Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

April 5, 2005

Jill Goyette
Cingular Wireless
7150 Standard Drive
Hanover, MD 21076

RE: 11111 Park Heights Avenue
Bais Yaakov School for Girls, 3rd Election District

Dear Ms. Middlebrooks:

Your letter addressed to me, dated March 1, 2005 has been referred to me for reply. Based upon review of the case history for this site the following has been determined.

Provided that the proposed temporary tower does not exceed the total height as granted in Case No. 85-244-XA, and further, it can be located within 120 foot by 120 foot, 14,400 square foot area shown and described as Bell Atlantic site BLT-GUU in the aforementioned case, while meeting the requirements of Section 426.6.A.4, Baltimore County Zoning Regulations, the proposal is considered to be within the "spirit and intent" of the aforementioned case.

The temporary tower structure must be removed from the site no later than October 1, 2005. Should the October date prove unworkable information detailing a sequence of construction should be provided to this office in order to ensure timely cessation of the temporary use. You must sticky-back a copy of this letter on all plans submitted to Baltimore County for permit approval.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need any further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Lloyd T. Moxley
Planner II, Zoning Review

LTM

C:\LTM Verification Letters 3rd ed 04-1328 BAIS YAAKOV S-1 doc 2.doc

Printed on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 6, 2002

Ms. Theresa W. Barton
Crown Castle USA, Inc.
4700 Corridor Place
Beltsville, MD 20705

Dear Ms.: Barton

RE: 11111 Park Heights Avenue, 3rd Election District

Your letter addressed to ~~Ms.~~ MR. Jablon, dated August 6, 2002, has been referred to me for reply.

After careful review of the materials included with the letter and the zoning records for this property the following has been determined.

Provided that the proposed antenna arrays do not exceed the total height as granted in Case No. 85-244-XA, and further, all additional ground based equipment can be located within 120 foot by 120 foot, 14,400 square foot area shown and described as Bell Atlantic site BLT-GUU in the aforementioned case, while meeting the requirements of Section 426.6.A.4, Baltimore County Zoning Regulations, the proposal is considered to be within the "spirit and intent" of the aforementioned case.

You must sticky-back a copy of this letter on all plans submitted to Baltimore County for permit approval.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Lloyd T. Moxley
Planner II, Zoning Review

LTM

Printed with Soybean Ink
on Recycled Paper

August 6, 2002

Mr. Arnold Jablon, Director
Baltimore County Department
Of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Letter of "Sprit and Intent" request, Crown Castle Atlantic and Bais Yaakov School For Girls, 11111 Park Heights Avenue, Owings Mills. MD Case Number 85-244-XA

Crown Castle Atlantic, 4700 Corridor Place Beltsville Maryland 20705. Makes this request for the purpose of receiving a letter of "sprit and intent" for the addition of four (4) antenna arrays on the monopole owned by the applicant located on the subject property. The monopole is currently 150 feet tall and has antennas to support three carriers. Case number 85-244-XA was approved for a 150 foot monopole with apertures not exceeding 17 feet above the top of the monopole for a total height of 167 feet. Crown Castle has received letters of intent and signed leases to add four additional carriers to the monopole. The primary purpose of this application is to collocate AT&T Wireless Service (AWS) on the monopole. In addition to AWS, this proposal is also to request approval to allow an additional three (3) antenna arrays below 150 feet.

All ground equipment will be within the special exception area established in case No. 85-244-XA

Sincerely,

Teresa W. Barton

Teresa W. Barton
Crown Castle USA, Inc

Attachments: Site Plans

22 FOOT EASEMENT FOR INGRESS AND EGRESS

Beginning at a point on the second or South 6 degrees 06 minutes 18 seconds East 12.03 foot line of the above described 12 foot wide easement at a distance of 6.04 feet measured along said second line in a southeasterly direction from the beginning of said line, thence running to describe the center line of a 22 foot easement from the 12 foot easement to Park Heights Avenue said center line running more or less with the center lines of the existing 24 foot wide entrance road 1. North 83 degrees 53 minutes 42 seconds East 311.64 feet 2. North 06 degrees 23 minutes 35 seconds West 156.38 feet to the center line intersection with the main entrance road, thence 3. by a curve to the right with a radius of 300.00 feet for a distance of 502.91 feet the arc of which is subtended by a chord bearing North 49 degrees 52 minutes 30 seconds West 446.06 feet to the end of said curve, thence 4. North 05 degrees 51 minutes 13 seconds West 118.75 feet, thence 5. by a curve to the left having a radius of 113.00 feet for a distance of 131.60 feet the arc of which is subtended by a chord bearing North 36 degrees 08 min-

DESCRIPTION OF A 1.1694 ACRE EASEMENT PORTION OF BAIS YAAKOV SCHOOL FOR GIRLS BELL ATLANTIC SITE

BLT-GUU-2

Beginning for the same at a point at the end of a line drawn South 18 degrees 33 minutes 34 seconds West 1,435.94 feet from an iron pipe heretofore set at the end of the ninth or South 48 degrees 45 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1975, and recorded among the mortgage records of Baltimore County in Liber 5630 Page 307 between Bais Yaakov School for Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Kidde Consultants, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following 6 lines and distances: viz, 1) South 00 degrees 31 minutes 17 seconds West 382.62 feet to an iron bar heretofore set, said iron bar being at the end of the third of South 89 degrees 28 minutes 45 seconds East 120.00 foot line of the 0.3306 acre lease area, thence running reversely with and binding on said lease area the following two lines and distances, viz; 2) North 89 degrees 28 minutes 43 seconds West 120.00 to an iron bar heretofore set, thence 3) South 00 degrees 31 minutes 17 seconds West 120.00 feet to an iron bar heretofore set, thence leaving said lease area and running the following three lines and distances, viz; 4) North 89 degrees 28 minutes 43 seconds West 10.00 feet to a point, thence 5) North 00 degrees 31 minutes 17 seconds East 502.62 feet to a point, thence 6) South 89 degrees 28 minutes 43 seconds East 130.00 to the place of beginning.

Containing 1.1694 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr. 5611, Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.

VICINITY MAP
SCALE 1" = 2000'

DESCRIPTION OF A 0.3306 ACRE PARCEL PORTION OF BAIS YAAKOV SCHOOL FOR GIRLS BELL ATLANTIC SITE

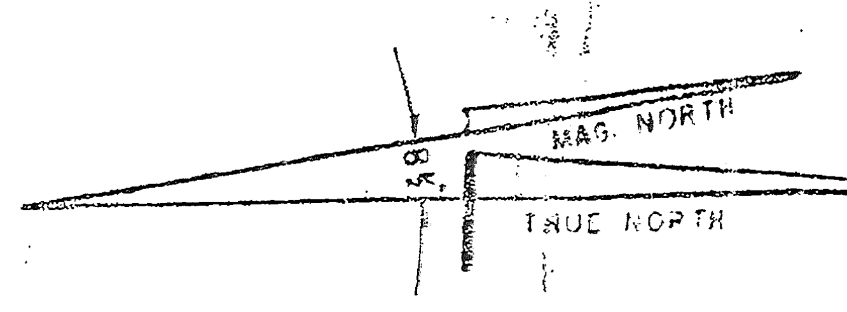
BLT-GUU-2

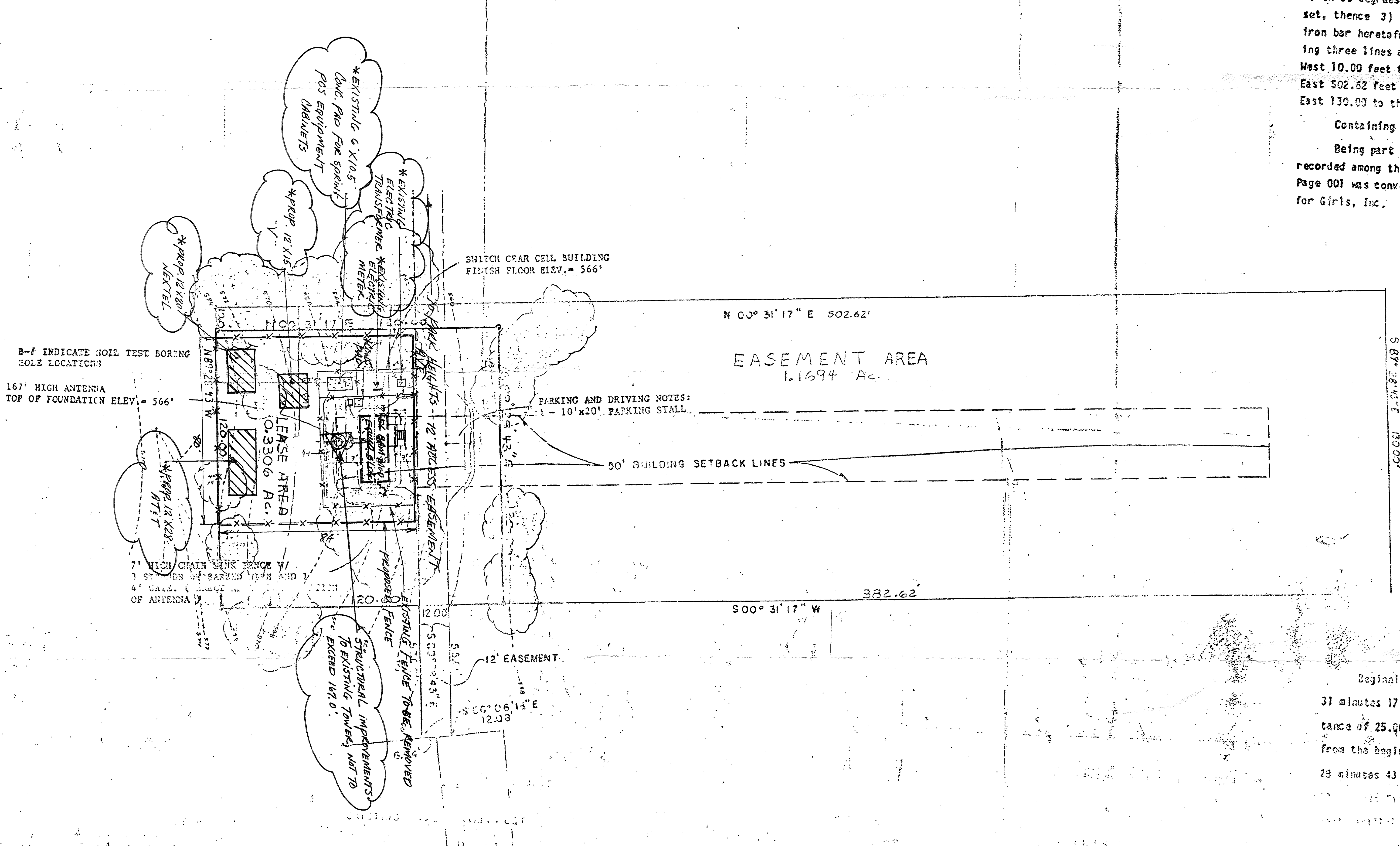
PARK HEIGHTS AVENUE

Beginning for the same at an iron bar now set by Kidde Consultants, Inc. said bar being set at the end of a line drawn South 13 degrees 56 minutes 37 seconds West 1920.17 feet from an iron pipe heretofore set at the end of the ninth or South 48 degrees 45 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1975, and recorded among the mortgage records of Baltimore County in Liber 5630 Page 307 between Bais Yaakov School for Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Kidde Consultants, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following four lines and distances: viz: 1) North 89 degrees 28 minutes 43 seconds West 120.00 feet to an iron bar now set, thence 2) North 00 degrees 31 minutes 17 seconds East 120.00 feet to an iron bar now set thence 3) South 89 degrees 28 minutes 43 seconds East 120.00 feet to an iron bar now set thence 4) South 00 degrees 31 minutes 17 seconds West 120.00 feet to the point of beginning.

Containing 0.3306 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr. 5611, Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.


MAG. NORTH
TRUE NORTH
8°


*EXISTING 6'X10.5' CONC. PAD FOR SPRINT PCS EQUIPMENT CABINETS
*EXISTING ELECTRIC TRANSFORMER
*EXISTING ELECTRIC METER
*PROP. 12'X15'
*PROP. 12'X20' NEXTEL
*PROP. 12'X28' AT&T
SWITCH GEAR CELL BUILDING FINISH FLOOR ELEV. = 566'
B-1 INDICATE SOIL TEST BORING HOLE LOCATIONS
167' HIGH ANTENNA TOP OF FOUNDATION ELEV. = 566'
N 00° 31' 17" E 502.62'
EASEMENT AREA 1.1694 Ac.
LEASE AREA 0.3306 Ac.
N89°28'43"W
120.00
PARKING AND DRIVING NOTES: 1 - 10'x20' PARKING STALL
50' BUILDING SETBACK LINES
PARK HEIGHTS 12' ACCESS EASEMENT
S 89° 28' 43" E 130.00'
7' HIGH CHAIN LINK FENCE W/ 3 STRANDS OF BARBED WIRE AND 1 4' GATE.
OF ANTENNA
PROPOSED FENCE
EXISTING FENCE TO BE REMOVED
STRUCTURAL IMPROVEMENTS TO EXISTING TOWER, NOT TO EXCEED 167.0'
382.62'
S00° 31' 17" W
120.00
12.00
12' EASEMENT
S 06°06'18" E 12.03
84

12 FOOT EASEMENT FOR INGRESS AND EGRESS

Beginning for the same at a point on the fourth or South 00 degrees 31 minutes 17 seconds West line of the 0.3306 acre lease parcel at a distance of 25.00 feet measured along said line in a southeasterly direction from the beginning of said fourth line, thence running 1. South 89 degrees 28 minutes 43 seconds East 55.61 feet thence 2. South 6 degrees 06 minutes 18 seconds East 12.03 feet thence [illegible]

[illegible]

point on the fourth line of the above mentioned parcel, thence [illegible] and running reversely with part of said fourth line, 4. North 00 degrees 31 minutes 17 seconds East 12.00 feet to the point of beginning.

Containing 676 feet of land more or less.

GENERAL NOTES:

1) TRUE NORTH DETERMINED BY SOLAR OBSERVATION
2) ELEVATIONS SHOWN HEREON ARE REFERENCED TO BALTIMORE CO. CONTROL STATION #13112 ELEV. = 395.599'
3) AREA OF SITE = 53340 sq. ft. = 1.2000 Ac.

Revised 4-19-85

7377D
p 4-19-85
Revised plan

8/4/10

SITE OF
BELL ATLANTIC MOBILE SYSTEMS
GUU-2

BAIS YAAKOV SCHOOL FOR GIRLS

OWINGS MILLS, MD. 21117
BALTIMORE CO.
LIBER 5641 FOLIO 001

MICROFILMED

Re Easement Area

Bell Atlantic Mobile Systems
[illegible] ROAD, P.O. BOX 405
BASKING RIDGE, N.J. 07920

KIDDE CONSULTANTS, INC.
ENGINEERS, LAND PLANNERS & SURVEYORS

BOUNDARY AND [illegible]

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN AND ORDER IN ZONING CASE NO. 85-244-XA.

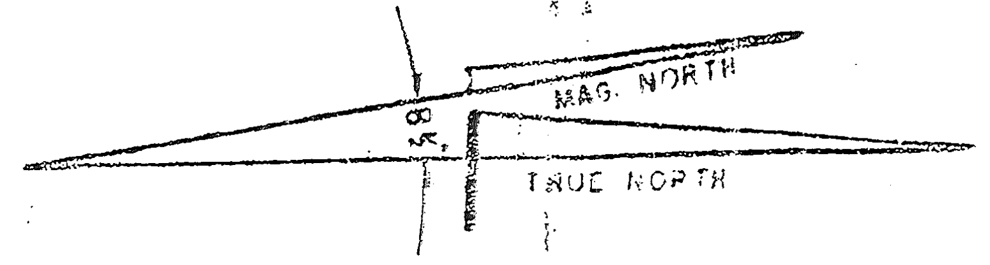
8/28/00
SIGNED BY: DATE
11/20/01

DETAILED SITE PLAN - BLT-GUU-2

SCALE: 1" = 30'

0' 30' 60' 90'

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY
DATE
BY
ZONING COMMISSIONER
DATE
85-244-XA


MAG. NORTH
TRUE NORTH
8°5'

22 FOOT EASEMENT FOR
INGRESS AND EGRESS

Beginning at a point on the second or South 6 degrees 06 minutes 18 seconds East 12.08 foot line of the above described 12 foot wide easement at a distance of 6.04 feet measured along said second line in a southeasterly direction from the beginning of said line, thence running to describe the center line of a 22 foot easement from the 12 foot easement to Park Heights Avenue said center line running more or less with the center lines of the existing 24 foot wide entrance road 1. North 83 degrees 53 minutes 42 seconds East 311.66 feet 2. North 06 degrees 23 minutes 35 seconds West 156.38 feet to the center line intersection with the main entrance road, thence 3. by a curve to the right with a radius of 300.00 feet for a distance of 502.91 feet the arc of which is subtended by a chord bearing North 49 degrees 52 minutes 30 seconds West 446.06 feet to the end of said curve, thence 4. North 05 degrees 51 minutes 13 seconds West 118.75 feet, thence 5. by a curve to the left having a radius of 113.00 feet for a distance of 131.60 feet the arc of which is subtended by a chord bearing North 36 degrees C8 min-

DESCRIPTION OF A 1.1694 ACRE EASEMENT
PORTION OF BAIS YAAKOV SCHOOL FOR
GIRLS
BELL ATLANTIC SITE
BLT-GUU-2

Beginning for the same at a point at the end of a line drawn South 13 degrees 33 minutes 34 seconds West 1,435.94 feet from an iron pipe heretofore set at the end of the ninth or South 48 degrees 45 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1975, and recorded among the mortgage records of Baltimore County in Liber 5680 Page 387 between Bais Yaakov School for Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Kidde Consultants, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following 6 lines and distances: viz, 1) South 00 degrees 31 minutes 17 seconds West 382.62 feet to an iron bar heretofore set, said iron bar being at the end of the third of South 89 degrees 28 minutes 45 seconds East 120.00 foot line of the 0.3306 acre lease area, thence running reversely with and binding on said lease area the following two lines and distances, viz; 2) North 89 degrees 28 minutes 43 seconds West 120.00 to an iron bar heretofore set, thence 3) South 00 degrees 31 minutes 17 seconds West 120.00 feet to an iron bar heretofore set, thence leaving said lease area and running the following three lines and distances, viz; 4) North 89 degrees 28 minutes 43 seconds West 10.00 feet to a point, thence 5) North 00 degrees 31 minutes 17 seconds East 502.62 feet to a point, thence 6) South 89 degrees 28 minutes 43 seconds East 130.00 to the place of beginning.

Containing 1.1694 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr. 5611, Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.

VICINITY MAP
SCALE 1" = 2000'

DESCRIPTION OF A 0.3306 ACRE PARCEL
PORTION OF BAIS YAAKOV SCHOOL FOR
GIRLS
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BLT-GUU-2
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Containing 0.3306 acres of land more or less.

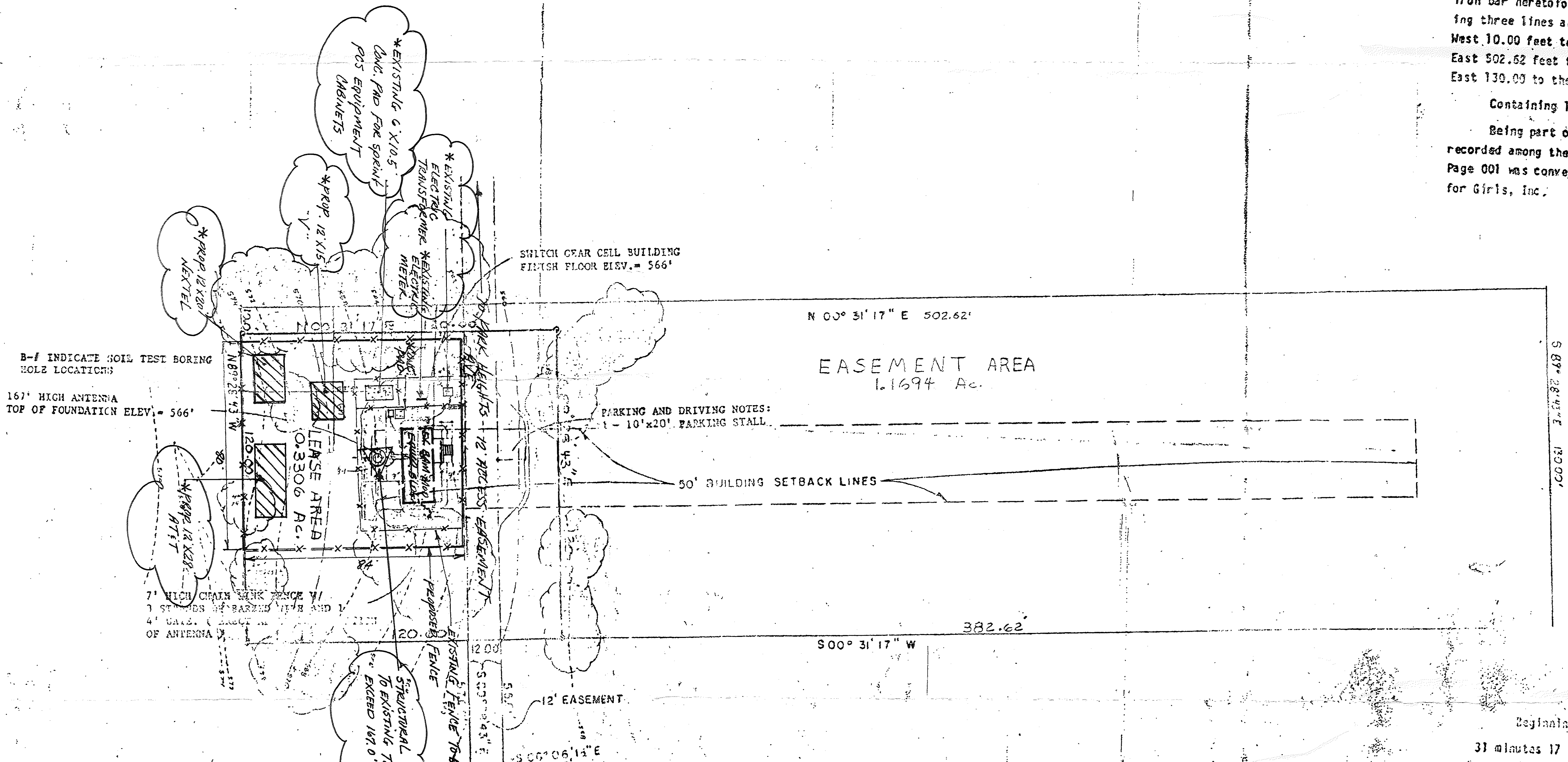
Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr. 5611, Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.

GENERAL NOTES:

1) TRUE NORTH DETERMINED BY SOLAR [illegible]

2) ELEVATIONS SHOWN HEREON ARE REFERENCED TO BALTIMORE CO. CONTROL STATION #13112 ELEV. = 395.593'

3) AREA OF SITE = 53340 sq. ft. = 1.2000 Ac.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*PROP. 12'X15' "V"
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167' HIGH ANTENNA TOP OF FOUNDATION ELEV. = 566'
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LEASE AREA 0.3306 Ac.
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Beginning for the same at a point on the fourth or South 00 degrees 31 minutes 17 seconds West line of the 0.3306 acre lease parcel at a distance of 25.00 feet measured along said line in a southeasterly direction from the beginning of said fourth line, thence running 1. South 89 degrees 28 minutes 43 seconds East 55.61 feet thence 2. South 6 degrees 06 minutes [illegible] East 12.08 feet [illegible]

[illegible]

point on the fourth line of the above mentioned parcel, thence binding on and running reversely with part of said fourth line, 4. North 00 degrees 31 minutes 17 seconds East 12.00 feet to the point of beginning.

Containing 673 feet of land more or less.

Revised 4/19/85

6/4/10

73770
p 4/19-85
Revision [illegible]

SITE OF
BELL ATLANTIC MOBILE SYSTEMS
GUU-2

BAIS YAAKOV SCHOOL FOR GIRLS

[illegible]
BALTIMORE CO.
LIBER 5611 FOLIO 001

MICROFILMED

Re Easement Area

Bell Atlantic Mobile Systems
[illegible] ROAD, P.O. BOX 405
[illegible] RIDGE, N.J. 07920

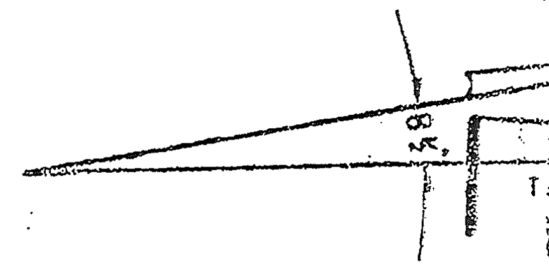
APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN AND ORDER IN ZONING CASE NO. 85-244-XA.

8/28/00
SIGNED BY: DATE
11/20/01

DETAILED SITE PLAN - BLT-GUU-2

SCALE: 1" = 30'

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY [illegible]
DATE [illegible]
BY [illegible]
ZONING COMMISSIONER
DATE [illegible]
85-244-XA


MAG. NORTH
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8½°

22 FOOT EASEMENT FOR INGRESS AND EGRESS

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DESCRIPTION OF A 1.1694 ACRE EASEMENT
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BELL ATLANTIC SITE
BLT-GUU-2

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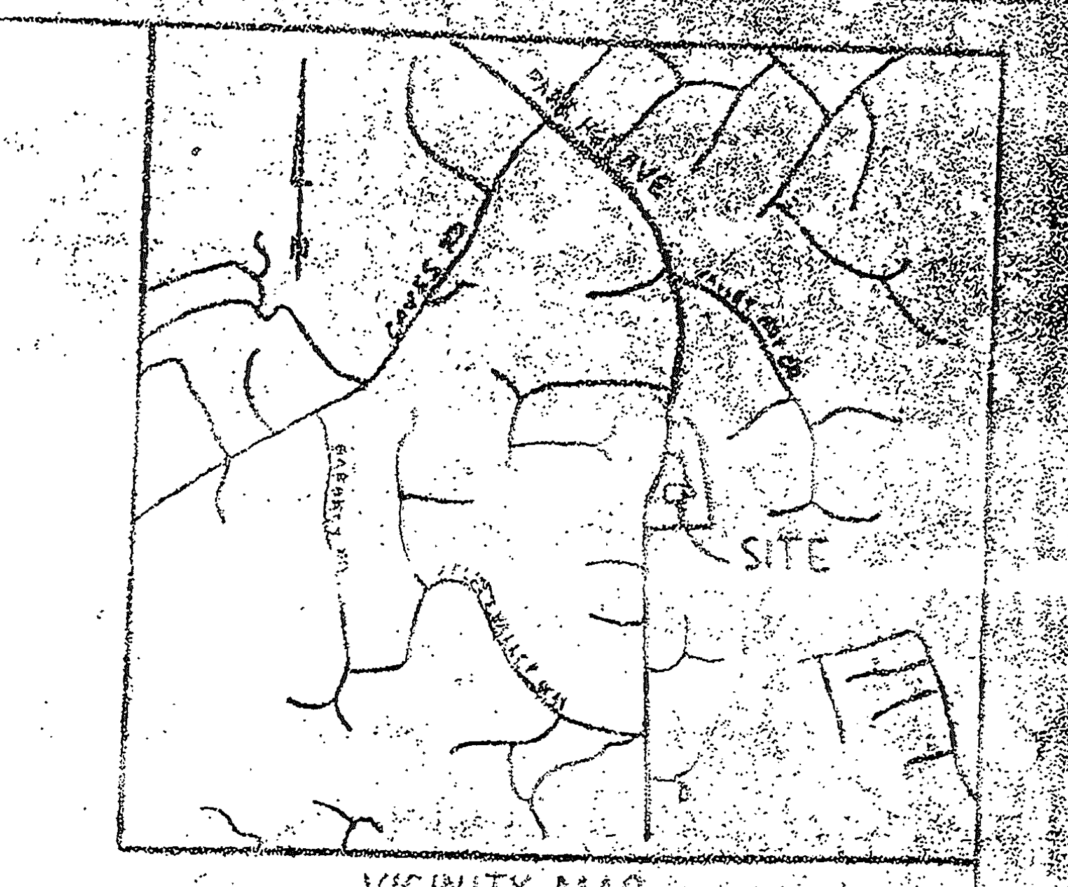
Containing 1.1694 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr. 5611, Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.



VICINITY MAP
SCALE 1" = 2000'

DESCRIPTION OF A 0.3306 ACRE PARCEL
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BLT-GUU-2
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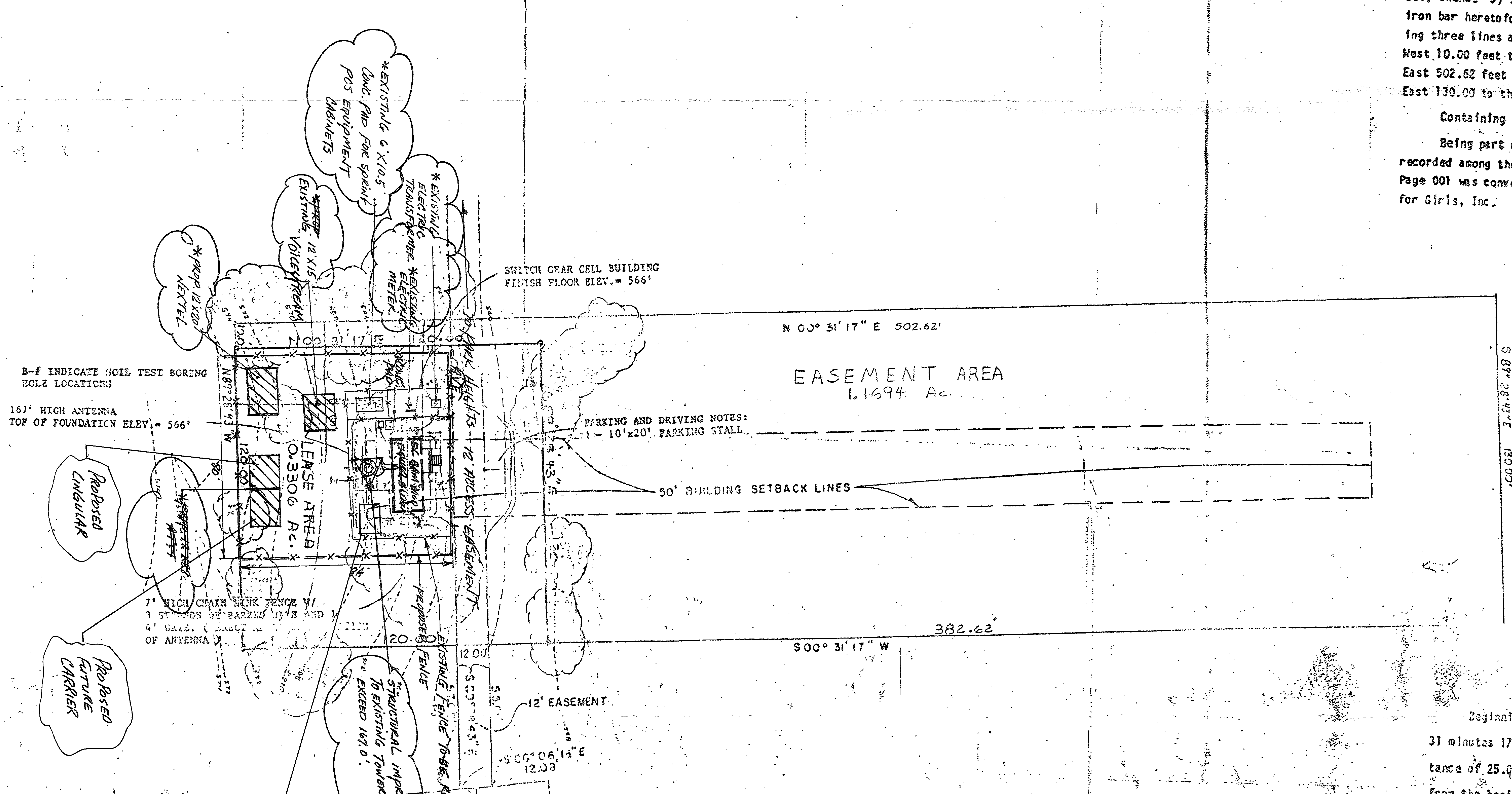
Containing 0.3306 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr. 5611 Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.


EASEMENT AREA
1.1694 Ac.
N 00° 31' 17" E 502.62'
S 89° 28' 43" E 130.00'
S 00° 31' 17" W 382.62'
LEASE AREA
0.3306 Ac.
N 89° 28' 43" W
120.00
20.00
12.00
S 00° 06' 14" E
12.08
12' EASEMENT
12' ACCESS EASEMENT
PARK HEIGHTS AVE
50' BUILDING SETBACK LINES
PARKING AND DRIVING NOTES:
1 - 10'x20' PARKING STALL
SWITCH GEAR CELL BUILDING
FINISH FLOOR ELEV. = 566'
B-# INDICATE SOIL TEST BORING HOLE LOCATIONS
167' HIGH ANTENNA
TOP OF FOUNDATION ELEV. = 566'
7' HIGH CHAIN LINK FENCE W/ 3 STRANDS OF BARBED WIRE AND 1 4' GATE
OF ANTENNA
*EXISTING 6'X10.5' CONC. PAD FOR SPRINT PCS EQUIPMENT CABINETS
*EXISTING 12'X15' VOICESTREAM
*EXISTING ELECTRIC TRANSFORMER
*EXISTING ELECTRIC METER
*PROP. 12'X20' NEXTEL
PROPOSED CINGULAR
PROPOSED FUTURE CARRIER
PROPOSED AT&T LEASE AREA 7'x17'
STRUCTURAL IMPROVEMENTS TO EXISTING TOWER, NOT TO EXCEED 167.0'
PROPOSED FENCE
EXISTING FENCE TO BE REMOVED

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[illegible]

point on the fourth line of the above mentioned parcel, thence binding on and running reversely with part of said fourth line, 4. North 00 degrees 31 minutes 17 seconds East 12.00 feet to the point of beginning.

Containing 678 feet of land more or less.

GENERAL NOTES:

1) TRUE NORTH DETERMINED BY SOLAR OBSERVATION

2) ELEVATIONS SHOWN HEREON ARE REFERENCED TO BALTIMORE CO. CONTROL STATION #13112 ELEV. = 395.599'

3) AREA OF SITE = 53360 sq. ft. = 1.2000 Ac.

Revised 419-85 8/4/10

73770 R-419-85 Revised plan

SITE OF
BELL ATLANTIC MOBILE SYSTEMS
GUU-2

BAIS YAAKOV SCHOOL FOR GIRLS
OWINGS MILLS, MD. [illegible]
BALTIMORE CO.
LIBER 5641 FOLIO 001

MICROFILMED

Re Easement Area

Bell Atlantic Mobile Systems
[illegible] ROAD, P.O. BOX 405
BASKING RIDGE, N.J. 07920

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN AND ORDER IN ZONING CASE NO 85-244-XA

8/6/02

DETAILED SITE PLAN - BLT-GUU-2

SCALE: 1" = 30'

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN AND ORDER IN ZONING CASE NO. 85-244-XA.

Signed By: Date 8/28/00

11/20/01

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY
DATE
BY
ZONING COMMISSIONER
DATE

85-244-XA

BOUNDARY AND [illegible]

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
(410) 494-6285

dhkarceski@venable.com

11/16/01

November 15, 2001

HAND-DELIVERED

Mr. Lloyd T. Moxley
Office of Zoning Review
County Office Building - Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Crown Atlantic, LLC
11111 Park Heights Avenue
Property of the Bais Yaakov School for Girls

Dear Mr. Moxley:

On October 5, 2000, we received confirmation from the Zoning Review Office and Lawrence E. Schmidt, Zoning Commissioner for Baltimore County, that the addition of three (3) ground-based equipment buildings and a replacement monopole were within the spirit and intent of a special exception granted in a prior zoning case on the property (Case No. 85-244-XA). I have enclosed the prior approved red-lined plan that indicates the location of those improvements as proposed at that time for your review. As we discussed with W. Carl Richards, Jr., Supervisor of the Zoning Review Office, on October 4, 2001, rather than proceed with the construction of a replacement monopole as shown on that red-lined plan, Crown Atlantic intends to make structural improvements to the existing monopole to support the co-location of additional cellular providers.

Crown Atlantic is proposing the same three (3) additional ground-based equipment buildings proposed originally on the property and minor structural improvements to the existing 167-foot monopole. As Mr. Richards requested, enclosed is a revised red-lined plan, entitled "SITE OF BELL ATLANTIC MOBILE SYSTEMS GUU-2," prepared by McCrone and color elevation drawings prepared by Sterling Engineering & Design Group, LLC that show the location of and diagram to scale the improvements to be made to the existing monopole. As we discussed with Mr. Richards,

RECEIVED
01-3874
NOV 16 2001
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

the improvements to the monopole would not exceed the width of the platform at the monopole's top or result in an increase in monopole height.

