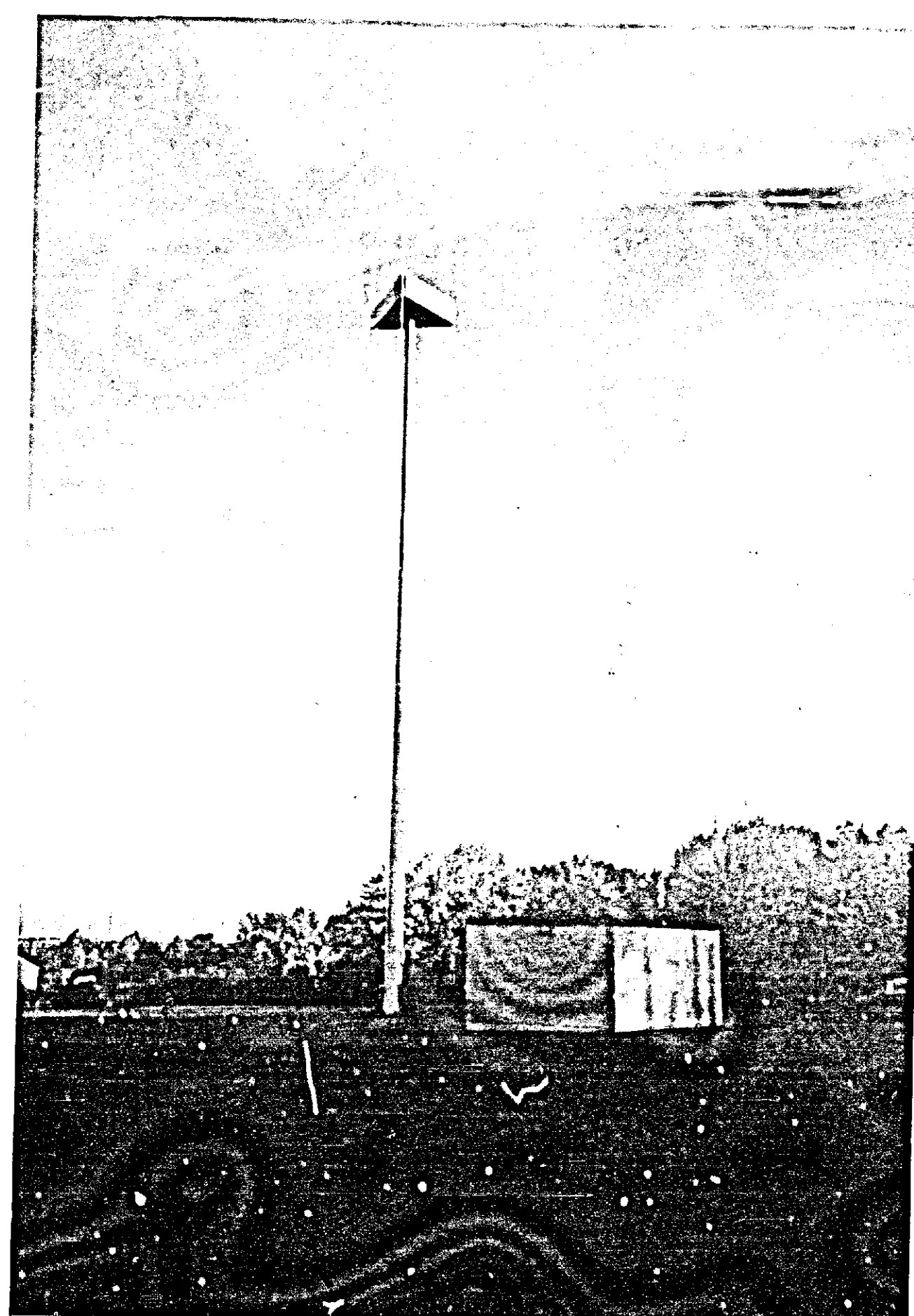
I hope that I have addressed the questions to your satisfaction. If you would like me to provide you with any additional information, please do not hesitate to contact me.

