

MAP SW-16  
28  
E.D. 13  
DATE 1-23-85  
200  
1000  
07

86-273-XSPH  
#159

IN RE: PETITION SPECIAL EXCEPTION AND SPECIAL HEARING N/S of Powers Lane, 408' E of Nuwood Drive (2038 Powers Lane) - 13th Election District New Vision, Inc.,

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-273-XSPH

Petitioner \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioner herein requests a special exception for a tower, as more particularly described on Petitioner's Exhibit 1, and to amend the site plan approved in Case No. 81-179-X by reducing the area in Parcel 1 and to amend the Order contained therein by deleting Restriction 3.

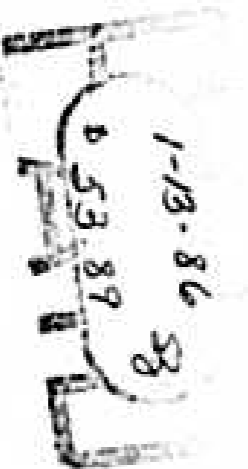
The Petitioner, by Samuel Kravetz, President, appeared and testified and was represented by Counsel. Also appearing on behalf of the Petitioner were John L. Windle, a registered structural engineer and an expert on towers; Ronald Steinberg, representing the Westerly Community Association, which is not in opposition to the proposed tower; and Eugene Raphael, a registered land surveyor. There were no Protestants.

At the onset of the hearing, the Petitioner moved to amend the Petition by withdrawing the request to delete Restriction 3 from the Order in Case No. 81-179-X. The motion was granted. The Petitioner does, however, wish to amend the site plan approved therein to conform with Petitioner's Exhibit 1, which delineates the lot lines in which both towers will be located, an area containing 5.135 acres, as requested by Baltimore County.

Testimony indicated that the subject property, zoned D.R.2 and D.R.16 and located on Powers Lane, is presently improved with a tower granted in Case No. 81-179-X. The original site consisted of 17.5 acres. The Petitioner now proposes to construct a 400-foot tower as a back-up to the original one.

NOT RECEIVED FOR FILING  
DATE January 24, 1985  
BY [Signature]

86-273-XSPH  
#159



**PETITION FOR SPECIAL EXCEPTION**

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 herein described property for additional wireless transmitting and receiving structures, as principal uses or structures, a special exception allowed under Section 1B01.1.C.20 of the Baltimore County Zoning Regulations, a special exception to reduce area of Parcel 1 and remove Restriction 3 in case 81-179-X.

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.

Contract Purchaser: (Type or Print Name)	Legal Owner(s): NEW VISION, INC. (Type or Print Name)
Signature	Signature Samuel Kravetz, President
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner: Eugene P. Smith (Type or Print Name)	c/o Eugene P. Smith 1400 Equitable Bank Center 100 South Charles Street Baltimore, Maryland 21201 Phone No. 332-8713
Signature	Address
1400 Equitable Bank Center 100 South Charles Street Baltimore, Maryland 21201 City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Name
Baltimore, Maryland 21201 City and State	Address
Attorney's Telephone No.: (301) 332-8713	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of November, 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 13th day of January, 1986, at 11:00 o'clock

[Signature]  
Zoning Commissioner of Baltimore County

NOT RECEIVED FOR FILING  
DATE January 24, 1985  
BY [Signature]

the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- No other towers may be constructed on either that portion of the property described on Petitioner's Exhibit 1 or on the entire 17.5-acre tract.
- The letter from Samuel Kravetz, President of New Visions, Inc., to Charles H. Sprague, Westerly Community Association, dated December 18, 1985 and identified as Petitioner's Exhibit 3, shall be adopted in its entirety and made a part of this Order.

[Signature]  
Zoning Commissioner of Baltimore County

AJ/srl  
cc: Eugene P. Smith, Esquire  
People's Counsel

NOT RECEIVED FOR FILING  
DATE January 24, 1985  
BY [Signature]

This tower would be for Channels 54 and 24 and would be utilized if the main tower should, for some reason, be shut down for repairs. Without the back-up, the television stations would have to go off the air for indeterminate periods. The proposed tower would have a triangular base with each leg extending 35 feet from the other and would taper to five feet at its top. It would also be used by public service agencies, e.g., the FBI.