All of the above-described improvements would be located within the 120 x 120-ft. special exception area established in Case No. 85-244-XA in conformance with the prior approved red-lined plan. Please confirm, therefore, that no further zoning approvals will be required.

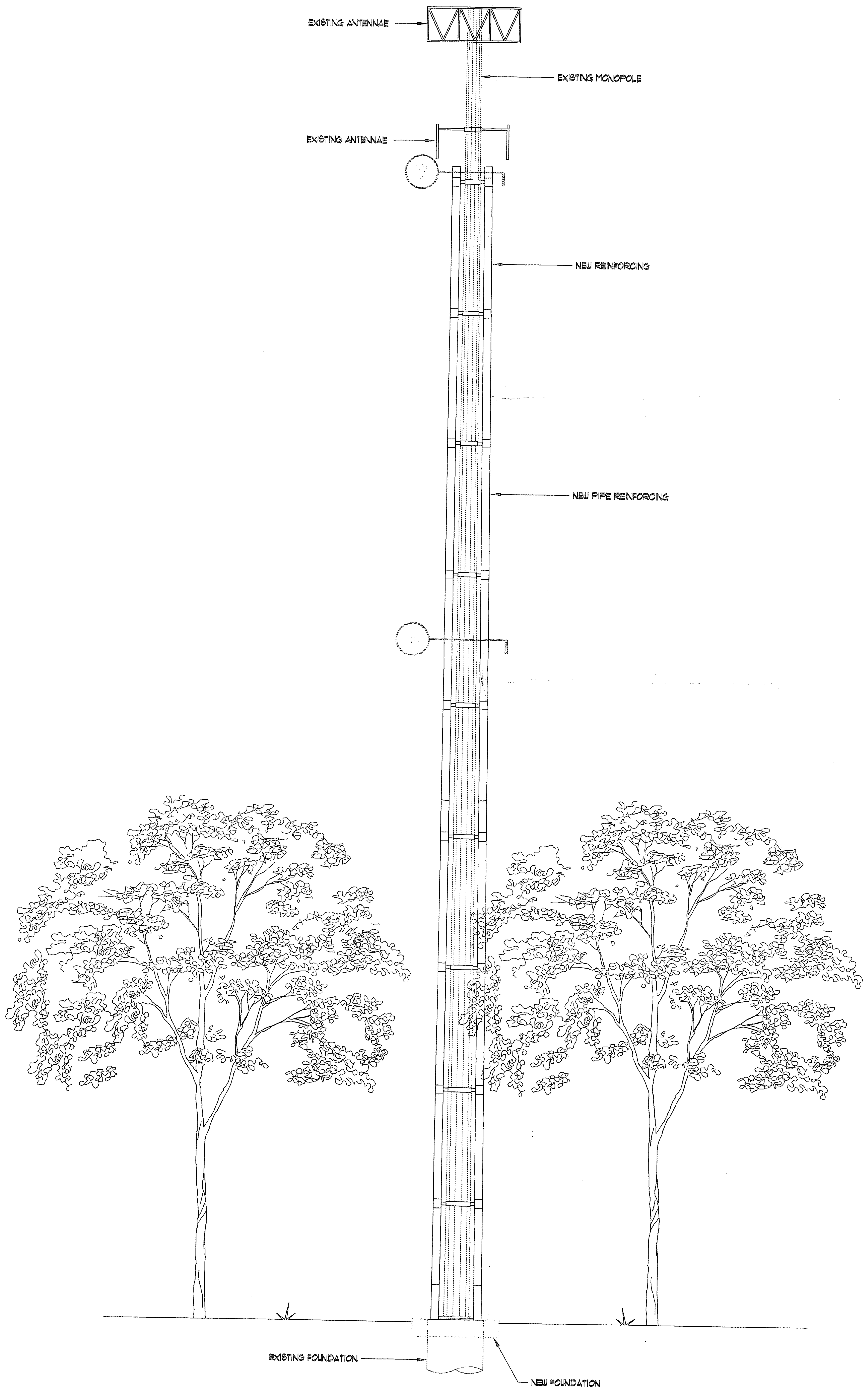
For your convenience, I have enclosed a prior zoning confirmation letter from your office dated August 9, 2000, regarding this property.

If you have any further questions, please do not hesitate to give me a call.

Very truly yours,

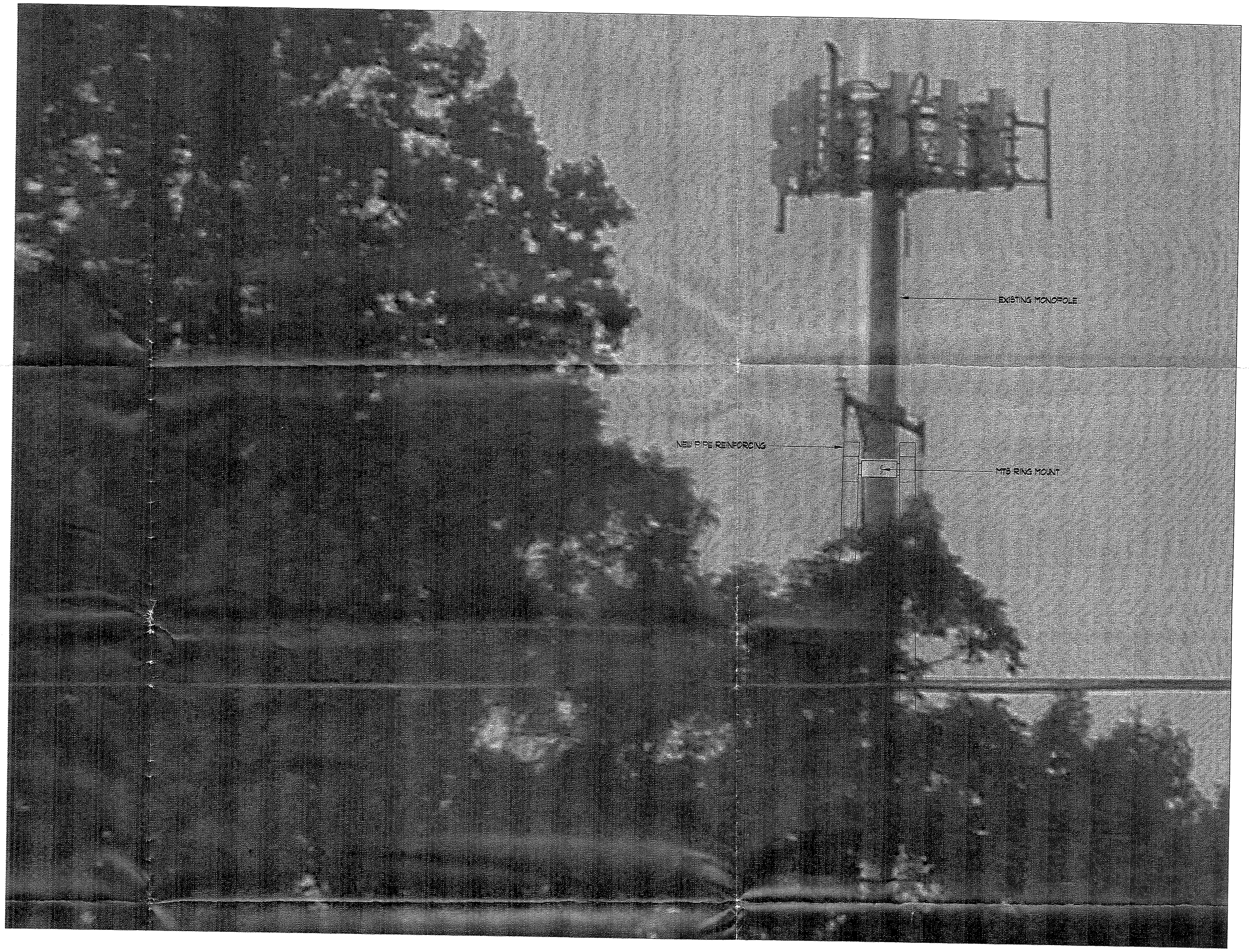
David H. Karceski

DHK
Enclosure
cc: Mr. W. Carl Richards, Jr., Supervisor
Zoning Review Office

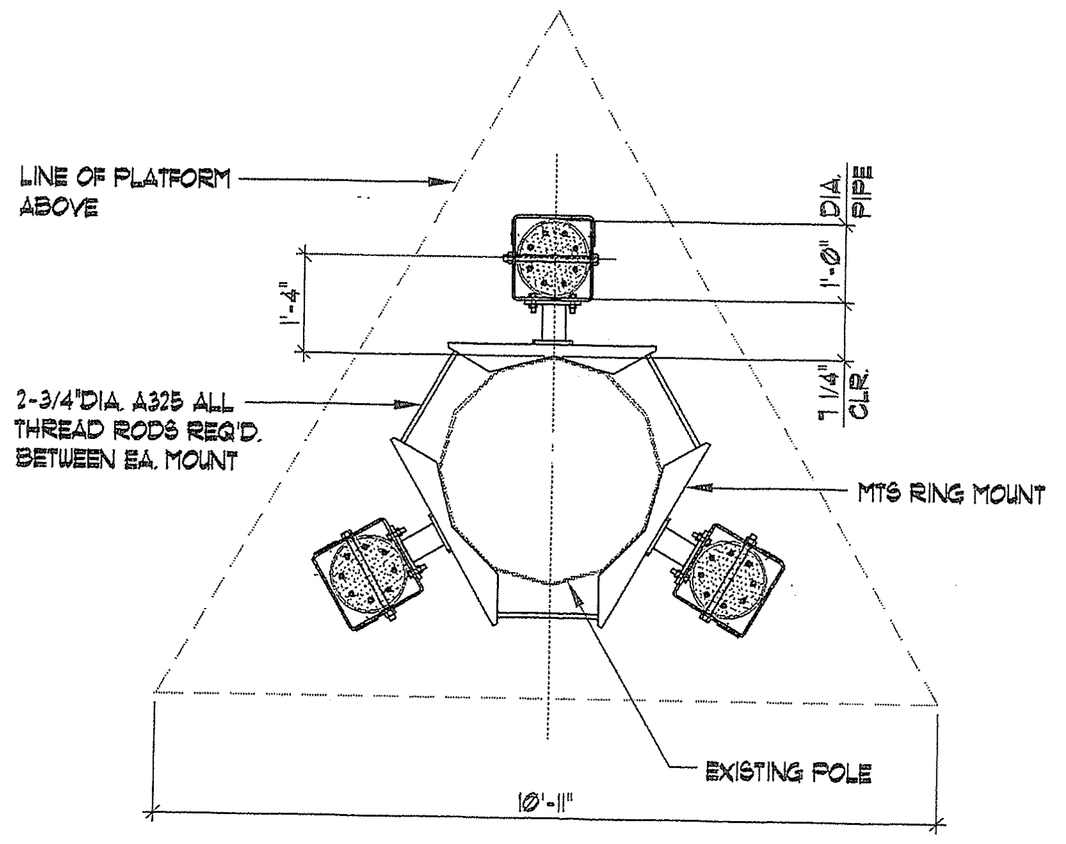

EXISTING ANTENNAE
EXISTING MONOPOLE
EXISTING ANTENNAE
NEW REINFORCING
NEW PIPE REINFORCING
EXISTING FOUNDATION
NEW FOUNDATION

TOWER ELEVATION - LOW PROFILE

1/8"=1'-0"

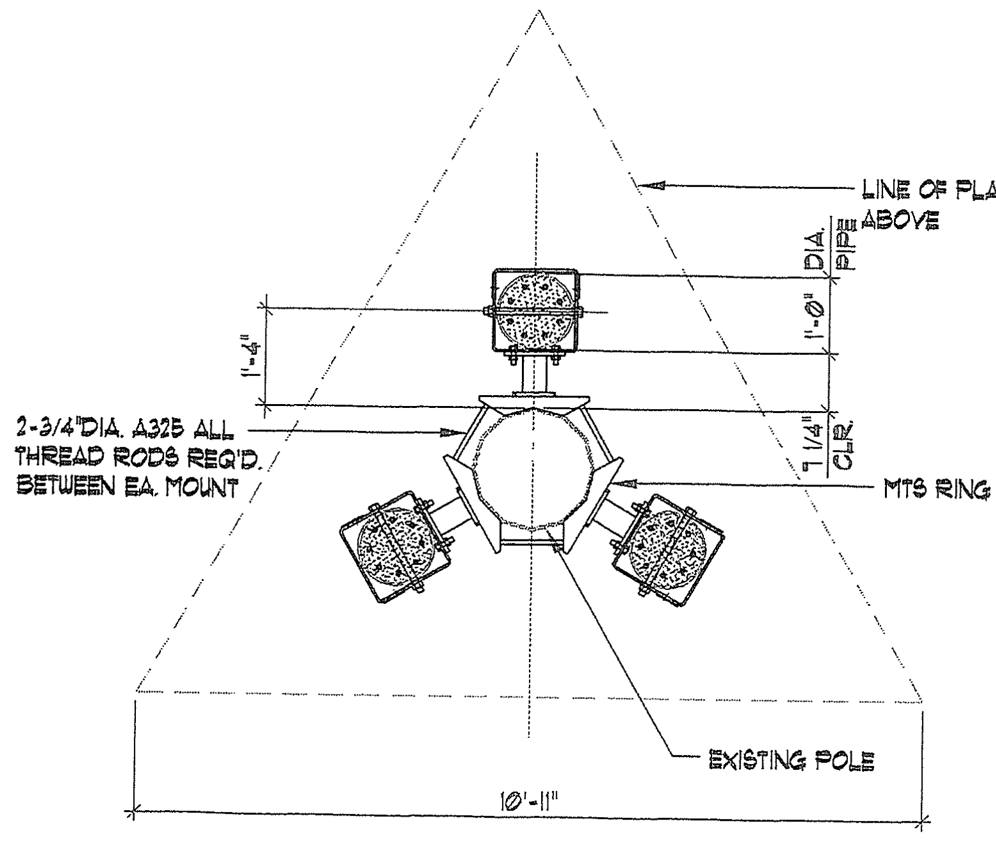

EXISTING MONOPOLE
NEW PIPE REINFORCING
MTS RING MOUNT

TOWER ELEVATION FROM NEAR BY HOUSING DEVELOPMENT - CLOSE UP - LOW PROFILE


LINE OF PLATFORM ABOVE
DIA. PIPE
1'-0"
1'-4"
1 1/4" CLR.
2-3/4"DIA. A325 ALL THREAD RODS REQ'D. BETWEEN EA. MOUNT
MTS RING MOUNT
EXISTING POLE
10'-11"

Ⓐ TOWER PLAN

3/8"=1'-0"


LINE OF PLATFORM ABOVE
DIA. PIPE
1'-0"
1'-4"
1 1/4" CLR.
2-3/4"DIA. A325 ALL THREAD RODS REQ'D. BETWEEN EA. MOUNT
MTS RING MOUNT
EXISTING POLE
10'-11"

Ⓑ TOWER PLAN

3/8"=1'-0"

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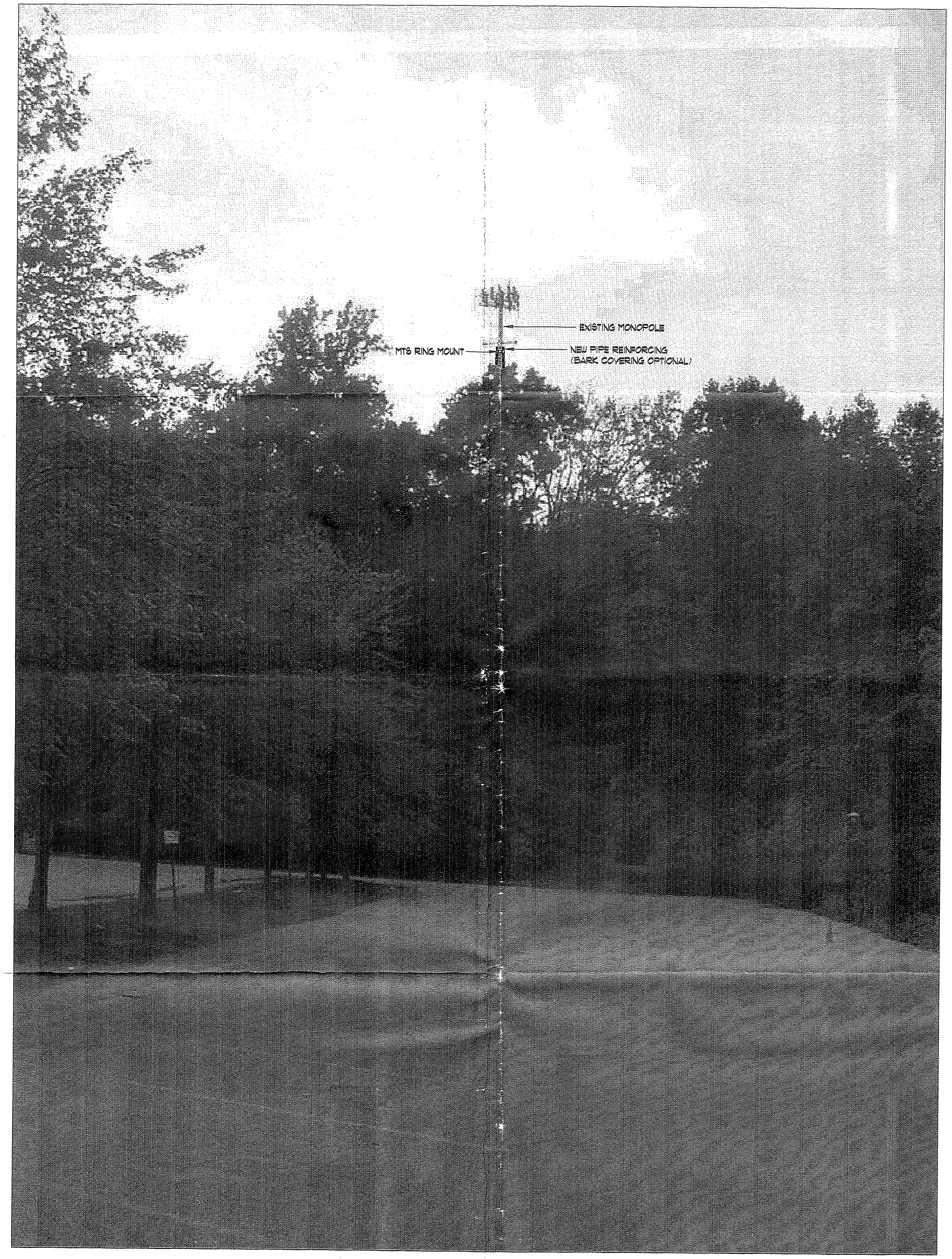
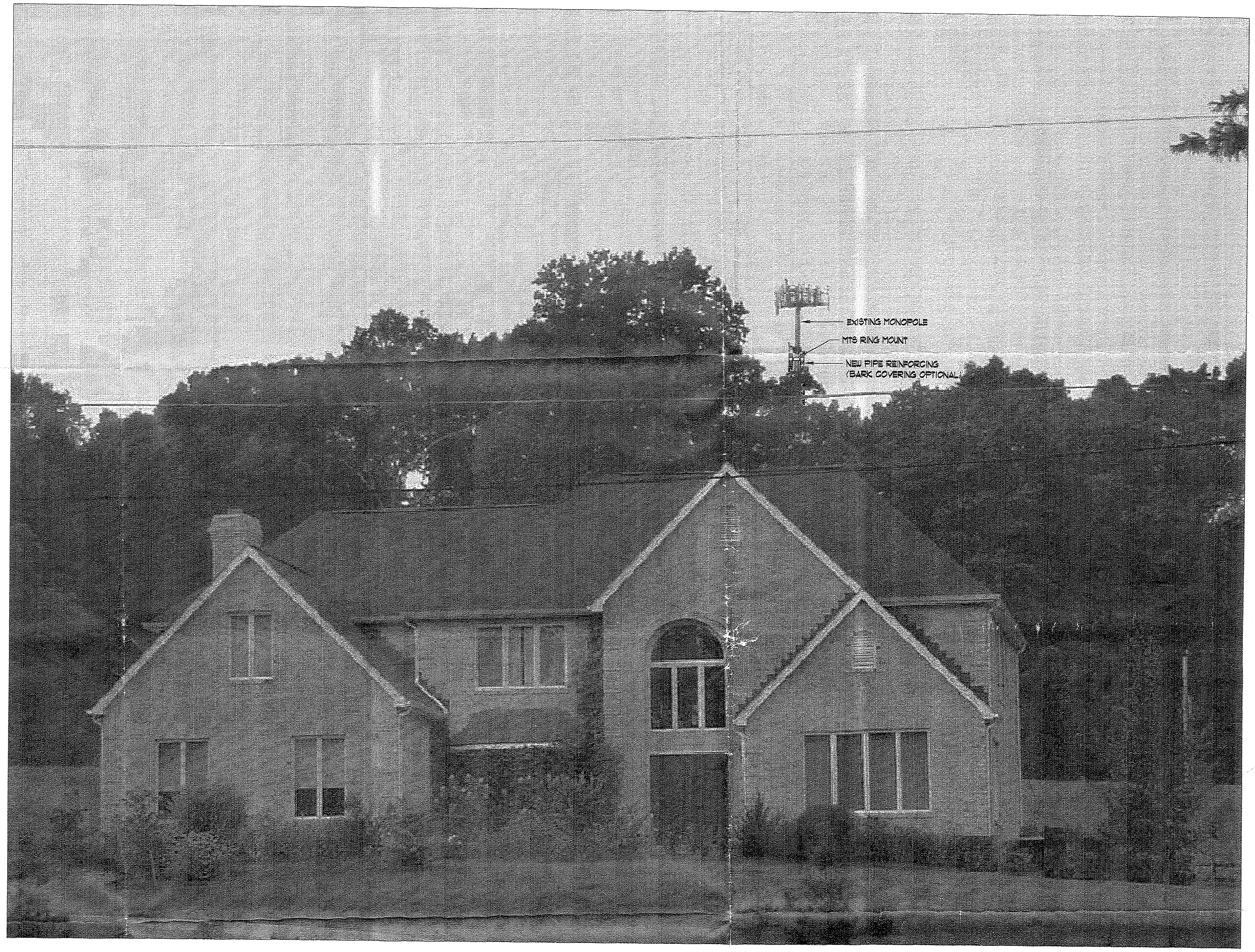
STERLING ENGINEERING
& DESIGN GROUP, LLC

7171 Hwy. 6 North, Suite 130 (281)583-7088P (281)583-5495F Info@sedg.net Houston, Texas 77095

DATE:9/27/01 TIME: 16:31 BY:BMH DWG NAME: P2.dwg


EXISTING MONOPOLE
MTS RING MOUNT
NEW PIPE REINFORCING
(BARK COVERING OPTIONAL)

TOWER ELEVATION FROM NEAR BY SCHOOL PARKING LOT - LOW PROFILE


EXISTING MONOPOLE
MTS RING MOUNT
NEW PIPE REINFORCING
(BARK COVERING OPTIONAL)

TOWER ELEVATION FROM NEAR BY HOUSING DEVELOPMENT - LOW PROFILE

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STERLING ENGINEERING
& DESIGN GROUP, LLC

7171 Hwy. 6 North, Suite 130 (281)583-7088P (281)583-5495F Info@sedg.net Houston, Texas 77095

DATE:9/25/01 TIME: 15:41 BY:BMH DWG NAME: P1.dwg

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 24, 2000

Supplemental
#85-244-XA

David H. Karceski
Venable, Baetjer and Howard, LLP
210 Allegheny Ave. Towson, MD 21285

RE: 11111 Park Heights Avenue-Bais Yaakov School for Girls
3th Election District

Dear Mr. Karceski,

Your letter addressed to Mr. Carl Richards, dated October 19, 2000 has been referred to me for reply. Based upon review of the revised site plan submitted with your letter the following has been determined.

Provided that the proposed replacement tower does not exceed the total height as granted in Case No. 85-244-XA and meets the 50 foot setbacks measured from the easement area established in said zoning case the proposal is considered to be within the "spirit and intent" of the aforementioned case. Further, provided additional ground based equipment can be located within the 120 foot by 120 foot, 14,400 square foot area shown and described as Bell Atlantic site BLT-GUU in Case No. 85-244-XA, while meeting the requirements of Section 426.6.A.4, Baltimore County Zoning Regulations, the proposal is considered to be within the "spirit and intent" of the aforementioned case.

You must sticky-back a copy of this letter on all plans submitted to Baltimore County for permit approval.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need any further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Lloyd T. Moxley
Planner II
Zoning Review

LTM:ltm

Printed with Soybean Ink on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 24, 2000

David H. Karceski
Venable, Baetjer and Howard, LLP
210 Allegheny Ave. Towson, MD 21285

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3th Election District

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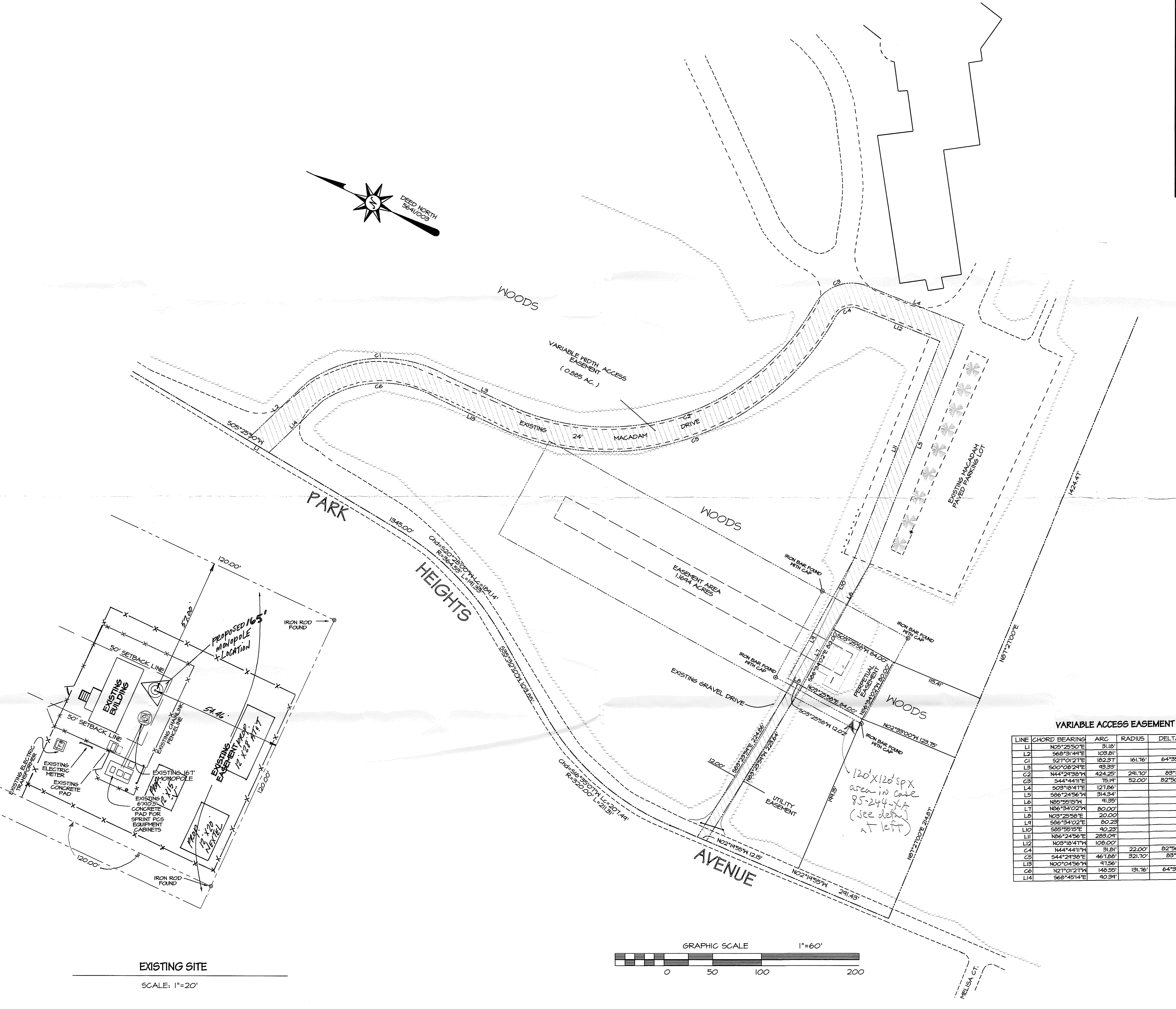
Sincerely,

Lloyd T. Moxley
Planner II
Zoning Review

LTM:ltm


DEED NORTH 5641/003
WOODS
VARIABLE WIDTH ACCESS EASEMENT (0.885 AC.)
EXISTING 24' MACADAM DRIVE
EXISTING MACADAM PAVED PARKING LOT
WOODS
EASEMENT AREA 1.1644 ACRES
EXISTING GRAVEL DRIVE
IRON BAR FOUND WITH CAP
PERPETUAL EASEMENT
UTILITY EASEMENT
WOODS
N02°33'00"W 123.75'
N87°27'00"E 214.87'
N02°19'55"W 291.43'
N02°19'55"W 12.15'
S03°25'58"W 12.02'
N87°27'00"E 1424.47'
199.15'
PARK HEIGHTS AVENUE
MELISA CT.
IRON ROD FOUND
50' SETBACK LINE
EXISTING BUILDING
PROPOSED 165' MONOPOLE LOCATION
EXISTING 16' MONOPOLE
EXISTING EASEMENT PROP 12 X 28 AT&T
PROP. 12 X 20 NEXTEL
EXISTING ELECTRIC TRANSFORMER
EXISTING ELECTRIC METER
EXISTING CONCRETE PAD
EXISTING 6'X10.5' CONCRETE PAD FOR SPRINT PCS EQUIPMENT CABINETS
EXISTING CHAINLINK FENCE
120.00'
GRAPHIC SCALE 1"=60'
0 50 100 200

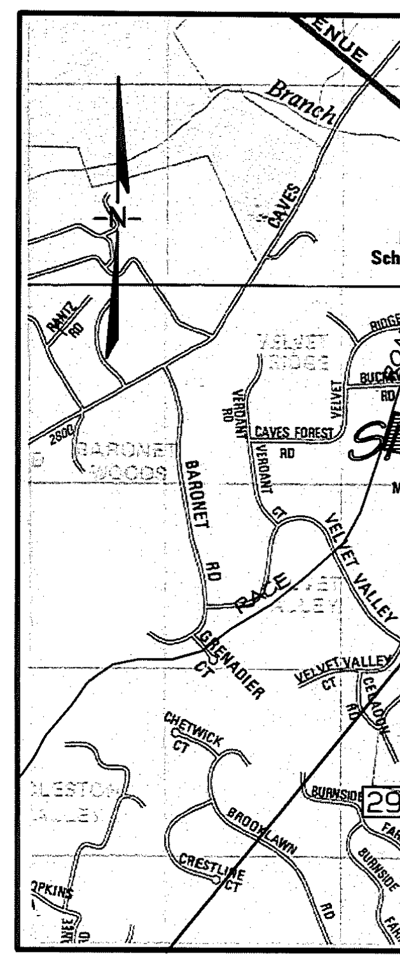
120'x120' SPX area in case 85-244-XA (see detail at left)

EXISTING SITE

SCALE: 1"=20'

VARIABLE ACCESS EASEMENT TABLE

LINE	CHORD BEARING	ARC	RADIUS	DELTA	TANGENT	CHORD
L1	N05°25'50"E	31.18'				
L2	S68°31'49"E	103.81'				
C1	S27°01'27"E	182.37'	161.76'	64°35'53"	102.25'	172.86'
L3	S00°08'29"E	93.33'				
C2	N44°29'38"W	424.25'	291.70'	83°19'51"	259.58'	387.83'
C3	S44°44'11"E	75.19'	52.00'	82°50'47"	45.88'	68.81'
L4	S03°18'47"E	127.86'				
L5	S86°24'56"W	314.34'				
L6	N85°55'15"W	91.35'				
L7	N86°34'02"W	80.00'				
L8	N03°25'58"E	20.00				
L9	S86°34'02"E	80.23'				
L10	S85°55'15"E	90.23'				
L11	N86°24'56"E	283.09'				
L12	N03°18'47"W	108.00'				
C4	N44°44'11"W	31.81'	22.00'	82°50'47"	19.41'	29.11'
C5	S44°29'38"E	467.88'	321.70'	83°19'51"	286.28'	427.72'
L13	N00°04'56"W	97.56'				
C6	N27°01'27"W	148.55'	131.76'	64°35'53"	83.29'	140.80'
L14	S68°45'14"E	90.39'				


SITE
BALTIMORE-WASHINGTON EXPRESSWAY
GREEN LANE
Bais Yaakov School for Girls
295

VICINITY MAP

SCALE 1" = 2000'

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DATE

McCRONE

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LAND PLANNING & SURVEYING ▫ CONSTRUCTION SERVICES

20 RIDGELY AVENUE
ANNAPOLIS, MARYLAND 21401
(410) 267-8621

ANNAPOLIS - CENTREVILLE - ELKTON - PRINCE FREDERICK - SALISBURY

DATE AUG. 2000	SCALE AS SHOWN
JOB NO. C1000222	DRAWN BY JBC
FOLDER REF. CROWN CASTLE	APPROVED
DATE	REVISION

ALTA/ACSM SURVEY

PREPARED FOR

CROWN ATLANTIC COMPANY LLC

1111 Park Heights Avenue

TAX MAP 59 ~ BLOCK 14 ~ PARCEL 207

THIRD DISTRICT BALTIMORE COUNTY, MARYLAND

SHEET NO. 1 OF 1
CADD FILE:
FILE NO. 1000222

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN AND ORDER IN CASE NO. 85-244-XA.

10/24/00
Signed By: Date:
LLOYD MOXLEY
PLANNER II
ZONING REVIEW

22 FOOT EASEMENT FOR INGRESS AND EGRESS

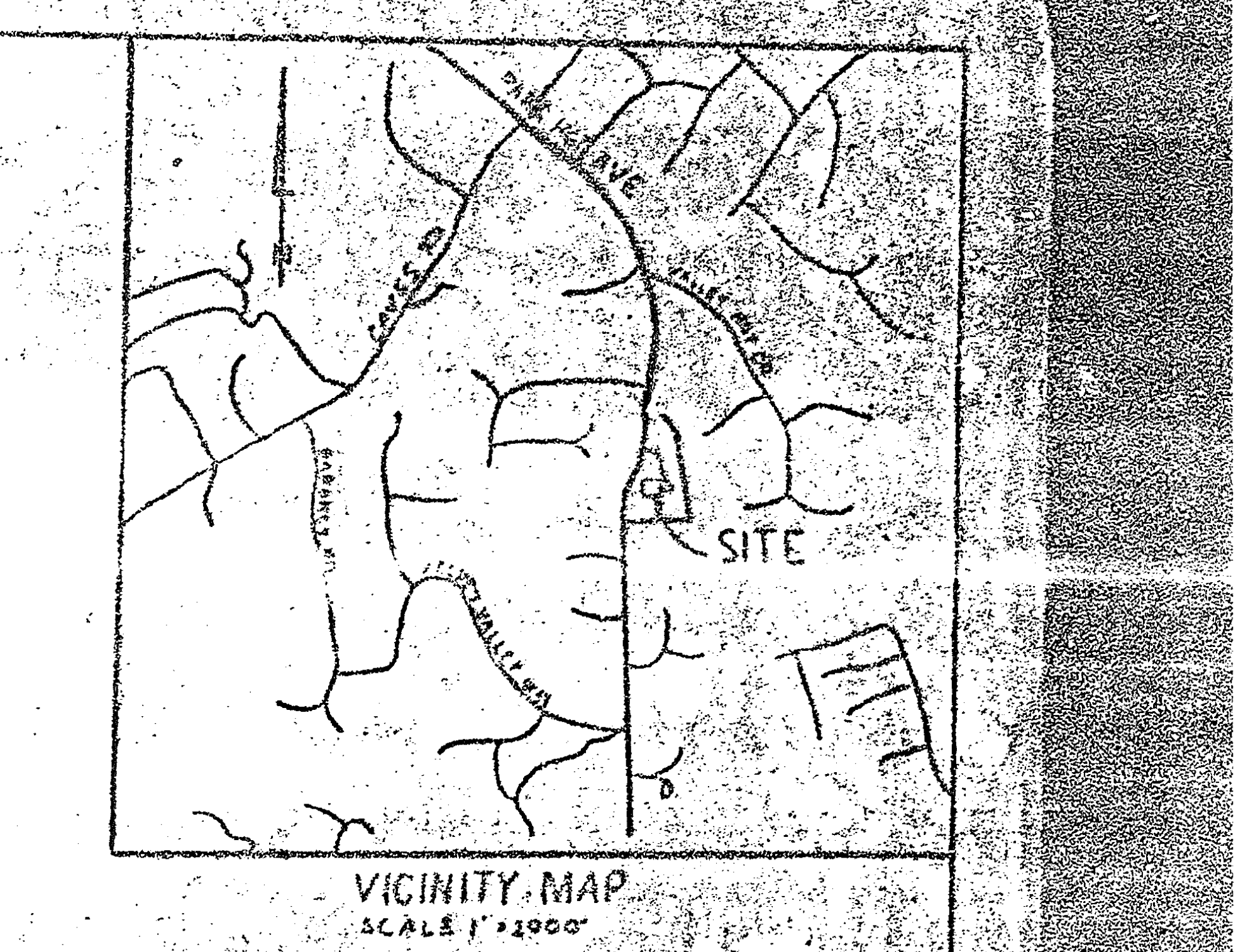
Beginning at a point on the second or South 6 degrees 06 minutes 18 seconds East 12.08 foot line of the above described 12 foot wide easement at a distance of 6.04 feet measured along said second line in a southeasterly direction from the beginning of said line, thence running to describe the center line of a 22 foot easement from the 12 foot easement to Park Heights Avenue said center line running more or less with the center lines of the existing 24 foot wide entrance road 1. North 83 degrees 53 minutes 42 seconds East 311.64 feet 2. North 06 degrees 23 minutes 35 seconds West 156.38 feet to the center line intersection with the main entrance road, thence 3. by a curve to the right with a radius of 300.00 feet for a distance of 502.91 feet the arc of which is subtended by a chord bearing North 49 degrees 52 minutes 30 seconds West 446.06 feet to the end of said curve, thence 4. North 05 degrees 51 minutes 13 seconds West 118.75 feet, thence 5. by a curve to the left having a radius of 113.00 feet for a distance of 131.60 feet the arc of which is subtended by a chord bearing North 36 degrees 08 min-

DESCRIPTION OF A 1.1694 ACRE EASEMENT
PORTION OF BAIS YAAKOV SCHOOL FOR GIRLS
BELL ATLANTIC SITE
BLT-GUU-2

Beginning for the same at a point at the end of a line drawn South 18 degrees 33 minutes 34 seconds West 1,435.94 feet from an iron pipe heretofore set at the end of the ninth or South 43 degrees 45 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1975, and recorded among the mortgage records of Baltimore County in Liber 5680 Page 387 between Bais Yaakov School for Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Kidde Consultants, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following 6 lines and distances: viz, 1) South 00 degrees 31 minutes 17 seconds West 382.62 feet to an iron bar heretofore set, said iron bar being at the end of the third of South 89 degrees 28 minutes 45 seconds East 120.00 foot line of the 0.3306 acre lease area, thence running reversely with and binding on said lease area the following two lines and distances, viz; 2) North 89 degrees 28 minutes 43 seconds West 120.00 to an iron bar heretofore set, thence 3) South 00 degrees 31 minutes 17 seconds West 120.00 feet to an iron bar heretofore set, thence leaving said lease area and running the following three lines and distances, viz; 4) North 89 degrees 28 minutes 43 seconds West 10.00 feet to a point, thence 5) North 00 degrees 31 minutes 17 seconds East 502.62 feet to a point, thence 6) South 89 degrees 28 minutes 43 seconds East 130.00 to the place of beginning.