Very truly yours,

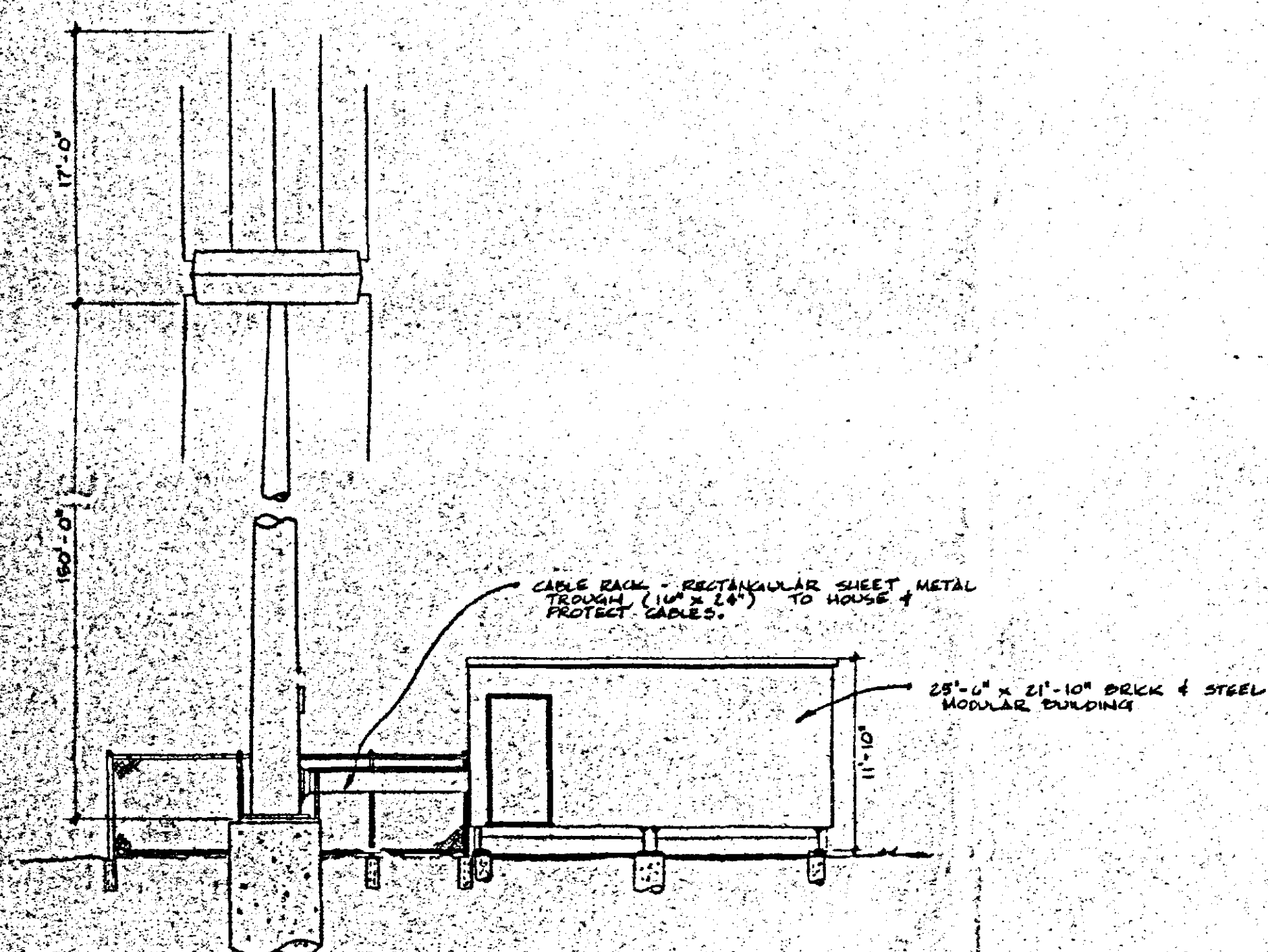
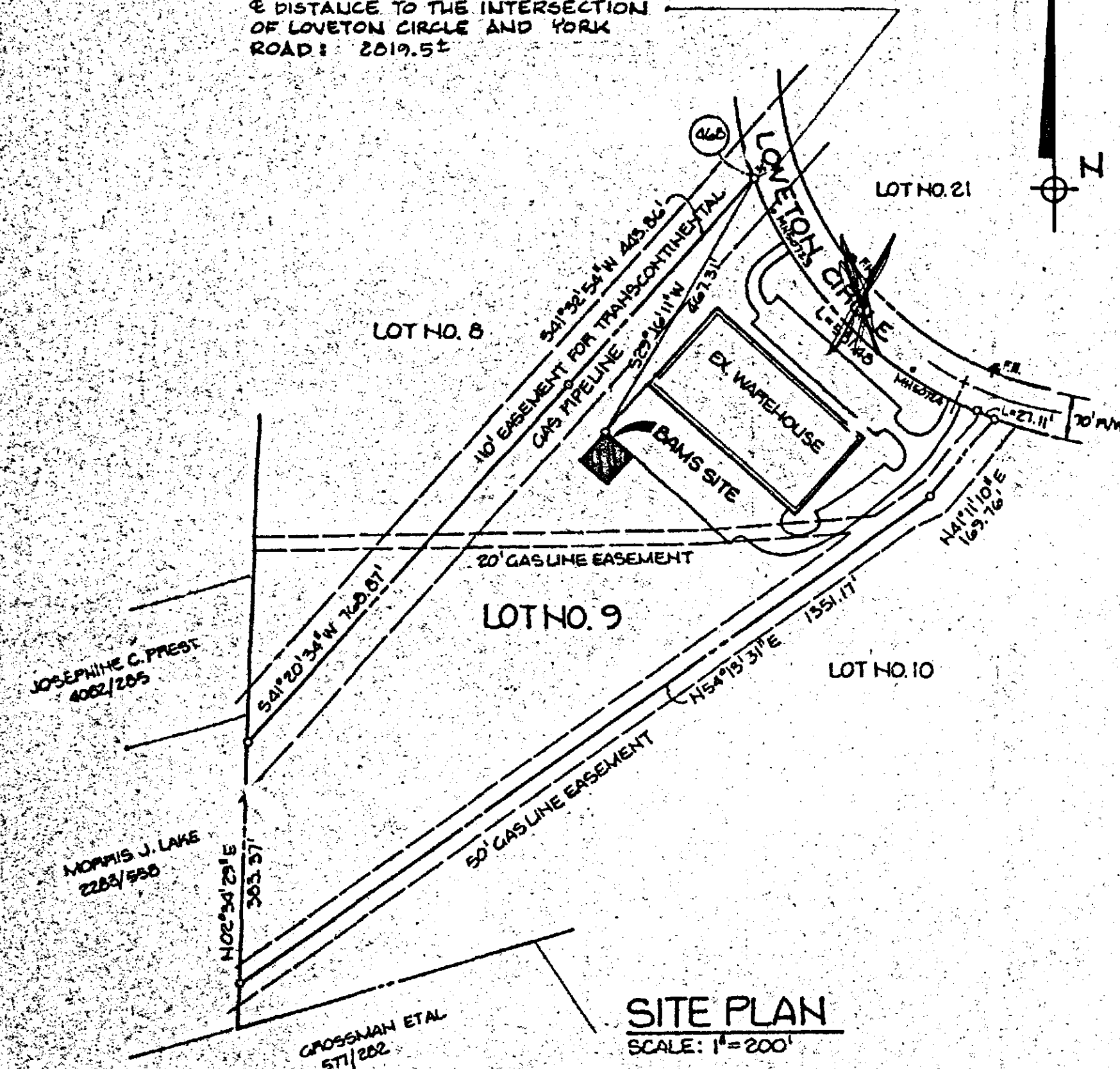
Keith E. Ronald
Keith E. Ronald

KRR:drg

cc: Mr. Kenneth Bosley
People's Counsel



Q DISTANCE TO THE INTERSECTION
OF LOVETON CIRCLE AND YORK
ROAD: 2819.5±



ANTENNA & BLDG. PROFILE

$$644 \pm 1/2 \cdot 10^4$$

TO 70' R/W OF
LOVETON CIRCLE

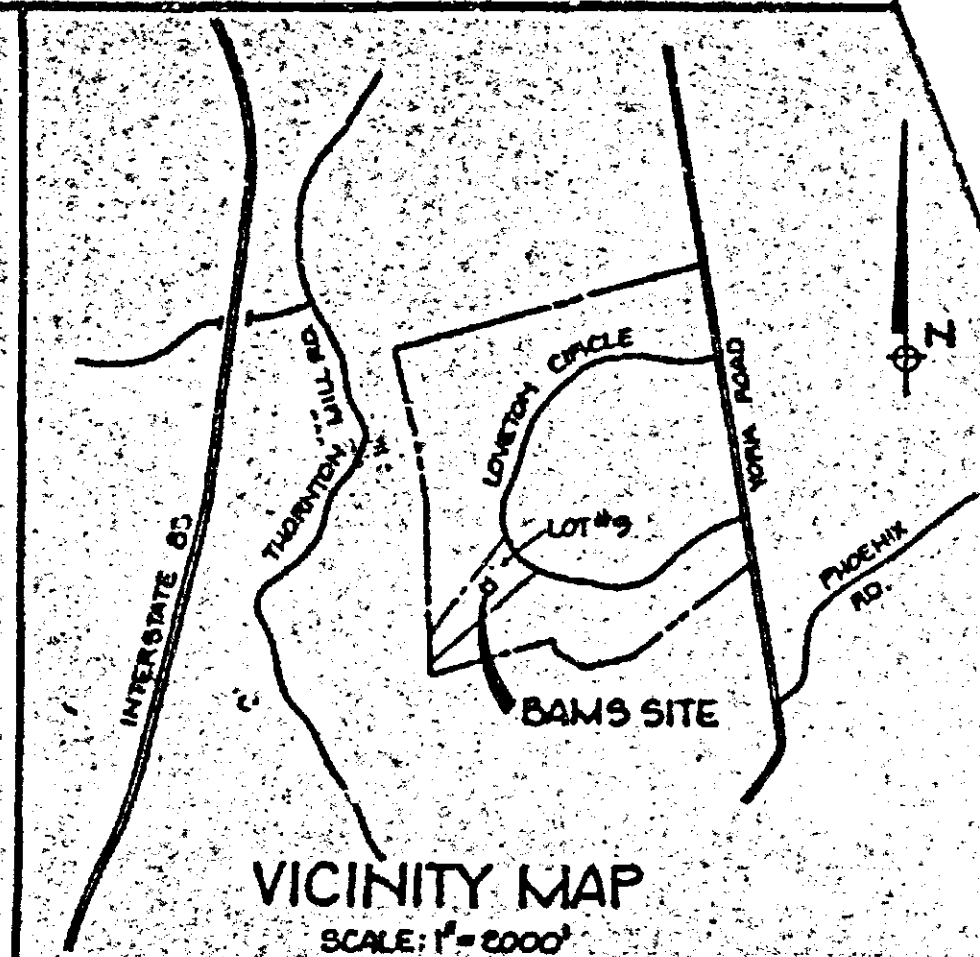
2/4 2110' TRANSCONT. GAS PIPELINE.