Mr. Windle testified that, in his expert opinion, the tower would present no danger. No tower of this type has ever collapsed, and it has been designed to survive appropriate weather conditions for this geographic area. However, if it did, it is designed to collapse in stages as if it were constructed on hinges. Any damage would be contained within a 175-foot-diameter area and there are no residences within that area. Additionally, both Mr. Windle and Mr. Raphael believe that all of the conditions precedent as delineated in Section 502.1, Baltimore County Zoning Regulations (BCZR), would be satisfied.

The Petitioner seeks relief from Section 1B01.1.C.20, pursuant to Section 502.1, and from Sections 500.9, 500.2.A, and 500.5, pursuant to Section 500.7, BCZR.

It is clear that the BCZR permits the use requested by the Petitioner in D.R.2 and D.R.16 Zones by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and

NOT RECEIVED FOR FILING  
DATE January 24, 1985  
BY [Signature]

E. F. RAPHEL & ASSOCIATES  
Registered Professional Land Surveyors  
201 COURTLAND AVENUE  
TOWSON, MARYLAND 21204

OFFICE: 822-3008 DESCRIPTION: TO ACCOMPANY PETITION RESIDENCE: 771-4522

FOR SPECIAL EXCEPTION 2038 POWERS LANE

Sept. 16, 1985

Beginning for the same at a point on the north side of Powers Lane at a distance of 408' ± easterly from intersection of Nuwood Avenue and Powers Lane, running thence and binding on the north side of Powers Lane and outlining the lands of New Vision Inc. S 69° 58' 59" E 516.05' thence leaving Powers Lane and binding on the outline of New Vision Inc. N 9° 56' 58" E 682.11' thence leaving said outline and running for lines of division N 70° 11' 00" W 75.80', S 61° 24' 50" W 317.28', S 19° 49' 00" W 248.47', S 79° 49' 00" W 129.66', and S 20° 01' 01" W 110.68' to the place of beginning.

Containing 5.135 Ac. ±.  
Being known as 2038 Powers Lane and also being part of Parcel 1 as described in zoning case 81-179-X.



[Signature]  
E. F. Raphael  
Registered Professional Land Surveyor  
# 2246

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 adversely affect the public interest. The facts and circumstances 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 be inconsistent with the spirit and intent of the BCZR.

The request to amend the site plan filed in Case No. 81-179-X to conform with the site plan filed herein will in no way adversely impact the health, safety, and welfare of the community and certainly is within 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 24th day of January, 1985, that the Petition for Special Exception for a tower and, additionally, Special Hearing to amend the site plan approved in Case No. 81-179-X to conform with the site plan filed herein be and is hereby GRANTED, from and after the date of this Order, subject, however, to

NOT RECEIVED FOR FILING  
DATE January 24, 1985  
BY [Signature]

Case No. 86-273-X

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 24th day of January, 1985.

[Signature]  
Arnold Pasich  
Zoning Commissioner

Petitioner New Vision, Inc.  
Petitioner's Attorney Eugene P. Smith, Esquire

Received by: [Signature]  
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 11, 1985

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21284

Dugene P. Smith, Esquire 1400 Equitable Bank Center 100 South Charles Street Baltimore, Maryland 21201

RE: Item No. 159 - Case No. 86-273-X Petitioner - New Vision, Inc. Special Exception Petition

Dear Mr. Smith:

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

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

Very truly yours,

James E. Dyer, Chairman Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: E. F. Raphael & Associates 201 Courtland Avenue Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO: Zoning Commissioner Date: December 30, 1985

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

SUBJECT: Zoning Petition No. 86-273-XSPH

This office has some concern as to the visual impact of the proposed tower on the adjacent residences. Admittedly, a taller tower already exists here. Our concern, however, is with the questions of how many towers will ultimately be proposed here and how many are too many.