Containing 1.1694 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr. 5611, Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.



PARK HEIGHTS AVE
SITE

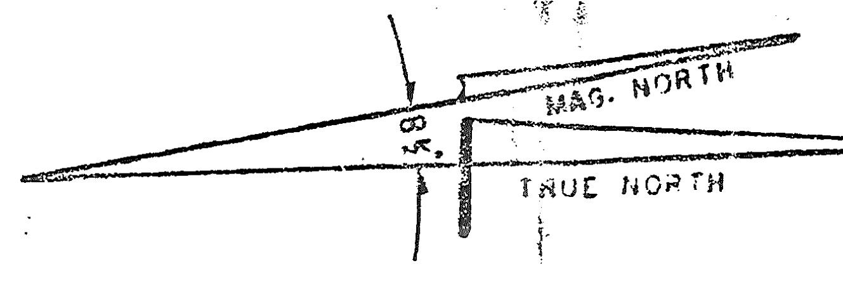
VICINITY MAP
SCALE 1" = 2000'

DESCRIPTION OF A 0.3306 ACRE PARCEL
PORTION OF BAIS YAAKOV SCHOOL FOR GIRLS
BELL ATLANTIC SITE
BLT-GUU-2
PARK HEIGHTS AVENUE

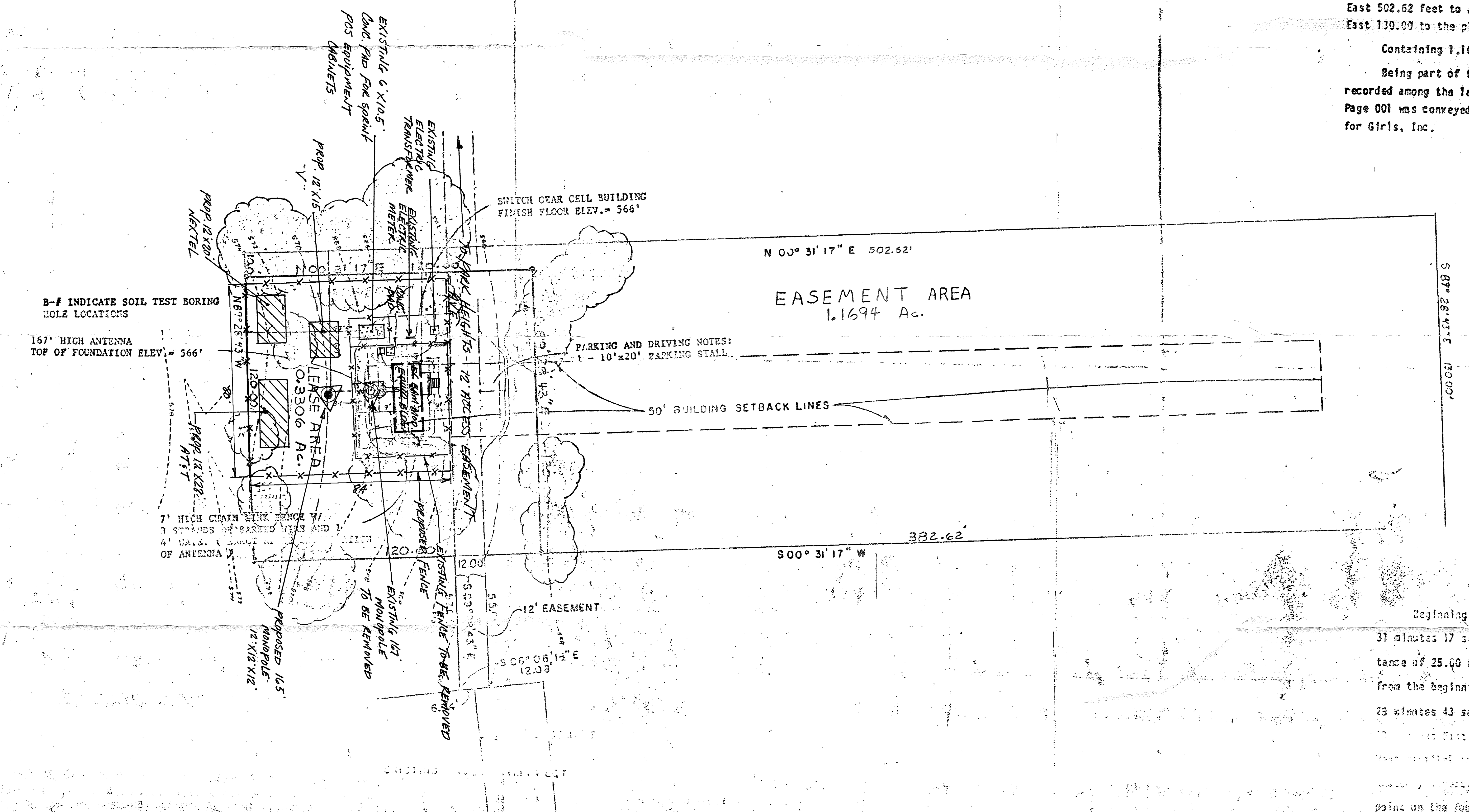
Beginning for the same at an iron bar now set by Kidde Consultants, Inc. said bar being set at the end of a line drawn South 13 degrees 54 minutes 37 seconds West 1920.17 feet from an iron pipe heretofore set at the end of the ninth or South 43 degrees 45 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1975, and recorded among the mortgage records of Baltimore County in Liber 5630 Page 387 between Bais Yaakov School for Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Kidde Consultants, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following four lines and distances: viz: 1) North 89 degrees 28 minutes 43 seconds West 120.00 feet to an iron bar now set, thence 2) North 00 degrees 31 minutes 17 seconds East 120.00 feet to an iron bar now set thence 3) South 89 degrees 28 minutes 43 seconds East 120.00 feet to an iron bar now set thence 4) South 00 degrees 31 minutes 17 seconds West 120.00 feet to the point of beginning.

Containing 0.3306 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr. 5611 Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.



8°
MAG. NORTH
TRUE NORTH



EXISTING 6'X10.5' CONC. PAD FOR SPRINT PCS EQUIPMENT CABINETS
EXISTING ELECTRIC TRANSFORMER
EXISTING ELECTRIC METER
PROP. 12'X15' "V"
PROP. 12'X20' NEXTEL
SWITCH GEAR CELL BUILDING FINISH FLOOR ELEV.= 566'
N 00° 31' 17" E 502.62'
EASEMENT AREA 1.1694 Ac.
S 89° 28' 43" E 130.00'
B-# INDICATE SOIL TEST BORING HOLE LOCATIONS
167' HIGH ANTENNA TOP OF FOUNDATION ELEV.= 566'
N 89° 28' 43" W
120.00
LEASE AREA 0.3306 Ac.
TO PARK HEIGHTS AVE
12' ACCESS EASEMENT
PARKING AND DRIVING NOTES: 1 - 10'x20' PARKING STALL
50' BUILDING SETBACK LINES
PROP. 12'X28' AT&T
84'
7' HIGH CHAIN LINK FENCE W/ 3 STRANDS OF BARBED WIRE AND 1 4' GATE.
OF ANTENNA
PROPOSED FENCE
120.00
12.00
382.62'
S 00° 31' 17" W
12' EASEMENT
S 06° 06' 18" E 12.08
PROPOSED 165' MONOPOLE 12'X12'X12'
EXISTING 167' MONOPOLE TO BE REMOVED
EXISTING FENCE TO BE REMOVED

12 FOOT EASEMENT FOR INGRESS AND EGRESS

Beginning for the same at a point on the fourth or South 00 degrees 31 minutes 17 seconds West line of the 0.3306 acre lease parcel at a distance of 25.00 feet measured along said line in a southeasterly direction from the beginning of said fourth line, thence running 1. South 89 degrees 28 minutes 43 seconds East 55.61 feet thence 2. South 6 degrees 06 minutes 18 seconds East 12.08 feet thence 3. [illegible] [illegible] 11.09 feet [illegible] [illegible] point on the fourth line of the above mentioned parcel, thence binding on and running reversely with part of said fourth line, 4. North 00 degrees 31 minutes 17 seconds East 12.00 feet to the point of beginning.

Containing 676 feet of land more or less.

GENERAL NOTES:

1) TRUE NORTH DETERMINED BY SOLAR [illegible]
2) ELEVATIONS SHOWN HEREON ARE REFERENCED TO BALTIMORE CO. CONTROL STATION #13112 ELEV. = 395.599'
3) AREA OF SITE = 83340 sq. ft. = 1.9000 Ac.

Revised 4/9-85

64/4/06

SITE OF
BELL ATLANTIC MOBILE SYSTEMS
GUU-2

73770
R 4/19-85
Revised per plan

BAIS YAAKOV SCHOOL FOR GIRLS
[illegible]
OWINGS MILLS, MD. 21117
BALTIMORE CO.
LIBER 5641 FOLIO 001

MICROFILMED

Re Easement Area

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN AND ORDER IN ZONING CASE NO. 85-244-XA.

VOID

LTM 8/28/00
SIGNED BY: DATE

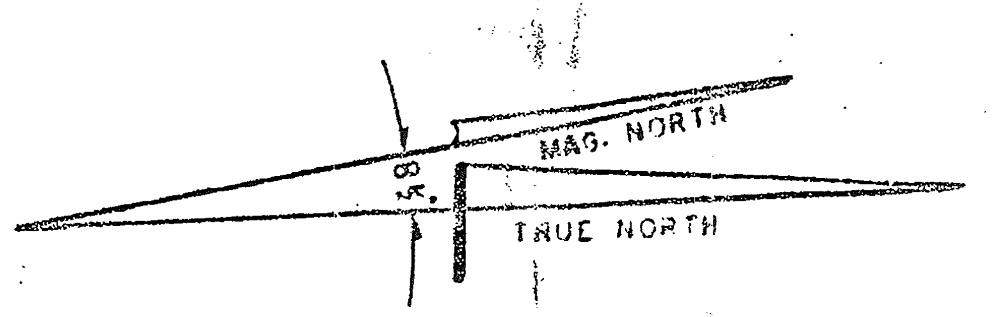
DETAILED SITE PLAN - BLT-GUU-2
SCALE: 1" = 30'
0' 30' 60' 90'

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY ____ PLANNING
DATE 4/4/85
BY ____ ZONING COMMISSIONER
DATE 4/4/85
85-244 XA
C 4-19-85

BOUNDARY AND TOPOGRAPHY

KIDDE CONSULTANTS, INC.
ENGINEERS, LAND PLANNERS & SURVEYORS

Bell Atlantic Mobile Systems
180 MOUNT AIRY ROAD, P.O. BOX 405
BASKING RIDGE, N.J. 07920


MAG. NORTH
8½°
TRUE NORTH

22 FOOT EASEMENT FOR INGRESS AND EGRESS

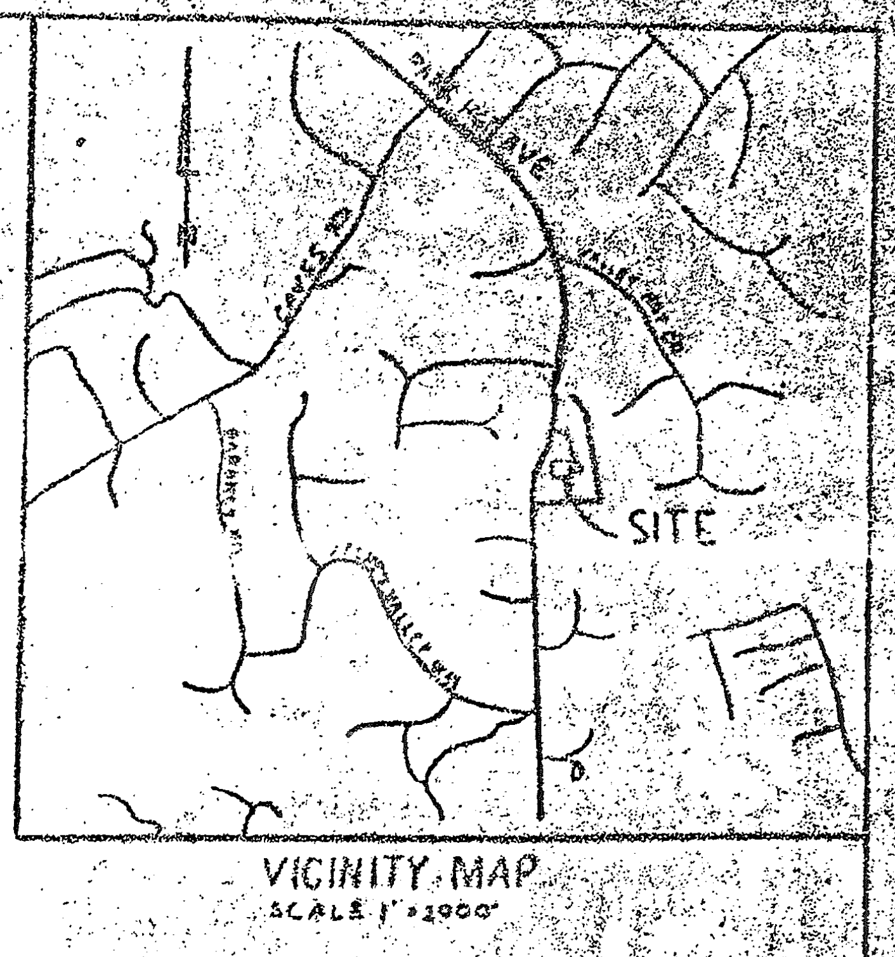
Beginning at a point on the second or South 6 degrees 06 minutes 18 seconds East 12.08 foot line of the above described 12 foot wide easement at a distance of 6.04 feet measured along said second line in a southeasterly direction from the beginning of said line, thence running to describe the center line of a 22 foot easement from the 12 foot easement to Park Heights Avenue said center line running more or less with the center lines of the existing 24 foot wide entrance road 1. North 83 degrees 53 minutes 42 seconds East 311.64 feet 2. North 06 degrees 23 minutes 35 seconds West 156.38 feet to the center line intersection with the main entrance road, thence 3. by a curve to the right with a radius of 300.00 feet for a distance of 502.91 feet the arc of which is subtended by a chord bearing North 49 degrees 52 minutes 30 seconds West 446.06 feet to the end of said curve, thence 4. North 05 degrees 51 minutes 13 seconds West 118.75 feet, thence 5. by a curve to the left having a radius of 113.00 feet for a distance of 131.60 feet the arc of which is subtended by a chord bearing North 36 degrees 08 min-

DESCRIPTION OF A 1.1694 ACRE EASEMENT
PORTION OF BAIS YAAKOV SCHOOL FOR GIRLS
BELL ATLANTIC SITE
BLT-GUU-2

Beginning for the same at a point at the end of a line drawn South 19 degrees 33 minutes 34 seconds West 1,435.94 feet from an iron pipe heretofore set at the end of the ninth or South 43 degrees 45 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1975, and recorded among the mortgage records of Baltimore County in Liber 5690 Page 307 between Bais Yaakov School for Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Kidde Consultants, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following 6 lines and distances: viz, 1) South 00 degrees 31 minutes 17 seconds West 382.62 feet to an iron bar heretofore set, said iron bar being at the end of the third of South 89 degrees 28 minutes 45 seconds East 120.00 foot line of the 0.3306 acre lease area, thence running reversely with and binding on said lease area the following two lines and distances, viz; 2) North 89 degrees 28 minutes 43 seconds West 120.00 to an iron bar heretofore set, thence 3) South 00 degrees 31 minutes 17 seconds West 120.00 feet to an iron bar heretofore set, thence leaving said lease area and running the following three lines and distances, viz; 4) North 89 degrees 28 minutes 43 seconds West 10.00 feet to a point, thence 5) North 00 degrees 31 minutes 17 seconds East 502.62 feet to a point, thence 6) South 89 degrees 28 minutes 43 seconds East 130.00 to the place of beginning.

Containing 1.1694 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr. 5611, Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.



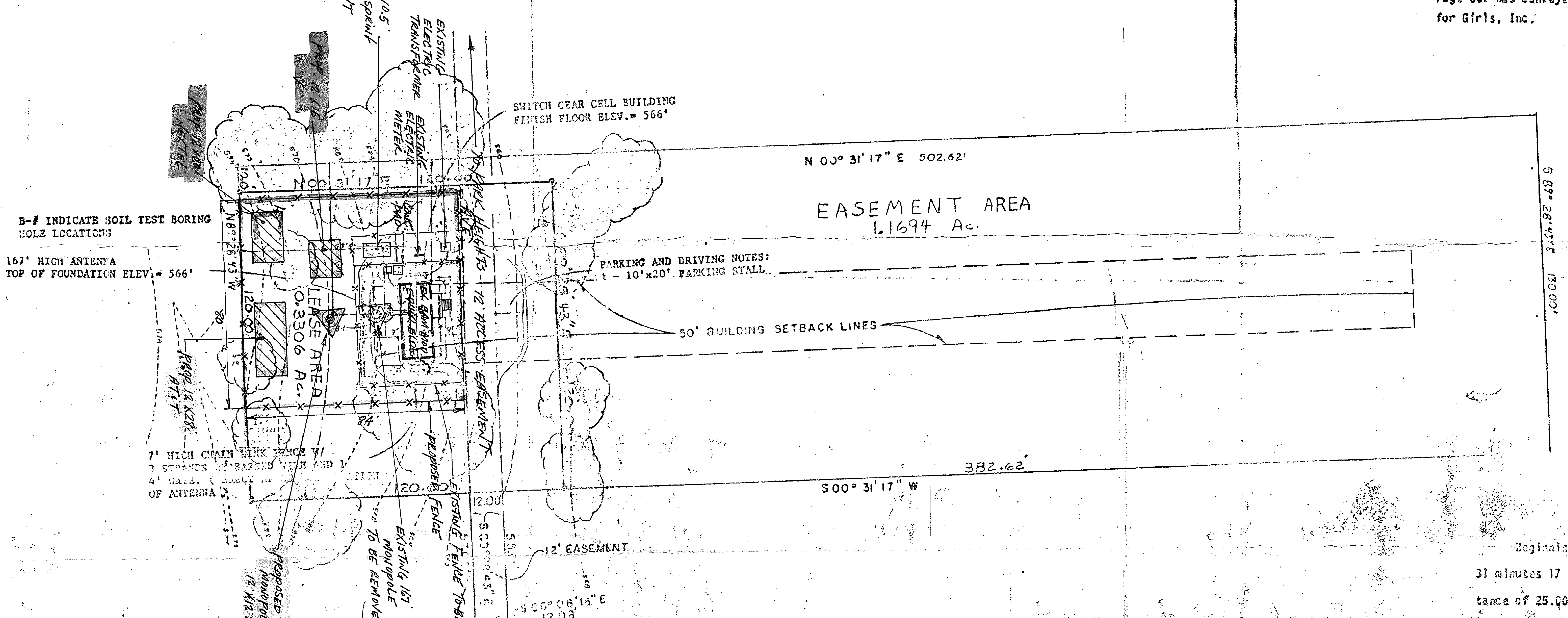
VICINITY MAP
SCALE 1"=2000'

DESCRIPTION OF A 0.3306 ACRE PARCEL
PORTION OF BAIS YAAKOV SCHOOL FOR GIRLS
BELL ATLANTIC SITE
BLT-GUU-2
PARK HEIGHTS AVENUE

Beginning for the same at an iron bar now set by Kidde Consultants, Inc. said bar being set at the end of a line drawn South 13 degrees 54 minutes 37 seconds West 1920.17 feet from an iron pipe heretofore set at the end of the ninth or South 43 degrees 45 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1975, and recorded among the mortgage records of Baltimore County in Liber 5690 Page 307 between Bais Yaakov School for Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Kidde Consultants, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following four lines and distances: viz; 1) North 89 degrees 28 minutes 43 seconds West 120.00 feet to an iron bar now set, thence 2) North 00 degrees 31 minutes 17 seconds East 120.00 feet to an iron bar now set thence 3) South 89 degrees 28 minutes 43 seconds East 120.00 feet to an iron bar now set thence 4) South 00 degrees 31 minutes 17 seconds West 120.00 feet to the point of beginning.

Containing 0.3306 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr. 5611 Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.


EXISTING 6' X 10.5' CONC. PAD FOR SPRINT PCS EQUIPMENT CABINETS
PROP. 12 X 20 NEXTEL
PROP. 12 X 15 "Y"
EXISTING ELECTRIC TRANSFORMER
EXISTING ELECTRIC METER
EXISTING CONC. PAD
SWITCH GEAR CELL BUILDING FINISH FLOOR ELEV.= 566'
N 00° 31' 17" E 502.62'
EASEMENT AREA 1.1694 Ac.
B-# INDICATE SOIL TEST BORING HOLE LOCATIONS
167' HIGH ANTENNA TOP OF FOUNDATION ELEV.= 566'
N89° 28' 43" W 120.00
LEASE AREA 0.3306 Ac.
TO PARK HEIGHTS AVE 12' ACCESS EASEMENT
PARKING AND DRIVING NOTES: 1 - 10'x20' PARKING STALL
50' BUILDING SETBACK LINES
S 89° 28' 43" E 130.00'
PROP. 12 X 28 AT&T
7' HIGH CHAIN LINK FENCE W/ 3 STRANDS OF BARBED WIRE AND 1 4' GATE. (ERECT AROUND BASE OF ANTENNA)
120.00
382.62'
S00° 31' 17" W
12.00
12' EASEMENT
PROPOSED FENCE
EXISTING FENCE TO BE REMOVED
EXISTING 167' MONOPOLE TO BE REMOVED
PROPOSED 165' MONOPOLE 12'X12'X12'
S 06° 06' 18" E 12.08

12 FOOT EASEMENT FOR INGRESS AND EGRESS

Beginning for the same at a point on the fourth or South 00 degrees 31 minutes 17 seconds West line of the 0.3306 acre lease parcel at a distance of 25.00 feet measured along said line in a southeasterly direction from the beginning of said fourth line, thence running 1. South 89 degrees 28 minutes 43 seconds East 55.61 feet thence 2. South 6 degrees 06 minutes 18 seconds East 12.08 feet thence 3. [illegible] [illegible] point on the fourth line of the above mentioned parcel, thence binding on and running reversely with part of said fourth line, 4. North 00 degrees 31 minutes 17 seconds East 12.00 feet to the point of beginning.

Containing 676 feet of land more or less.

GENERAL NOTES:

1) TRUE NORTH DETERMINED BY SOLAR OBSERVATION
2) ELEVATIONS SHOWN HEREON ARE REFERENCED TO BALTIMORE CO. CONTROL STATION #13112 ELEV. = 395.599'
3) AREA OF SITE = 83340 sq. ft. = 1.9000 Ac.

Revised 4/19-85

73770 p. 4/19-85 revised plan

SITE OF
BELL ATLANTIC MOBILE SYSTEMS
GUU-2

BAIS YAAKOV SCHOOL FOR GIRLS
OWINGS MILLS, MD. 21117
BALTIMORE CO.
LIBER 5641 FOLIO 001

MICROFILMED

Re Easement Area

DETAILED SITE PLAN - BLT-GUU-2

SCALE: 1" = 30'

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY [illegible]
DATE [illegible]
BY [illegible]
ZONING COMMISSIONER
DATE 4/2?/85
85-244 XA
Case 419-85

BOUNDARY AND TOPOGRAPHY

KIDDE CONSULTANTS, INC.

Bell Atlantic Mobile Systems
180 MOUNT AIRY ROAD, P.O. BOX 405
BASKING RIDGE, N.J. 07920

Area of SP X. established in case 85-244-XA + confirmed in case 98-95 SPH is unchanged. Special Exception is therefore unchanged + vested. New construction should be in compliance with § 426 of BCZR including those provisions relating to equipment area + setback

Lawrence E. Schmidt
Zoning Commissioner
8/21/00

VOID
ctm

MAP 11'... 12F
2C
E. D. 3
DATE 1-5-85
200 ✓
1000 ✓
DP

85-244-XA
#182

0.g. 3-7-85
$41.33

Bell Atlantic Mobile Systems 85-244-XA
Beg. 1771' SE Park Heights Ave., .3 mi.
S of c/l of Valley Heights Dr. 3rd

PETITION FOR SPECIAL EXCEPTION 85-244-XA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a wireless transmitting and receiving structure pursuant to 1A04.2B.21 B.C.Z.R.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee:
~~Contract Purchaser~~
Harry H. Fischer, General Manager,
(Type or Print Name) Bell Atlantic Mobile Systems
Signature
180 Mount Airy Road
Address
Basking Ridge, New Jersey 07920
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
John B. Howard, Esquire
(Type or Print Name)
Signature
210 Allegheny Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: (301) 823-4111

Address Phone No.
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard
Name
210 Allegheny Avenue
Towson, MD 21204 823-4111
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of January, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of March, 1985, at 10:45 o'clock A. M.

Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1 (over)

ORDER RECEIVED FOR FILING
DATE March 8, 1985
BY

MAP 2C
12-F
1/25
43

PETITION FOR ZONING VARIANCE 85-244-XA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.A04.3.B1 to allow setbacks of 40 feet and 25 feet in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee:
~~Contract Purchaser~~
Harry H. Fischer, General Manager
(Type or Print Name) Bell Atlantic Mobile Systems
Signature
180 Mount Airy Road
Address
Basking Ridge, New Jersey 07920
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
John B. Howard, Esquire
(Type or Print Name)
Signature
210 Allegheny Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: (301) 823-4111

Address Phone No.
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard
Name
210 Allegheny Avenue
Towson, MD 21204 823-4111
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of January, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of March, 1985, at 10:45 o'clock A. M.

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
DATE March 8, 1985
BY

MAP 2C
12-F
1/25
43

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES
Beginning 1,771' SE of Park : OF BALTIMORE COUNTY
Heights Ave., .3 miles S of the
Centerline of Valley Heights :
Dr., 3rd District
:
BELL ATLANTIC MOBILE SYSTEMS, Case No. 85-244-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
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 15th day of August, 1985, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner/Lessee.

Peter Max Zimmerman
Peter Max Zimmerman

IN RE: PETITIONS SPECIAL EXCEPTION * BEFORE THE
AND VARIANCES
Beginning 1,771' SE of Park * ZONING COMMISSIONER
Heights Avenue, .3 Miles S
of the centerline of Valley * OF BALTIMORE COUNTY
Heights Drive - 3rd Election
District * Case No. 85-244-XA

Bell Atlantic Mobile Systems, *

Petitioner *

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, the Contract Lessee, requests a special exception for a wireless transmitting and receiving structure and variances to allow setbacks of 40 feet and 25 feet instead of the required 50 feet. At the onset of the hearing, the Petitioner moved to withdraw the Petition for Zoning Variances and submitted a revised site plan, Petitioner's Exhibit 1, which describes the requested relief more completely. The Motion was granted and the revised site plan was accepted.

The Petitioner, by Harry H. Fischer, its General Manager, appeared and testified and was represented by Counsel. Also appearing on behalf of the Petitioner were Edmund F. Haile, a registered engineer and land surveyor, and P. Wayne Weller, who prepared the site plan introduced as Petitioner's Exhibit 1. Attorney Jeffrey N. Pritzker, an adjoining property owner and President of the Valley Heights Improvement Association, appeared and testified in opposition of the proposed tower, as did James Cox, an area resident and President of the Caveswood Association. Other Protestants appeared (Protestants' Exhibit 5) and others wrote letters in opposition (Protestants' Exhibits 1, 2, and 3). Mr. Pritzker also introduced a petition signed by many local property owners opposing the tower (Protestants' Exhibit 4).

Testimony indicated that the subject property, zoned R.C.5, is owned and operated by Bais Yaakov School for Girls. The school is willing to lease the Petitioner sufficient space upon which a 150-foot monopole with a platform and 17-foot antenna, totaling 167 feet in height, can be constructed. The Petitioner, a wholly owned subsidiary of Bell Atlantic, intends to construct the proposed tower in order to establish one more link in its cellular mobile telephone system in the Baltimore area. After investigating other sites and reconsidering the geographic area needed to provide such a service, the Petitioner settled on the instant site as it met all of the engineering requirements. The Federal Communications Commission (FCC) has authorized the Petitioner to implement the mobile system and has reserved specific frequencies which will not obstruct or interfere with any other frequencies, e.g., television or radio. In addition to the tower, a 12' x 28' single-story accessory building will be constructed to house the various equipment necessary to operate the tower. Mr. Fischer testified that a seven-foot-high fence would be erected around the tower and building. Additionally, he testified that the tower is designed to withstand winds of a sustained 100 mph with gusts up to 120 mph and that its microwave transmissions emit less radiation than a micro-wave oven.

After conducting tests, Mr. Haile is of the opinion that, while the tower would be visible to adjacent property owners, it would not be obtrusive to the area in general because of the heavily wooded terrain and rolling topography.

The Protestants testified that there would be an adverse impact on the community in that the tower would be incompatible with the nature and intent of the R.C.5 Zone. They argued that a tower does not belong in such a rural and beautiful residential setting but rather in an industrial park or where there are other towers. Mr. Fischer testified that this could not be done.

The Petitioner seeks relief from Section 1A04.2.B.21, pursuant to Section 502.1, Baltimore County Zoning Regulations (BCZR).

It is clear that the BCZR permit a wireless transmitting and receiving structure in an R.C.5 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary residential and agricultural uses in the vicinity of the proposed tower. There is, of course, a strong presumption of the correctness of original zoning and of the comprehensive zoning process. Howard County v. Dorsey, 438 A.2d 1339 (1982). The County has deemed it necessary to legislate permitted uses, either as a matter of right or by special exception, in particular zones in the County, and one of those uses permitted by special exception in an R.C.5 Zone is the right to have a wireless transmitting and receiving structure.

Special exception uses are provided as part of the comprehensive zoning plan, and therefore, such uses share "the presumption that...it is in the interest of the general welfare and...valid." Turner v. Hammond, 310 A.2d 543 (1973). Such uses are presumptively permissible. Montgomery County v. Merlands Club, Inc., 96 A.2d 261 (1953). By permitting a tower as a special exception, the Baltimore County Council obviously determined that such a use was to be permitted as a general matter. Anderson v. Sawyer, 329 A.2d 716 (1974); Miller v. Kiwanis Club of Loch Raven, Inc., 347 A.2d 572 (1975). There is no inconsistency in permitting a tower in an R.C.5 Zone, provided the conditions delineated in Section 502.1 are satisfied.

> The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore valid. The special exception use is a valid zoning mechanism that delegates...a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given...are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

Schultz v. Pritts, 432 A.2d 1319 (1981).

The aesthetic problems argued by the Protestants are valid and well-meaning, but no testimony was presented that the tower would adversely impact the real estate values of the surrounding properties or be a safety problem. This Commissioner is bound by the legal constraints written into the law by the Baltimore County Council and the legitimate concern of aesthetics is not included. Also, it is strongly believed that this issue is not one zoning can or should resolve. There is no basis upon which this tower can be denied since the spirit and intent of the BCZR will not be violated.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 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 Zoning Commissioner of Baltimore County, this 5th day of March, 1985, that the Petition for Special Exception for a wireless transmitting and receiving structure be and the same is hereby GRANTED, from and after the date of this Order, subject to the following:

ORDER RECEIVED FOR FILING
DATE March 8, 1985
BY

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

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _________________ day of __________________________, 19_____, that the herein Petition for Special Exception

---

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/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ________ day of ____________________, 19______, that the herein Petition for Variance(s) to permit

---

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Zoning Commissioner of
Baltimore County

AJ/srl

cc: John B. Howard, Esquire
Jeffrey N. Pritzker, Esquire
Mr. James Cox
People's Counsel

ORDER RECEIVED FOR FILING
DATE ____________
BY ____________

EVANS, HAGAN & HOLDEFER, INC.
ENGINEERS, LAND PLANNERS & SURVEYORS
8101 SANDY SPRING ROAD / SUITE 304 / LAUREL, MD. 20707 / (301) 792-8086

BALTIMORE
J. CARROLL HAGAN L.S.
GEORGE W. HOLDEFER P.E.
MICHAEL T. MAGUIRE P.L.S.
JURI MAISTE L.S.
GERALD P. MATAGOS P.E. L.S.
RICHARD L. UMBARGER P.E.

CAMBRIDGE
L. ALAN EVANS P.E. L.S.

LAUREL
RODOLPH L. MAY JR. P.E.
D. WAYNE WELLER L.S.
JEFFERY B. KOZERO

WESTMINSTER
RICHARD L. HULL P.L.S.
GEORGE PICKAVANCE L.S.

DESCRIPTION OF 14,400 SQUARE FOOT
PORTION OF
BAIS YAAKOV SCHOOL FOR GIRLS
BELL ATLANTIC SITE BLT-GUU-2

THIS DESCRIPTION TO BE USED FOR BALTIMORE COUNTY DESCRIPTIVE PURPOSES ONLY AND IS NOT TO BE USED FOR INCLUSION IN ANY LEGAL AGREEMENTS.

Beginning for the same at the centerline intersection of Park Heights Avenue and Valley Heights Drive thence running with the centerline of Park Heights Avenue in a southerly direction three tenths (0.3) of a mile to the intersection with the entrance road to Bais Yaakov School For Girls thence running with the centerline of the entrance road in a southeasterly direction 1,714.3 feet to the southwest side of the main parking lot thence running with the centerline of an existing 12 foot wide gravel road in a westerly direction 56.7 feet thence running in a northerly direction 54.0 feet to an iron bar now set by Evans, Hagan & Holdefer, Inc. thence running the following four lines and distances to describe the parcel of land in the lease area 1. South 00 degrees 31 minutes 17 seconds West 120.00 feet to an iron bar now set, 2. North 89 degrees 28 minutes 43 seconds West 120.00 feet to an iron bar now set, 3. North 00 degrees 31 minutes 17 seconds East 120.00 feet, 4. South 89 degrees 28 minutes 43 seconds East 120.00 feet to the point of beginning.

1714.3
56.7
1771.0

original description

D. Wayne Weller

BALTIMORE	8013 BELAIR ROAD	BALTIMORE, MD. 21236	(301) 668-1501
CAMBRIDGE	538 POPLAR STREET	CAMBRIDGE, MD. 21613	(301) 228-3350
WESTMINSTER	111 JOHN STREET	WESTMINSTER, MD. 21157	(301) 848-1790

KIDDE CONSULTANTS, INC.
Subsidiary of Kidde, Inc.