6

TO BOUNDARY LINE
OF LOWETON CENTER

BENCH MARKS:
ELEVATIONS ARE BASED ON SMH PIMS OF BALTO.
COUNTY PUBLIC WORKS.
BM NO 50723 = ELEV. 455.14.
BM. NO. 50724 = ELEV. 461.89
LOCATION: SEE SITE PLAN ON SHEET LEFT

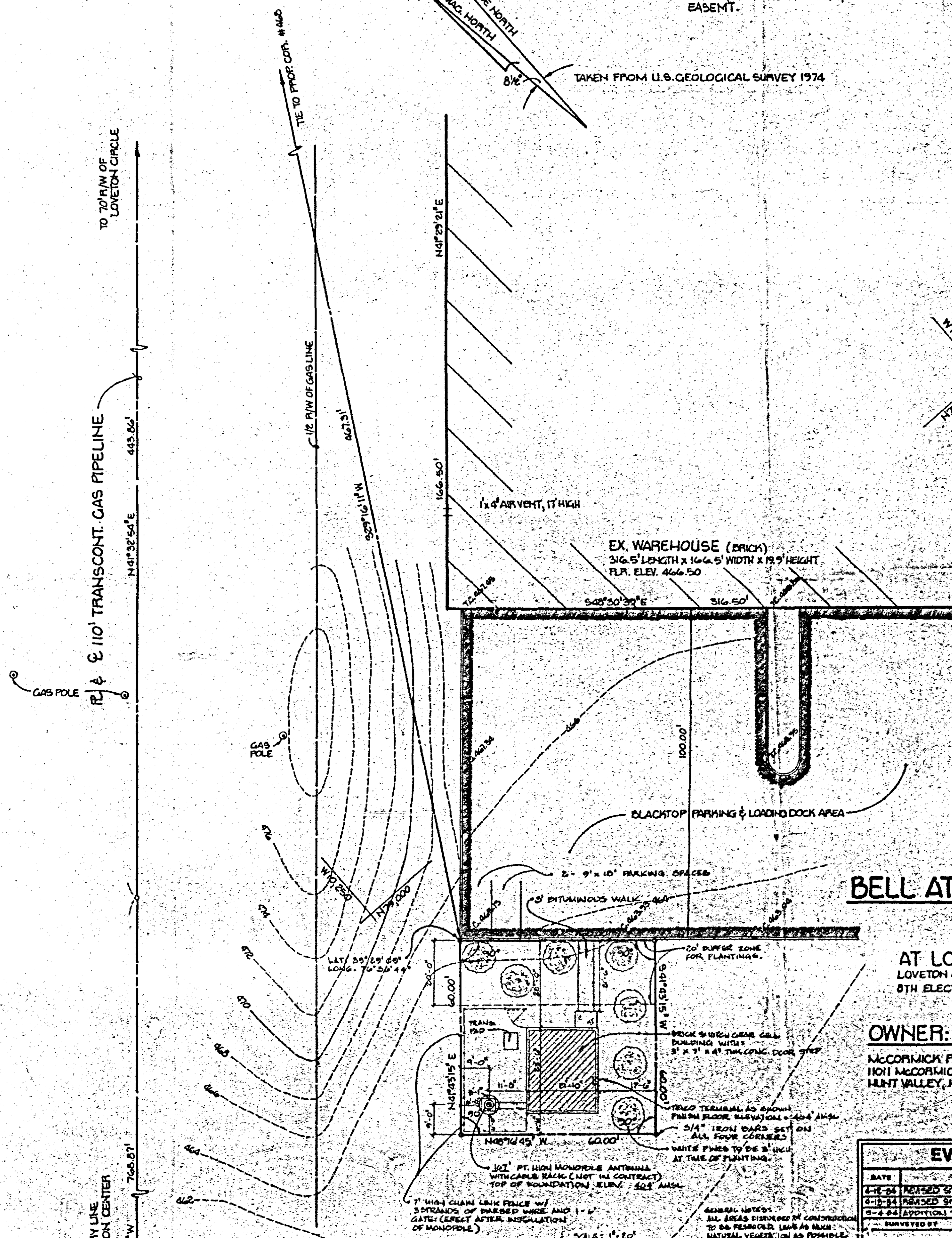
TRUE NORTH DATUM FROM KIDDE TRAVERSE.
CONTROL STATIONS, NO'S 1122 & 1395 LOCATED
AT NORTH & LOVETON CIRCLE ALONG 110 GASLINE.
EASTW. AND REAR OF BLDG ALONG 20' GASLINE.
EASTW.



NOTE:
OUTLINE SURVEY CONTROL BASED ON DATUM ACQUIRED
FROM KIDDE CONSULTANTS.
COORDINATES & BEARINGS SHOWN ON THIS PLAT ARE
REFERRED TO BY THE SYSTEM OF COORDINATES
ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN
DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE
STATIONS AS SHOWN ABOVE. DATE: NOV. 15, 1980

GENERAL NOTES:

1. PARCEL (LOT) ON PLAT AND ALL SURROUNDING PARCELS PARCELS ZONED, MIL
2. AREA OF SITE $\pm$ 3,600 $\pm$ 0.01 AC
3. WATER AND POWER FACILITIES EXIST AT THE SITE AND ALONG LOWENHORN CIRCLE ROAD.
4. NEAREST PUBLIC FACILITIES; FIRE HYDRANTS LOCATED AT LOWENHORN CIRCLE ROAD.
5. THERE IS EXISTING BUILDING LOCATED WITHIN THE SITE WHOSE INTENDED USE AS A WAREHOUSE AND CURRENTLY WAREHOUSE.
6. THERE ARE DRAINAGE COURSES WITH S.W.N. EXISTED ADJOINING TO LOT AND STREAMS EXISTED ADJOINING TO SOUTH SIDE OF UNDEVELOPED PROPERTIES DOWN TO WESTERN RUN.
7. INTEREST IN PROPERTY TO LEASE
8. PROPERTY OWNER OWNS PROPERTY WITHIN 200' OF LEASED AREA.
9. EXISTING USE OF PARCEL IS UNIMPROVED LAND.