Norman E. Gerber, AICP, Director

NEG:JGH:slm

July 8, 1986

To Whom It May Concern:

The relocation of the proposed tower to approximately 50 feet north of the site proposed on Plot for Special Exception Zoning Petition at 2038 Powers Lane, dated September 10, 1985, is acceptable to the Westerlee Community Association Board of Directors. It is understood both the tower and the transmitter building will move to the NE corner of the area marked DR 16 zone just left of the existing northern anchor enclosure for the 1,000 foot tower.

Charles H. Sprague, President Westerlee Community Association

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

February 11, 1986

TED ZALESKI, JR. DIRECTOR

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

Dear Mr. Jablon: RE: Comments on Item # 159/ Zoning Advisory Committee Meeting are as follows: Property Owner: New Vision, Inc. (86-273 X SPH) Locations: N/S Powers Lane, 408 feet E of Nuwood Avenue District: 1st.

APPLICABLE ITEMS ARE CHECKED:

- 1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.D.I. #11-71 - 1980) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/ is not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable. All previous comments are still applicable.
5. All The Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 501, Section 1207, Section 1208.2 and Table 1202. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 501 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) of the Baltimore County Building Code.
8. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use to Use or Mixed Use. See Section 311 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 514.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

SPECIAL NOTE:

- 1. Comments: Which lines are the property lines for the radio and television towers? Section 611.2 prohibits guy wires crossing onto other properties unless we have written consent of the owners of that property.
2. These abbreviated 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 the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles H. Sprague, Engineer of Record

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

December 13, 1985

Re: Zoning Advisory Meeting of November 5, 1985 Item # 159 Property Owner: NEW VISION, INC. Location: N/S POWERS LANE, 408' E. OF NUWOOD AVE.

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.
1A County Review Group Meeting is required.
1B County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
A record plat will be required and must be recorded prior to issuance of a building permit.
The access is not satisfactory.
The circulation on this site is not satisfactory.
The parking arrangement is not satisfactory.
Parking calculations must be shown on the plan.
This property contains soils which are defined as wetlands, and development on these soils is prohibited.
Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
The amended Development Plan was approved by the Planning Board on
A condition: that comply with Baltimore County Landscape Manual, 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.
Additional comments: THERE ARE SOME ADVERSE VISUAL ASPECTS OF THE ADDITION OF A TOWER. RADIO AND TELEVISION TOWERS ESPECIALLY TO THE WESTERLEE COMMUNITY, DIRECTLY TO THE NORTH

Eunne A. Bober Chief, Current Planning and Development

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

STEPHEN E. COLLINS DIRECTOR

November 18, 1985

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

Meeting of November 5, 1985

Item No. -2AC- Property Owner: Locations: Existing Zoning: Proposed Zoning:

Acres: District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbered 151, 152, 153, 155, 156, & 159

Michael S. Flanigan Traffic Engineer Associate II

MSF/bld

BALTIMORE COUNTY FIRE DEPARTMENT TOWSON, MARYLAND 21204-2366 494-4500

PAUL H. REINCKE CHIEF

November 21, 1985

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

Attention: Nick Comodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: New Vision, Inc.

Location: N/S Powers Lane, 408 feet E of Nuwood Avenue

Item No.: 159 Zoning Agenda: Meeting of November 5, 1985

Gentlemen:

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

- 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site. Access shall be provided to new transmitter building.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
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.

Noted and Approved: John F. O'Neill Fire Prevention Bureau

/mb

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

December 6, 1985

TED ZALESKI, JR. DIRECTOR

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

Dear Mr. Jablon: Comments on Item # 159 Zoning Advisory Committee Meeting are as follows: Property Owner: New Vision, Inc. Locations: N/S Powers Lane, 408 feet of N wood Avenue District: 1st.