8101 Sandy Spring Road
Laurel, MD 20707
(301) 792-8086

Direct Dial Number

DESCRIPTION OF A 1.5000 ACRE PARCEL
PORTION OF BAIS YAAKOV SCHOOL FOR
GIRLS
BELL ATLANTIC SITE
BLT-GUU-2
PARK HEIGHTS AVENUE

Beginning for the same at an iron bar now set by Kidde Consultants, Inc. said iron bar being at the end of a line drawn South 18 degrees 33 minutes 34 seconds West 1,435.94 feet from an iron pipe heretofore set at the end of the Ninth or South 48 degrees 45 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1976, and recorded among the mortgage records of Baltimore County in Liber 5680 Page 387 between Bais Yaakov School for Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Kidde Consultants, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following four lines and distances: 1. South 00 degrees 31 minutes 17 seconds West 502.62 feet to an iron bar now set thence 2. North 89 degrees 28 minutes 43 seconds West 130.00 feet to an iron bar now set, thence 3. North 00 degrees 31 minutes 17 seconds East 502.62 feet to an iron bar now set, thence 4. South 89 degrees 28 minutes 43 seconds East 130.00 feet to the place of beginning.

Containing 1.5000 Acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK JR 5641 Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.

revised description
filed at hearing

D. Wayne Weller

DESCRIPTION OF A 1.500 ACRE PARCEL
BELL ATLANTIC SITE BLT GUU-2
PARK HEIGHTS AVENUE

12 FOOT EASEMENT FOR
INGRESS AND EGRESS

Beginning for the same at a point on the first or South 00 degrees 31 minutes 17 seconds West line of the above mentioned parcel at a distance of 407.62 feet measured along said line in a southeasterly direction from the beginning of said first line, thence running 1. South 89 degrees 28 minutes 43 seconds East 55.61 feet thence 2. South 6 degrees 06 minutes 18 seconds East 12.08 feet thence 3. North 89 degrees 28 minutes 43 seconds West parallel to and 12.00 feet distant measured at right angles in a southwesterly direction from the first line of this description, 57.00 feet to a point on the first line of the above mentioned parcel, thence binding on and running reversely with part of said first line, 4. North 00 degrees 31 minutes 17 seconds East 12.00 feet to the point of beginning.

Containing 676 square feet of land more or less.

22 FOOT EASEMENT FOR
INGRESS AND EGRESS

Beginning at a point on the second or South 6 degrees 06 minutes 18 seconds East 12.08 foot line of the above described 12 foot wide easement at a distance of 6.04 feet measured along said second line in a southeasterly direction from the beginning of said line, thence running to describe the center line of a 22 foot easement from the 12 foot easement to Park Heights Avenue said center line running more or less with the center lines of the existing 24 foot wide entrance road 1. North 83 degrees 53 minutes 42 seconds East 311.64 feet 2. North 06 degrees 23 minutes 35 seconds West 156.38 feet to the center line intersection with the main entrance road, thence 3. by a curve to the right with a radius of 300.00 feet for a distance of 502.91 feet the arc of which is subtended by a chord bearing North 49 degrees 52 minutes 30 seconds West 446.06 feet to the end of said curve, thence 4. North 05 degrees 51 minutes 13 seconds West 118.75 feet, thence 5. by a curve to the left having a radius of 113.00 feet for a distance of 131.60 feet the arc of which is subtended by a chord bearing North 36 degrees 08 min-

revised description
filed at hearing

PETITION FOR SPECIAL EXCEPTION AND VARIANCES

3rd Election District

LOCATION: Beginning 1,771 ft. Southeast of Park Heights Avenue, .3 miles South of the centerline of Valley Heights Drive

DATE AND TIME: Monday, March 4, 1985 at 10:45 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 a wireless transmitting and receiving structure, pursuant to 1A04.2B.21 B.C.Z.R. and Variances to allow setbacks of 40 ft. and 25 ft. in lieu of the required 50 ft.

Being the property of Bell Atlantic Mobile Systems, as shown on plat plan filed with the Zoning Office.

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

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

ARNOLD JABLON
ZONING COMMISSIONER

February 28, 1985

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Variances
Beg. 1,771 ft. SE of Park Heights Ave., .3 miles
S of c/l of Valley Heights Drive
Bell Atlantic Mobile Systems - Petitioner
Case No. 85-244-XA

Dear Mr. Howard:

This is to advise you that $61.33 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,

OLD JABLON
ng Commissioner

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

No. 005317

DATE ____________ ACCOUNT ____________

AMOUNT $61.33

RECEIVED FROM ____________

FOR ____________

VALIDATION OR SIGNATURE OF CASHIER

JAN 20 1987

CASE NO. 85-244-XA

IN THE MATTER OF THE APPLICATION OF BELL ATLANTIC MOBILE SYSTEMS, INC. FOR A SPECIAL EXCEPTION FOR A WIRELESS TRANSMITTING AND RECEIVING STRUCTURE PURSUANT TO SECTION 1B04.2B.21 OF THE BCZR *

PROPERTY BEGINNING 1,771 FEET S/E OF PARK HEIGHTS AVENUE, .3 MILES SOUTH OF C/L OF VALLEY HEIGHTS DRIVE *

THIRD DISTRICT
ZONING CASE NO. 85-244-XA
THEODORE LOSIN, et al.

Appellants *

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

CT Docket No. 16
Folio No. 242
File No. 85-CG-3382

E

* * * * * * *

ORDER

Upon the foregoing Motion to Dismiss, and for good cause shown, it is this 11 day of ~~March~~ April, 1986,

ORDERED, the above-captioned case is hereby dismissed, WITH PREJUDICE, for failure to comply with Rule B7, Maryland Rules of Procedure.

John Hall
JUDGE

No objection filed to Motion.

FILED APR 11 1986

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL GENERAL

DOCKET 16 PAGE 342 CASE NO. 85-CG-3382 CATEGORY APPEAL

ATTORNEYS

THEODORE LOSIN
JEFFREY N. PRITZKER
CAVES VALLEY IMPROVEMENT ASSOCIATION, INC.
VALLEY HEIGHTS IMPROVEMENT ASSOCIATION, INC.

E

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
BELL ATLANTIC MOBILE SYSTEMS

Theodore Losin
Court Sq. Bldg, Ste. 600
(02)
Jeffrey N. Pritzker
405 E. Joppa Rd., Ste. 100 (04)

John B. Howard
210 Allegheny Ave. (04)
823-4111

4/14/86 N/E 1 Order to Bd of Appeal

(1) Oct 25, 1985 - Appellants' Order for Appeal from the Order of the County Board of Appeals of Baltimore County fd.

(2) Oct. 28, 1985 Certificate of Notice fd.

(3) November 1,1985- Plaintiff's petition for appeal fd.

(4) Nov. 14, 1985 - App. of John B. Howard for the Appellee (Bell Atlantic) & Same Day Answer to Petition of Appeal fd.

(5) Nov. 21, 1985 Appellants' Application for Extension of Time to Transmit Record fd.

(6) Dec. 17, 1985 - Order of Court that the Co. Bd. of Appeals transmit to the Clerk of this court the record fd. (AOH)

(7) March 13, 1986 - Certified Copies of Proceedings Before the Zoning Commissioner and The Board of Appeals of Baltimore County - The Transcript of Testimony in this Case has never been Ordered or paid for by the Appellant, therefore, it has not been prepared and filed by the Court Reporter fd.

(8) Mar. 20, 1986 - Deft's (Bell Atlantic Mobile Systems, Inc.) Motion to Dismiss fd.

(9) April 11, 1986 - Order of Court that the above case is hereby dismissed, with Prejudice, for failure to comply with Rule B7, Maryland Rules of Procedure fd.(JFF)

CV GEN COSTS
CV CLK 70.00
B LBRY 2.00
CKCHECK TL 15.00
#42403 C001 R02 T14:44
11 25 85

RECEIVED COUNTY BOARD OF APPEALS
1986 APR 15 P 12:23

DOCKET 16 [illegible] 342 CASE NO. 85 CG 3382

IN THE MATTER OF THE APPLICATION OF BELL ATLANTIC MOBILE SYSTEMS, INC. FOR SPECIAL EXCEPTION FOR A WIRELESS TRANSMITTING AND RECEIVING STRUCTURE PURSUANT TO SECTION 1A04.2b.21 OF THE BCZR *

PROPERTY BEGINNING 1771' SE OF PARK HEIGHTS AVE., .3 MILES S OF C/L OF VALLEY HEIGHTS DRIVE *
3rd DISTRICT
ZONING CASE NO. 85-244-XA

THEODORE LOSIN, et al. *

APPELLANTS

THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

C. G. DOCKET NO. 16

FOLIO NO. 242

FILE NO. 85-CG-3382

E

* * * * * * * * * * * *

ORDER

UPON THE AFOREGOING APPLICATION, and for good cause shown, it is this 12 day of November, 1985,

ORDERED, that the County Board of Appeals of Baltimore County shall transmit to the clerk of this court the original or certified copy of the record of its proceedings, including any transcript of testimony and any exhibit filed therein, within ninety (90) days after receipt of the first copy of the Petition of Appeal filed in these proceedings.

A. Owen Hennegan
JUDGE

FILED DEC. 17 1985

RECEIVED COUNTY BOARD OF APPEALS
1986 FEB 26 A 11:07

E

6 ss.

Sue

SEP [illegible] AM
ZONING DEPARTMENT
By

IN THE MATTER OF THE APPLICATION OF BELL ATLANTIC MOBILE SYSTEMS FOR SPECIAL EXCEPTION FOR A WIRELESS TRANSMITTING AND RECEIVING STRUCTURE PURSUANT TO §1A04.2B.21 of the BCZR
BEG. 1771" SE OF PARK HEIGHTS AVE., .3 MILES S OF C/L OF VALLEY HEIGHTS DRIVE :
3rd DISTRICT :

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. 85-244-XA

: :

OPINION

This case comes before this Board on an appeal from a decision of the Baltimore County Zoning Commissioner granting the requested special exception. The subject petition is for a special exception to allow the erection of a tower some 167 feet in height in an R.C. 5 zone to service a planned gridwork of towers that provides Bell Atlantic with a mobile telephone system. The submission of testimony and evidence consumed two days of hearings before this Board.

Petitioner's first witness was Harry Fisher, General Manager of Real Estate for Bell Atlantic, who testified as to all the reasons the subject site was selected and also to all the advantages the site offered to Bell Atlantic. He also testified that in order to complete this mobile telephone system thirty-five (35) stations or towers would be required for the Baltimore-Washington area and that thirty-two (32) are already in service. No testimony was received during this hearing as to any problems created by the existing thirty-two towers.

Edward Quinn, Senior Radio Engineer, was Petitioner's next witness.

Mr. Quinn testified as to the advantages of the grid concept for mobile telephones and that there have been no complaints as to T.V. interference from over fifty already existing sites.

Mr. Nandor J. Szayer, Professional Engineer with a specialty in structural engineering, testified as to the safety aspects of the tower relative to hurricane force winds and other foreseeable factors, and certified this tower to present no danger whatsoever. He also testified that to his knowledge no tower of this type has ever failed. He also noted the absence of any structures within the radius created by the tower.

Ronald C. Peterson, an Environmental Health Specialist with A.T. & T. Laboratories, next testified. Mr. Peterson submitted a list of his qualifications and was accepted as an expert in this field. He testified that he prepared an environmental impact study on this site and that all radiation from this site would be below existing standards, that this tower would cause no health hazard whatsoever and that there would be no danger of radiation at all.

Edmund Haile, Civil Engineer, was Petitioner's next witness. Mr. Haile testified as to two studies he performed on visibility of the subject tower and as a result of these tests rendered his opinion that the visual impact of this tower on this site was minor and had no detrimental impact on the immediate area.

Hugh Gelston, a real estate expert, testified that the subject tower would have no adverse impact on surrounding property values. Mr. Gelston based this opinion on comparable property sales of parcels near other towers and two sales in this immediate area.

George Gavrelis, a land planner, was Petitioner's final witness. Mr. Gavrelis testified that he had made a study of this site with regard to its use as relating to the requirements of §502.1 of the Baltimore County Zoning Regulations, testifying specifically as to its compliance with each subsection of §502.1. This concluded Petitioner's testimony in the case.

The Board will note that these brief summations of each witness's testimony is in no way intended to encompass all of the testimony presented in two days of hearings, but will allow the record to speak for itself.

At the conclusion of the Petitioner's case, Protestants made a Motion to Dismiss the petition because of lack of standing by the Petitioner. The Motion to Dismiss was denied by the Board. The petition clearly shows Bell Atlantic as Lessee and as such the petition was accepted for filing and was heard before the Baltimore County Zoning Commissioner, and it is the opinion of this Board that the requirements stated in §500.2.a of the BCZR have been fulfilled and, therefore, the Motion to Dismiss was denied.

Protestants presented as their only witness Herman B. Rosenthall of 310[illegible] Shelbourne Road and contract purchaser for 11116 Valley Heights Drive.

Mr. Rosenthall testified as to his search of this area for a desirable property to purchase, his reasons for selecting 11116 Valley Heights Drive prior to the erection of the tower and his opinion that this tower is detrimental to the value of his property. This concluded Protestants case.

Well written Memoranda were received from all parties in this case, were carefully considered by the Board and are a part of the case file. This Board has the authority to grant any allowed special exception provided it complies with all sections of §502.1 of the BCZR. If it fails to comply with any part of this Section, it must be denied. Petitioner has presented expert witnesses to address all relevant sections of §502.1 and their testimony is persuasive on their behalf. It is the opinion of this Board that all the requirements of §502.1 have been complied with and the special exception, therefore, must be granted and will so order.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 27th day of September, 1985, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules

---

B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lawrence E. Schmidt
Lawrence E. Schmidt

Patricia Phipps
Patricia Phipps

JAN 20 1987

IN THE MATTER : IN THE
OF THE APPLICATION OF
BELL ATLANTIC MOBILE SYSTEMS : CIRCUIT COURT
FOR SPECIAL EXCEPTION FOR A
WIRELESS TRANSMITTING AND : FOR
RECEIVING STRUCTURE PURSUANT
TO §1A04.2B.21 OF THE BCZR : BALTIMORE COUNTY
BEG. 1771' SE OF PARK HEIGHTS
AVE., .3 MILES S. OF C/L OF : AT LAW
VALLEY HEIGHTS DRIVE
3rd DISTRICT : C.G. DOCKET NO. 16

NO. 85-244-XA : FOLIO NO. 242

THEODORE LOSIN, ET AL : FILE NO. 85-CG-3382
PLAINTIFFS
:

: :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Lawrence E. Schmidt and Patricia Phipps, 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, John B. Howard, Esquire and Robert Hoffman, Esquire, 210 Allegheny Avenue, Towson, MD 21204, Attorneys for the Petitioner, and Harry H. Fischer, Bell Atlantic Mobile Systems, 180 Mount Airy Road, Basking Ridge, N. J. 07920, Petitioner, and Theodore Losin, President, Caves Valley Improvement Association, 1 Cliffside Court, Owings Mills, MD 21117 and Jeffrey N. Pritzker, President, Valley Heights Improvement Association, Inc., 11004 Valley Heights Drive, Owings Mills, MD 21117, Plaintiffs (Protestants-Appellants) and Phyllis Cole Friedman, Room 223, Courthouse, 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.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

I HERBY CERTIFY that a copy of the aforeoing Certificate of Notice has been mailed to John B. Howard, Esquire and Robert Hoffman, Esquire, 210 Allegheny Avenue, Towson, MD 21204, Attorneys for the Petitioner, and Harry H. Fischer, Bell Atlantic Mobile Systems, 180 Mount Airy Road, Basking Ridge, N. J. 07920, Petitioner, and Theodore Losin, President, Caves Valley Improvement Association, 1 Cliffside Court, Owings Mills, MD 21117 and Jeffrey N. Pritzker, President, Valley Heights Improvement Association, Inc., 11004 Valley Heights Drive, Owings Mills, MD 21117, Plaintiffs (Protestants-Appellants) and Phyllis Cole Friedman, Room 223, Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, on this 28th day of October, 1985.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County
494-3180

cc: Zoning (Sue) ✓
Planning (J.Hoswell)

OCT 3 0
☐ Ansd
☐ Rec
☐ Retd
☐ Entd
☐ Chkd
OFFICE OF PLANNING &
By

IN THE MATTER OF THE * IN THE
APPLICATION OF BELL ATLANTIC
MOBILE SYSTEMS, INC. FOR * CIRCUIT COURT
A SPECIAL EXCEPTION FOR A
WIRELESS TRANSMITTING AND * FOR
RECEIVING STRUCTURE PURSUANT
TO SECTION 1B04.2B.21 OF * BALTIMORE COUNTY
THE BCZR
* AT LAW
PROPERTY BEGINNING 1,771
FEET S/E OF PARK HEIGHTS * CT Docket No. 16
AVENUE, .3 MILES SOUTH OF Folio No. 242
C/L OF VALLEY HEIGHTS DRIVE * File No. 85-CG-3382

THIRD DISTRICT *
ZONING CASE NO. 85-244-XA
THEODORE LOSIN, et al. *

Appellants *

* * * * * * *

MOTION TO DISMISS

Bell Atlantic Mobile Systems, Inc., Appellee, by its attorneys John B. Howard and Cook, Howard, Downes & Tracy, hereby moves this Honorable Court to pass an Order dismissing the above-captioned case, and for reasons states the following:

1. An Order was passed in this case on November 17, 1985, granting an extension for transmittal to the Clerk of the Circuit Court, the original or certified copy of the record of the County Board of Appeals of Baltimore County's (the "Board") proceedings, including any transcript of testimony and any exhibit filed therein, within 90 days after the receipt of the first copy of the Petition of Appeal;

---

2. That Appellants Petition of Appeal was filed on November 4, 1985;

3. That 90 days following that date expired on February 2, 1986 and the transcript of the Board's proceedings has not been transmitted to the Circuit Court;

4. That Appellants have not paid the expense of transcription of the transcript of the proceedings before the Board, as required by the Board, and are in violation of Rule B7.a, Maryland Rules of Procedure, which requires Appellants pay that cost;

5. That pursuant to Rule B7.c, Maryland Rules of Procedure, this Appeal should be dismissed as the failure to transmit the transcript and the complete record within the time prescribed was the direct result of Appellants refusal to pay the cost of transcription.

Wherefore, Appellee requests that an Order be passed dismissing this case with prejudice.

JOHN B. HOWARD
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
301-823-4111
Attorney for Appellee

RECEIVED
COUNTY BOARD OF APPEALS
1986 MAR 21 A 11:38

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on this 20th day of March, 1986, a copy of the foregoing Motion to Dismiss and Order was mailed to County Board of Appeals of Baltimore County, Room 200, Old Courthouse, Towson, Maryland 21204 and Theodore Losin, 600 Court Square Building, Calvert and Lexington Streets, Baltimore, Maryland 21202 and Jeffrey N. Pritzker, 405 East Joppa Road, Suite 100, Towson, Maryland 21204 and Phyllis C. Friedman, People's Counsel, Old Courthouse, Second Floor, Towson, Maryland 21204.

JOHN B. HOWARD

RECEIVED
COUNTY BOARD OF APPEALS
1986 MAR 21 A 11:38

IN THE MATTER OF THE * IN THE
APPLICATION OF BELL ATLANTIC
MOBILE SYSTEMS, INC. FOR * CIRCUIT COURT
A SPECIAL EXCEPTION FOR A
WIRELESS TRANSMITTING AND * FOR
RECEIVING STRUCTURE PURSUANT
TO SECTION 1B04.2B.21 OF * BALTIMORE COUNTY
THE BCZR
* AT LAW
PROPERTY BEGINNING 1,771
FEET S/E OF PARK HEIGHTS * CT Docket No. 16
AVENUE, .3 MILES SOUTH OF Folio No. 242
C/L OF VALLEY HEIGHTS DRIVE * File No. 85-CG-3382

THIRD DISTRICT *
ZONING CASE NO. 85-244-XA
THEODORE LOSIN, et al. *

Appellants *

* * * * * * *

ORDER

Upon the foregoing Motion to Dismiss, and for good cause shown, it is this day of March, 1986,

ORDERED, the above-captioned case is hereby dismissed, WITH PREJUDICE, for failure to comply with Rule B7, Maryland Rules of Procedure.

JUDGE

IN THE MATTER : IN THE
OF THE APPLICATION OF
BELL ATLANTIC MOBILE SYSTEMS : CIRCUIT COURT
FOR SPECIAL EXCEPTION FOR A
WIRELESS TRANSMITTING AND : FOR
RECEIVING STRUCTURE PURSUANT
TO §1A04.2B.21 OF THE BCZR : BALTIMORE COUNTY
BEG. 1771' SE OF PARK HEIGHTS
AVE., .3 MILES S. OF C/L OF : AT LAW
VALLEY HEIGHTS DRIVE
3rd DISTRICT : CG DOCKET NO. 16

NO. 85-244-XA : FOLIO NO. 242

THEODORE LOSIN, ET AL : FILE NO. 85-CG-3382
PLAINTIFFS
:

: :

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 T. Hackett, Lawrence E. Schmidt and Patricia Phipps, 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 Planning and Zoning of Baltimore County:

No. 85-244-XA

Jan.	30, 1985	Petition of Bell Atlantic Mibile Systems for a special exception for a wireless transmitting and receiving structure pursuant to §1A04.2B.21 of BCZR and for variance from §1A04.3.B3 to allow setbacks of 40' and 25' in lieu of the required 50' on property located beginning 1771' southeast of Park Heights Avenue .3 miles south of the centerline of Valley Heights Drive, in the 3rd Election District - filed
"	30	Order of the Zoning Commissioner directing advertisement and posting of property - date of hearing set for March 4, 1985 at 10:45 a.m.
Feb.	19	Comments of the Director of the Office of Planning and Zoning filed
"	25	Comments of Zoning Plans Advisory Committee filed

Feb.	14, 1985	Certification of Publication in newspaper filed
"	15	Certification of Posting of property filed
Mar.	4	At 10:45 a.m. hearing held on petition by Zoning Commissioner, case held sub curia
April	4	Order of Appeal to County Board of Appeals from Order of Zoning Commissioner filed by counsel for Protestants
June	19	Hearing on appeal before County Board of Appeals
"	27	Continued hearing before County Board of Appeals, case held sub curia
Sept.	27	Order of County Board of Appeals granting special exception
Oct.	25	Order for Appeal filed in the Circuit Court for Baltimore County
Nov.	4	Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County
Oct.	28	Certificate of Notice sent to all interested parties
Nov.	21	Application for Extension of Time to transmit record filed
Dec.	17	Order of Court to Board of Appeals to transmit record Transcript of testimony filed (TRANSCRIPT NOT ORDERED OR PAID FOR BY APPELLANT - COURT REPORTER HAS NOT FILED SAME)

Petitioner's Exhibit No. 1 - Picture of similar tower in Longmor, Pa.
" " " 2 - Original Search Area #1
" " " 3 - Revised Search Area #2
" " " 4 - Color codes map showing coverage (Roll in closet)
" " " 5 - List of areas covered in cellular system
" " " 6 - Summary of opinion of Nandor J Szayer, 6/18/85, as to structural integrity of tower
" " " 7 - Plans of tower, 4 sheets, by Bell, certified by Szayer, 6/19/85

JAN 23 1987

Petitioner's Exhibit No.	8	- Site Plan area by Bell, 12/13/84
" " "	9	- (a to f) Power Density Charts
" " "	10	- 8 Photos of tower site on display board - 3/1/85 (closet)
" " "	11	- Topography chart showing location of tower (closet)
" " "	12	- Aerial Photo, 1982 (closet)
" " "	13	- Aerial Photo, same as #12 but also shows Susan Court (closet)
" " "	14	- 9 Photos on display board of surrounding area - 6/12/85 (closet)
" " "	15	- Portion of FAA chart w/ Mr. Hale's notes showing locations of other towers in area - 3 pages
Joint Exhibit No. 1		- Transcript of testimony of Dr. Arthur William Guy in case #85-96-XA, Grace L. Standiford
Miscellaneous Exhibit		- Z.C. file #85-244-XA & exhibits

Mar. 13, 1986 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, as are also the use district maPS, 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, ogether with the zoning use district maps, at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

cc: John B. Howard, Esq.
Robert Hoffman, Esq.
Theodore Losin, ESq.
Jeffrey N. Pritzker, Esq.
Phyllis Cole Friedman

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

ARNOLD JABLON
ZONING COMMISSIONER

May 1, 1985

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
Beg. 1771' SE of Park Heights Ave., 13 miles S of c/l of Valley Heights Drive
Bell Atlantic Mobile Systems - Petitioner
Case No. 85-244-XA

Dear Mr. Howard:

Please be advised that an appeal has been filed by protestants from the decision of the 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
Zoning Commissioner

AJ:aj

cc: People's Counsel

APR 4
☑ Ansd
☐ Recd
☐ Retd
☐ Entd
☐ Chkd
ZONING DEPARTMENT
By ....

March 29, 1985

Arnold Jablon, Esquire
ZONING COMMISSIONER
County Office Building
Towson, Maryland 21204

RE: PETITIONS SPECIAL EXCEPTION AND VARIANCES
Beginning 1,771' SE of Park Heights Avenue, .3 Miles S of the centerline of Valley Heights Drive - 3rd Election District
Case No. 85-244-XA
Bell Atlantic Mobile Systems

Dear Commissioner Jablon:

Please enter an Appeal from your decision in the above matter, entered on March 8, 1985.

This Appeal is being submitted and filed in behalf of the persons and tax payers listed below, all of whom are interested parties in the requests by the Petitioner in the above noted matter.

Very truly yours,

Theodore Losin
Theodore Losin
1 Cliffside Court
Owings Mills, Maryland 21117
363-1580

CAVES VALLEY IMPROVEMENT ASSOCIATION, INC.
BY Theodore Losin
Theodore Losin, Pres.

Jerome A. Levine
Jerome M. Levine
...urt
Maryland 21117

...chmister
...ourt
Maryland 21117

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 005392

DATE 1/11/85
ACCOUNT R-01-615-000
AMOUNT $1[illegible]
RECEIVED FROM: Theodore Losin
FOR: Appeal fee of Case No. 85-244-XA (Bell Atlantic Mobile Systems)
[illegible]
VALIDATION OR SIGNATURE OF CASHIER

IN THE MATTER
OF THE APPLICATION OF
BELL ATLANTIC
MOBILE SYSTEMS, INC.
FOR SPECIAL EXCEPTION
FOR A WIRELESS TRANSMITTING
AND RECEIVING STRUCTURE
PURSUANT TO SECTION
1A04.2b.21 OF THE BCZR

PROPERTY BEGINNING 1771' SE
OF PARK HEIGHTS AVE., .3
MILES S OF C/L OF VALLEY
HEIGHTS DRIVE
3rd DISTRICT
ZONING CASE NO. 85-244-XA

THEODORE LOSIN, et al.

APPELLANTS

IN THE CIRCUIT
COURT FOR BALTIMORE
COUNTY AT LAW
C. G. DOCKET NO. 16
FOLIO NO. 242
FILE NO. 85-CG-3382

* * * * * * * * * * * *

POINTS AND AUTHORITIES

Rule B7b., Maryland Rules of Procedure

IN THE MATTER
OF THE APPLICATION OF
BELL ATLANTIC
MOBILE SYSTEMS, INC.
FOR SPECIAL EXCEPTION
FOR A WIRELESS TRANSMITTING
AND RECEIVING STRUCTURE
PURSUANT TO SECTION
1A04.2b.21 OF THE BCZR

PROPERTY BEGINNING 1771' SE
OF PARK HEIGHTS AVE., .3
MILES S OF C/L OF VALLEY
HEIGHTS DRIVE
3rd DISTRICT
ZONING CASE NO. 85-244-XA

THEODORE LOSIN, et al.

APPELLANTS

IN THE CIRCUIT
COURT FOR BALTIMORE
COUNTY AT LAW
C. G. DOCKET NO. 16
FOLIO NO. 242
FILE NO. 85-CG-3382

* * * * * * * * * * * *

APPLICATION FOR EXTENSION OF TIME TO TRANSMIT RECORD

The Applicants, Theodore Losin, Jeffrey N. Pritzker, Caves Valley Improvement Association, Inc. and Valley Heights Improvement Association, Inc., individually and by Theodore Losin and Jeffrey N. Pritzker, their attorneys, request this Court to extend the time in which the record of the agency prodeeding in this matter, including a transcript of testimony and exhibits, shall be transmitted to the clerk of the court, and for reasons therefore state:

That the reporter for the agency, the County Board of Appeals, is in need of additional time in which to prepare and transmit the record of the agency proceedings, including a transcript of testimony and all exhibits filed before the agency, due to the existence of a considerable number of appeals to the Circuit Court for Baltimore County in other pending matters, and the extensive nature and length of the record in this appeal.

RECEIVED
COUNTY BOARD OF APPEALS
1985 NOV 22 A 10:43

WHEREFORE, the Applicants request this Court to pass an Order permitting the filing of the entire record in this case on or before ninety (90) days after receipt of the Petition of Appeal.

THEODORE LOSIN
600 Court Square Building
Calvert & Lexington Streets
Baltimore, Maryland 21202
685-5810

JEFFREY N. PRITZKER
405 East Joppa Road, Suite 100
Towson, Maryland 21204
823-2222

Individually and as Attorneys for Applicants.

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 21 day of November, 1985, a copy of the aforegoing Application was mailed, first class, postage pre-paid, to the County Board of Appeals of Baltimore County, room 200, Court House, Towson, Maryland 21204 and John B. Howard, Esquire, 210 Alleghney Avenue, Towson, Maryland 21204, and Phyllis C. Friedman, People's Counsel, Old Court House, second floor, Towson, Maryland 21204.

THEODORE LOSIN

IN THE MATTER
OF THE APPLICATION OF
BELL ATLANTIC
MOBILE SYSTEMS, INC.
FOR SPECIAL EXCEPTION
FOR A WIRELESS TRANSMITTING
AND RECEIVING STRUCTURE
PURSUANT TO SECTION
1A04.2b.21 OF THE BCZR

PROPERTY BEGINNING 1771' SE
OF PARK HEIGHTS AVE., .3
MILES S OF C/L OF VALLEY
HEIGHTS DRIVE
3rd DISTRICT
ZONING CASE NO. 85-244-XA

THEODORE LOSIN, et al.

APPELLANTS

IN THE CIRCUIT
COURT FOR BALTIMORE
COUNTY AT LAW
C. T. DOCKET NO. 16
FOLIO NO. 242
FILE NO. 85-CG-3382

* * * * * * * * *

ANSWER TO PETITION OF APPEAL

Bell Atlantic Mobile Systems, Inc., Appellee, by it's attorneys John B. Howard, and Cook, Howard, Downes & Tracy, answers Appellant's Petition of Appeal as follows:

1. Appellee concurs with the factual statement in paragraph 1.
2. Appellee denies the allegations contained in paragraph 2, 3, 4, 5 and 6.
3. Further answering the Petition, Appellee states that the decision of the County Board of Appeals of Baltimore County was reasonable and supported by legally competent and substantial evidence.

WHEREFORE, Appellee respectfully requests that:

a. The Appeal be dismissed; or

---

b. The Order of the Board of Appeals of Baltimore County be affirmed, and;

c. The Appellee be granted such other and further relief at the nature of this case may require.

John B. Howard
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, Maryland 21204
301 823-4111
Attorneys for Appellee

CERTIFICATION OF SERVICE

I HERBY CERTIFY that on this 14th day of November, 1985 a copy of the foregoing ANSWER TO PETITION OF APPEAL was mailed to Theodore Losin, 600 Court Square Building, Calvert & Lexington Street, Baltimore, Maryland 21202, Jeffrey N. Pritzker, 405 East Joppa Road, Suite 100, Towson, Maryland 21204, individually and attorneys for the Appellant, Phyllis C. Friedman, People's Counsel, and Peter Max Zimmerman, Deputy People's Counsel, Old Court House, 2nd Floor, Towson, Maryland 21204.

John B. Howard

RECEIVED
COUNTY BOARD OF APPEALS
1985 NOV 14 A 10:14

JAN 20 1987

THEODORE LOSIN, et al * IN THE
Appellants * CIRCUIT COURT
Vs. * FOR
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY * BALTIMORE COUNTY
* Case No. 85CG3382 16/242
and *
BELL ATLANTIC MOBILE SYSTEMS *
Appellees

* * * * * * * * *

PETITION FOR APPEAL

THEODORE LOSIN, JEFFREY N. PRITZKER, CAVES VALLEY IMPROVEMENT ASSOCIATION, INC. and VALLEY HEIGHTS IMPROVEMENTS ASSOCIATION, INC., individually and by Theodore Losin and Jeffrey N. Pritzker, their attorneys, respectfully represent as follows:

1. That your Petitioners filed an Order for Appeal in this Court on October 25, 1985 from the Order of the County Board of Appeals of Baltimore County, of September 27, 1985, in Case No. 85-244-XA, in which the County Board of Appeals granted a special exception to Bell Atlantic Mobile Systems permitting the erection of a tower one hundred sixty seven (167) feet in height in R.C. 5 zone to service a planned gridwork of towers as part of a mobile telephone system.

2. That the Order of the County Board of Appeals is arbitrary, capricious and unreasonable.

3. That the sai' Order is contrary to the weight of the evidence before the Board.

4. That Bell Atlantic Mobile Systems is not a proper party to file the application for a special exception in this matter, and the Board erred in permitting Bell Atlantic Mobile Systems to file and process such application.

5. That the special exception requested in the application should not have been granted since the proposed use, at the particular location set forth in the application, will have an adverse effect above and beyond that ordinarily associated with such uses, and the beneficial purposes provided by said use would not outweigh their possible adverse effects.

6. And for such other and further reasons as will be presented at the Hearing of this Appeal.

WHEREFORE, your Petitioners pray this Honorable Court pass an Order reversing the Order of the County Board of Appeals.

RECEIVED
COUNTY BOARD OF APPEALS
[illegible] NOV -4 A10:29

Theodore Losin
600 Court Square Building
Calvert and Lexington Street
Baltimore, Maryland 21202
685-5810

Jeffrey N. Pritzker
405 East Joppa Road, Suite 100
Towson, Maryland 21204
823-2222

Individually and as Attorneys
for Petitioners

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this day of November, 1985, a copy of the aforegoing Petition for Appeal was mailed, first class, postage prepaid to the County Board of Appeals of Baltimore County, Room 200, Court House, Towson, Maryland 21204, and John B. Howard, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204.

Jeffrey N. Pritzker

IN THE MATTER
OF THE APPLICATION OF
BELL ATLANTIC MOBILE SYSTEMS
FOR SPECIAL EXCEPTION FOR A
WIRELESS TRANSMITTING AND
RECEIVING STRUCTURE PURSUANT
TO §1A04.2B.21 OF THE BCZR
BEG. 1771' SE OF PARK HEIGHTS
AVE., .3 MILES S. OF C/L OF
VALLEY HEIGHTS DRIVE
3rd DISTRICT

NO. 85-244-XA

THEODORE LOSIN, ET AL
PLAINTIFFS

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
C.G. DOCKET NO. 16
FOLIO NO. 242
FILE NO. 85-CG-3382

: :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Lawrence E. Schmidt and Patricia Phipps, 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, John B. Howard, Esquire and Robert Hoffman, Esquire, 210 Allegheny Avenue, Towson, MD 21204, Attorneys for the Petitioner, and Harry H. Fischer, Bell Atlantic Mobile Systems, 180 Mount Airy Road, Basking Ridge, N. J. 07920, Petitioner, and Theodore Losin, President, Caves Valley Improvement Association, 1 Cliffside Court, Owings Mills, MD 21117 and Jeffrey N. Pritzker, President, Valley Heights Improvement Association, Inc., 11004 Valley Heights Drive, Owings Mills, MD 21117, Plaintiffs (Protestants-Appellants) and Phyllis Cole Friedman, Room 223, Courthouse, 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.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

BELL ATLANTIC V. LOSIN, ET AL
16/242/85-CG-3382

I HERBY CERTIFY that a copy of the aforeoing Certificate of Notice has been mailed to John B. Howard, Esquire and Robert Hoffman, Esquire, 210 Allegheny Avenue, Towson, MD 21204, Attorneys for the Petitioner, and Harry H. Fischer, Bell Atlantic Mobile Systems, 180 Mount Airy Road, Basking Ridge, N. J. 07920, Petitioner, and Theodore Losin, President, Caves Valley Improvement Association, 1 Cliffside Court, Owings Mills, MD 21117 and Jeffrey N. Pritzker, President, Valley Heights Improvement Association, Inc., 11004 Valley Heights Drive, Owings Mills, MD 21117, Plaintiffs (Protestants-Appellants) and Phyllis Cole Friedman, Room 223, Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, on this 28th day of October, 1985.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County
494-3180

cc: Zoning (Sue)
Planning (J.Hoswell)

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

October 28, 1985

Theodore Losin, President
Caves Valley Improvement Assn.
1 Cliffside Court
Owings Mills, MD 21117
and
Jeffrey N. Pritzker, President
Valley Heights Improvement Assn., Inc.
11004 Valley Heights Drive
Owings Mills, MD 21117

Re: Case No. 85-244-XA
Bell Atlantic Mobile Systems

Gentlemen:

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 appeal which you have taken to the Circuit Court for Baltimore County in the above entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of 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 file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court. Also enclosed is an invoice covering the cost of certified copies of necessary documents which must be included in this file. Please remit as indicated on invoice.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosures

October 28, 1985

BILLED TO: Theodore Losin, President
Caves Valley Improvement Assn.
1 Cliffside Court
Owings Mills, MD 21117
and
Jeffrey N. Pritzker, President
Valley Heights Improvement Assn., Inc.
11004 Valley Heights Drive
Owings Mills, MD 21117

Cost of certified copies of documents
filed in case No. 85-244-XA. $24.00

Bell Atlantic Mobile Systems
Beg. 1771' SE of Park Heights Ave.,
.3 miles S. of c/l of Valley Heights Drive
3rd District

MAKE CHECKS PAYABLE TO: BALTIMORE COUNTY, MD

REMIT TO: COUNTY BOARD OF APPEALS
ROOM 200 COURTHOUSE
TOWSON, MD. 21204

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

October 28, 1985

John B. Howard, Esquire
Robert Hoffman, Esquire
210 Allegheny Avenue
Towson, MD 21204

Re: Case No. 85-244-XA
Bell Atlantic Mobile Systems

Gentlemen:

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.