SITE OF
BELL ATLANTIC MOBILE SYSTEMS
BLT - GSS-3

AT LOT NO. 9 OF LOVETON CENTER
LOVETON CIRCLE 2 YORK ROAD SPARKS, MD.
8TH ELECTION DISTRICT BALTIMORE COUNTY MARYLAND

SHEET 1 of 2

OWNER:

McCORMICK PROPERTIES, INC.
11011 McCORMICK ROAD
HUNT VALLEY, MD. 21031

Petitioner's

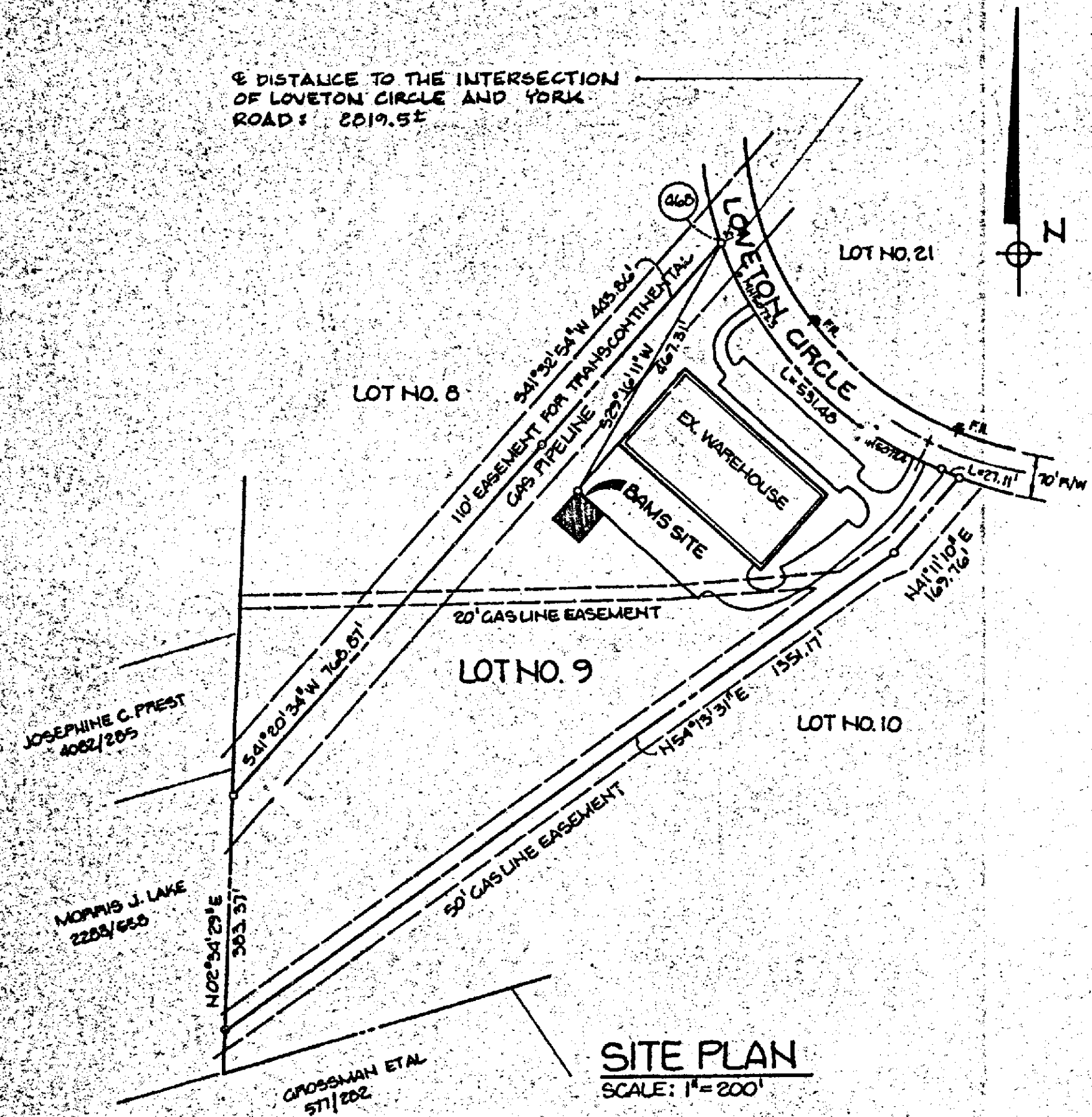
EVANS, HAGAN & HOLDEFER, INC.

DATE	REVISION	BY
4-15-84	REVISED SITE LOCATION	BJ
4-15-84	REVISED SITE LOCATION	BJ
5-2-84	ADDITION TO SITE PLANS	BJ

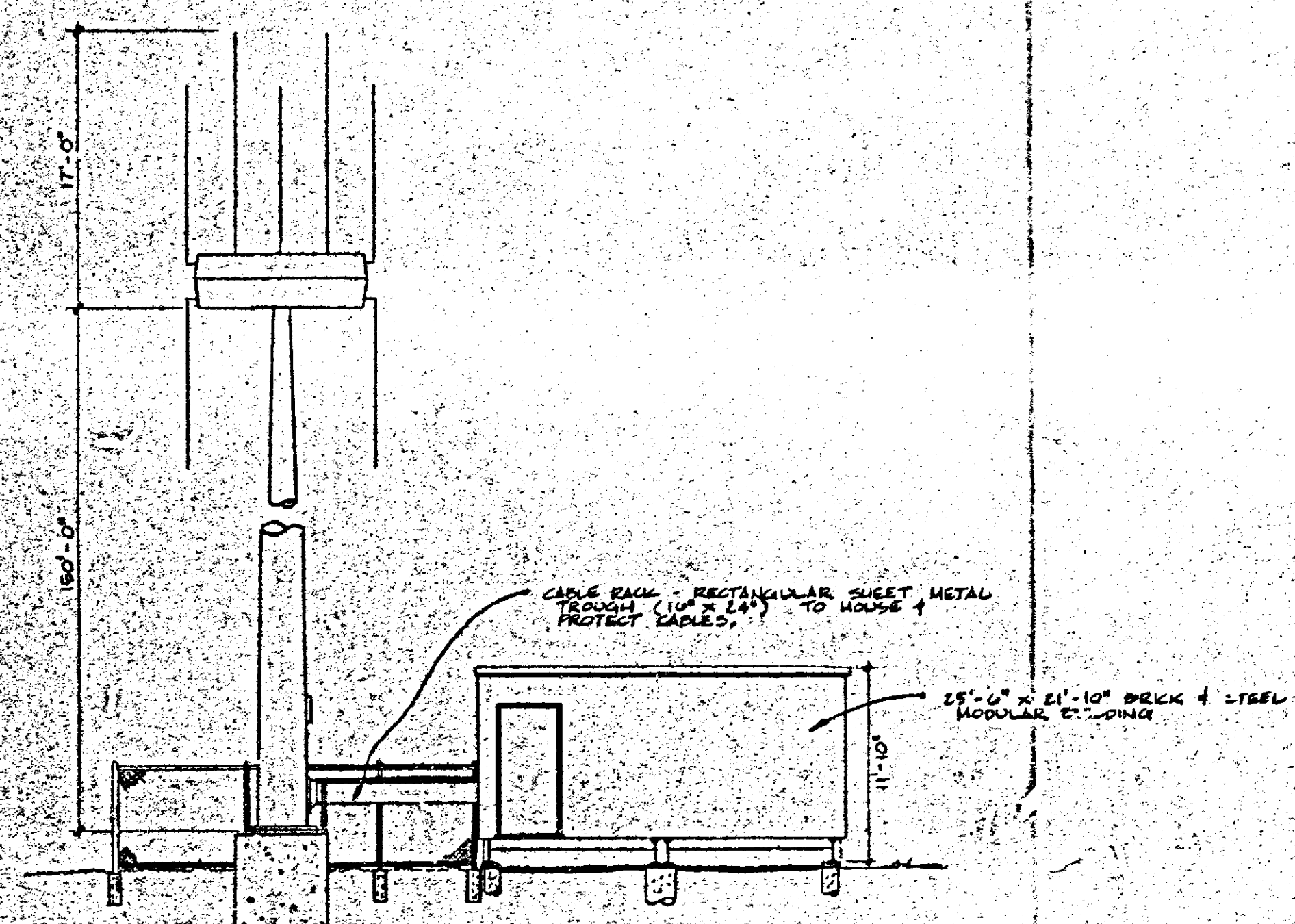
SURVEYED BY _____
 COMPUTED BY _____
 DRAWN BY _____
 CHECKED BY _____