APPLICABLE ITEMS ARE CHECKED:

- 1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.D.I. #11-71 - 1980) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/ is not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
5. All The Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 501, Section 1207, Section 1208.2 and Table 1202. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 501 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) of the Baltimore County Building Code.
8. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use to Use or Mixed Use. See Section 311 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 514.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
10. Comments: Towers shall be designed, supervised and certified on completion by a structural engineer registered in the State of Maryland. See Section 611.0 - be guided by and comply with this Section of Code. All plans and calculations as well as the building departments Plans Review Data Sheet shall be signed and
11. These abbreviated 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 the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles H. Sprague, Engineer of Record

PETITIONS FOR SPECIAL EXCEPTION  
AND SPECIAL HEARING - 1st Election District

LOCATION: North side of Powers Lane, 408 feet East of  
Nuwood Drive (2038 Powers Lane)

DATE AND TIME: Monday, January 13, 1986 at 11:00 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 additional wireless transmitting  
and receiving structures as principal uses or structures and Petition  
for Special Hearing to reduce the area of Parcel 1 and remove restric-  
tion #3 in Case No. 81-179-X.

Being the property of New Vision, Inc., 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

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
PETITION FOR SPECIAL HEARING  
N/S Powers La., 408' E of Nuwood:  
Dr. (2038 Powers La.), 1st Dist. OF BALTIMORE COUNTY

NEW VISION, INC., Petitioner : Case No. 86-273-XSPH

ENTRY OF APPEARANCE

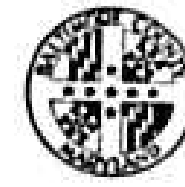
Please enter the appearance of the People's Counsel in the  
above-captioned matter. Notices should be sent of any hearing dates or  
other proceedings in this matter and of the passage of any preliminary  
or final Order.

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

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
171 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 17th day of December, 1985, a copy  
of the foregoing Entry of Appearance was mailed to Eugene P. Smith, Esquire,  
1400 Equitable Bank Center, 100 S. Charles St., Baltimore, MD 21201,  
Attorney for Petitioner.

*Peter Max Zimmerman*  
Peter Max Zimmerman



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

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

January 2, 1986

Eugene P. Smith, Esquire  
1400 Equitable Bank Center  
100 South Charles Street  
Baltimore, Maryland 21201

Re: Petitions for Special Exception  
and Special Hearing  
N/S Powers Lane, 408' E of Nuwood Drive  
(2038 Powers Lane) - 1st Election District  
New Vision, Inc. - Petitioner  
Case No. 86-273-XSPH

Dear Mr. Smith:

This is to advise you that \$53.89 is due for advertising  
and posting of the above property. This fee must be paid before an  
Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON  
THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by  
self.

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

No. 018404

DATE: 1-13-86 ACCOUNT: R 01-615 000

AMOUNT: \$ 53 89/100

RECEIVED FROM: New Vision

FOR: Advertising & Posting 86-273-XSPH

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County, Maryland, and remit  
Towson, Maryland

Eugene P. Smith, Esquire  
1400 Equitable Bank Center  
100 South Charles Street  
Baltimore, Maryland 21201

December 13, 1985

NOTICE OF HEARING

PETITIONS FOR SPECIAL EXCEPTION  
AND SPECIAL HEARING  
N/S Powers Lane, 408' E of Nuwood Dr.  
(2038 Powers Lane) - 1st Elec. Dist.  
New Vision, Inc. - Petitioner  
Case No. 86-273-XSPH

TIME: 11:00 a.m.

DATE: Monday, January 13, 1986

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

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

No. 012793

DATE: 1-13-86 ACCOUNT: R 01-615 000

AMOUNT: \$ 110 00

RECEIVED FROM: Eugene P. Smith

FOR: Payment of Cash 86-273-XSPH

VALIDATION OR SIGNATURE OF CASHIER

Signature  
Baltimore County

CERTIFICATE OF PUBLICATION *Case No. 86-273-XSPH*

TOWSON, MD. December 26, 1985

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  
December 26, 1985

THE JEFFERSONIAN,  
*JB Kenton*  
Publisher  
Cost of Advertising  
24.75

Office of  
**PATUXENT**  
Publishing Corp  
10750 Little Patuxent Pkwy  
Columbia, MD 21044

December 26 19 85

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR SPECIAL EXCEPTION

was inserted in the following:

- Calonsville Times
- Arbutus Times

weekly newspapers published in Baltimore County, Maryland  
once a week for ONE successive weeks before  
the 28 day of December 19 85, that is to say,  
the same was inserted in the issues of

December 26, 1985

PATUXENT (PUBLISHING CORP.)  
By *[Signature]*

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 1st Date of Posting 12-24-85

Posted for: Special Ex. and Special Hearing

Petitioner: New Vision, Inc.