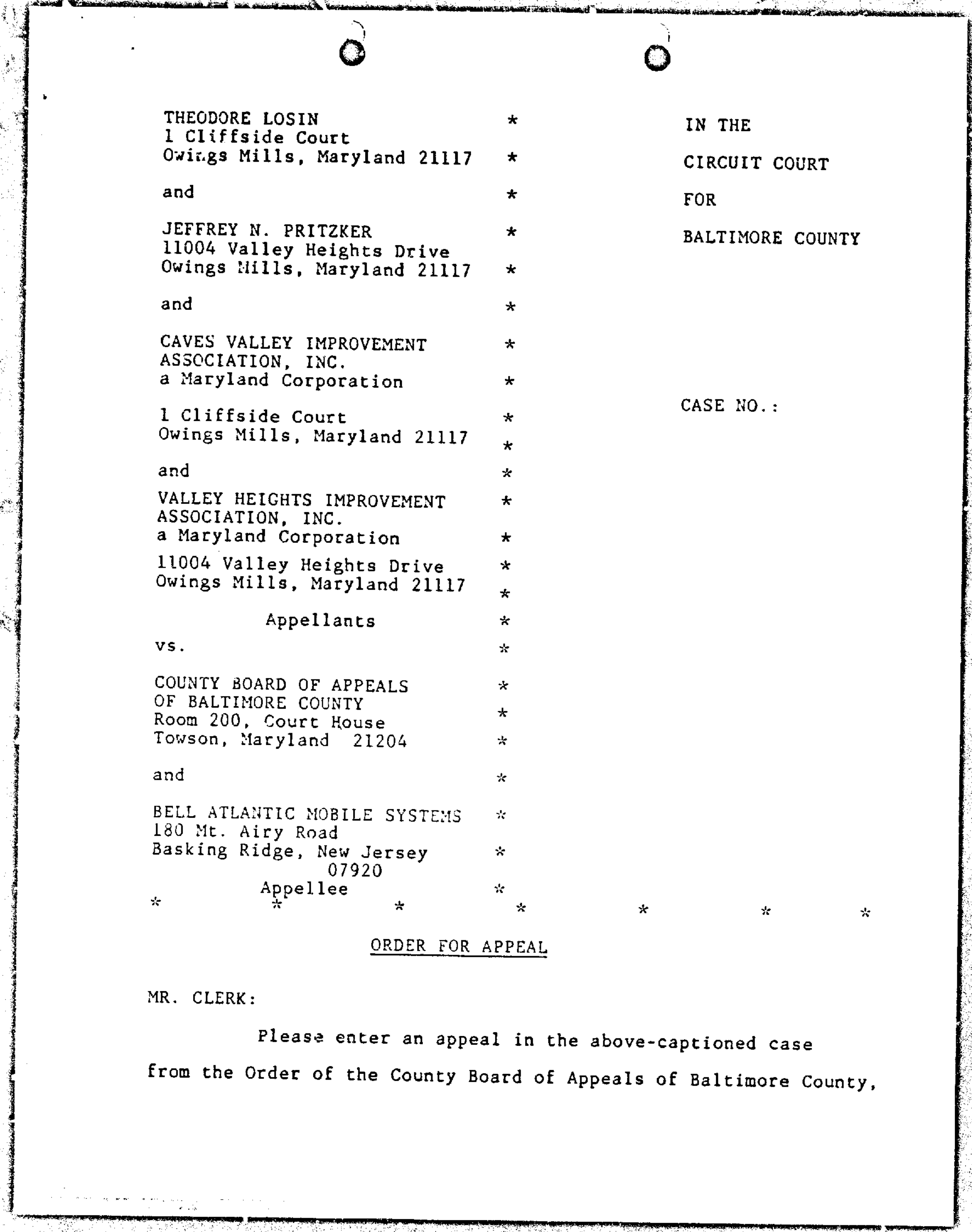
Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosures

cc: Phyllis Cole Friedman
Harry H. Fischer

JAN 20 1987



THEODORE LOSIN *
1 Cliffside Court
Owings Mills, Maryland 21117 *

and *

JEFFREY N. PRITZKER *
11004 Valley Heights Drive
Owings Mills, Maryland 21117 *

and *

CAVES VALLEY IMPROVEMENT *
ASSOCIATION, INC.
a Maryland Corporation *

1 Cliffside Court *
Owings Mills, Maryland 21117 *

and *

VALLEY HEIGHTS IMPROVEMENT *
ASSOCIATION, INC.
a Maryland Corporation *

11004 Valley Heights Drive *
Owings Mills, Maryland 21117 *

Appellants *

vs. *

COUNTY BOARD OF APPEALS *
OF BALTIMORE COUNTY *
Room 200, Court House
Towson, Maryland 21204 *

and *

BELL ATLANTIC MOBILE SYSTEMS *
180 Mt. Airy Road
Basking Ridge, New Jersey *
07920
Appellee *

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

CASE NO.:

* * * * * * *

ORDER FOR APPEAL

MR. CLERK:

Please enter an appeal in the above-captioned case from the Order of the County Board of Appeals of Baltimore County,

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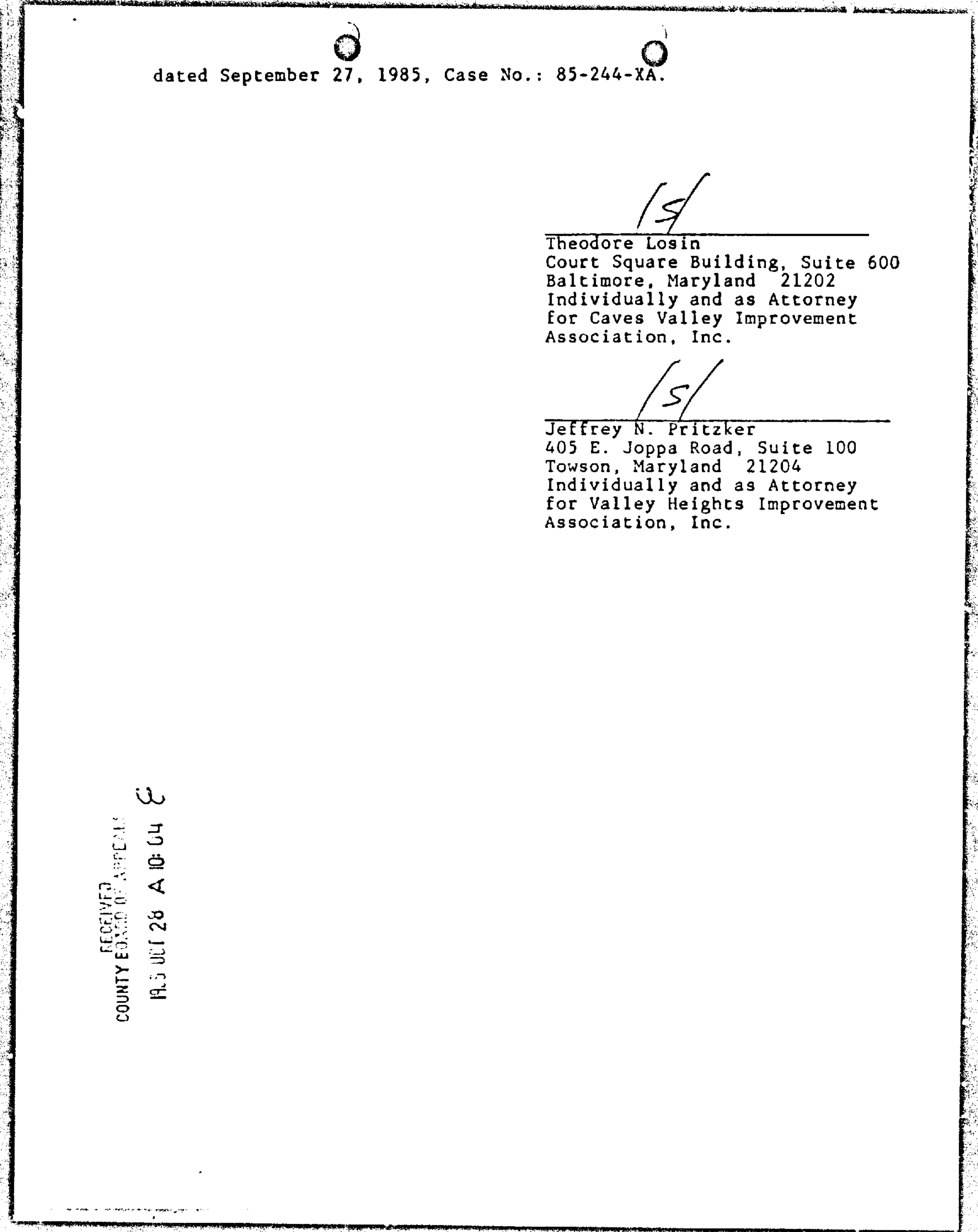

dated September 27, 1985, Case No.: 85-244-XA.

/s/
Theodore Losin
Court Square Building, Suite 600
Baltimore, Maryland 21202
Individually and as Attorney
for Caves Valley Improvement
Association, Inc.

/s/
Jeffrey N. Pritzker
405 E. Joppa Road, Suite 100
Towson, Maryland 21204
Individually and as Attorney
for Valley Heights Improvement
Association, Inc.

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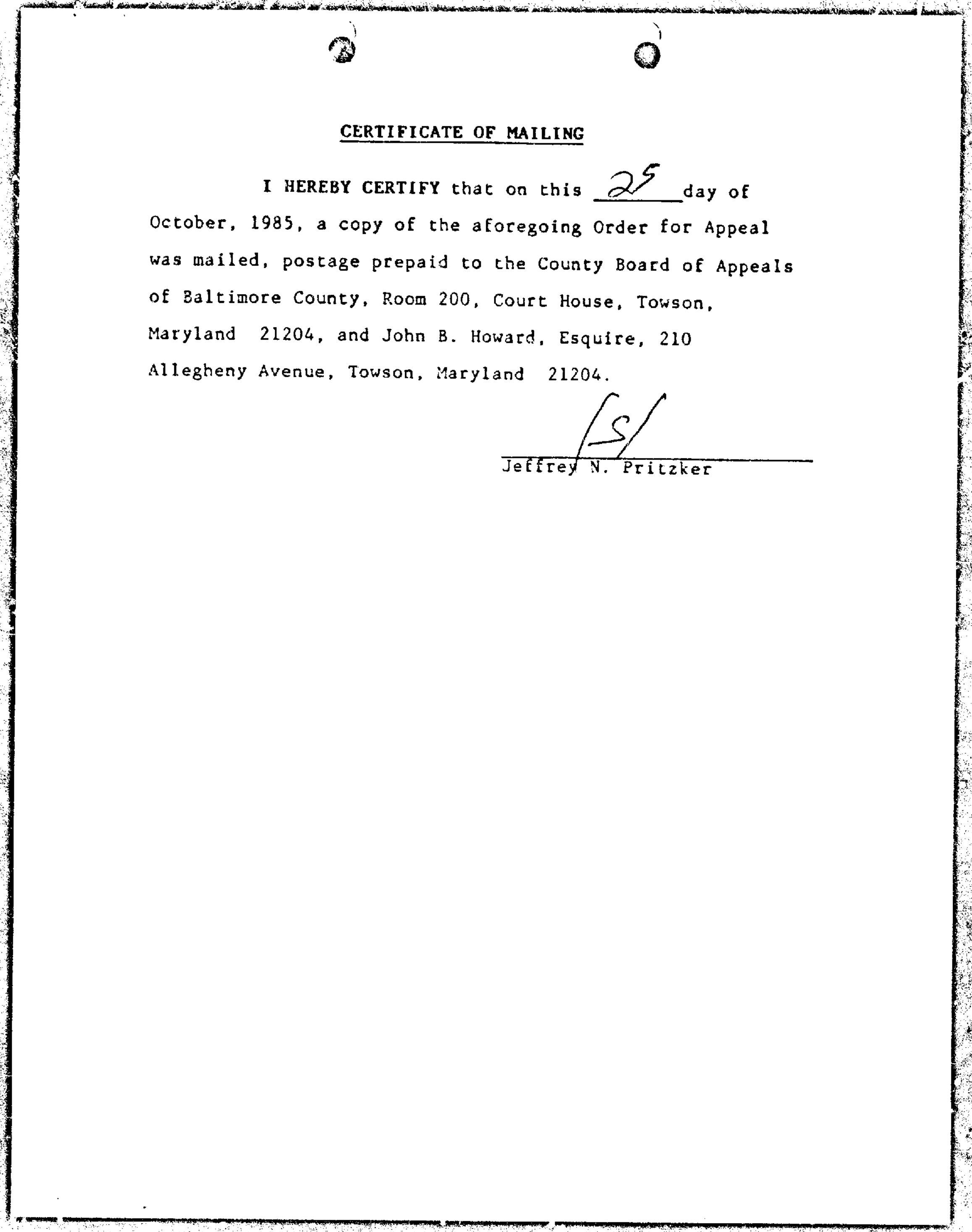
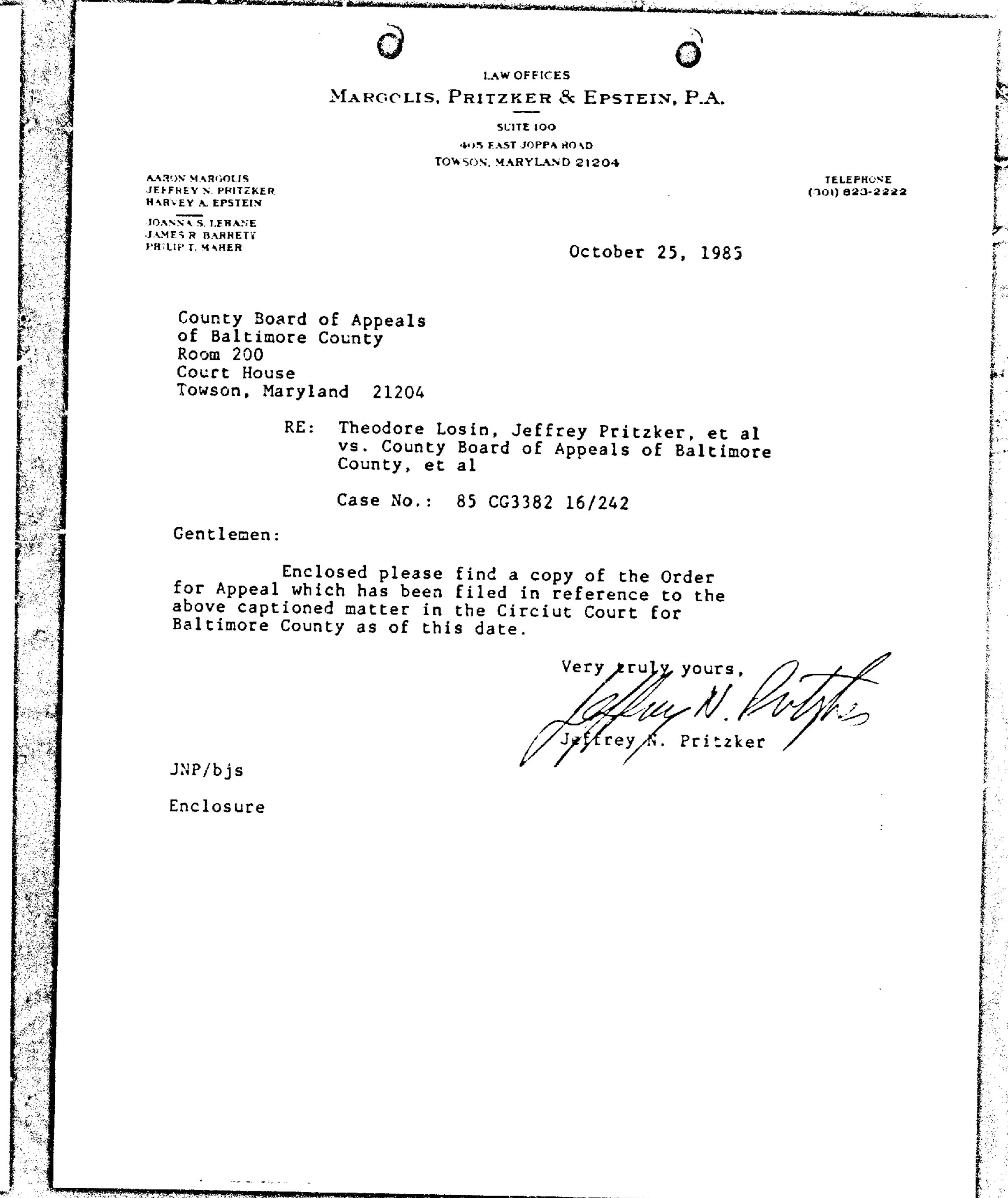
COUNTY BOARD OF APPEALS
1985 OCT 28 A 10:04 E



CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25 day of October, 1985, a copy of the aforegoing Order for Appeal was mailed, postage prepaid to the County Board of Appeals of Baltimore County, Room 200, Court House, Towson, Maryland 21204, and John B. Howard, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204.

/s/
Jeffrey N. Pritzker



LAW OFFICES
MARGOLIS, PRITZKER & EPSTEIN, P.A.
SUITE 100
405 EAST JOPPA ROAD
TOWSON, MARYLAND 21204

AARON MARGOLIS
JEFFREY N. PRITZKER
HARVEY A. EPSTEIN

JOANNA S. LEHANE
JAMES R. BARRETT
PHILIP T. MAHER

TELEPHONE
(301) 823-2222

October 25, 1985

County Board of Appeals
of Baltimore County
Room 200
Court House
Towson, Maryland 21204

RE: Theodore Losin, Jeffrey Pritzker, et al
vs. County Board of Appeals of Baltimore
County, et al

Case No.: 85 CG3382 16/242

Gentlemen:

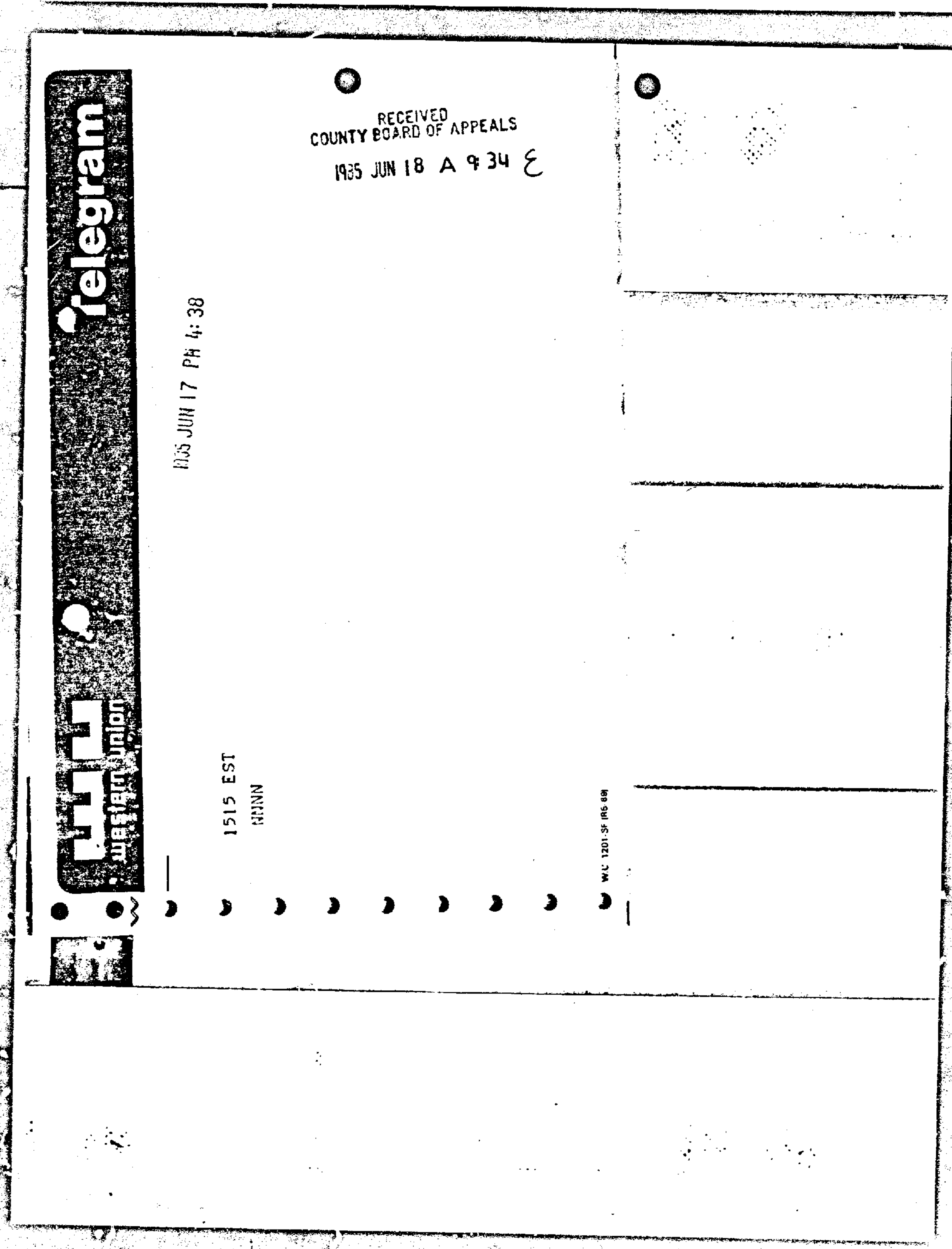
Enclosed please find a copy of the Order for Appeal which has been filed in reference to the above captioned matter in the Circiut Court for Baltimore County as of this date.

Very truly yours,

Jeffrey N. Pritzker
Jeffrey N. Pritzker

JNP/bjs

Enclosure



western union telegram

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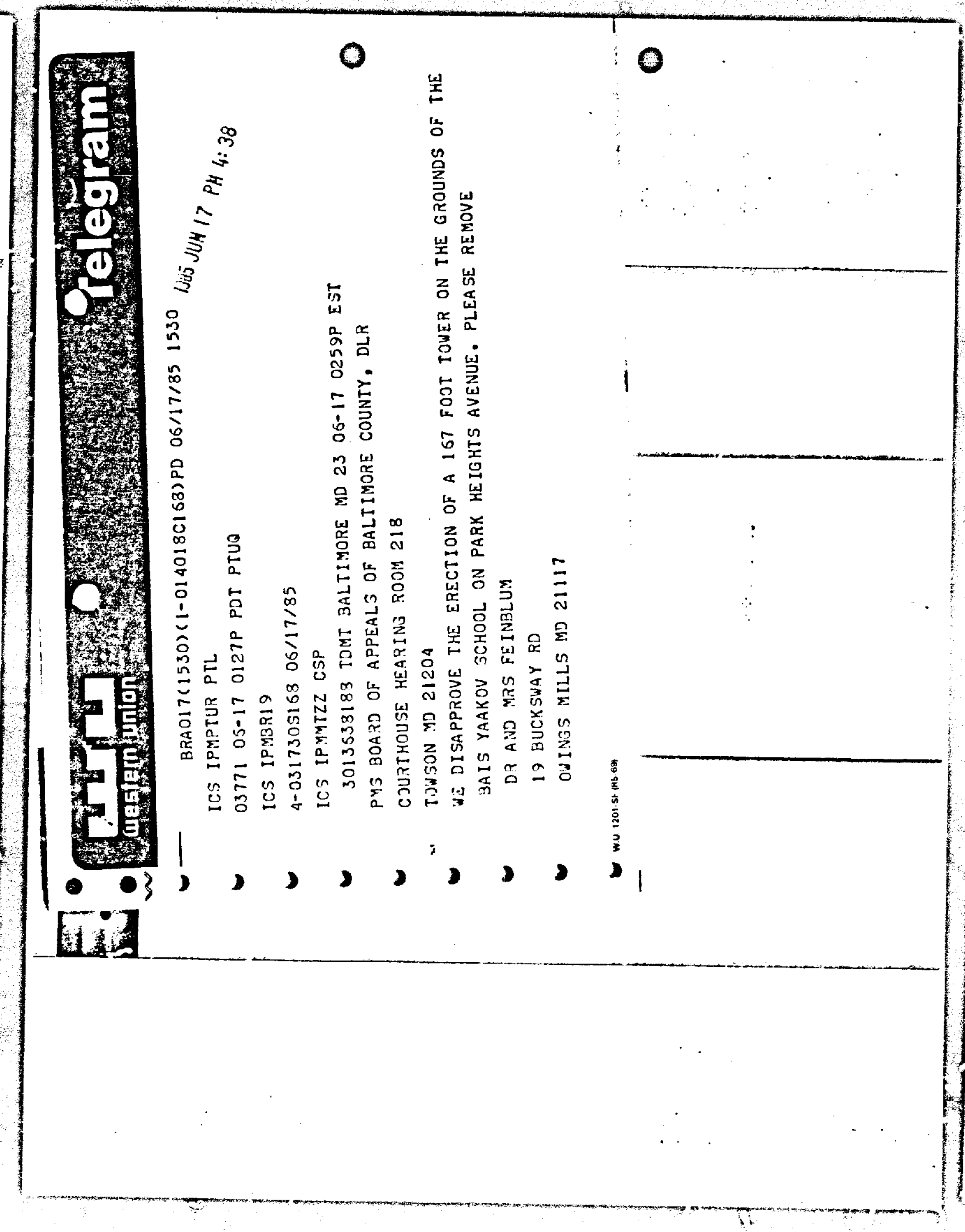
W.U. 1201-SF (R5-69)



western union telegram

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ICS IPMMTZZ CSP
 3013638188 TDMT BALTIMORE MD 23 06-17 0259P EST
PMS BOARD OF APPEALS OF BALTIMORE COUNTY, DLR
COURTHOUSE HEARING ROOM 218
TOWSON MD 21204
WE DISAPPROVE THE ERECTION OF A 167 FOOT TOWER ON THE GROUNDS OF THE
 BAIS YAAKOV SCHOOL ON PARK HEIGHTS AVENUE. PLEASE REMOVE
  DR AND MRS FEINBLUM
  19 BUCKSWAY RD
  OWINGS MILLS MD 21117
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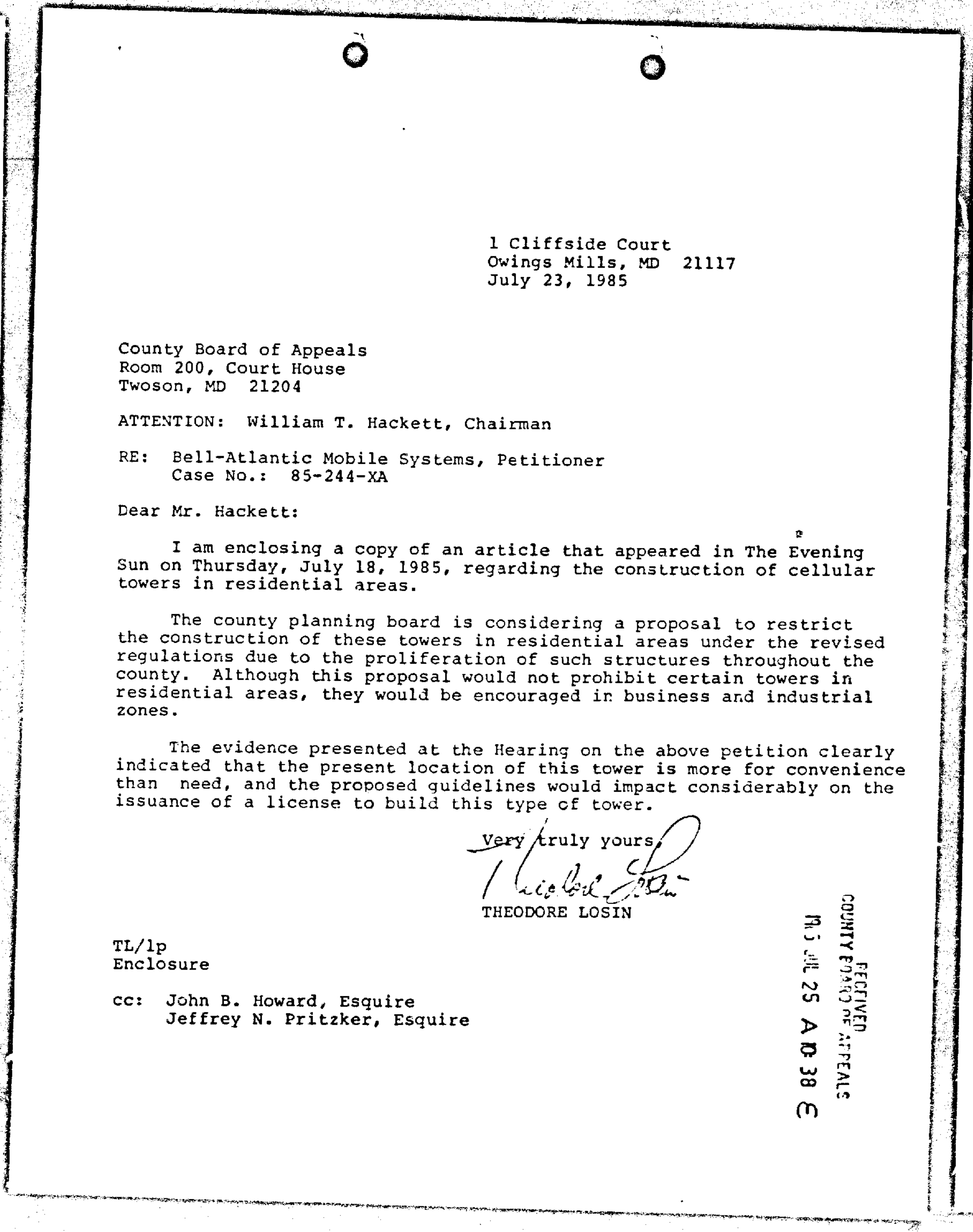
1985 JUN 17 PM 4:38

W.U. 1201-SF (R5-69)



1 Cliffside Court
Owings Mills, MD 21117
July 23, 1985

County Board of Appeals
Room 200, Court House
Twoson, MD 21204

ATTENTION: William T. Hackett, Chairman

RE: Bell-Atlantic Mobile Systems, Petitioner
Case No.: 85-244-XA

Dear Mr. Hackett:

I am enclosing a copy of an article that appeared in The Evening Sun on Thursday, July 18, 1985, regarding the construction of cellular towers in residential areas.

The county planning board is considering a proposal to restrict the construction of these towers in residential areas under the revised regulations due to the proliferation of such structures throughout the county. Although this proposal would not prohibit certain towers in residential areas, they would be encouraged in business and industrial zones.

The evidence presented at the Hearing on the above petition clearly indicated that the present location of this tower is more for convenience than need, and the proposed guidelines would impact considerably on the issuance of a license to build this type of tower.

Very truly yours,

Theodore Losin
THEODORE LOSIN

TL/lp
Enclosure

cc: John B. Howard, Esquire
Jeffrey N. Pritzker, Esquire

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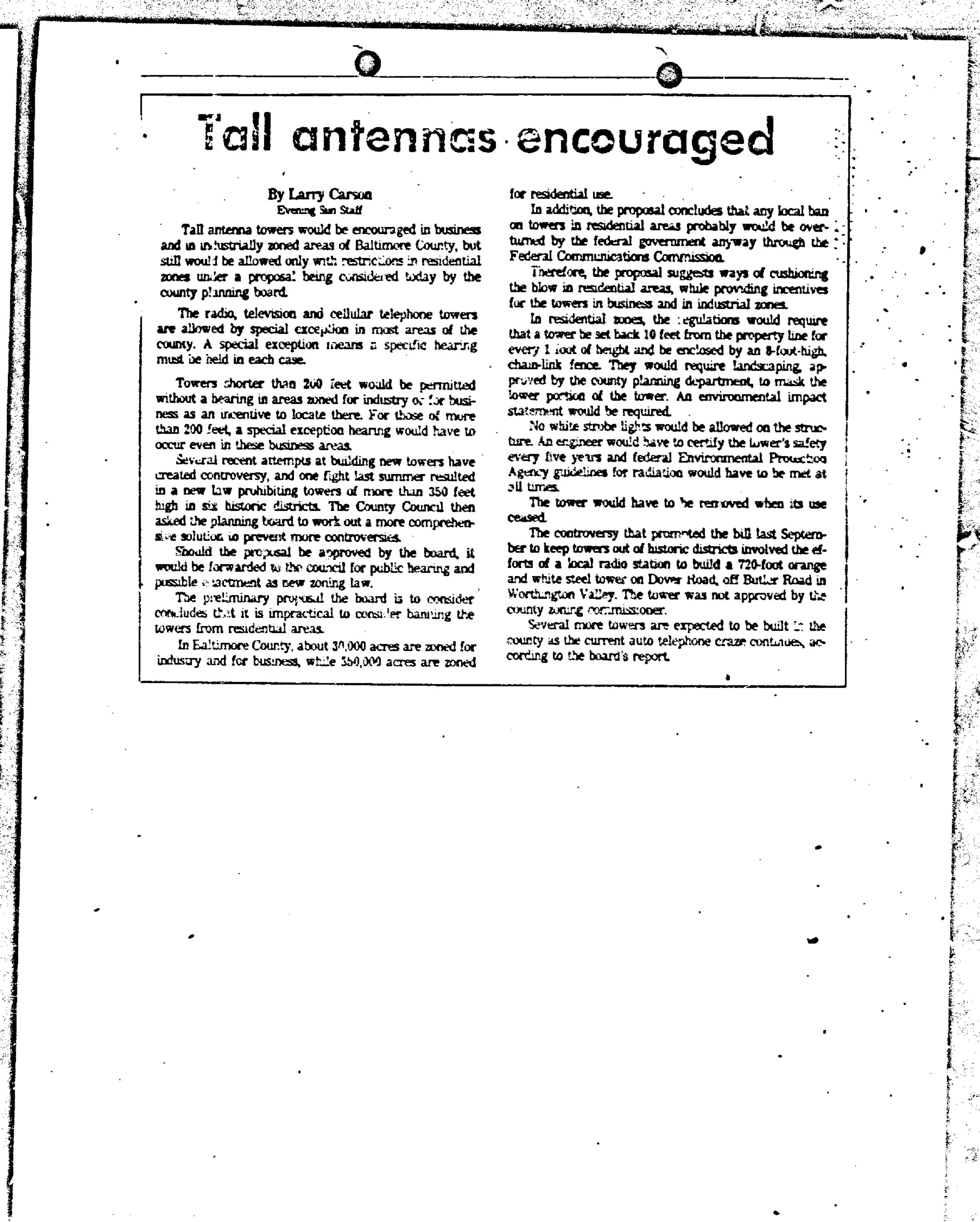
COUNTY BOARD OF APPEALS
1985 JUL 25 A 10:38 E



Tall antennas encouraged

By Larry Carson
Evening Sun Staff

Tall antenna towers would be encouraged in business and in industrially zoned areas of Baltimore County, but still would be allowed only with restrictions in residential zones under a proposal being considered today by the county planning board.

The radio, television and cellular telephone towers are allowed by special exception in most areas of the county. A special exception means a specific hearing must be held in each case.

Towers shorter than 200 feet would be permitted without a hearing in areas zoned for industry or for business as an incentive to locate there. For those of more than 200 feet, a special exception hearing would have to occur even in these business areas.

Several recent attempts at building new towers have created controversy, and one fight last summer resulted in a new law prohibiting towers of more than 350 feet high in six historic districts. The County Council then asked the planning board to work out a more comprehensive solution to prevent more controversies.

Should the proposal be approved by the board, it would be forwarded to the council for public hearing and possible enactment as new zoning law.

The preliminary proposal the board is to consider concludes that it is impractical to consider banning the towers from residential areas.