Drwg. No. 00039-1J

6 DISTANCE TO THE INTERSECTION OF LOVETON CIRCLE AND YORK ROAD: 2019.55'



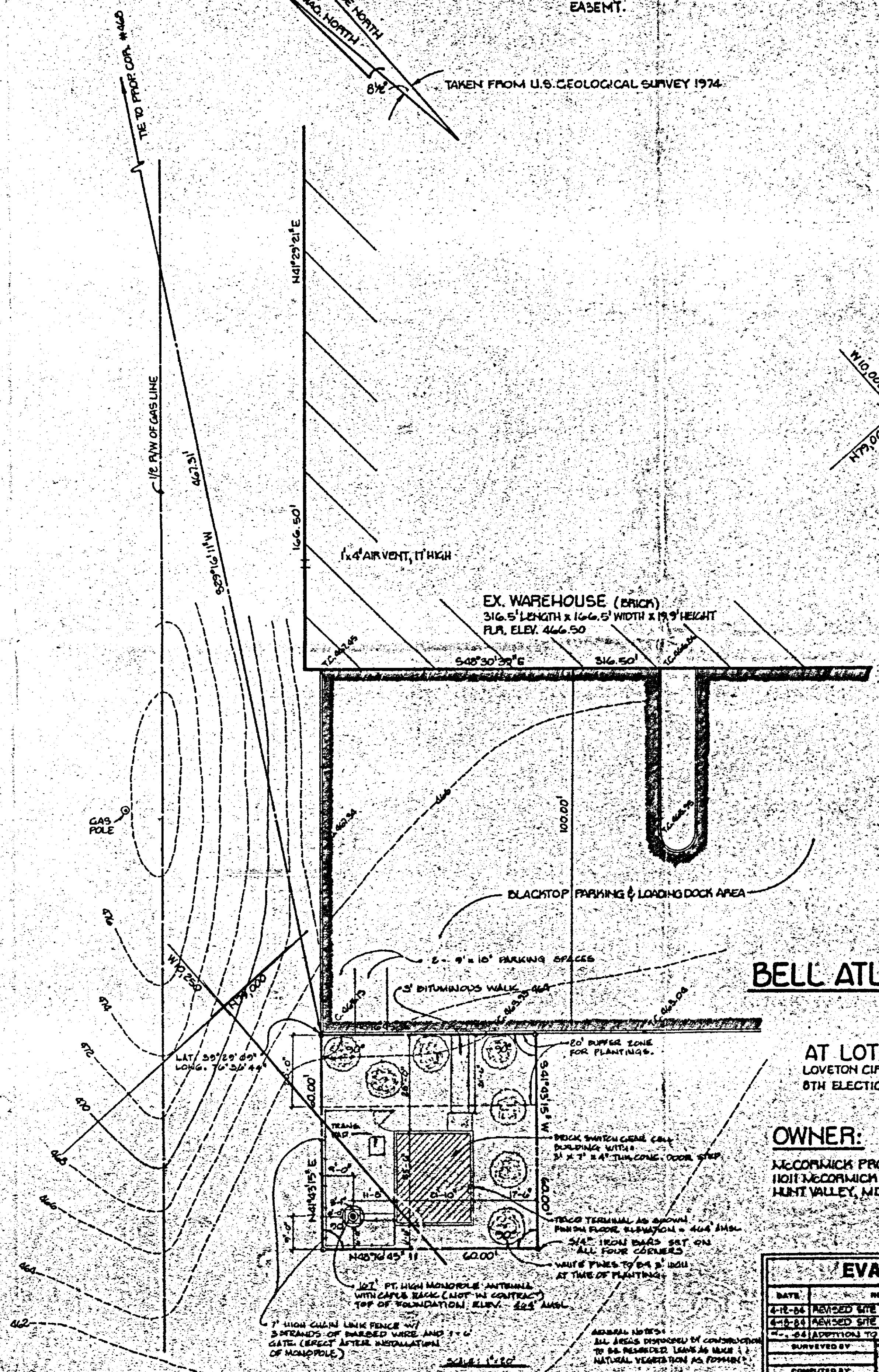
SITE PLAN
SCALE: 1"=200'



ANTENNA & BLDG. PROFILE
SCALE: 1/8"=1'-0"

TO 70' R/W OF LOVETON CIRCLE
N41°32'54"E 443.66'
TO 110' TRANSCONT. GAS PIPELINE
N41°32'54"E 443.66'
TO 70' R/W OF LOVETON CIRCLE
N41°32'54"E 443.66'

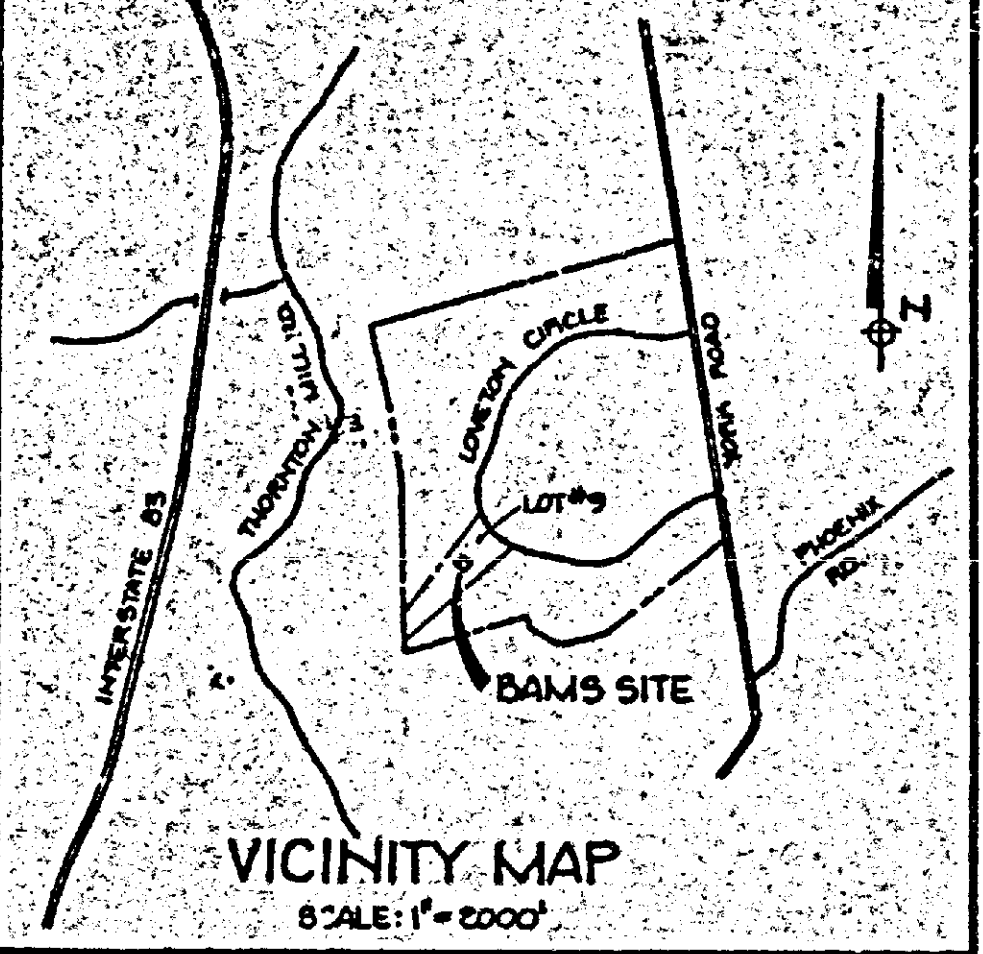
TO BOUNDARY LINE OF LOVETON CENTER
S41°20'34"W 766.57'