Location of property: N/S of Powers Lane, 408' E of Nuwood Dr.  
(2038 Powers Lane)

Location of Sign: North side of Powers Lane, approx 540' east  
of Nuwood Drive

Remarks:

Posted by: [Signature] Date of return: January 3, 1986

Number of Signs: 2

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

vs.

Defendant

CERTIFICATE OF PUBLICATION OF



December 18, 1985

Mr. Charles H. Sprague  
212 Cedar Circle Drive  
Catonsville, Md 21225

Dear Mr. Sprague,

Thank you for the courtesy you and your board extended to me on Sunday.  
For your information, I re-cap some of the points raised during our meeting,  
and my responses to some questions asked.

The proposed three leg 400-foot tower will be 410-feet from the nearest  
house on Cedar Circle Drive. The three legs will be thirty (30) feet apart  
at ground level. The legs will be 6" diameter each and at each 25 foot eleva-  
tion will decrease one-quarter-inch. Thirty feet from the top, the diameter  
of the tower will be five feet. The distance to the present tower will be a-  
bout 200 feet. No lights are required by the F.A.A. and none will be installed.  
The standby antenna would put out only 10,000 watts of power compared to 5  
million from the present antenna. They would never be used simultaneously.

This letter will also serve as our assurance and guarantee, that follow-  
ing the approval for this tower, no other application for towers, antennas or  
other broadcast facilities will ever again be made to the zoning authorities  
of Baltimore County.

New Vision, Incorporated also promises and guarantees that a sufficient  
number of trees will be planted, parallel to Nuwood Road on our property, at  
our expense to serve as a visual screen for the residents of Chantilly Road  
and vicinity.

New Vision will also cause the removal of the "Hoffman Green Houses" on  
or before May 1, 1986.

Today, my attorney advised me that a hearing would be held at the  
Baltimore County Office Building, room 106, on Monday January 13, at 11am.

It would be most helpful if you or one of your Board Members would be  
present to affirm your support for my project and hopefully say a few kind  
words about me and the relationship between New Vision, Inc. and its neigh-  
bors. Possibly Mr. Steinberg ("Retired") could be your representative. In  
any case, a letter from your Board authorizing your representative to tes-  
tify would be desirable.

I thank you in advance for your support. The Westerlee Improvement Association may expect my prompt response to this or to any other subject which may arise in the future. If I can be of service, please do not hesitate to call on me.



Sincerely,  
New Vision, Inc.

*Samuel Kravetz*  
Samuel Kravetz,  
President

SK/dt

Copies: Don Ward 2201 Cedar Circle Drive  
Ronald Steinberg 2107 Cedar Circle Drive  
et al

Notarize *Collett Jensen*  
BY COMMISSION EXPIRES JULY 1, 1978

January 13, 1986

To Whom It May Concern:

This letter authorizes Mr. Ronald Steinberg to represent the Westerly Community Association Board of Directors at the January 13, 1986 zoning hearing in regards to #86-273-XSPH, item #159.

*Charles H. Sprague*  
Charles H. Sprague  
President

EXHIBIT 2

RESUME OF

JOHN L. WINDLE

Home Address: 604 South Concord Road  
West Chester, PA 19380

Date of Birth: January 6, 1932

Education: BS Engineering - Structural Major  
Drexel University, Philadelphia, PA - 1966

Advanced studies in Structural Dynamics  
Drexel University, Philadelphia, PA - 1969-70

Experience: Assistant Structural Engineer  
Design of mill buildings and foundations  
United Engineers and Constructors, Inc.  
Philadelphia, PA  
1964-1966

Manager of Structural Engineering  
Design of tower and antenna structures and foundations  
Trylon, Inc.  
Elverson, PA  
1966-1970