In Baltimore County, about 30,000 acres are zoned for industry and for business, while 350,000 acres are zoned for residential use.

In addition, the proposal concludes that any local ban on towers in residential areas probably would be overturned by the federal government anyway through the Federal Communications Commission.

Therefore, the proposal suggests ways of cushioning the blow in residential areas, while providing incentives for the towers in business and in industrial zones.

In residential zones, the regulations would require that a tower be set back 10 feet from the property line for every 1 foot of height and be enclosed by an 8-foot-high, chain-link fence. They would require landscaping, approved by the county planning department, to mask the lower portion of the tower. An environmental impact statement would be required.

No white strobe lights would be allowed on the structure. An engineer would have to certify the tower's safety every five years and federal Environmental Protection Agency guidelines for radiation would have to be met at all times.

The tower would have to be removed when its use ceased.

The controversy that promoted the bill last September to keep towers out of historic districts involved the efforts of a local radio station to build a 720-foot orange and white steel tower on Dover Road, off Butler Road in Worthington Valley. The tower was not approved by the county zoning commissioner.

Several more towers are expected to be built in the county as the current auto telephone craze continues, according to the board's report.

JAN 20 1987

Baltimore County, Maryland
PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

July 17, 1985

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

RE: Bell Atlantic Mobile Systems,
Petitioner, Zoning Case No.
85-244-XA

Dear Chairman Hackett:

Please consider this letter as People's Counsel's Memorandum in the above case.

After careful consideration, we believe that the evidence fails to prove or demonstrate the safety of radiofrequency radiation emissions from the proposed tower. This is of particular concern because the tower sits on school property. In this connection, the absence of representatives from Bais Yaakov School for Girls at the hearing is a real concern.

The expert evidence came from an engineering background. The only long term, low level study produced positive cancer results in rats. The effects of RF radiation apparently are cumulative. There is considerable uncertainty in the scientific community as to the proper standard. The Russian standard is not far above the levels expected from the proposed facility. Dr. Guy admitted that the results of his group's study suggested the tightening of the American standard.

The problem is so perplexing that E.P.A. has failed to come up with a standard, despite study by various groups over a period of years. An added factor in the present case is that the most exposed population will be children.

Under any circumstances, based on the evidence here, we do not believe it would be prudent for the County Board of Appeals to approve any towers of the nature proposed here. We are aware that similar towers already exist in the Baltimore-Washington Metropolitan Area and, presumably, nationally. We cannot eliminate those in this specific case. However, we intend to bring the matter to the attention of the County Council in their legislative review of the entire problem.

RECEIVED
COUNTY BOARD OF APPEALS
1985 JUL 17 A 11:31

Very truly yours,

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: John B. Howard, Esquire
Jeffrey N. Pritzker, Esquire
Theodore Losin, Esquire

PMZ:sh

IN RE: PETITION FOR SPECIAL EXCEPTION
BELL ATLANTIC MOBILE SYSTEMS

Case No.: 85-244-XA

County Board of Appeals of Baltimore County
Room 200, Court House, Towson, Maryland 21204

MEMORANDUM OF PROTESTANTS (APPELLANTS)

Valley Heights Improvement Association, Inc. and Caves Valley Improvement Association, Inc., and others, Protestants in the above matter, file this Memorandum of Facts and Law, in connection with the matters heard before this Honorable Commission June 19, and June 27, 1985.

I. The Petition of Bell Atlantic should be dismissed, or the relief sought not granted, because the Peitioner lacked standing.

The uncontroverted testimony presented by Bell Atlantic was that it purchased an option to lease certain property from the landowner on October 23, 1984, for a consideration of $1,000.00. The option to lease ran through November, 1985. In addition to that option, the lease itself provided that, even if entered into, it would be null and void if zoning could not be obtained for the use sought. The lease was finally entered into although solely on a contingent basis, April 1, 1985. At no time did the landowner participate in any fashion in the proceeding, from commencement of the action by the filing of the initial petition, through the hearing before the Zoning Commissioner and ultimately before this board. Thus, at the time of the filing of the Petition, the Petitioner was not only not a landowner, but not even a Lessee.

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COUNTY BOARD OF APPEALS
1985 JUL 16 P 3:31

Section 500.2(a) of the Baltimore County zoning regulations clearly states that the legal owner of the property, or his legally authorized representative, is the only party who can file a Petition for Special Exception. In some circumstances, a contract purchaser may also join in the Petition. The very forms that have been utilized by the Baltimore County Zoning office for many years clearly delineate this requirement.

Apparently, there is no Maryland case on point. The case of Cranston Jewish Center vs. Zoning Board of Review of the City of Cranston, 175 A2nd 296, considered the issue of the granting of a special exception to an optionholder. The Court held that the Petition could be granted to the optionholder, but only because the landowner joined in the Petition and was also represented at the hearing by counsel. In the case of Lee vs. Board of Adjustment of City of Rocky Mount, 226 NC 107, 37 SE2nd 123, a contract purchaser was not allowed to appeal from a ruling of the Building Inspector in the zoning matter, the Court holding that the purpose and intent of zoning regualtions imply that only a property owner whose property is affected by the proposed change may seek review. The Court went on to state as follows:

> An option in relation to land grants the right to elect, within a stipulated period, to buy or not to buy. The applicant optionee merely has the right of choice granted by his option. He possesses no present right to erect a building on the lot described in his contract. To withhold from him a permit to do what he has no present right to do cannot, in law, impose "an undue and unnecessary hardship" upon him.

Appellants submit that Bell Atlantic has no standing to bring the Petition for Special Exception under Baltimore County zoning regulations, under the law of the State of Maryland, and under case law as aforementioned. Bell Atlantic has suffered no undue hardship, other than the possible loss of its $1,000.00 option payment, that it did cause itself to suffer. The fact that it elected to erect its tower while the matter was under appeal, was a risk to which Bell Atlantic chose to expose itself knowingly, and perhaps, somewhat foolishly. The Petition of Bell Atlantic should be denied.

II. Even assuming that Bell Atlantic had standing to bring the Petition, the Petition for Special Exception should be denied as there has been no showing that the use proposed would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, as required by the standards expressed in Schultz vs. Pritts, 291 Md1, 432 A2nd 1319 (1981).

Bell Atlantic presented a parade of witnesses, all of whom were directly on Bell Atlantic's payroll, or who were paid to appear at the subject hearing by Bell Atlantic. All of the witnesses familiar with the Greenspring Valley area, and with the area surrounding the site of this tower particularly, testified that it is an area with no multistory structures of any consequence whatsoever, and with no radio or other towers. Testimony was presented by Bell Atlantic's employee, Harry Fischer, that of the 35 locations sought initially for sites for Bell Atlantic towers, only the subject site was in a residential area. The closest similar sight was in a cornfield off Old Court Road, well separated from any houses. All other sites are in commercial, industrial, or other such areas. A Bell Atlantic senior radio engineer, Edwin Quinn, testified that this Bell Atlantic tower can cause problems with television reception, radio reception, and accute problems with cordless telephones in the area. He noted that Bell Atlantic had complaints from certain UHF television stations, which complaints had been received following numerous complaints of consumers with regard to interference occurring from Bell Atlanitc's towers. Quinn testified that some of these complaints could be remedied with "filters", and "fixers". Apparently there is no way to eliminate the cordless telephone complaints, according to Quinn. Quinn also testified that there are no conclusive studies whatsoever indicating that the radiation emitting from these towers is not harmful to human health. Another Bell Atlantic engineer, R. C. Peterson, testified that he specialized in the measurement of radiation absorption by biological beings. He testified that the standards for radiation absorption set forth by the USSR, are substantially lower than those in the United States. He further testified that the USSR has documented proof of increased stress on human beings, once the radiation exceeds even those low levels set forth by the Soviet Union. Mr. Peterson introduced his evidence charts which indicated that, in certain areas, the Bell Atlantic tower would emit radiation which is close to the levels deemed dangerous by the Soviet tests. Mr Peterson also stated that there was a United States Air Force study which showed a significant incidence of increased malignant tumors in rats, following lengthy exposure to low levels of radiation, such as that emitted by the Bell Atlantic tower.

Another witness presented by Bell Atlantic was Ed Haile, a professional engineer employed in the Baltimore County area. Mr. Halie visited the Greenspring Valley area, taking pictures of the tower site. The pictures were taken both in the winter and summer. The winter pictures clearly show that the site of the tower is extremely visible from almost every point at which the pictures were taken. What must be remembered is that the winter pictures were only of a two-foot balloon, not of the tower as erected, which, at the top contains a 12 foot, or larger triangular structure several feet high greatly more obtrusive than the balloon used by Mr. Haile. Even the summer pictures, when the trees are in their greatest foliage, show that the tower is exposed and totally not in keeping with the zoning of this particular area.

Bell Atlantic also introduced evidence with regard to all towers erected in the Baltimore County area within the past 30 years or so. This clearly showed that no towers whatsoever have been erected in residential areas at all similar to that proposed here, within the past 20 years or more. As a matter of fact, the only towers in areas similar to this were erected 35 years ago, or longer, one being the towers near Park Heights Avenue and the Beltway (and that area was extremely rural), and one erected prior to that off Providence Road.

Finally, Hugh Gelston, a real estate appraiser, paid by Bell Atlantic to testify, stated that even if the tower was in one's backyard, it would not effect the property value of the residence. We hope that the Board would find this is as difficult to believe as we did.

Most of Bell Atlanitc's witnesses who were familiar with the subject area surrounding this tower, testified that it was heavily wooded, beautiful rolling countryside, and extremely desirable for residential puropses. All testimony was that there was no commercial or industrial use in the area, nor were there any towers. Appellants produced a non-paid witness, one Herman Rosenthal, an attorney with a large local law firm, who recently contracted to purchase a house in the area near the subject tower. Mr. Rosenthal testified that he had considered a lot for purchase in closer proximity to the subject tower. He declined to purchase that lot, even though it had a superior well, solely because of the location proximate to the tower. Ultimately, he purchased a residence somewhat farther from the tower, but he also testified that the tower was a significant factor in the negotiation of the price of purchase of the residence. He stated that he was able to purchase the residence for some $50,000.00 less than the original asking price. Mr. Rosenthal further produced a national publication which set forth the unique beauty of the Greenspring Valley area, and its desirability, as opposed to other sections of Baltimore County. He testified that, in other Baltimore County areas, the erection of such a tower would be much less of a factor than the subject location, in that other locations are fraught with other adverse environmental and aesthetic problems.

Appellants urge this board to retain the natural, magnificent, historic beauty of the Greenspring Valley area. At the present time, no structures at all exceeding more than a few stories mar the beauty of the Greenspring Valley. As has Mr. Rosenthal, most purchasers of properties in the area have paid premiums solely because of its unique, rural beauty, and because of the absence of structures such as that which Bell Atlantic proposes to, and has in fact, erected prior to your decision. The use proposed by Bell Atlantic is totally incompatible with nature and intent of the land use and zoning in the area, and will undoubtedly adversely affect properties therein. There is no question that the tower adversely affects the harmony of the area and the general purposes and intent of the zoning plans of Baltimore County. Bell Atlantic would have this board believe that

JAN 26 '87

the tower cannot be erected elsewhere, but, at worst, the testimony presented suggests that an additional site may have to be located in another commercial area; such areas exist within one mile of the subject site.

We urge this board to preserve the natural beauty of a historic area, which preservation has been left in its hands.

Respectfully submitted,

Jeffrey N. Pritzker
Jeffrey N. Pritzker

IN RE "PETITION FOR SPECIAL EXCEPTION BEGINNING 1,771 FEET SOUTHEAST OF PARK HEIGHTS AVENUE, .3 MILES SOUTH OF THE CENTER LINE OF VALLEY HEIGHTS DRIVE" THIRD ELECTION DISTRICT BELL ATLANTIC MOBILE SYSTEMS, INC. Petitioner	* * * * * *	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 85-244-XA

* * * * * * *

RECEIVED
COUNTY BOARD OF APPEALS
1985 JUL 15 P 4:21

PETITIONER'S MEMORANDUM
IN SUPPORT OF PETITION FOR SPECIAL EXCEPTION

Bell Atlantic Mobile Systems, Inc., Petitioner, by John B. Howard and Cook, Howard, Downes & Tracy in support of its Petition for Special Exception states the following:

This case comes before the Board of Appeals for Baltimore County following an appeal from the Zoning Commissioner's decision to grant Petitioner the necessary special exception for a wireless transmitting and receiving structure on property leased from the Bais Yaakov School for Girls, Inc.

By way of background, Petitioner began negotiations with the Bais Yaakov School for Girls, Inc. in approximately May of 1984. Petitioner was attempting to find an acceptable site to place a wireless transmitting and receiving antenna (hereinafter the "antenna") within a one and one-half mile radius circle, the center of which is located near the corner of Park Heights Avenue and Caves Road. The circle, called a "search area" is calculated by taking into consideration distance between anntenae and topography of the area involved. In order to maintain integrity of the system as a whole, the antenna must be located with in the search area. A sophisticated computer analysis is used to verify the acceptability of a proposed location within the search area.

Petitioner considered several sites within the search area; some were rejected for engineering reasons and some were rejected due to problems obtaining consent of the legal owner. None, however, provided as good a site as the Bais Yaakov School.

Negotiations with the Bais Yaakov School culminated in the execution of an Option and Lease agreement for property on the school grounds dated October 23, 1984. That option has since been exercised and the lease took effect on April 1, 1985. The leased area is shown on the site plan filed with the Petition for Special Exception and has since beome an Exhibit in this case.

Through its officers and legal representatives, the Bais Yaakov School for Girls has participated throughout the Petition process and attended the hearing below.

Following two (2) days of testimony before this Board, it is submitted that the evidence presented clearly and overwhelmingly supports the granting of the Petition for Special Exception. The brief summary of Petitioner's seven (7) witnesses' testimony below demonstrates the necessary compliance with Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Preliminarily, an issue was raised in a Motion to Dismiss by Protestants following the conclusion of Petitioner's case. Even though Petitioner agrees with the Board's decision to deny Protestants' Motion to Dismiss, Petitioner anticipates that Protestants' will again raise this issue in their Memorandum.

The basis for Protestants' Motion to Dismiss was an interpretation of Section 500.2.a BCZR which reads as follows:

> 500.2.a. Whenever a petition is presented to the Office of Planning and Zoning for a zone or district classification or reclassification of a piece of property, or for a Special Exception, such petition may be filed with the Zoning Commissioner only if it meets the Zoning Commissioner's rules of practice and procedure. Whenever the Office of Planning and Zoning shall have acknowledged the adequacy of the petition in respect to such rules, including whatever site plan or other supporting material may be necessary, the petition may be filed with the Zoning Commissioner by the legal owner of the property or by his legally authorized representative.

It is submitted that Protestants have misinterpreted the above regulation in asking the Board to dismiss Petitioner's case. Protestants rely on the language that the petition be filed by the "legal owner" of the property and state that Petitioner is not the legal owner.

Protestants are incorrect for the following reasons. First, Section 500.2.a refers the reader to the Zoning Commissioner's rules of practice and procedure for analyzing whether a petition is adequate for filing. Rule II A of those rules of practice and procedure states that if the petition does not conform to the rules, the petitioner will be advised of the defects which must be corrected before the petition will be accepted for filing. Petitioner received no such notification of any defect, and the petition was properly accepted by the Zoning Commissioner for filing.

Second, Section 500.2.a. states that the Petition may be filed with the Zoning Commissioner by the legal owner of the property or by his legally authorized representative. The term "may" used in this regulation as opposed to the word "shall" indicates that the language is permissive rather than mandatory. The regulation does not require the Zoning Commissioner to reject a petition merely because it is not filed by the legal owner.

Third, Section 500.2.a permits the filing of the petition by the owner's "legally authorized representative." By virtue of the option to lease the subject property from the Bais Yaakov School, Petitioner is the legally authorized representative for the school. Further, as indicated above, Bais Yaakov School for Girls was represented by counsel at the hearing before the Zoning Commissioner and had previously authorized Petitioner to file the petitions, plats and zoning descriptions necessary for obtaining the special exeception.

Fourth, Section 500.2.a. does not state that the "legal owner" must be the fee simple owner of the subject property. It is submitted that the option to lease the property, makes Petitioner the "legal owner" for purposes of filing the Petition and with appearing before the Zoning Commissioner of Baltimore County and this Board.

Moreover, Petitioner agrees with the Board in its statement at the hearing that Protestant's case has not been prejudiced by the filing of the Petition for Special Exception by Bell Atlantic rather than the Bais Yaakov School.

In Cassidy v. Board of Appeals, 218 Md. 418 (1958) the Court held that where notice to the public was for a petition for a reclassification and not for a special exception (and in fact a special exception was sought) the notice notified the public that the Petitioner was seeking a reclassification of its property to the lowest zoning category and thus apprised the public "clearly of the character of the action proposed and enough of the basis upon which it rests to enable them to intelligently prepare for the hearing."

The reasoning in Cassidy clearly requires the Motion to Dismiss be denied in that having Petitioner rather than the Bais Yaakov School sign the Petition would not affect Protestant's preparation for the hearing involved.

It is therefore respectfully submitted that this Honorable Board made the correct decision in denying Protestant's Motion to Dismiss and any request for reconsideration of that decision also be denied.

The first witness who appeared on behalf of Petitioner was Harry H. Fischer, General Manager of Bell Atlantic Mobile Systems, Inc. who gave an overview of the cellular telephone system including a brief history of the industry.

Mr. Fischer then explained that each of these antennae must be located within a certain one and one-half mile (1 1/2) mile radius called a "search area" more specifically described above. (A copy of this search area was submitted as Petitioner's Exhibit 3.) Testimony from Mr. Fischer explained that the "original" search area marked Petitioner's Exhibit 2 had to be moved to the east to accommodate a change in location of another antenna from a proposed site to its current location at "Luskins" off Cromwell Bridge Road. As explained above the interrelationship of these antennae controls the location of the search area; therefore, the movement of the "Luskins" antenna, caused a movement on the subject search area.

Mr. Fischer went on to testify that the site at the Bais Yaakov School was selected primarily due to its elevation and dense screening by trees which limits visibility. It was Mr. Fischer's opinion that the Bais Yaakov School was not only the best site within the "search area," but the best screened site in their entire cellular system.

Mr. Edwin W. Quinn also appeared on behalf of Petitoner and was qualified as an expert in Radio Engineering. Mr. Quinn is employed by Petitioner as a Senior Radio Engineer.

Mr. Quinn's testimony was two-fold in approach. First, Mr. Quinn stressed the important role celluar radio can play in providing emergency services to a community.

Second, Mr. Quinn testified as to the technical aspects of Petitioner's overall plan for the Cellular System in the Baltimore Washington Area (referred to in the industry as the "grid" system. The plan for the Baltimore Washington Area was submitted as Petitioner's Exhibit 4.)

JAN 20 1987

Petitioner also presented testimony from Mr. Nandor J. Szayer who was qualified as an expert in structural engineering. In addition to oral testimony by Mr. Szayer, Petitioner submitted a letter stating and summarizing Mr. Szayer's opinion with regard to the antenna constructed on the premises of the Bais Yaakov School. The letter was marked Petitioner's Exhibit 6. Quoting from that letter, Mr. Szayer states that:

> It is our opinion that the monopole, as designed, is in no imminent danger of structural failure, and it is totally safe for human habitation around it.
>
> It is also our opinion that 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 effect or endanger the health, safety or security of residents, visitors or workers in the area.

Mr. Szayer concluded his testimony by analyzing what he called the impossible; that is what would happen if the tower fell? Mr. Szayer testified that no structures were within a 167 foot radius of the tower, so that a falling tower would not affect human safety.

Petitioner then called Mr. Ron C. Petersen, Environmental Health Specialist with AT&T Bell Laboratories as its next witness (Please note that since the "divestiture", Bell Labs is totally independent of Petitioner). Mr. Petersen presented a list of his

qualifications to the Board and was thereupon qualified as an expert witness in the area of radiation protection.

Mr. Petersen's testimony clearly showed that the levels of electromagnetic energy associated with this cellular radio antenna are below the most stringent exposure standards used anywhere in the world. Further, it was clear from his testimony that there is absolutely no verifiable evidence in the world's scientific literature that would suggest that long term exposure to these levels at the cellular radio frequencies will produce any harmful effect in man or the most sensitive laboratory animal.

Mr. Peterson concluded that there is no adverse effect on health, safety, or welfare caused by this cellular radio antenna.

Petitioner next called Mr. Edmund Haile of Daft-McCune-Walker, Inc., who was qualified as a civil engineer. Mr. Haile testified that he had performed two studies on visibility of the subject antenna.

The first test was a "balloon test" conducted on March 1, 1985, in which Mr. Haile flew a bright, orange, helium-filled balloon (approximately three feet in diameter) 195 feet in the air and then took photographs from various locations on streets surrounding the site. Those photographs were marked Petitioner's Exhibit No. 10.

Mr. Haile again took photographs from approximately the same location, this time of the existing antenna, on June 12, 1985 (note an additional photograph from Rainbow Court). Because the second test was conducted in the spring, the deciduous trees surrounding the antenna were leaved.

In both cases, under fall and spring conditions, it was Mr. Haile's opinion that the tests clearly demonstrated that the visual impact on the surrounding area is minimal and that this antenna, in his opinion, produced no detrimental impact on the health, safety or general welfare of the surrounding community.

The next witness called by Petitioner was Mr. Hugh Gelston who was qualified as an expert licensed real estate appraiser. Mr. Gelston testified that the subject antenna would have no adverse impact upon property values in the surrounding neighborhoods. Mr. Gelston based his opinion upon current sales of lots in neighborhoods immediately surrounding the antenna, and on a study of properties surrounding the WLIF radio tower on Providence Road and the WCAO towers on Stevenson Road. (Please note that testimony indicated that these two towers are substantially higher and more visible than the subject antenna.)

Mr. Gelston found that sales of property surrounding these radio towers were no different from

sales of property in similar neighborhoods without radio towers.

Mr. Gelston also found that the value of lots surrounding the subject antenna had not fallen, thus further substantiating his conclusion that this antenna would have no adverse impact on proerty values.

Finally, Mr. Gelston testified that he had traveled through the "search area" and, aside from one non-conforming commerical use, found no property zoned commerical or industrial on which this antenna could be located.

As its last witness, Petitioner called George Gavrelis, a land planner with the firm of Daft-McCune-Walker, Inc.

Mr. Gavrelis testified that he had served as the Director of the Office of Planning and Zoning for Baltimore County prior to his employment with Daft-McCune-Walker, Inc. Mr. Gavrelis testified specifically to each of the elements of 502.1 and not only found there to be no adverse impact on any of those requirements, but in several cases stated there may be some positive impact.

Mr. Gavrelis testified as follows:

a. That based on his experience as a land planner and on previous testimony, this antenna would not be detrimental to the health, safety or general welfare of the locality involved.

b. That this use only generates one or two "trips" per month by a "cell site manager" (a cell site manager is one employed by Petitioner to inspect equipment at the antenna location). Therefore, this would not have an adverse impact on roads, streets or alleys.

c. That the cell site building is constructed of noncombustible materials and presents no potential hazard from fire panic or other dangers.

d. That the use inherently does not overcrowd land or cause undue concentration of population.

e. That the use has no impact on any public requirement, conveniences or improvements.

f. That the use does not interfere with adequate light or air.

g. That the use is unobtrusive and consistent with the RC-5 zoning classification, as well as the spirit and intent of the zoning regulations.

h. That the use is not inconsistent with he impermeable surface and vegetative retention provisions of the zoning regulations.

Protestent in this case presented only one witness, Mr. Herman Rosenthal, the contract purchaser of 1116 Valley Heights Drive (a residence east of the antenna). Mr. Rosenthal gave no testimony that this tower would be detrimental to the health, safety or general welfare of the locality involved, but merely testified

that it was his opinion that the antenna affected his decision to purchase the house and the offering price on that house.

Petitioner clearly has met its "burden of proof" for a Special Exception. A Special Exception use is one which has been legislatively predetermined to be "conditionally" compatible with the uses as of right in a particular zone. The condition is that a zoning body must, in each case, decide under specified statutory standards whether the presumptive compatibility in fact exists. Cresswell v. Baltimore Aviation Serv., Inc., 257 Md. 717 (1970).

In Schultz v. Pritts, 291 Md. 1 (1981) the Court of Appeals delineated the applicable review standards for of the grant or denial of a special expection use as follows:

> A special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

Schultz continues as follows:

> ...These cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

291 Md. at 15. (Emphasis added.)

In Anderson v. Sawyer, 23 Md. App. 612 (1974) the Court of Special Appeals stated that the burden of proof is met if petitioner shows that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely effect the public interest. 23 Md. App. at 617.

Petitioner submits that it has demonstrated through uncontradicted testimony that this proposed use would be conducted without any detriment to the neighborhood, would not adversely affect the public interest and would not have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Having met its burden of proof, and specifically the elements of 502.1 BCZR, Petitioner respectfully

requests that the Petition for Special Exception be granted.

Respectfully submitted,

JOHN B. HOWARD
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
301-823-4111
Attorney for the Petitioner

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 1985, a copy of the foregoing Memorandum in Support of Petition for Special Exception was mailed to Theodore Losin, Esquire, Suite 600, Court Square Bldg., 200 E. Lexington Street, Baltimore, Maryland 21202; Jeffrey W. Pritzker, Esquire, Suite 505, Blaustein Building, One North Charles Street, Baltimore, Maryland 21201 and to Peter Max Zimmerman and Phyllis C. Friedman, Office of People's Counsel, Old Court House, 2nd Floor, Towson, Maryland 21204.

JOHN B. HOWARD

JAN 20 1987

5/2/85 - Following were notified of hearing set for Wednesday, June 19, 1985, at 10 a.m.:

John B. Howard and Robert Hoffman
Bell Atlantic Mobile Systems
Caves Valley Improve. Assoc.
Valley Heights Improve. Assoc.
Phyllis C. Friedman
Arnold Jablon
Jean Jung
James Dyer
Norman Gerber
James Hoswell

6/20/85 - Above notified of CONTINUED HEARING on THURSDAY, JUNE 27, 1985 at 10 a.m.

6/27/85 - Per W.T.H. - MEMOS DUE BY 7/15/85 if attorneys want to file same - Memos by their request - HOWARD
PRITZKER
P.M.Z.

APR 4
☒ Ans'd
☐ Rec'd
☐ Ret'd
☐ Ent'd
☐ Chkd
ZONING DEPARTMENT
By ....

March 29, 1985

Arnold Jablon, Esquire
ZONING COMMISSIONER
County Office Building
Towson, Maryland 21204

RE: PETITIONS SPECIAL EXCEPTION AND VARIANCES
Beginning 1,771' SE of Park Heights Avenue,
.3 Miles S of the centerline of Valley Heights
Drive - 3rd Election District
Case No. 85-244-XA
Bell Atlantic Mobile Systems

Dear Commissioner Jablon:

Please enter an Appeal from your decision in the above matter, entered on March 8, 1985.

This Appeal is being submitted and filed in behalf of the persons and tax payers listed below, all of whom are interested parties in the requests by the Petitioner in the above noted matter.

Very truly yours,

Theodore Losin
Theodore Losin
1 Cliffside Court
Owings Mills, Maryland 21117
363-1580

CAVES VALLEY IMPROVEMENT
ASSOCIATION, INC.
BY: Theodore Losin
Theodore Losin, Pres.

Jerome M. Levine
5 Cliffside Court
Owings Mills, Maryland 21117

VALLEY HEIGHTS IMPROVEMENT
ASSOCIATION, INC.
BY:
Jeffrey N. Pritzker, Pres.

Jerome P. Reichmister
Jerome P. Reichmister
4 Cliffside Court
Owings Mills, Maryland 21117

Jeffrey N. Pritzker
11004 Valley Heights Drive
Owings Mills, Maryland 21117

PETITION FOR SPECIAL EXCEPTION AND VARIANCES
3rd Election District

LOCATION: Beginning 1,771 ft. Southeast of Park Heights Avenue, .3 mile South of the centerline of Valley Heights Drive.
DATE AND TIME: Monday, March 4, 1985 at 10:45 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 a wireless transmitting and receiving structure, pursuant to 1A04.2B.21 B.C.Z.R. and Variances to allow setbacks of 40 ft. and 25 ft. in lieu of the required 50 ft.

Being the property of Bell Atlantic Mobile Systems, as shown on plat plan filed with the Zoning Office.

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
Feb. 14.

85-244-XA

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 14, 19 85

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 February 14, 19 85

THE JEFFERSONIAN,
T B Venetoulis
Publisher

Cost of Advertising

$20.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-244-XA

District 3rd
Date of Posting 2-15-85
Posted for: Special Exception and Variances
Petitioner: Bell Atlantic Mobile Systems
Location of property: Beg. 1771 SE of Park Heights Ave. .3 miles S of the C/L of Valley Heights Drive
Location of Signs: SE/side of Park Heights Ave at entrance to Bais Yaakov School
Remarks:
Posted by S. J. Ortt
Signature
Date of return: 2-22-85
Number of Signs: 2

85-244-XA

LANDMARK COMMUNITY NEWSPAPERS OI

Westminster, Md., Feb

THIS IS TO CERTIFY that the annexed ...
was published for ....one (1) ....
to the ....14th............day of February........, 19.

☐ Carroll County Times, a daily
in Westminster, Car
☐ South Carroll Herald, a weekly
in Eldersburg, Car
☒ Community Times, a weekly
in Reisterstown, Baltimc

LANDMARK COMMUNITY NEWSPAPERS OF

Per

PETITION FOR SPECIAL EXCEPTION AND VARIANCES
3rd Election District

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Being the property of Bell Atlantic Mobile Systems, as shown on plat plan filed with the Zoning Office.

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

February 5, 1985

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Special Exception & Variance
Beg. 1,771' Southeast of Park Heights Ave.
.3 mi. S of the c/l of Valley Heights Dr.
Bell Atlantic Mobile Systems - Petitioner
Case No. 85-244-XA

TIME: 10:45 A.M.

DATE: Monday, March 4, 1985

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

cc: Bell Atlantic Mobile Systems
c/o Harry H. Fischer, General Manager
180 Mount Airy Road
Basking Ridge, New Jersey 07920

Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 003117

DATE 12/21/84 ACCOUNT R-01-615-000
AMOUNT $ 200.00
RECEIVED FROM: Rob Hoffman
FOR: Special Exception + Variance
Bell Atlantic Mobile System
0 046*****20000: 921.F
VALIDATION OR SIGNATURE OF CASHIER

85-244-XA
3/5/85

1 Cliffside Court
Owings Mills, Maryland 21117
March 4, 1985

Arnold E. Jablon,
Zoning Commissioner for Baltimore County
County Office Building-Room 109
Towson, Maryland 21204

RE: Bais Yaakov School
Park Heights Avenue

Dear Mr. Jablon:

I am writing to object to the proposed special exception and variance requested by the Bais Yaakov School to permit the erection of a radio antenna on school property located on Park Heights Avenue, north of Greenspring Valley Road. The subject school property is located in an area composed almost entirely of individual residences with no more than two or three exceptions.

The customary uses for residential and school lots certainly do not include the erection of a 167 foot radio tower that would protrude to at least twice the height of any existing trees in the area and does not warrant a deviation from the general standards set by the Zoning Ordinance of Baltimore County. Also, no reason exists to permit a variance since the enforcement of the zoning law would not result in any particular, unnecessary hardship.

I do not believe that anyone, in good conscience, could argue that the erection of a tower of this height would not have an adverse effect on the neighborhood.

Obviously, the request to permit such a structure to be erected on school property is for no more than monetary advantage to the school and does not enhance the general area in which it is to be constructed.

As a concerned, close neighbor to the Bais Yaakov School, I urge you to deny the request of the applicant.

Thanking you for your cooperation, I am

Very truly yours,

Theodore Losin
THEODORE LOSIN

TL/kmr

cc: Issac M. Neuberger, Esquire
Attorney for Bais Yaakov School

Robert A. Hoffman, Esquire
Attorney for Bell-Atlantic

MAR 5 AM
☐ Chkd
ZONING DEPARTMENT
By

85-244-XA
BELL ATLANTIC MOBILE SYSTEM

COMMERCE
DISTRIBUTORS, INC.
700 Evelyn Avenue
Linthicum, Maryland 21090-1379
301-636-1100-Baltimore
723-2223-Washington, D.C.

Hearing: 3/4

February 25, 1985

FEB 26 AM
☐
☐
☐
☐
☐ Chkd
ZONING DEPARTMENT
By ....

Mr. Arnold Jablon
Zoning Commissioner of Baltimore County
County Office Building
111 Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

I am writing to you in reference to the proposed erection of a 167 foot transmitting tower at a location off of Park Heights Avenue, approximately three tenths of a mile south of Valley Heights Drive. I am a resident of the Valley Heights community and I strongly oppose the construction of this tower.

The residents of Valley Heights have spent considerable time and money in maintaining the natural beauty of our area and in enhancing the entrance to our community. All of our homes are situated on wooded lots which were purchased at a premium price because of their natural setting. I feel that this tower would seriously detract from the natural surroundings that we reside in and would become an "eyesore".

I also oppose the tower because of the construction that will take place to build it. Roads will have to be constructed and trees will have to be destroyed in order to provide access to the site. The site will resemble a commercial area set within the rural setting that we have tried to maintain.

I hope that you will take under consideration what I have written before deciding on this sensitive issue.

Sincerely,

Richard Lessans
Richard Lessans
Vice President-Sales

PROTESTANT'S
EXHIBIT 1

RL/cs

85-244-XA

FEB 26 AM
☐ Ans'd
☐
☐
☐ Chkd
ZONING DEPARTMENT
By ....

Perry and Barbara Kagen
11102 Valley Heights Dr.
Owings Mills, Maryland
February 25, 1985

Mr. Arnold Jablon, Zoning Commissioner
County Office Building
Room 106
111 Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

We, as residents of the Valley Heights Development, wish to register our objections to the erection of a 167 foot transmitting tower on the grounds of the Bais Yaakov School. Our neighborhood is low density residential, the community wooded and natural. We have invested a large part of our life savings in our home and both work so that we can enjoy our house and its surroundings. We do not want to look out from our back porch and see an approximately 19 story transmitting tower destroying the beauty of the woods that we now see. This kind of structure should be built around Radio Tower Way, in the Painter's Mill Industrial Park, or along Reisterstown Road where such structures or other commercial structures already exist. Erection in our neighborhood would only serve to lower property values and be severly detrimental to the aesthetic character of our section of the Park Heights Avenue corridor and the southern section of the Valley Heights Development. Bais Yaakov is not interested in maintaing good community relations;they are only interested in what would be for them a sound financial venture by leasing the property to Bell Atlantic. In fact, Mrs Weitzman, who has served as spokesperson to callers on this matter, has totally misrepresented the nature of the proposal to neighbors who have called. She claims that only a small structure that can be hidden in the trees will be built. How do you hide a 19 story tower in trees? If more of the people who called Bais Yaakov and trusted them to give a true representation of the proposed project were aware of the real nature, we feel sure there would be even a greater number of protests.

Additionally, no one has been able to tell us if this tower will have microwave transmissions. If it does, there is even more reason not to erect it in a neighborhood of young children and on the grounds of a school.There is still some legitimate concern about the effects of microwave exposure over time.

Therefore, for the reasons outlined above, we strongly object to the proposal and request that you refuse to approve the exception required for the transmitting tower to be built.

Sincerely,
Perry S. Kagen
Perry S. Kagen
Barbara Kagen
Barbara Kagen

cc Bais Yaakov School
Jeff Pritzger, President Valley Heights Association

PROTESTANT'S
EXHIBIT 2

JAN 20 1987

The following is a list of cities and towns that would suffer a degradation of service without the service of site WAS/BLT-G,UU

Alpha
Barrett
Boring
Brooklandville
Cooksville
Cranberry Station
Deer Park
Garrison
Glenwood
Glyndon
Gwynnbrook
Lisbon
Mankton
Oakland
Owings Mills
Towson
Reistertown
Sandyville
Smallwood
Tinsley
Upper Crossroads
Upperco
Warfieldsburg
White Hall
Woodbine
Worthington

The following lists the major roadways that would lose coverage in these and other cities and towns:

Route 97 the loss of service runs for 1.8 miles through Glenwood, Barrett and Cooksville
Route 40 the loss of service runs for 0.4 miles between Lisbon and Cooksville
Route 26 the loss of service runs for 1.4 miles through Dorsey Crossroads, Johnsville, Oakland and Wolf
Route 27 the loss of service runs for 0.8 miles through Mexico and Cranberry
Route 407 the loss of service runs for 0.4 miles through Dennings
Route 32 the loss of service runs for 5.0 miles through Louisville, Gamber, Smallwood and Wolf
Route 91 the loss of service runs for 1.1 miles through Gamber, Cedarhurst and Fowblesburg
Route 30 the loss of service runs for 2.6 miles through Manchester, Upperco, Fowblesburg, Woodensburg and Reistertown
Route 482 the loss of service runs for 0.7 miles through Brummel
Route 88 the loss of service runs for 2.2 miles through Trenton and Tinsley
Route 128 the loss of service runs for 1.4 miles between Glyndon and Butler
Route 129 the loss of service runs for 3.3 miles through Worthington, Stevenson, and Glenmar
Route 25 the loss of service runs for 3.0 miles through Tinsley and Brooklandville
Route 137 the loss of service runs for 1.1 miles through Mt. Carmel
Route 130 the loss of service runs for 1.9 miles through Glenmar
Route 148 the loss of service runs for 0.4 miles through Sunybrook

PETITIONER'S EXHIBIT 4

10-908 on file

10/24/85 to file
8

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O'C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICH, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONOR, III
THOMAS L. HUDSON
C. CAREY DEELEY, JR.
GEORGE K. REYNOLDS, III
LAWRENCE L. HOOPER, JR.
M. KING HILL, III
ROBERT A. HOFFMAN
DEBORAH C. DOPKIN
CYNTHIA M. HAHN
KATHLEEN M. GALLOGLY
KEVIN H. SMITH
H. BARRITT PETERSON, JR.