BENCH MARK:
ELEVATIONS ARE BASED ON 15MM RIMS OF BALTO. COUNTY PUBLIC WORKS.
BM NO. 50723 = ELEV. 453.14
BM NO. 50724 = ELEV. 461.69
LOCATION: SEE SITE PLAN ON SHEET, LEFT

TRUE NORTH DATUM FROM KIDDE TRAVERSE
CONTROL STATION 6, NO. 5 1122 & 1395 LOCATED AT NORTH E LOVETON CIRCLE ALONG 110' GAS LINE EASEMENT AND REAR OF BLDG ALONG 20' GAS LINE EASEMENT.

TAKEN FROM U.S. GEOLOGICAL SURVEY 1974



- NOTE:
OUTLINE SURVEY CONTROL BASED ON DATUM ACQUIRED FROM KIDDE CONSULTANTS
COORDINATE & BEARINGS SHOWN ON THIS PLAN ARE REFERRED TO BY THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS AS SHOWN ABOVE. DATE: NOV. 10, 1980
- GENERAL NOTES:
1. PARCEL (LOT) ON PLAT AND ALL SURROUNDING PARCELS PARCELS 5 ZONED, 'ML'
2. AREA OF SITE = 2, 600 S. OR O.D.S.
3. WATER AND SEWER FACILITIES EXIST AT THE SITE AND ALONG LOVETON CIRCLE ROAD.
4. NEAREST PUBLIC FACILITIES: FIRE HYDRANTS LOCATED AT LOVETON CIRCLE ROAD.
5. THERE IS EXISTING BUILDING LOCATED WITHIN THE SITE WHOSE INTENDED USE AS A WAREHOUSE AND CURRENTLY VACANT.
6. THERE ARE DRAINAGE COURSES WITH S.W.M. EXISTED ADJOINING TO LOT 8, AND STREAMS EXISTED ADJOINING TO SOUTH SIDE OF UNDEVELOPED PROPERTIES DOWN TO WESTERN RUN.
7. INTEREST IN PROPERTY TO LEASE.
8. PROPERTY OWNER OWNS PROPERTY WITHIN 200' OF LEASED AREA.
9. EXISTING USE OF PARCEL IS UNIMPROVED LAHO.

SITE OF BELL ATLANTIC MOBILE SYSTEMS BLT - GSS-3

AT LOT NO. 9 OF LOVETON CENTER
LOVETON CIRCLE & YORK ROAD
5TH ELECTION DISTRICT
SPARKS, MD.
BALTIMORE COUNTY, MARYLAND

OWNER:
MCCORMICK PROPERTIES, INC.
1101 MCCORMICK ROAD
HUNT VALLEY, MD. 21031

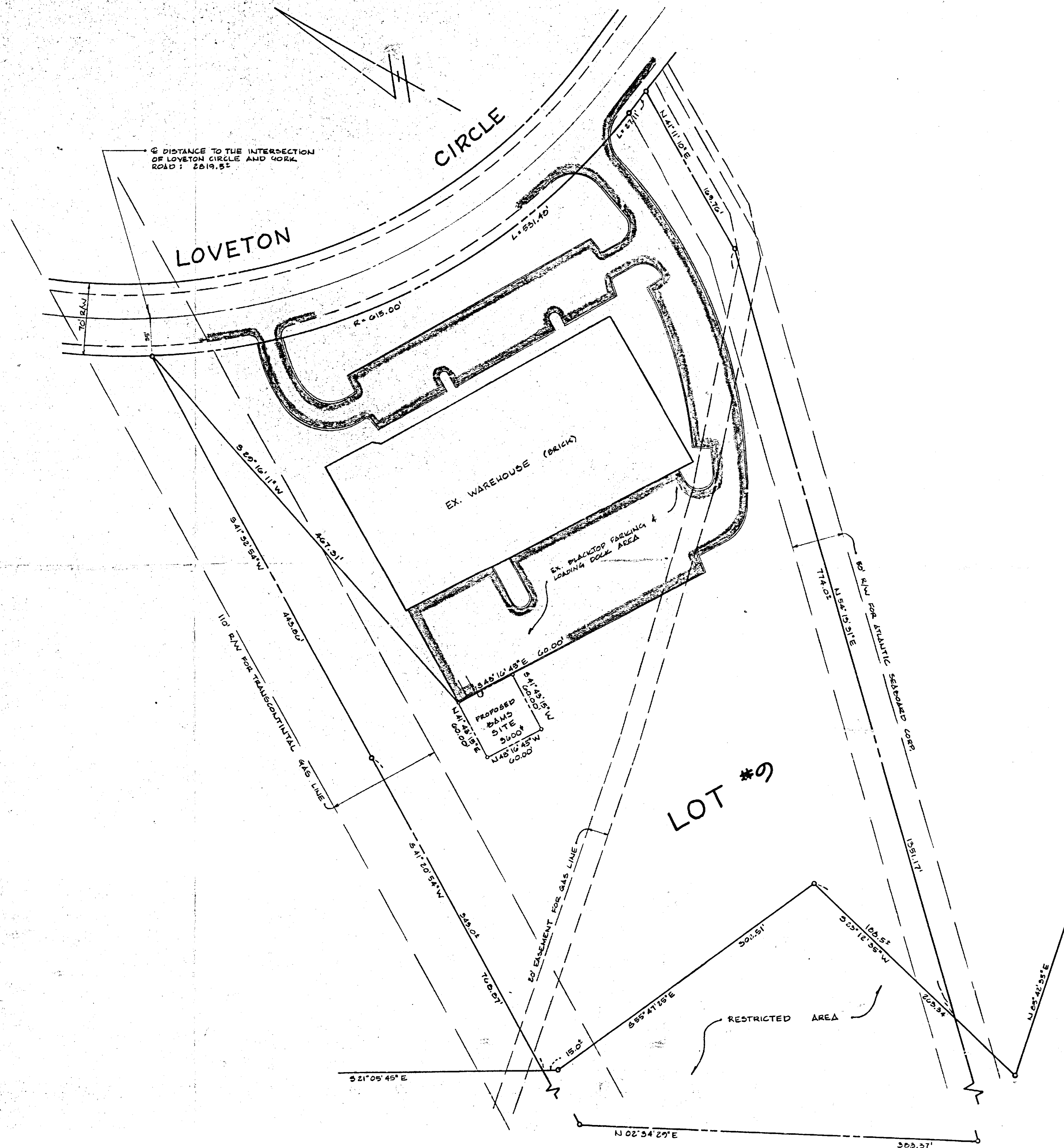
PETITIONER'S EXHIBIT

EVANS, HAGAN & HOLDEFER, INC.

DATE	REVISION	BY	ENGINEERS, LAND PLANNERS & SURVEYORS
4-18-84	REVISED SITE LOCATION	BJ	1101 MCCORMICK ROAD HUNT VALLEY, MD. 21031 (410) 734-0000
4-18-84	REVISED SITE LOCATION	BJ	
4-18-84	ADDITION TO SITE PLAN	ALL	
SURVEYED BY			
COMPUTED BY			
DRAWN BY			
CHECKED BY			

Drwg. No. 00037-17

DATE: 9 APR 84 SCALE: 1"=20'



**SITE OF
BELL ATLANTIC MOBILE SYSTEMS
BLT - GSS-3
AT LOT NO. 9 OF LOVETON CENTER**

SHEET 2 of 2

EVANS, HAGAN & HOLDEFER, INC.		
DATE	REVISION	BY
ENGINEERS, LAND PLANNERS & SURVEYORS		
1052 WEST STREET, LAUREL, MD 20707		
(301) 725-0866		
SURVEYED BY		530 POPULAR STREET / CAMBRIDGE, MD 21613 (301) 238-3360
COMPUTED BY		111 JOHN STREET / WESTMINSTER, MD 21157 (301) 944-1750
DRAWN BY		8012 BELAIR ROAD / BALTIMORE, MD 21236 (301) 966-1601
CHECKED BY		
Drwg. No. 20039-17		DATE <u>5/4/24</u> SCALE <u>1"=50'</u>

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 11th day of July, 1984, that the herein Petition for Variance(s) to permit a front yard setback of 21.5 feet in lieu of the required 25 feet, side yard setbacks of 17.5 feet and 6.0 feet and a rear yard setback of 6.0 feet all in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order, subject, however, to the terms, provisions, and conditions contained in the accompanying Special Exception Order.

Jan M. Jung
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE July 11, 1984
BY Theresa Conner
(clerk)

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

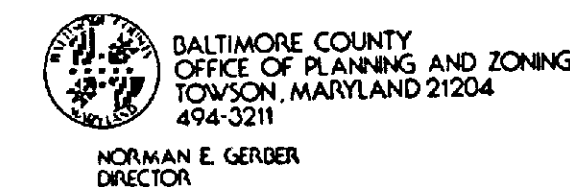
Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 11th day of July, 1984, that the Petition for Special Exception for the installation of a wireless transmitting and receiving structure (a 167' high monopole antenna to be utilized for a cellular mobile telephone system), in accordance with the site plan prepared by Evans, Hagan & Holdefer, Inc., revised May 5, 1984, and marked Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order, subject, however, to the following:

1. The triangular platform located at the top of the structure shall not exceed 10 feet in length and 3 1/2 feet in depth.
2. Compliance with the requirements of the Baltimore County Fire Department and Landscape Manual and the comments submitted by the Department of Permits and Licenses, dated June 22, 1984.
3. The site plan shall indicate the easements, as described in the comments submitted by the Current Planning and Development Division, dated May 24, 1984, and parking calculations for all uses on Lot 9.
4. At any such time as the use is terminated, the structure shall be removed.
5. A revised site plan shall be submitted for approval by the Office of Planning and Zoning.
6. Every five years a certification by a Maryland registered professional engineer shall be filed with the Department of Permits and Licenses indicating that the structure continues to meet all safety requirements. Any up-grading or maintenance required to comply with any changes in the safety thereof, shall be performed prior to the filing of such certification.

Jan M. Jung
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE July 11, 1984
BY Theresa Conner
(clerk)



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 5/22/84
Item # 308
Property Owner: McCormick Properties, Inc.
Location: S/W side Lobeton Circle
W. York Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable:

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 5/24/84.
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is 10' level.
- () The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

As easement for ingress and egress should be provided through lot 9 to the rear of lot 8. A record plat should be shown on lot 9 in the event the easement would fall onto lot 8.

James A. Robert
Chief, Current Planning and Development

cc: James Howell

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
McCormick Properties, Inc.
SUBJECT: 84-363-XA

Landscaping must be provided in accordance with the Baltimore County Landscape Manual.

NEG/JGH/sf

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 15, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
Nicholas B. Commodari
Chairman

Keith E. Ronald, Esquire
409 Washington Avenue
Suite 314
Towson, Maryland 21204

RE: Case No. 84-363-XA (Item No. 308)
Petitioner - McCormick Properties, Inc.
Special Exception and Variance Petition

Dear Mr. Ronald:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Evans, Hagan & Holdefer, Inc.
1052 West Street
Laurel, Maryland 20707

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
SW/S Loveton Circle, 1,819.5' : W of York Rd., 8th District
McCORMICK PROPERTIES, INC., : Case No. 84-363-XA
Petitioner :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 11th day of June, 1984, a copy of the foregoing Entry of Appearance was mailed to Keith E. Ronald, Esquire, Suite 314, 409 Washington Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman



Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
Hal Kassoff
Asst. Administrator

May 24, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 5-22-84
ITEM: #308
Property Owner: McCormick Properties, Inc.
Location: S/W side Lobeton Circle, 2819.5' west from c/l York Road
Existing Zoning: M.L.
Proposed Zoning: Special Exception for the installation of a wireless transmitting and receiving structure (a monopole antenna). Variance to permit a front yard setback of 21.5' in lieu of the required 25', to permit a side yard setback of 17.5' and 6.0' and a rear yard setback of 6.0' in lieu of the required 30'.
Acres: 0.08
District: 8th

Dear Mr. Jablon:

On review of the submittal of 4-9-84 for a monopole antenna, the State Highway Administration finds the plan generally acceptable.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits
By: George Wittman

CL:GW:vr

cc: Mr. J. Ogle

My telephone number is (301) 659-1350.

Teletypewriter for Impaired Hearing or Speech
383-7505 Baltimore Metro - 365-0451 D.C. Metro - 1-800-462-5002 Nationwide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

McCORMICK PROPERTIES, INC. 84-363-XA
SW side of Loveton Circle, 2819.5' west of York Rd. 8th District
Special Exception & Variances

May 22, 1984	Petitions filed
June 26,	Hearing held on petitions by Z.C.
July 11,	Order of D.Z.C. granting variances and granting special exception, with restrictions
Aug. 7,	Order for Appeal to C.B. of A. from Order of D.Z.C. by Kenneth Bosley, Protestant
Sept. 6,	Hearing on appeal before Board of Appeals
Sept. 25,	Order of the Board ordering that the decision of the D.Z.C. dated July 11, '84, BE AFFIRMED
Oct. 22,	Petition for Review and Request for Hearing to the County Board of Appeals from K. Bosley
Oct. 25,	Board advised Mr. Bosley that the Petition for Review was denied.
Nov. 21,	Order for Appeal filed in the Cir. Ct. by K. Bosley
Nov. 26,	Certificate of Notice sent out
Dec. 21,	Record of proceedings filed in the Cir. Ct. for Baltimore County
Feb. 1, 1985	DISMISSED - Judge James S. Sfekas cc: Zoning Planning P. C.