JAMES D. C. DOWNES
(1906-1979)

TELEPHONE
(301) 823-4111

TELECOPIER
(301) 821-0147

October 17, 1985

Captain Joseph Kelly
Baltimore County Fire Department
York Road and Bosley Avenue
Towson, Maryland 21204

RE: Fuel Tank Permit
Bell Atlantic Mobile Systems, Inc. - Applicant
Special Exception
Case No.: 85-244-XA

Dear Captain Kelly:

This letter will confirm the substance of our meeting on October 14 in which you indicated that the Baltimore County Fire Department does not perceive an underground fuel tank to be a health or safety problem, so long as a permit is filed and the tank meets all applicable fire and safety code provisions.

If this is your understanding please indicate by affixing your signature below.

Yours truly,

Rob Hoff
Robert A. Hoffman

RAH/jhr

Capt. Joseph Kelly
Captain Joseph Kelly

10-22-85
Date

February 26, 1985

Zoning Commissioner
County Office Building
Towson, Maryland 21204

PROTESTANT'S EXHIBIT 4

Dear Mr. Commissioner:

We are the residents of the Valley Heights Development in Baltimore County. We wish to register our strong protest, and our opposition to the proposed erection of a 167 foot transmitting tower in the immediate vicinity of our property. This tower would be totally inconsistent with the purposes of the area zoning classification, and would irreparably damage the character of the entire Green Spring Valley Section of Baltimore County.

We urge you to deny Bell Atlantic the permits sought.

Respectfully submitted,

NAME	ADDRESS
Herman B. Greenberg	10 Shaded Glen Ct Owings Mills 21117
Wilma Greenberg	10 Shaded Glen Ct.
Frederick J. Baier	7 Shaded Glen Ct
Marie M. Baier	" "
Michael Albert	2 Shaded Glen Ct.
Ann Albersheim	2 Shaded Glen Ct.
Shelley Falk	11123 Valley Ht Dr.
Gerald Falk	11123 Valley Ht. Dr.

February 26, 1985

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Commissioner:

We are the residents of the Valley Heights Development in Baltimore County. We wish to register our strong protest, and our opposition to the proposed erection of a 167 foot transmitting tower in the immediate vicinity of our property. This tower would be totally inconsistent with the purposes of the area zoning classification, and would irreparably damage the character of the entire Green Spring Valley Section of Baltimore County.

We urge you to deny Bell Atlantic the permits sought.

Respectfully submitted,

NAME	ADDRESS
I. L. Cohen	11006 Valley Hghts Dr.
E. L. Cohen	11006 Valley Hghts Dr.
M. Wolf	11013 Valley Heights Dr.
(GLASSER)	3 SHADED GLEN CT.
Roberta Lange	4 Shaded Glen Ct
John Blumenthal	9 Shaded Glen Ct.
Linda Blumenthal	9 Shaded Glen Court
Carla Serdin	8 Shaded Glen Court
Ronald Serdin	8 Shaded Glen Court

February 26, 1985

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Commissioner:

We are the residents of the Valley Heights Development in Baltimore County. We wish to register our strong protest, and our opposition to the proposed erection of a 167 foot transmitting tower in the immediate vicinity of our property. This tower would be totally inconsistent with the purposes of the area zoning classification, and would irreparably damage the character of the entire Green Spring Valley Section of Baltimore County.

We urge you to deny Bell Atlantic the permits sought.

Respectfully submitted,

NAME	ADDRESS
Shelley Gitomer	11 Shaded Glen Ct
James Gitomer	11 Shaded Glen Ct
Jill Greenwald	13 Shaded Glen Ct
Ronald Greenwald	13 Shaded Glen Ct.
Raymond Altman	17 Shaded Glen Ct
Jamie B. Altman	17 Shaded Glen Court
Ilene L. Spector	20 Shaded Glen Ct.
Phil S. Sp	20 Shaded Glen Ct
Ellen Rosen	19 Shaded Glen Ct.

February 26, 1985

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Commissioner:

We are the residents of the Valley Heights Development in Baltimore County. We wish to register our strong protest, and our opposition to the proposed erection of a 167 foot transmitting tower in the immediate vicinity of our property. This tower would be totally inconsistent with the purposes of the area zoning classification, and would irreparably damage the character of the entire Green Spring Valley Section of Baltimore County.

We urge you to deny Bell Atlantic the permits sought.

Respectfully submitted,

NAME	ADDRESS
Deborah A. Wachman	11107 Valley Hgts Dr 21117
Bernd Wachman	" " "
Linda G. Pomer	11008 Valley Heights Dr. 21117
Allan B. Pomer	11008 Valley Heights Dr. 21117
Michael Pruce	11001 Valley Heights Dr. 21117
Merle Setren	16 Shaded Glen Ct
Frank Setren DDS	16 Shaded Glen Ct
	15 SHADED GLEN CT.
Laurence Field	" "

February 26, 1985

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Commissioner:

We are the residents of the Valley Heights Development in Baltimore County. We wish to register our strong protest, and our opposition to the proposed erection of a 167 foot transmitting tower in the immediate vicinity of our property. This tower would be totally inconsistent with the purposes of the area zoning classification, and would irreparably damage the character of the entire Green Spring Valley Section of Baltimore County.

We urge you to deny Bell Atlantic the permits sought.

Respectfully submitted,

NAME	ADDRESS
Robert Rosen	19 Shaded Glen Court
	11116 Valley Heights Dr.
	11116 Valley Heights Dr.
Susan Berkman	11108 Valley Hght Dr.
Stanley Berkman	11108 VALLEY HEIGHT DR.
	11106 Valley Height Dr.
Helene B. Marian	11106 Valley Heights Dr.
Barbara Kagin	11102 Valley Heights Dr.
Gary S. Kagin	11102 Valley Hgts Drive

February 26, 1985

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Commissioner:

We are the residents of the Valley Heights Development in Baltimore County. We wish to register our strong protest, and our opposition to the proposed erection of a 167 foot transmitting tower in the immediate vicinity of our property. This tower would be totally inconsistent with the purposes of the area zoning classification, and would irreparably damage the character of the entire Green Spring Valley Section of Baltimore County.

We urge you to deny Bell Atlantic the permits sought.

Respectfully submitted,

NAME	ADDRESS
Ellen Morstein	11117 Valley Hghts Dr
Jay I. Morstein	11117 Valley Hghts Dr
Madelyn Blumberg	11114 Valley Hghts Dr.
Dr. Neil Blumberg	" "
Susan Weintraub	11109 Valley Hgts Dr.
	11109 Vally Hts Dr
Lee Whiteman	11112 Valley Heights Dr.
	11112 Valley Hts Dr.

JAN 20 1987

February 26, 1985

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Commissioner:

We are the residents of the Valley Heights Development in Baltimore County. We wish to register our strong protest, and our opposition to the proposed erection of a 167 foot transmitting tower in the immediate vicinity of our property. This tower would be totally inconsistent with the purposes of the area zoning classification, and would irreparably damage the character of the entire Green Spring Valley Section of Baltimore County.

We urge you to deny Bell Atlantic the permits sought.

Respectfully submitted,

NAME	ADDRESS
	11200 Valley Hgts Drive
Joan Lessans	11200 Valley Hts Drive
	11108 Valley Heights Dr
Susan Balman	" " " "
	14 Shaded Glen Ct
Bonnye Shertz	" " " "
	5 Shaded Glen Ct.
Tomma W. Rubin	" " "

February 26, 1985

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Commissioner:

We are the residents of the Valley Heights Development in Baltimore County. We wish to register our strong protest, and our opposition to the proposed erection of a 167 foot transmitting tower in the immediate vicinity of our property. This tower would be totally inconsistent with the purposes of the area zoning classification, and would irreparably damage the character of the entire Green Spring Valley Section of Baltimore County.

We urge you to deny Bell Atlantic the permits sought.

Respectfully submitted,

NAME	ADDRESS
	11007 Valley Hts Dr.
Marie Q. Schwartz	11007 Valley Hts DR
Rona K. Stein	11012 Valley Hghts. Dr.
	11012 Valley Heights Dr.
Donna M.	11004 Valley Heights Drive
	" " " "

February 26, 1985

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Commissioner:

We are the residents of the Valley Heights Development in Baltimore County. We wish to register our strong protest, and our opposition to the proposed erection of a 167 foot transmitting tower in the immediate vicinity of our property. This tower would be totally inconsistent with the purposes of the area zoning classification, and would irreparably damage the character of the entire Green Spring Valley Section of Baltimore County.

We urge you to deny Bell Atlantic the permits sought.

Respectfully submitted,

NAME	ADDRESS
HARRIS SMITH Harris Smith	6 Shaded Glen Ct
Jill A. Smith	6 Shaded Glen Ct.

Protestants

Herman B. Greenberg - 10 Shaded Glen Ct 21117
Wilma H. Greenberg 10 Shaded Glen Court
Barbara Kagen 11102 Valley Heights Dr. 21117
Rochelle Folk 11103 Valley Hts. Dr. 21117
Ann Alberstein 2 Shaded Glen Ct. 21117
Michael Alberstein 2 Shaded Glen Ct. 21117
Harold Rubin 5 Shaded Glen Ct. 21117
Lisa Keir 11806 Greenspring Ave 21117
James Cox 36 Caveswood La 21117
JEFFREY PRITZKER 11004 VALLEY HGHTS DR 21117

PROTESTANT'S
EXHIBIT 5

85-1798
AG-AAG-Case file

85-244-XA
BELL ATLANTIC MOBILE SYSTEMS
3/14/85
To AG-file
8

CHESTNUT RIDGE
IMPROVEMENT
ASSOCIATION

March 8, 1985

Mr. Arnold Jabalon
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

Dear Mr. Jabalon,

This is to certify that Lisa S. Keir, Secretary is authorized by the membership of the Chestnut Ridge Improvement Association, Inc. to represent the Association at any and all hearings before the Zoning Commission of Baltimore County related to issue number 49-K-45XA, special exception for a Bell Atlantic tower to be erected on the premises of Bais Yakov School, and to otherwise express the views of the Association on this issue.

Bert Booth
Bert Booth, President

MAR 13 AM
...NG DEPARTMENT
By

85-1779
AG-AAG-Case file

85-244-XA
3/14/85
To AG-file
-not connected
8

CHESTNUT RIDGE
IMPROVEMENT
ASSOCIATION

March 8, 1985

Mr. Arnold Jabalon
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

Dear Mr. Jabalon,

Since the hearing on the proposed tower at Bais Yakov school was held on March 4, I have received an additional 7 letters from members of our association stating their opposition to the tower. That brings the total of adverse reaction to the tower to 41. I hope you may consider this as strong evidence that the community feels the tower will be detrimental to the area.

Cordially,
Lisa S. Keir
Lisa S. Keir, Secretary

MAR 13 AM
...G DEPARTMENT

85-1715
AG-AAG-Case file

3/12/85 - To AG-file
C8

LAW OFFICES
MARGOLIS, PRITZKER & EPSTEIN, P.A.
505 BLAUSTEIN BUILDING
ONE NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201

AARON MARGOLIS
JEFFREY N. PRITZKER
HARVEY A. EPSTEIN
DAVID S. SELLMAN*
*ALSO MEMBER OF D.C. BAR

TELEPHONE
(301) 727-0117

March 9, 1985

Arnold Jablon, Esquire
Zoning Commissioner
County Office Building
Towson, Maryland 21204

BELL ATLANTIC MOBILE SYSTEMS
Re: Zoning Case No. 85-244-XA

Dear Mr. Jablon:

Enclosed please find the authorization which you requested we forward to you in the above matter.

Thank you for your kind cooperation.

Very truly yours,

Jeffrey N. Pritzker

JNP:kc

Enclosure

ZONING DEPARTMENT
By
AM

VALLEY HEIGHTS IMPROVEMENT ASSOCIATION, INC.

CERTIFICATE OF RESOLUTION

WHEREAS, the Board of Directors of Valley Heights Improvement Association, Inc. finds that the best interests of the Association would be served by having representation at the hearing for the Bell Atlantic Special Exception and Variance March 4, 1985, it was therefore,

RESOLVED that Jeffrey N. Pritzker, Esquire be authorized to appear as President and Counsel for the Association at the hearing to represents its interests.

WITNESS my hand and seal this day of , 1985.

Dennis Weiner
Dennis Weiner, Secretary

VALLEY HEIGHTS IMPROVEMENT
ASSOCIATION, INC.

JAN 20 1987

DP 3
1/79

Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

BUILDING PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

CONSTR PLANS	PLOT PLANS	RECORD PLAT	PLANS WAIVED	LETTER OF INTENT	DATA	AFF	SUPERVISION WAIVED
	8				2		

TAX ACCOUNT NUMBER 17-00-006870

CENSUS TRACT	BLOCK	ELEC YES	ELEC NO	PLUMBING YES	PLUMBING NO
			X		X

BY VLN/SLM

DATE ISSUED 6/14/85

BUILDING PERMIT NO 77567 DISTRICT 3 PRECINCT 1

CONTROL NO 21117 TA C-923-85

BUILDING ADDRESS: 11111 PARK HEIGHTS AVENUE
OWNER'S NAME: BAIS YAAKOV SCHOOL FOR GIRLS
MAILING ADDRESS OF OWNER: 11111 PARK HEIGHTS AVENUE, OWINGS MILLS, MD.
TENANT: BELL ATLANTIC MOBILE SYSTEMS, 180 MT. AIREY RD., BASKING RIDGE, N.J. 07920
BUILDING CONTRACTOR: MODULAR BUILDING CONCEPTS
ENGINEER OR ARCHITECT:
IF UNDER CONTRACT OF SALES GIVE SELLER'S NAME AND ADDRESS:
TRANSFER DESCRIPTION: E. S. PARK HEIGHTS AVE. 2450' S. E. CAVES ROAD

APPROVAL [illegible] DOES NOT WAIVE COMPLIANCE WITH STATE AIR [illegible]

NOTICE
THIS PERMIT EXPIRES
JUN 14 1986
After this date any work done will be in violation of the Baltimore County Building Code

A. TYPE OF IMPROVEMENT
1. ☒ NEW BUILDING CONSTRUCTION
2. ☐ ADDITION
3. ☐ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING (ENTER NO. UNITS DEDUCTED ____)
6. ☐ MOVING
7. ☐ OTHER ____

O.K. to [illegible] tank
[illegible] 10/30/85

DESCRIBE PROPOSED WORK ☐ 1 AND 2 FAM. CODE ☒ BOCA CODE

INSTALL ON: 290 GALLON DIESEL FUEL TANK BURIED ON SIDE OF BUILDING. WILL COMPLY NFPA 30 AND 37, LEGAL EDITION. REFER TO #73772 FOR FOUNDATION. TANK NOT TO BE USED UNTIL ZONING CASE IS FINALLED PER DOUG SWAM.

C. TYPE OF USE
RESIDENTIAL
01 ☐ ONE FAMILY
02 ☐ TWO FAMILY
03 ☐ THREE AND FOUR FAMILY
04 ☐ FIVE OR MORE FAMILY (ENTER NO. UNITS ____)
05 ☐ SWIMMING POOL
06 ☐ GARAGE
07 ☐ OTHER ____

TYPE FOUNDATION
☐ SLAB
☐ BLOCK
☐ CONCRETE
BASEMENT
☐ FULL
☐ PARTIAL
☐ NONE

NON-RESIDENTIAL
08 ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09 ☐ CHURCH, OTHER RELIGIOUS BUILDING
10 ☐ FENCE (LENGTH ____)
11 ☐ INDUSTRIAL, STORAGE BUILDING
12 ☐ PARKING GARAGE
13 ☐ SERVICE STATION, REPAIR GARAGE
14 ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
15 ☐ OFFICE, BANK, PROFESSIONAL
16 ☐ PUBLIC UTILITY
17 ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18 ☐ SIGN
19 ☐ STORE ☐ MERCANTILE ☐ RESTAURANT
SPECIFY TYPE: ____
20 ☐ SWIMMING POOL (MD. HEALTH DEPT. APPR. REQ.)
21 ☒ TANK, TOWER
22 ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS ____)
23 ☐ OTHER ____

CHECK APPROPRIATE CATEGORIES FOR RESIDENTIAL ONLY

DETACHED	SEMI DETACHED	GROUP	TOWN HOUSE	MID RISE	HI RISE	RENT	SALE
1	2	3	4	5	6	1	2

B. OWNERSHIP
1 ☒ PRIVATELY OWNED 2 ☐ PUBLICLY OWNED

ESTIMATED COST OF MATERIAL & LABOR $1,300.00

24 PROPOSED USE(S): SAME AND TANK.
EXISTING USE(S): SCHOOL/PUBLIC PHONE SWITCHING SITE.

85-244

THIS PERMIT MUST BE POSTED

SEE OTHER SIDE FOR INSPECTIONS

---

86 907
Ar file

85-244-XA

OCT 23 AM
ZONING DEPARTMENT
By ____

October 18, 1985

Bell Atlantic MOBILE SYSTEMS
c/o Robert Hoffman, Esquire, Attorney
P.O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Hoffman:

In your telephone conversation on October 16, 1985 with Mr. Paul A. Dennis, Sanitarian with this office, you were advised of the following requirements in reference to the proposed installation of a 290-gallon underground oil tank at the Cellular Telephone Tower located at 11111 Park Heights Avenue.

In the permit application process, Bell Atlantic will be required to provide this office with information that documents the location of any water wells to be at least 100 feet from the tank installation. Also, this office will require a letter of intent stating that the tank will be installed in accordance with current National Fire Prevention Association Code (N.F.P.A.) 30 and State Department of Natural Resources regulations concerning underground tank installation. Meeting these criteria will satisfy the concerns of this office.

If you should have any questions concerning this matter, please contact Mr. Paul A. Dennis, of this office, at 494-3768.

Very truly yours,
John H. Hobner
John H. Hobner, Program Supervisor
Waste Management Section
ENVIRONMENTAL SUPPORT SERVICES

JHH:med:BHS:PAD

c.c. ✓The Honorable Arnold Jablon
Zoning Commissioner

85-244-XA

DR. ERIC COHEN
OPTOMETRIST
6660 SECURITY BLVD.
BALTIMORE, MARYLAND 21207
TELEPHONE 944-6020

Febuary 27, 1985

Mr. Arnold Joblon
Zoning Commissioner
County Office Building
111 Chesapeake Ave..
Towson, Md. 21204

Dear Mr. Joblon:

I am writing to object to the construction of a transmitting tower on Park Heights Avenue, at the Bais Yaakov School grounds. I live on Valley Heights Drive, which is neighboring Bais Yaakov School and do not wish to have such a structure in my backyard. I pay a lot of property tax to live in an area that is totally residential, and feel this tower would definitely take away from my privacy and landscaping of my home. I protest very strongly the whole idea. A better place would be where other towers already previously exist or where industrial parks exist.

I certainly hope the tower goes no further than its present state. I am irate!

Sincerely yours,
Eric Cohen O.D.
Eric Cohen, O.D.

EC:gs

FEB 28 AM
ZONING DEPARTMENT
By ____

85-244-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 30th day of January, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner Bell Atlantic Mobile Systems
Petitioner's Attorney John B. Howard, Esquire

Received by: Nicholas B. Commodari
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Arnold Jablon
Zoning Commissioner

Date February 19, 1985

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

SUBJECT Bell Atlantic Mobile System
No. 85-244-A

If granted, it is suggested that consideration be given to restrictions similar to those imposed by the Deputy Zoning Commissioner in Zoning Petition No. 85-96-XA.

Norman E. Gerber per J. G. Hoswell
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

oOo

Nicholas B. Commodari
Chairman

MEMBERS
- Bureau of Engineering
- Department of Traffic Engineering
- State Roads Commission
- Bureau of Fire Prevention
- Health Department
- Project Planning
- Building Department
- Board of Education
- Zoning Administration
- Industrial Development

February 25, 1985

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 85-244-XA (Item No. 182)
Petitioner - Bell Atlantic Mobile System
Special Exception and Variance Petition

Dear Mr. Howard:

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.

In view of your client's proposal to construct a wireless transmitting and receiving structure on a portion of the Bais Yaakov school for girls, this special exception is required, while the variances are included to allow said structure to be located closer than 50' to the proposed lease lines.

As indicated in our previous conversations, the question of the amount of land, required to be leased from the school, will be discussed at the scheduled hearing. In addition, revised site plans, which indicate the proposed setbacks from the lease lines, should be submitted at the hearing.

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, [illegible]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mcb
Enclosures

cc: Evans, Hagan & Holdefer, Inc.
8101 Sandy Spring Rd.
Laurel, Md. 20707

Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

January 18, 1985

Mr. A. Jablon
County Office Bldg.
Towson, Maryland 21204

Att: N. Commodari

Re: Baltimore County ZAC
meeting of 1/2/85
Item 182
Property Owner: Bell Atlantic Mobile System
Route 129
Location: Centerline of Park Heights Ave Rte 129 & Valley Heights Dr.
Existing: Zoning: R.C. 5
Proposed Zoning: Variance to pemit setbacks of 40' and 25' in lieu of the required 50' and Special Exception for a wireless transmitting and receiving structure.
Acres: 0.3306
District: 3rd

Dear Mr. Commodari,

On review of the submittal of 12/13/84 and field inspection showing all access to the site by way of the existing access to Bais Yaakou School the State Highway Administration finds the plan generally acceptable.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits

by: George Wittman

CL-GW/es

cc: Mr. J. Ogle

My telephone number is 301-659-1350

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

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

1/28/85

Re: Zoning Advisory Meeting of 1/2/85
item # 182
Property Owner: Bell Atlantic Mobile System
Location: Park Heights Ave. + Valley Heights Drive

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.
(X)A County Review Group Meeting is required.
( )A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
( )This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
(X)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 ____.
( )Landscaping: Must comply with Baltimore County Landscape Manual.
( )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 ____.
( )The property is located in a traffic area controlled by a "D" 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.
(X)Additional comments: Requested setback variances should be clearly dimensioned on the plan.

Eugene A. Bober
Chief, Current Planning and Development

cc: James Hoswell

JAN 20 1987

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

January 7, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: *Nick Commodari, Chairman*
Zoning Plans Advisory Committee

RE: *Property Owner:* Bell Atlantic Mobile System

Location: Centerline of Park Heights Ave. and Valley Heights Dr.

Item No.: 182 *Zoning Agenda:* Meeting of 1/2/85

Gentlemen:

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

( ) 1. *Fire hydrants for the referenced property are required and shall be located at intervals or _______ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.*

( ) 2. *A second means of vehicle access is required for the site.*

(X) 3. *The vehicle dead end condition shown at* dead end exceeds 300 feet, standard cul-de-sac or hammerhead turnaround required. *EXCEEDS the maximum allowed by the Fire Department.*

* (x) 4. *The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.*

(x) 5. *The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.*

( ) 6. *Site plans are approved, as drawn.*

( ) 7. *The Fire Prevention Bureau has no comments, at this time.*

REVIEWER: Capt Joseph Kelly 1-7-85
Planning Group
Special Inspection Division

Noted and Approved: Roy W. Kemmer
Fire Prevention Bureau

/mb

* Roadway shall be 16 feet in width and hard surfaced and support 50,000 pound fire apparatus.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-244-XA

District: 3rd
Date of Posting: May 2-85
Posted for: Appeal
Petitioner: Bell Atlantic Mobile Systems
Location of property: Beg. 1771' SE of Park Heights Ave .3 mile S of the C/L of Valley Heights Drive
Location of Signs: SE side of Park Heights Avenue at entrance to subject property - entrance to [illegible]
Remarks:
Posted by: [illegible] Signature
Date of return: May 9-85
Number of Signs: 1

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

January 11, 1985

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

Dear Mr. Jablon:

Comments on Item # 182 Zoning Advisory Committee Meeting are as follows:

Property Owner: Bell Atlantic Mobile System
Location: Centerline of Park Heights Avenue and Valley Heights Drive
Existing Zoning: R.C. 5
Proposed Zoning: Variance to permit setbacks Of 40' and 25' in lieu of the required 50' and special exception for a wireless transmitting and receiving structure.
Acres: 0.3306
District: 3rd.

The items checked below are applicable:

[✓ A.] All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

[✓ B.] A building/ & other / miscellaneous permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

[✓ D.] Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0 for Commercial uses or 3'0 for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0 of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s __________.

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

[✓ I.] Comments - Antennas and towers: towers require certification by a registered in Maryland P.E. Plans shall be signed and sealed by a registered in Maryland P.E.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CEB:es

Docket last 2 Page no plat,

BELL ATLANTIC MOBILE SYSTEMS #85-244-XA

Jan. 30, 1985	Petition filed
Mar. 8	ZC GRANTED petition w/ restrictions
Apr. 4	Appealed to C.B. of A.
Sept. 27	Board GRANTED petition
Oct. 25	Order for Appeal filed in the Circuit Court by Theodore Losin, et al
Nov. 4	Petition to Accompany Order for Appeal filed
" 21	Application for Extension of Time to transmit record filed by Mr. Losin, et al
Dec. 17	Order of Judge Hennegan, dated November 17, 1986, filed directing Board to file case in Circuit Court within 90 days of receipt of Petition of Appeal (Upon closer examination of the file we determined that this is actually an order of extension of time)
Mar. 13, 1986	Record of proceedings filed in the Circuit Court - less transcript of testimony as it was never ordered or paid for by the Appellant. SEE PINK NOTE
March 20	Defendant's (Bell Atlantic) Motion to Dismiss filed
E1 April 11	Case DISMISSED by Circuit Court (Judge John F. Fader) for failure to comply with Rule B7, Maryland Rules of Procedure.

4/17/86 - cc: A. Jablon
Bettye DuBois
J. Hoswell

2/26/86

After obtaining this Order from the Circuit Court, Tom Bollinger advised that we should file the case in CC without transcript and note that the transcript was never ordered or filed.

Later I noticed the bottom of the Order which states "after receipt of the first copy of the Petition of Appeal". Inasmuch as the Petition was filed on 11/4/85, I checked with John Howard. He had not received a copy of this Order and is having Rob Hoffman check into it and will advise us.

ETE

Bob Hoffman advised that they were going to file a Motion to Dismiss, therefore, no need to file record. Agreed to by Tom Bollinger.

Later, 3/13/86, Hoffman again advised that he was going to file a Motion to Dismiss and perhaps the record (what we have) should be filed. After this discussion, I decided to file the record

---

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

February 8, 1985

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

Item No. 175, 176, 177, 178, & 182 ZAC- Meeting of January 2, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 175, 176, 177, 178, and 182.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/ccm

3/4 85-244-AX

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

May 2, 1985

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. 85-244-XA BELL ATLANTIC MOBILE SYSTEMS

Beg. 1771' SE of Pk. Heights Ave., .3 mi. S of c/l of Valley Heights Dr.

3rd District

SE-Wireless transmitting and receiving structure pursuant to 1A04.2B.21 BCZR

3/8/85 - Z.C.'s Order - GRANTED

ASSIGNED FOR: WEDNESDAY, JUNE 19, 1985, at 10 a.m.

cc: John B. Howard, Esq. and Robert Hoffman, Esq.	Counsel for Petitioner
Bell Atlantic Mobile Systems	Petitioner
Caves Valley Improvement Assoc.	Protestants
Valley Heights Improvement Assoc., Inc.	Protestants
Phyllis C. Friedman	People's Counsel
Arnold Jablon	
Jean Jung	
Norman Gerber	
James Hoswell	
James Dyer	

June Holmen, Secretary

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E.
DIRECTOR

March 4, 1985

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

Re: Item #182 (1984-1985)
Property Owner: Bell Atlantic Mobile System
Centerline of Park Heights Ave. and
Valley Heights Drive
Acres: 0.3306
District: 3rd

Dear Mr. Jablon:

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

General Comments:

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

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

This site is subject to sediment control and storm water management regulations as applicable. No public facilities appear to be involved.

Very truly yours,

JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:EAM:REC:ss

cc: File

3/4 85-244-AX

JAN 20 1987

Case No. 85-244-XA
Item No. 182
Date: 4/4/85

Beg. 1771' SE of Park Heights Ave., .3 miles S of c/1 of Valley Heights Drive - 3rd District
Bell Atlantic Mobile Systems - Petitioner

SE - Wireless transmitting and receiving structure pursuant to 1A04.2B.21 BCZR

✓ x 1. Copy of Petition
✓ x 2. Copy of Description of Property (2 descriptions)
✓ x 3. Copy of Certificate of Posting (1 sign)
✓ x 4. Copy of Certificates of Publication
✓ x 5. Copy of Zoning Advisory Committee Comments
✓ x 6. Copy of Comments from the Director of Planning
____ 7. Planning Board Comments and Accompanying Map
✓ x 8. Copy of Order to Enter Appearance
✓ x 9. Copy of Order - ~~Zoning/Deputy~~ Zoning Commissioner - 3/8/85 GRANTED w/restriction
✓ x 10. Copy of Plat of Property Exhibit #1
____ 11. 200' Scale Location Plan
____ 12. 1000' Scale Location Plan
____ 13. Memorandum in Support of Petition
✓ x 14. Letter(s) from Protestant(s)
____ 15. Letter(s) from Petitioner(s)
✓ x 16. Protestants' Exhibits 1 to 5
✓ x 17. Petitioners' Exhibits 1 to 13
✓ x 18. Letter of Appeal - 4/4/85
✓ x 19. Two letters of authorization for representation of improvement associations

John B. Howard, Esquire
Robert Hoffman, Esquire — Attorneys for Petitioner
210 Allegheny Avenue
Towson, Maryland 21204

Bell Atlantic Mobile Systems — Petitioner
c/o Harry H. Fischer
180 Mount Airy Road
Basking Ridge, New Jersey 07920

*Caves Valley Improvement Association 685-5310 OFFICE — Protestants
By: Theodore Losin, President
1 Cliffside Court
Owings Mills, Md. 21117

*Valley Heights Improvement Association, Inc. 727-0117 — Protestants
By: Jeffrey N. Pritzker, Pres.
11004 Valley Heights Drive
Owings Mills, Maryland 21117

NO PLAT.

(See Other Side for other notifications)

Send Notification Also to:

~~Phyllis C. Friedman, Esquire~~ not involved People's Counsel
Arnold Jablon
Jean M. H. Jung
Norman E. Gerber
James Hoswell
James E. Dyer

THEODORE LOSIN, ESQ — COUNSEL FOR PROTESTANTS
600 COURT SQUARE BLDG
BALTIMORE, MD 21202

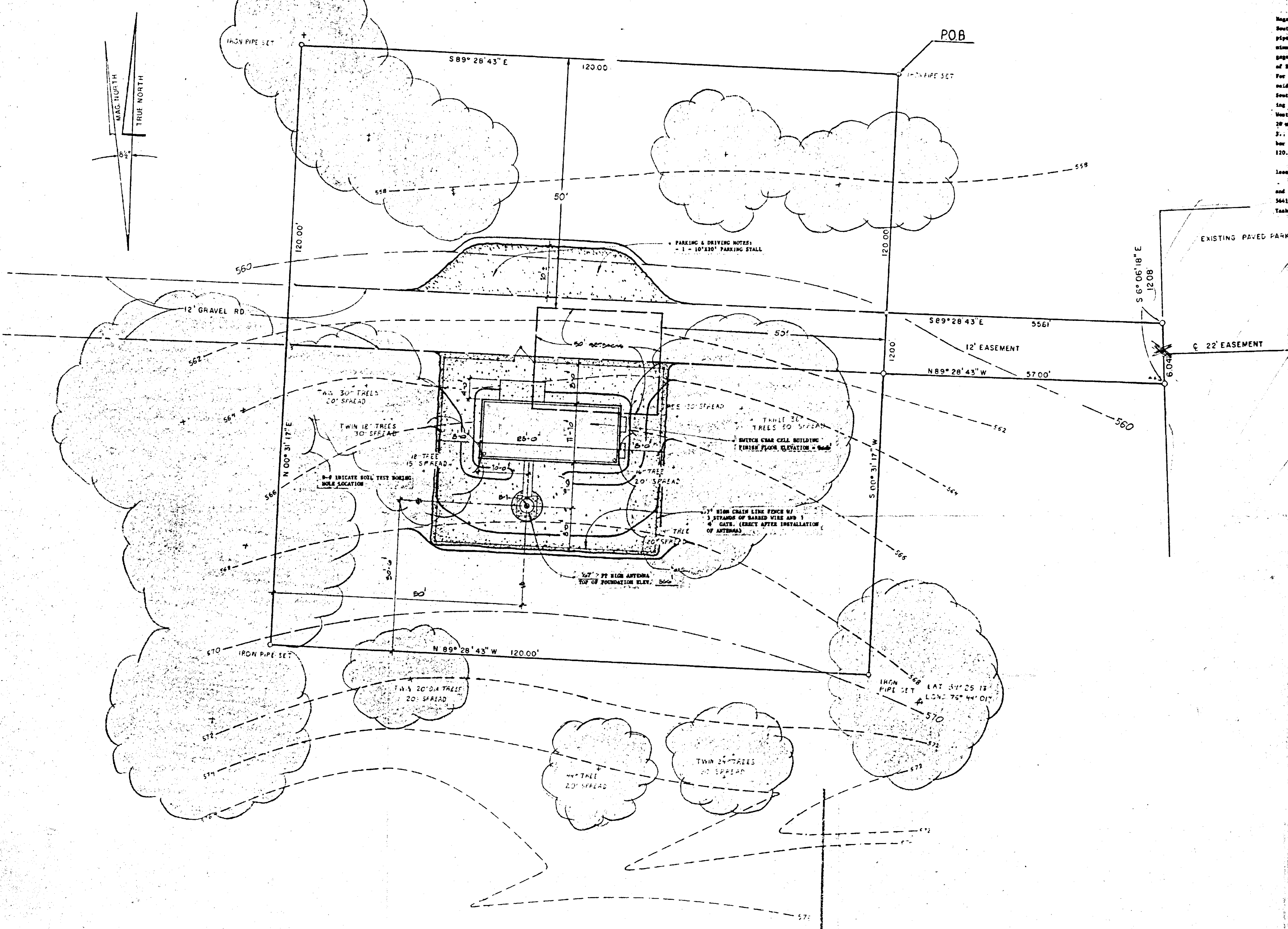
JEFFREY N. PRITZKER, ESQ — " "
405 E. JOPPA RD (21204)

Bell Atlantic Mobile Systems - #85-244-XA

Zoning Commissioner Exhibits

Petitioner's Exhibit No.	1	-	Plat of property	
" " "	2	-	Map showing Baltimore-Washington area with overlay figures on map	- Roll in closet
~~" " "~~	~~3~~ BOARD'S #4		" " " " " "	" " "
" " "	4	-	List of cities and towns, and roadways that would lose service (ZC NOT RETURNED - NEW ONE ENTERED AS BD'S #5	
~~" " "~~	~~5~~ " #1		Photo of tower	
" " "	6	-	Photo of woods 1/30/85	
" " "	7	-	" "	
" " "	8	-	" "	
" " "	9	-	" "	
" " "	10	-	" "	
" " "	11	-	Aerial Photo 1982 on hard backing	In closet
" " "	12	-	Topo plat on hard backing	" "
" " "	13	-	8 small Photos on hard backing	" "

Protestants' Exhibit No.	1	-	Letter from Commerce Distributors, Inc.
" " "	2	-	Letter from Perry S. and Barbara Kagen
" " "	3	-	Letter from Dr. Eric Cohen
" " "	4	-	Petition of residents of Valley Heights Development - 9 pages
" " "	5	-	List of Protestants


MAG. NORTH
TRUE NORTH
8½°
IRON PIPE SET
P.O.B
IRON PIPE SET
S 89° 28' 43" E
120.00
120.00'
120.00
50'
558
559
560
562
564
566
568
570
572
574
577
• PARKING & DRIVING NOTES:
- 1 - 10'X20' PARKING STALL
10'
12' GRAVEL RD
50' SETBACK
55'
TWIN 30" TREES 20' SPREAD
TWIN 12" TREES 30' SPREAD
12" TREE 15' SPREAD
TREE 20' SPREAD
TRIPLE 30" TREES 50' SPREAD
SWITCH GEAR CELL BUILDING FINISH FLOOR ELEVATION = 566'
25'-0"
11'-10"
8'-0"
10'-0"
B-1
16" TREE 20' SPREAD
14" TREE 20' SPREAD
B-# INDICATE SOIL TEST BORING HOLE LOCATION
7' HIGH CHAIN LINK FENCE W/ 3 STRANDS OF BARBED WIRE AND 1 4' GATE. (ERECT AFTER INSTALLATION OF ANTENNA)
? FT HIGH ANTENNA TOP OF FOUNDATION ELEV. 566
N 00° 31' 17" E
S 00° 31' 17" W
50'
IRON PIPE SET
N 89° 28' 43" W 120.00'
IRON PIPE SET
LAT 39° 25' 13"
LONG 76° 44' 01"
TWIN 20" DIA TREES 20' SPREAD
TWIN 24" TREES 20' SPREAD
44" TREE 20' SPREAD
EXISTING PAVED PARKING LOT
S 6° 06' 18" E
12.08
S 89° 28' 43" E 55.61
12' EASEMENT
N 89° 28' 43" W 57.00'
℄ 22' EASEMENT
6.04
PARKING

DETAILED SITE PLAN - BLT-"G,UU-2"

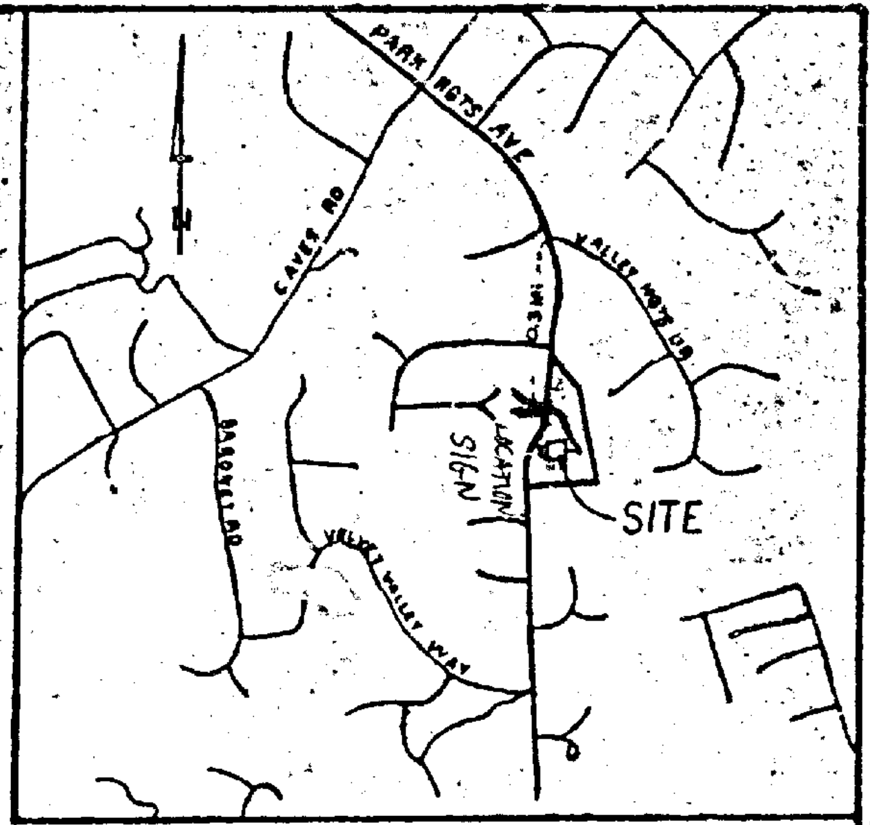
SCALE: 1" = 10'

DESCRIPTION OF A 14,400 SQUARE FOOT PARCEL
PORTION OF BAIS YAAKOV SCHOOL FOR GIRLS
BELL ATLANTIC SITE
BLT GUU-2
PARK HEIGHTS AVENUE

Beginning for the same at a 3/8 inch iron bar now set by Evans, Hagan & Holdefer, Inc. said iron bar being at the end of a line drawn South 14 degrees 36 minutes 52 seconds West 1,781.37 feet from an iron pipe heretofore set at the end of the ninth or South 48 degrees 43 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1976, and recorded among the mortgage records of Baltimore County in Liber 5680 Folio 387 between Bais Yaakov School For Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Evans, Hagan & Holdefer, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following four lines and distances 1. South 0 degrees 31 minutes 17 seconds West 120.00 feet to an iron bar now set, thence 2. North 89 degrees 28 minutes 43 seconds West 120.00 feet to an iron bar now set, thence 3. North 0 degrees 31 minutes 17 seconds East 120.00 feet to an iron bar now set, thence 4. South 89 degrees 28 minutes 43 seconds East 120.00 feet to the point of beginning.

Containing 14,400 square feet of 0.3306 Acres of land more or less.

Being part of the parcel of land which by deed dated May 14, 1976 and recorded among the land records of Baltimore County in Liber EHK JR 5641 Folio 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School For Girls, Inc.


PARK HGTS AVE
CAVES RD
VALLEY HGTS DR
0.3 MI
LOCATION
SIGN
SITE
BARONET RD
VALLEY VALLEY WAY

VICINITY MAP
SCALE 1" = 2000'

NOTES:

1) TRUE NORTH DETERMINED BY SOLAR OBSERVATION
2) ELEVATIONS SHOWN HEREON ARE REFERENCED TO BALTIMORE CO CONTROL STATION # 13112 ELEV. = 395.599'
3) AREA OF SITE = 14,400 ☐' = 0.3306 Ac ±

DESCRIPTION OF A 14,400 SQUARE FOOT PARCEL
BELL ATLANTIC SITE BLT GUU-2
PARK HEIGHTS AVENUE

12 FOOT EASEMENT FOR
INGRESS AND EGRESS

Beginning for the same at a point on the first or South 00 degrees 31 minutes 17 seconds West line of the above mentioned parcel at a distance of 48.00 feet measured along said line in a southwesterly direction from the beginning of said first line, thence running 1. South 89 degrees 28 minutes 43 seconds East 55.61 feet thence 2. South 6 degrees 06 minutes 18 seconds East 12.08 feet thence 3. North 89 degrees 28 minutes 43 seconds West parallel to and 12.00 feet distant measured at right angles in a southwesterly direction from the first line of this description, 57.00 feet to a point on the first line of the above mentioned parcel, thence binding on and running reversely with part of said first line, 4. North 00 degrees 31 minutes 17 seconds East 12.00 feet to the point of beginning.

Containing 676 square feet of land more or less.

22 FOOT EASEMENT FOR
INGRESS AND EGRESS

Beginning at a point on the second or South 6 degrees 06 minutes 18 seconds East 12.08 foot line of the above described 12 foot wide easement at a distance of 6.04 feet measured along said second line in a southeasterly direction from the beginning of said line, thence running to described the center line of a 22 foot easement from the 12 foot easement to Park Heights Avenue said center line running more or less with the center lines of the existing 24 foot wide entrance road 1. North 83 degrees 35 minutes 42 seconds East 311.44 feet 2. North 06 degrees 23 minutes 35 seconds West 156.38 feet to the center line intersection with the main entrance road, thence 3. by a curve to the right with a radius of 300.00 feet for a distance of 36.31 feet the arc of which is subtended by a chord bearing North 49 degrees 52 minutes 30 seconds West 446.06 feet to the end of said curve, thence 4. North 25 degrees 31 minutes 13 seconds West 116.75 feet, thence 5. by a curve to the left having a radius of 113.00 feet for a distance of 131.60 feet the arc of which is subtended by a chord bearing North 30 degrees 08 minutes 04 seconds West 17.79 feet to the end of said curve, thence 6. North 78 degrees 28 minutes 07 seconds West 80 feet more or less to the East edge paving of Park Heights Avenue.

SITE OF
BELL ATLANTIC MOBILE SYSTEMS
GUU-2

BAIS YAAKOV SCHOOL FOR GIRLS
11111 PARK HEIGHTS AVENUE
OWINGS MILLS, MD. 21117
BALTIMORE CO.
LIBER 5641 FOLIO 001

original plat

BOUNDARY AND TOPOGRAPHY
prepared by
EVANS, HAGAN & HOLDEFER
CIVIL ENGINEERS/ SURVEYORS
8101 Sandy Spring Rd., Laurel MD 20707
(301) 725-0665 (301)792-8086

STATE OF MARYLAND
No. 10695

D. Wayne Weller L.S. 10695

PROJECT LOCATION:
#82

REV. ISS. NO.	DATE	ISSUED TO: OR REVISION REMARKS

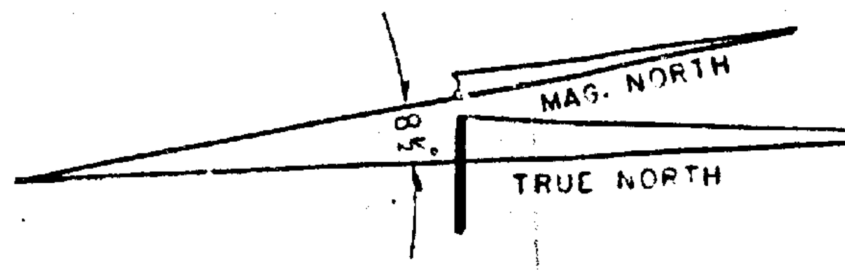
Bell Atlantic Mobile Systems
180 MOUNT AIRY ROAD, P.O.BOX 405
BASKING RIDGE, N.J. 07920

PROJECT DATE: DEC [illegible]
DRAWING NO.: A-0
DRAWING TITLE: PLAT FOR SPECIAL EXCEPTION & VARIANCE SITE PLAN
SCALE: [illegible]
APPROVED BY:
AMPS DIRECTOR OF ENGINEERING
AMPS GENERAL MANAGER OF ENGINEERING
AMPS LOCATION NO.: BLT-"G,UU-2"
AMPS JOB NO.:
DRAWN BY: [illegible]
PROTOTYPE: X

JAN 20 1987

22 FOOT EASEMENT FOR INGRESS AND EGRESS

Beginning at a point on the second or South 6 degrees 06 minutes 18 seconds East 12.08 foot line of the above described 12 foot wide easement at a distance of 6.04 feet measured along said second line in a southeasterly direction from the beginning of said line, thence running to describe the center line of a 22 foot easement from the 12 foot easement to Park Heights Avenue said center line running more or less with the center lines of the existing 24 foot wide entrance road 1. North 83 degrees 53 minutes 42 seconds East 311.64 feet 2. North 06 degrees 23 minutes 35 seconds West 156.38 feet to the center line intersection with the main entrance road, thence 3. by a curve to the right with a radius of 300.00 feet for a distance of 502.91 feet the arc of which is subtended by a chord bearing North 49 degrees 52 minutes 30 seconds West 446.06 feet to the end of said curve, thence 4. North 05 degrees 51 minutes 13 seconds West 118.75 feet, thence 5. by a curve to the left having a radius of 113.00 feet for a distance of 131.60 feet the arc of which is subtended by a chord bearing North 36 degrees 08 min-

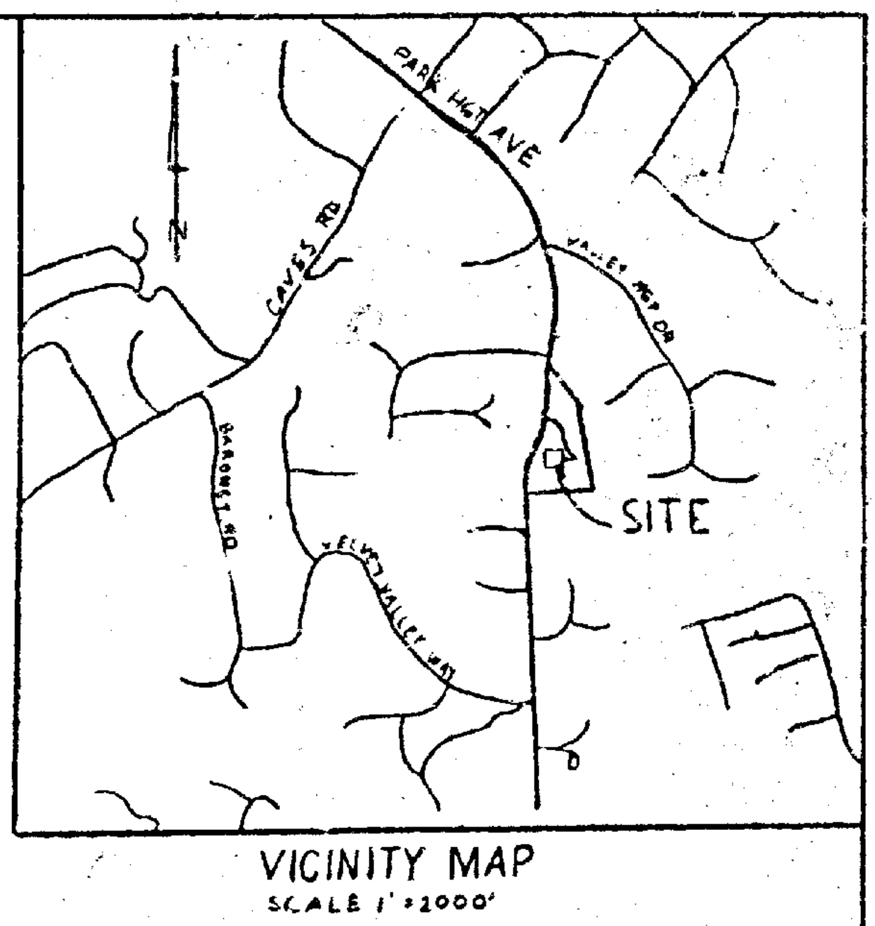


DESCRIPTION OF A 1.1694 ACRE EASEMENT
PORTION OF BAIS YAAKOV SCHOOL FOR GIRLS
BELL ATLANTIC SITE
BLT-GUU-2

Beginning for the same at a point at the end of a line drawn South 18 degrees 33 minutes 34 seconds West 1,435.94 feet from an iron pipe heretofore set at the end of the ninth or South 48 degrees 45 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1976, and recorded among the mortgage records of Baltimore County in Liber 5630 Page 387 between Bais Yaakov School for Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Kidde Consultants, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following 6 lines and distances: viz, 1) South 00 degrees 31 minutes 17 seconds West 382.62 feet to an iron bar heretofore set, said iron bar being at the end of the third of South 89 degrees 23 minutes 45 seconds East 120.00 foot line of the 0.3306 acre lease area, thence running reversely with and binding on said lease area the following two lines and distances, viz; 2) North 89 degrees 28 minutes 43 seconds West 120.00 to an iron bar heretofore set, thence 3) South 00 degrees 31 minutes 17 seconds West 120.00 feet to an iron bar heretofore set, thence leaving said lease area and running the following three lines and distances, viz; 4) North 89 degrees 28 minutes 43 seconds West 10.00 feet to a point, thence 5) North 00 degrees 31 minutes 17 seconds East 502.62 feet to a point, thence 6) South 89 degrees 28 minutes 43 seconds East 130.00 to the place of beginning.

Containing 1.1694 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr. 5641, Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.



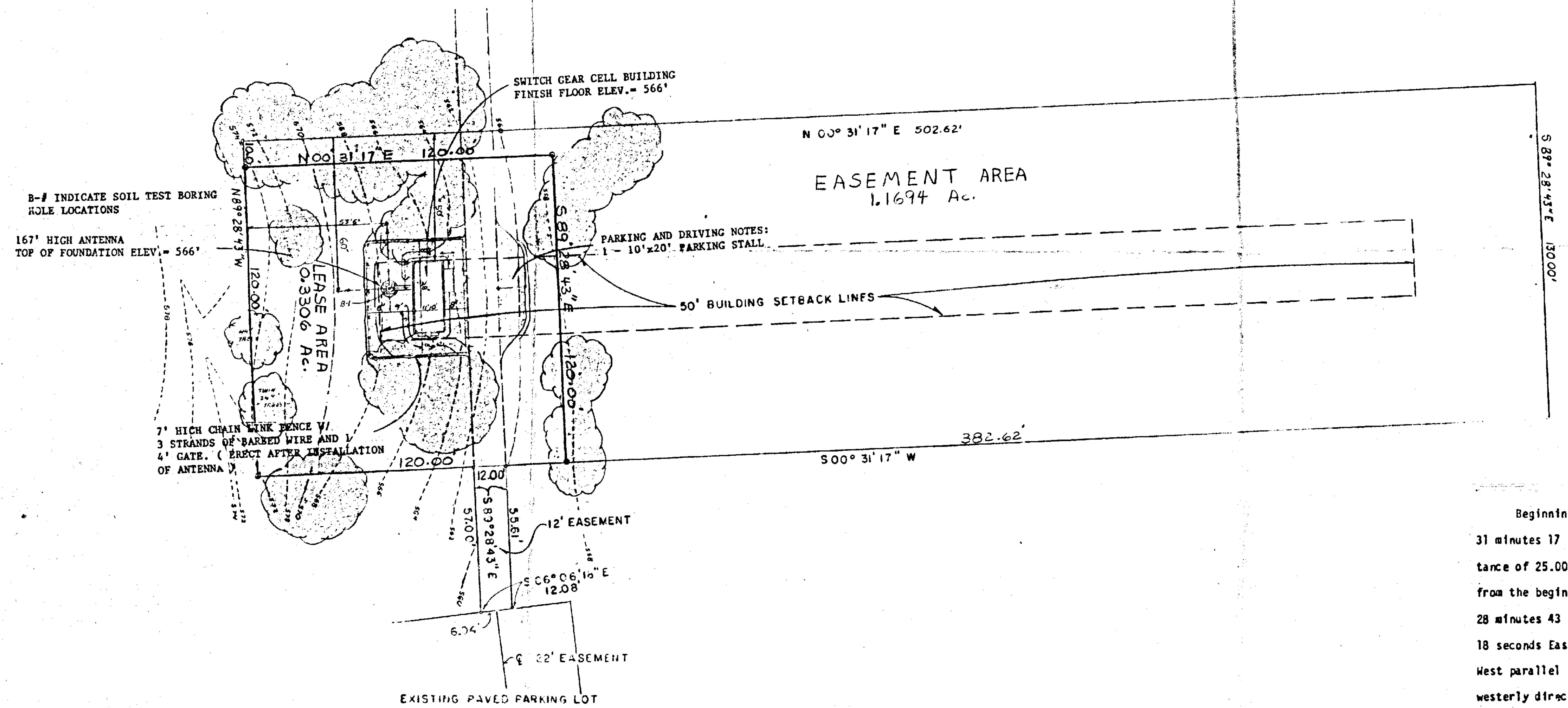
VICINITY MAP
SCALE 1" = 2000'

DESCRIPTION OF A 0.3306 ACRE PARCEL
PORTION OF BAIS YAAKOV SCHOOL FOR GIRLS
BELL ATLANTIC SITE
BLT-GUU-2
PARK HEIGHTS AVENUE

Beginning for the same at an iron bar now set by Kidde Consultants, Inc. said bar being set at the end of a line drawn South 13 degrees 54 minutes 37 seconds West 1920.17 feet from an iron pipe heretofore set at the end of the ninth or South 48 degrees 45 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1976, and recorded among the mortgage records of Baltimore County in Liber 5630 Page 387 between Bais Yaakov School for Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Kidde Consultants, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following four lines and distances: viz; 1) North 89 degrees 28 minutes 43 seconds West 120.00 feet to an iron bar now set, thence 2) North 00 degrees 31 minutes 17 seconds East 120.00 feet to an iron bar now set thence 3) South 89 degrees 23 minutes 43 seconds East 120.00 feet to an iron bar now set thence 4) South 00 degrees 31 minutes 17 seconds West 120.00 feet to the point of beginning

Containing 0.3306 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr 5641 Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.



GENERAL NOTES:

1) TRUE NORTH DETERMINED BY SOLAR OBSERVATION
2) ELEVATIONS SHOWN HEREON ARE REFERENCED TO BALTIMORE CO. CONTROL STATION #13112 ELEV. = 395.599'
3) AREA OF SITE = 65340 sq. ft. = 1.5000 Ac.

12 FOOT EASEMENT FOR INGRESS AND EGRESS

Beginning for the same at a point on the fourth or South 00 degrees 31 minutes 17 seconds West line of the 0.3306 acre lease parcel at a distance of 25.00 feet measured along said line in a southeasterly direction from the beginning of said fourth line, thence running 1. South 89 degrees 28 minutes 43 seconds East 55.61 feet thence 2. South 6 degrees 06 minutes 18 seconds East 12.08 feet thence 3. North 89 degrees 28 minutes 43 seconds West parallel to and 12.00 feet distant measured at right angles in a southwesterly direction from the first line of this description, 57.00 feet to a point on the fourth line of the above mentioned parcel, thence binding on and running reversely with part of said fourth line, 4. North 00 degrees 31 minutes 17 seconds East 12.00 feet to the point of beginning.

Containing 676 feet of land more or less.

Revised
419-85
4/4/85

73770
C-419-85
Revised site plans

SITE OF
BELL ATLANTIC MOBILE SYSTEMS
GUU-2

BAIS YAAKOV SCHOOL FOR GIRLS
1111 PARK HEIGHTS AVENUE
OWINGS MILLS, MD. 21117
BALTIMORE CO.
LIBER 5641 FOLIO 001

MICROFILMED

Re Easement Area

PROJECT LOCATION:

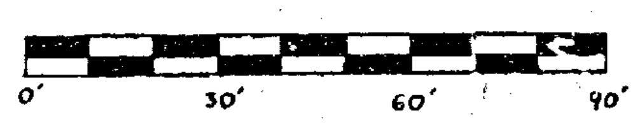
REV. ISS. NO. | DATE | ISSUED AND OR REVISIONS REMARKS

Bell Atlantic Mobile Systems
180 MOUNT AIRY ROAD, P.O.BOX 405
BASKING RIDGE, N.J. 07920

PROJECT DATE: Dec. 3, 1984
DRAWING NO.: A-0
DRAWING TITLE: PLAT FOR SPCL. EXCEPTION & VARIANCE SITE PLAN
SCALE:
APPROVED BY:
AMPS DIRECTOR OF ENGINEERING
M. Hall
AMPS GEN. REL. MANAGER OF ENGINEERING
AMPS LOCATION NO.: BLT-G.U.U-2
AMPS JOB NO.:
DRAWN BY: PA/JDG
PROTOTYPE:
MAR 28 1985

DETAILED SITE PLAN - BLT-GUU-2

SCALE 1" = 30'



PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY L. Eck
PLANNING
DATE 4/26/85
BY
ZONING COMMISSIONER
DATE 4/24/85

85-244 XA
C-419-85

BOUNDARY AND TOPOGRAPHY
prepared by

KIDDE CONSULTANTS, INC.
ENGINEERS, LAND PLANNERS & SURVEYORS
8101 SANDY SPRING ROAD / LAUREL, MD. 20707
(301) 725-0665 / 792-3091
DATE 3/2/85 SCALE [illegible]

039-24-3/3

22 FOOT EASEMENT FOR INGRESS AND EGRESS

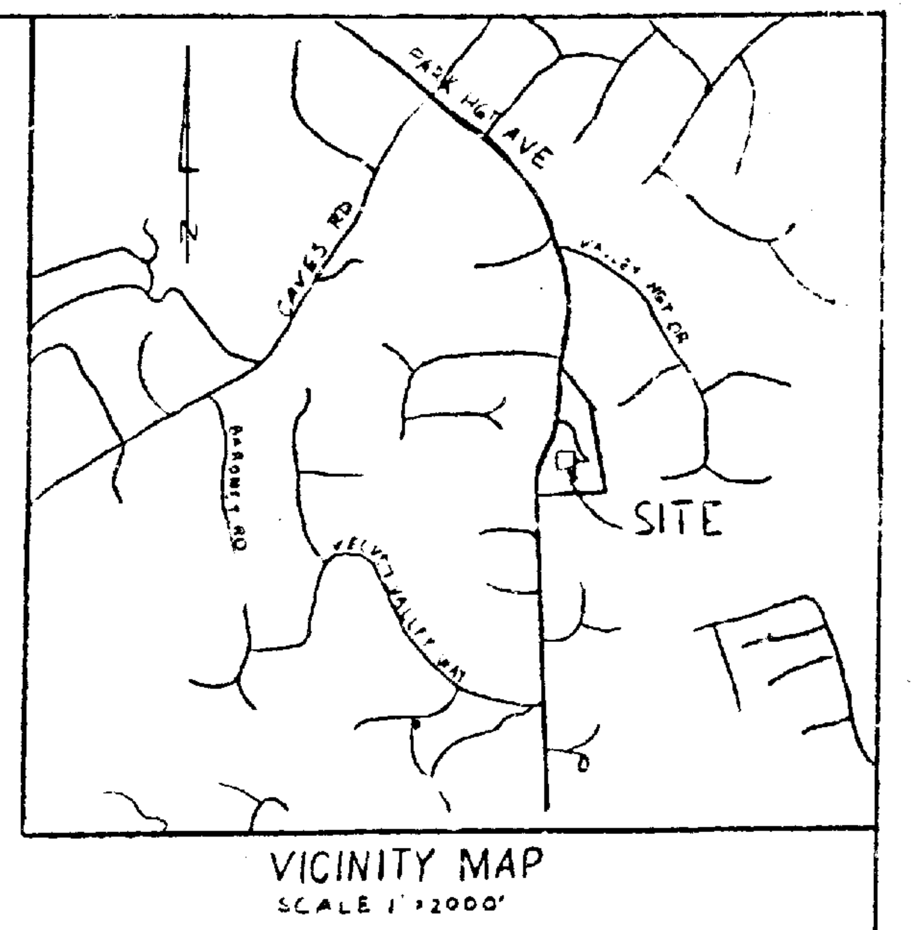
Beginning at a point on the second or South 6 degrees 06 minutes 18 seconds East 12.08 foot line of the above described 12 foot wide easement at a distance of 6.04 feet measured along said second line in a southeasterly direction from the beginning of said line, thence running to describe the center line of a 22 foot easement from the 12 foot easement to Park Heights Avenue said center line running more or less with the center lines of the existing 24 foot wide entrance road 1. North 83 degrees 53 minutes 42 seconds East 311.64 feet 2. North 06 degrees 23 minutes 35 seconds West 156.38 feet to the center line intersection with the main entrance road, thence 3. by a curve to the right with a radius of 300.00 feet for a distance of 502.91 feet the arc of which is subtended by a chord bearing North 49 degrees 52 minutes 30 seconds West 446.06 feet to the end of said curve, thence 4. North 05 degrees 51 minutes 13 seconds West 118.75 feet, thence 5. by a curve to the left having a radius of 113.00 feet for a distance of 131.60 feet the arc of which is subtended by a chord bearing North 36 degrees 08 min-

DESCRIPTION OF A 1.1694 ACRE EASEMENT
PORTION OF BAIS YAAKOV SCHOOL FOR GIRLS
BELL ATLANTIC SITE
BLT-GUU-2

Beginning for the same at a point at the end of a line drawn South 18 degrees 33 minutes 34 seconds West 1,435.94 feet from an iron pipe heretofore set at the end of the ninth or South 43 degrees 45 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1976, and recorded among the mortgage records of Baltimore County in Liber 5630 Page 387 between Bais Yaakov School for Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Kidde Consultants, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following 6 lines and distances: viz, 1) South 00 degrees 31 minutes 17 seconds West 382.62 feet to an iron bar heretofore set, said iron bar being at the end of the third of South 89 degrees 23 minutes 45 seconds East 120.00 foot line of the 0.3306 acre lease area, thence running reversely with and binding on said lease area the following two lines and distances, viz; 2) North 89 degrees 28 minutes 43 seconds West 120.00 to an iron bar heretofore set, thence 3) South 00 degrees 31 minutes 17 seconds West 120.00 feet to an iron bar heretofore set, thence leaving said lease area and running the following three lines and distances, viz; 4) North 89 degrees 28 minutes 43 seconds West 10.00 feet to a point, thence 5) North 00 degrees 31 minutes 17 seconds East 502.62 feet to a point, thence 6) South 89 degrees 28 minutes 43 seconds East 130.00 to the place of beginning.

Containing 1.1694 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr. 5641, Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.



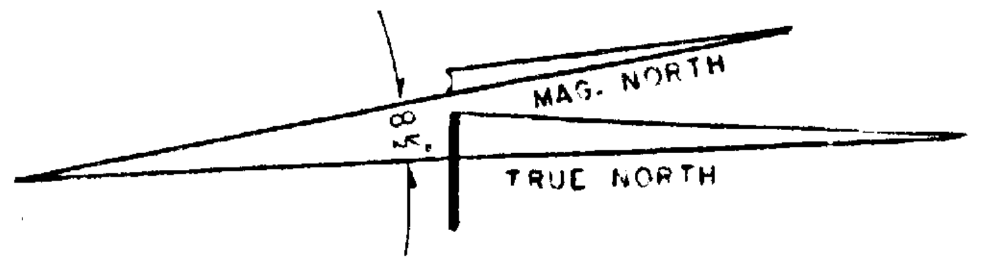
VICINITY MAP
SCALE 1" = 2000'

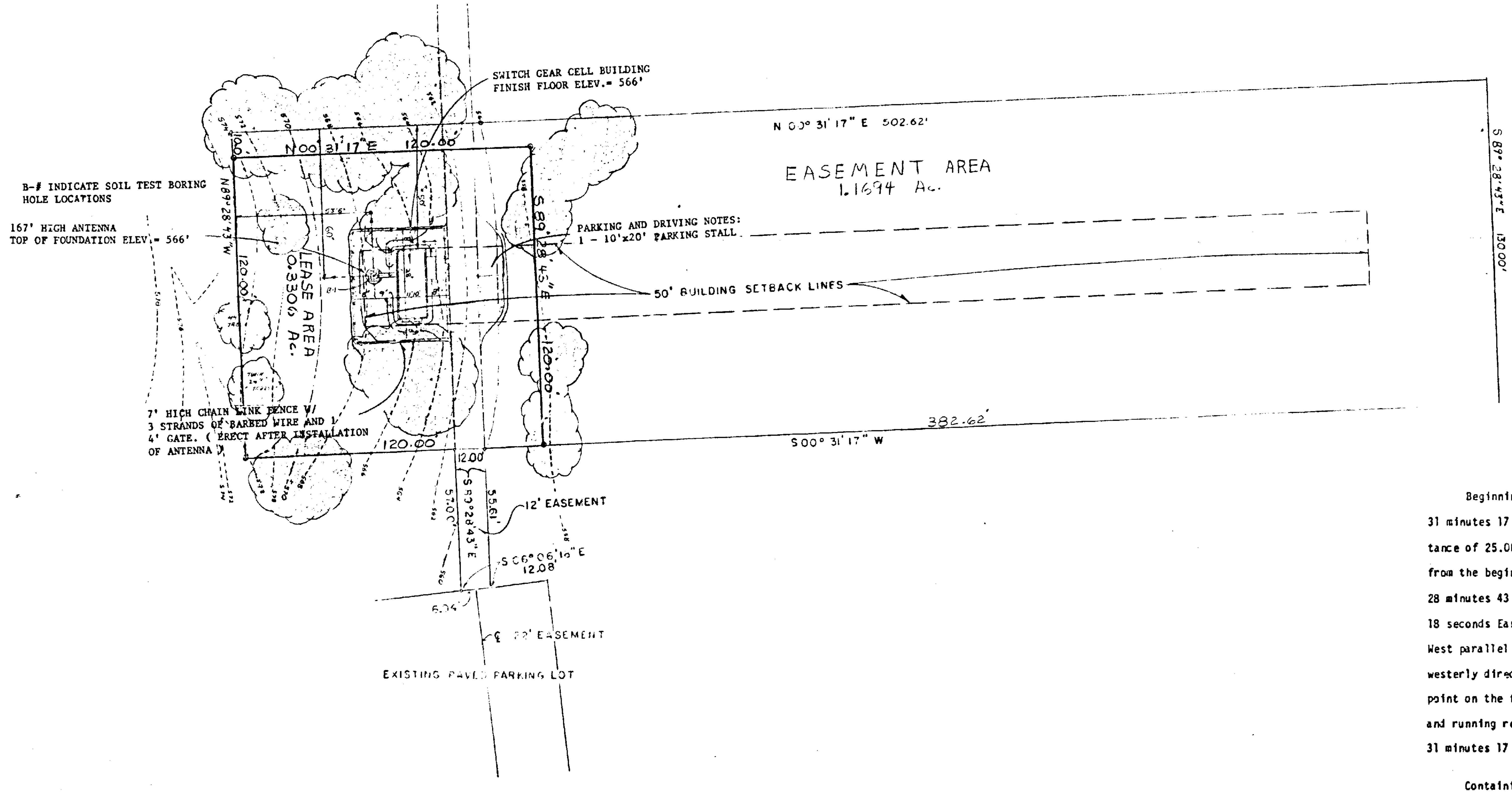
DESCRIPTION OF A 0.3306 ACRE PARCEL
PORTION OF BAIS YAAKOV SCHOOL FOR GIRLS
BELL ATLANTIC SITE
BLT-GUU-2
PARK HEIGHTS AVENUE

Beginning for the same at an iron bar now set by Kidde Consultants, Inc. said bar being set at the end of a line drawn South 13 degrees 54 minutes 37 seconds West 1920.17 feet from an iron pipe heretofore set at the end of the ninth or South 43 degrees 45 minutes 10 seconds East 792.00 foot line of the land which by a mortgage dated September 24, 1976, and recorded among the mortgage records of Baltimore County in Liber 5630 Page 387 between Bais Yaakov School for Girls, Inc. and Yorkridge Federal Savings and Loan Association said ninth line as now surveyed by Kidde Consultants, Inc. to be South 52 degrees 09 minutes 05 seconds East, thence running the following four lines and distances: viz; 1) North 89 degrees 28 minutes 43 seconds West 120.00 feet to an iron bar now set, thence 2) North 00 degrees 31 minutes 17 seconds East 120.00 feet to an iron bar now set thence 3) South 89 degrees 23 minutes 43 seconds East 120.00 feet to an iron bar now set thence 4) South 00 degrees 31 minutes 17 seconds West 120.00 feet to the point of beginning

Containing 0.3306 acres of land more or less.

Being part of the parcel of land which by deed dated May 15, 1976, and recorded among the land records of Baltimore County in Liber EHK Jr 5641 Page 001 was conveyed by Charter Realty Corporation to the Bais Yaakov School for Girls, Inc.





DETAILED SITE PLAN - BLT-GUU-2

SCALE 1" = 30'

12 FOOT EASEMENT FOR INGRESS AND EGRESS

Beginning for the same at a point on the fourth or South 00 degrees 31 minutes 17 seconds West line of the 0.3306 acre lease parcel at a distance of 25.00 feet measured along said line in a southeasterly direction from the beginning of said fourth line, thence running 1. South 89 degrees 28 minutes 43 seconds East 55.61 feet thence 2. South 6 degrees 06 minutes 18 seconds East 12.08 feet thence 3. North 89 degrees 28 minutes 43 seconds West parallel to and 12.00 feet distant measured at right angles in a southwesterly direction from the first line of this description, 57.00 feet to a point on the fourth line of the above mentioned parcel, thence binding on and running reversely with part of said fourth line, 4. North 00 degrees 31 minutes 17 seconds East 12.00 feet to the point of beginning.

Containing 676 feet of land more or less.

GENERAL NOTES:

1) TRUE NORTH DETERMINED BY SOLAR OBSERVATION
2) ELEVATIONS SHOWN HEREON ARE REFERENCED TO BALTIMORE CO. CONTROL STATION #13112 ELEV. = 395.599'
3) AREA OF SITE = 65340 sq. ft. = 1.5000 Ac.

Revised
419-85
4/4/85

73770
C-419-85
Revised site plan

SITE OF
BELL ATLANTIC MOBILE SYSTEMS
GUU-2

BAIS YAAKOV SCHOOL FOR GIRLS
11111 PARK HEIGHTS AVENUE
OWINGS MILLS, MD 21117
BALTIMORE CO.
LIBER 5641 FOLIO 001

Re Easement Area

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY L. Cole
PLANNING
DATE 4/26/85
BY
ZONING COMMISSIONER
DATE 4/24/85

85-244 XA
C-419-85

BOUNDARY AND TOPOGRAPHY
prepared by

KIDDE CONSULTANTS, INC.
ENGINEERS, LAND PLANNERS & SURVEYORS
8101 SANDY SPRING ROAD / LAUREL, MD. 20707
(301) 725-0665 / 792-8086

PROJECT LOCATION:

REV. NO. | DATE | ISSUE TO: OR REVISION REMARKS

Bell Atlantic Mobile Systems
180 MOUNT AIRY ROAD, P.O.BOX 405
BASKING RIDGE, N.J. 07920

PROJECT DATE: DEC. 13,1984
DRAWING NO.: A-0
DRAWING TITLE: PLAT FOR SPECIAL EXCEPTION & VARIANCE SITE PLAN
SCALE:
APPROVED BY:
AMPS DIRECTOR OF ENGINEERING
AMPS LOCATION NO.: BLT-GUU-2
DRAWN BY: PB/JOB
AMPS JOB NO.:
PROTOTYPE:
MAR 25 1985

034-24-3/3