IN THE MATTER OF
THE APPLICATIONS OF
McCORMICK PROPERTIES, INC.
FOR SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED
ON THE SOUTHWEST SIDE OF
LOVETON CIRCLE, 2,819.5 FEET
WEST OF YORK ROAD -
8TH DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

KENNETH T. BOSLEY
Protestant-Appellant

CASE NO. 84 CG 1445

ORDER

HAVING GIVEN due consideration to the Motion to Dismiss and
the pleadings filed to date, it is this 15th day of February,
1985.

ORDERED that all proceedings in the above referenced matter
be, and the same are, hereby dismissed.

James S. Spahn
JUDGE

RECEIVED
COUNTY BOARD OF APPEALS
RHS
A 10 05

FILED FEB 11 1985

W. LEE THOMAS, P.A.
ATTORNEY AT LAW
SUITE 214
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
286-9777

1055

Mr. Smith
Clerk

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to confirm calendars. Claim of not receiving notice will not constitute
reason for postponement.
POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment
Director of Central Assignments - JAMES CRANE - 494-2862.
SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and
insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. TICONE. Please direct all inquiries to the attention
of John Adams.
SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on
the record if no order of satisfaction is filed prior to trial.

RE: KCM JURY - 84 CG 1445 - MC CORMICK PROPERTIES, INC. vs. K.T. BOSLEY BOARD OF APPEALS
HEARING DATE: Thursday, March 21, 1985, 9:30 a.m.
ON THE FOLLOWING: Appeal to 3 1/4 hours

CIRCUIT COURT FOR BALTIMORE COUNTY

John Adams - 494-2862
Chief Assignment Commissioner
Settlement Court

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOULEVARD AVENUE
P.O. Box 6754
TOWSON, MARYLAND 21204-0754
January 3, 1985.

Marie Harris - 494-2862
Chief Assignment Clerk
Settlement Court

Kathy Reichen - 494-2860
Assignment - Jury - Motion
Assignment - Jury - Motion
Assignment Clerk Typist
JANE SUMMERS - 494-2861
Assignment - Jury - Motion
Freddie Grove
Assignment Clerk Typist

Kath Z. Ronald, Esq.
County Board of Appeals of Balto. Co.
Thomas J. Bollinger, Esq.

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to confirm calendars. Claim of not receiving notice will
not constitute reason for postponement.
POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Civil
Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved.
SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately.

RE: KCM JURY - 84 CG 1445 - MC CORMICK PROPERTIES, INC. vs. K.T. BOSLEY BOARD OF APPEALS
HEARING DATE: Friday, February 1, 1985, 9:30 a.m.
ON THE FOLLOWING: ALL OPEN MOTIONS IN THIS CASE.
IF YOU DESIRE TO SUBMIT, PLEASE CONTACT CIVIL ASSIGNMENT.

John Adams - 494-2862
Chief Assignment Commissioner
Settlement Court

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOULEVARD AVENUE
P.O. Box 6754
TOWSON, MARYLAND 21204-0754
December 27, 1984.

Marie Harris - 494-2862
Chief Assignment Clerk
Settlement Court

Kenneth Bosley (P)
Keith Z. Ronald, Esq.
County Board of Appeals of Balto. Co.
Thomas J. Bollinger, Esq.

Kathy Reichen - 494-2860
Assignment - Jury - Motion
Assignment - Jury - Motion
Assignment Clerk Typist
JANE SUMMERS - 494-2861
Assignment - Jury - Motion
Freddie Grove
Assignment Clerk Typist

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DEC 28 11:31

BELL ATLANTIC MOBILE SYSTEMS, INC. IN THE CIRCUIT COURT
and FOR
McCORMICK PROPERTIES, INC. BALTIMORE COUNTY
v.
KENNETH T. BOSLEY Case No. 84 CG 1445

PETITION

The Petition of Kenneth Bosley, Appellant, in proper person,
respectfully represents unto this Honorable Court:

1. That this Petitioner is the owner of several parcels of
certain real property located on both sides of the site that
is known as being located on the southwest side of Loveton
Circle, 2,819.5 feet West of York Road and approximately
2100 feet East of Thornton Mill Road, located in the 8th
District of Baltimore County.
2. That the Opinion and subsequent Order of the County Board
of Appeals was obtained by thru the use of an expert witness
whose testimony and graphics were untrue and fraudulently
presented all of which resulted into a false summary.
3. That the County Board of Appeals denied your Petitioner's
request for a hearing and a review of this alleged fraud.
4. That your Petitioner is an aggrieved party whose property
is or will be adversely affected by the failure of the Board
to grant a hearing on this matter.

WHEREFORE, your Petitioner respectfully request that this Court
set a hearing on the above matter and order the Board of Appeals
of Baltimore County to act according to its direction.

Kenneth Bosley
Kenneth Bosley
Box 334
Cockeysville, Maryland 21030

I hereby certify that on this 7th day of December 1984 that
a copy of the above was mailed to Keith Z. Ronald, Suite 314,
409 Washington Avenue, Towson, Maryland 21204.

Kenneth Bosley
Kenneth Bosley

I hereby certify that on this 20th day of December 1984 that
a copy of the above was mailed to the County Board of Appeals,
Room 200, Court House, Towson, Maryland 21204.

Kenneth Bosley
Kenneth Bosley

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COUNTY BOARD OF APPEALS
RHS
DEC 28 11:20

In the Matter of McCormick Properties, Inc. et al
Kenneth Bosley
vs.
County Board of Appeals of Balto. Co.
BALTIMORE COUNTY
Docket 4 Folio 345
Case No. 84CG1445

NOTICE OF FILING OF RECORD

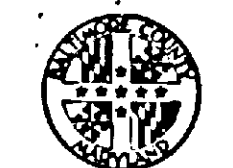
TO: Kenneth Bosley
Box 334
Cockeysville, Md. 21030
Keith F. Ronald
Ste. 314
409 Washington Ave. (04)
June Holmen
Co. Bd. of Appeals of Balto. Co.
Mail Stop 2205

In accordance with Maryland Rule of Procedure B12, you are notified that
the record in the above entitled case was filed on Dec. 21, 1984.

Clara H. Franklin
Clerk

FILED DEC 21 1984

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COUNTY BOARD OF APPEALS
RHS
DEC 21 11:29



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
December 21, 1984

IN THE MATTER OF
McCORMICK PROPERTIES, INC.
FOR A SPECIAL EXCEPTION
AND VARIANCES
SW/S OF LOVETON CIRCLE
2819.5' W. OF YORK ROAD
8th DISTRICT
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
4/345/84-CG-1445

TO THE JUDGE OF SAID COURT:

This case has been appealed to the Circuit Court for Baltimore
County by Kenneth Bosley, Protestant. Mr. Bosley insists that since he is
questioning the accuracy of only one part of the testimony it is not
necessary to file a complete transcript of the hearing before the County
Board of Appeals, but only that portion which he is questioning. It is the
Board's position that any appeal to the Circuit Court must be accompanied
by a complete record.

The Board is forwarding the file to the Circuit Court with the
partial record as requested by the Appellant, however, the Board wishes to
make clear that the submission of the partial record is strictly upon the
insistence of Mr. Bosley and in no way reflects the Board's position in this
matter.

Respectfully submitted,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals of
Baltimore County