Chief Engineer  
Design of tower structures and foundations  
Stainless, Inc.  
North Wales, PA  
1970 - Present

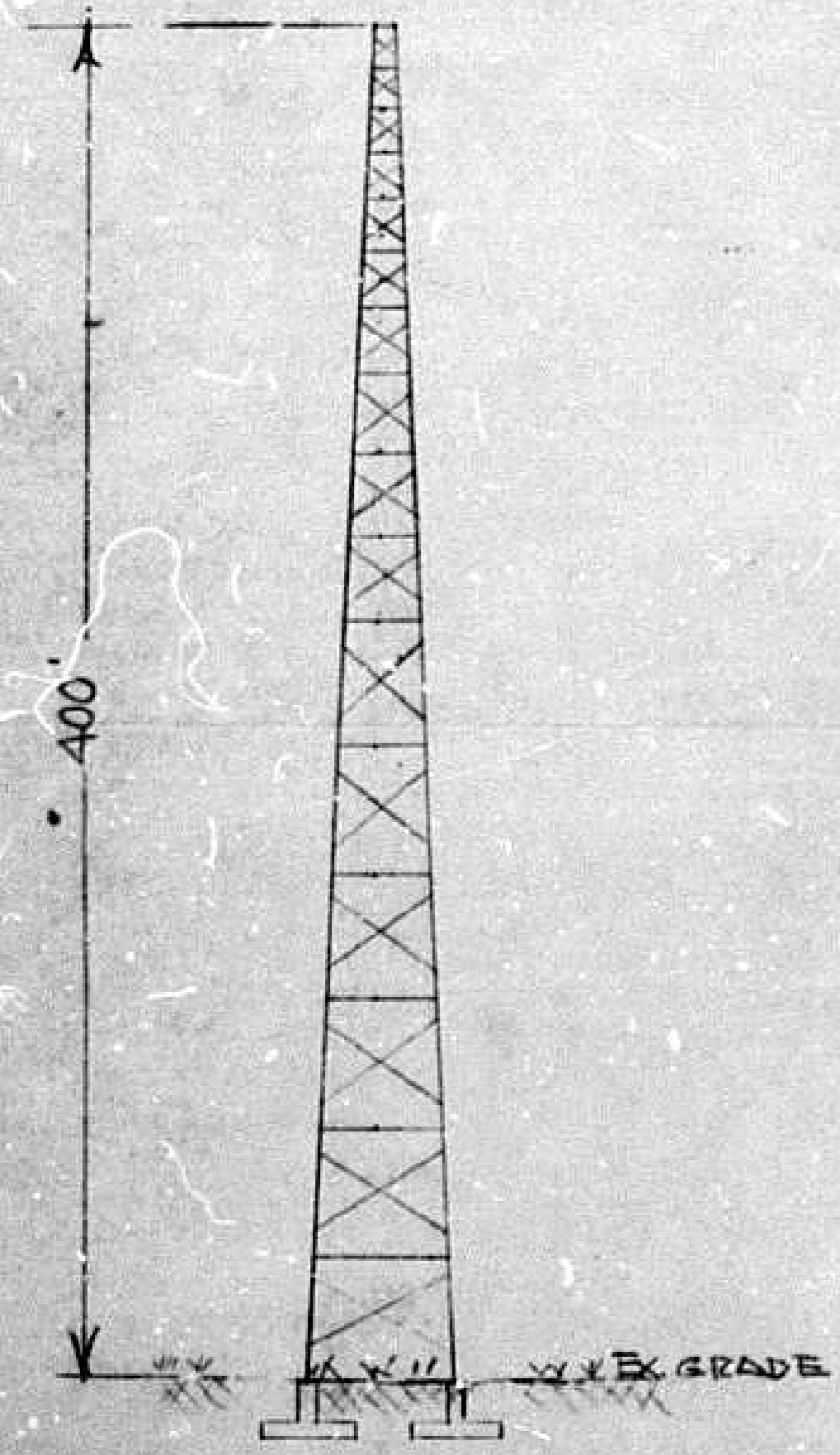
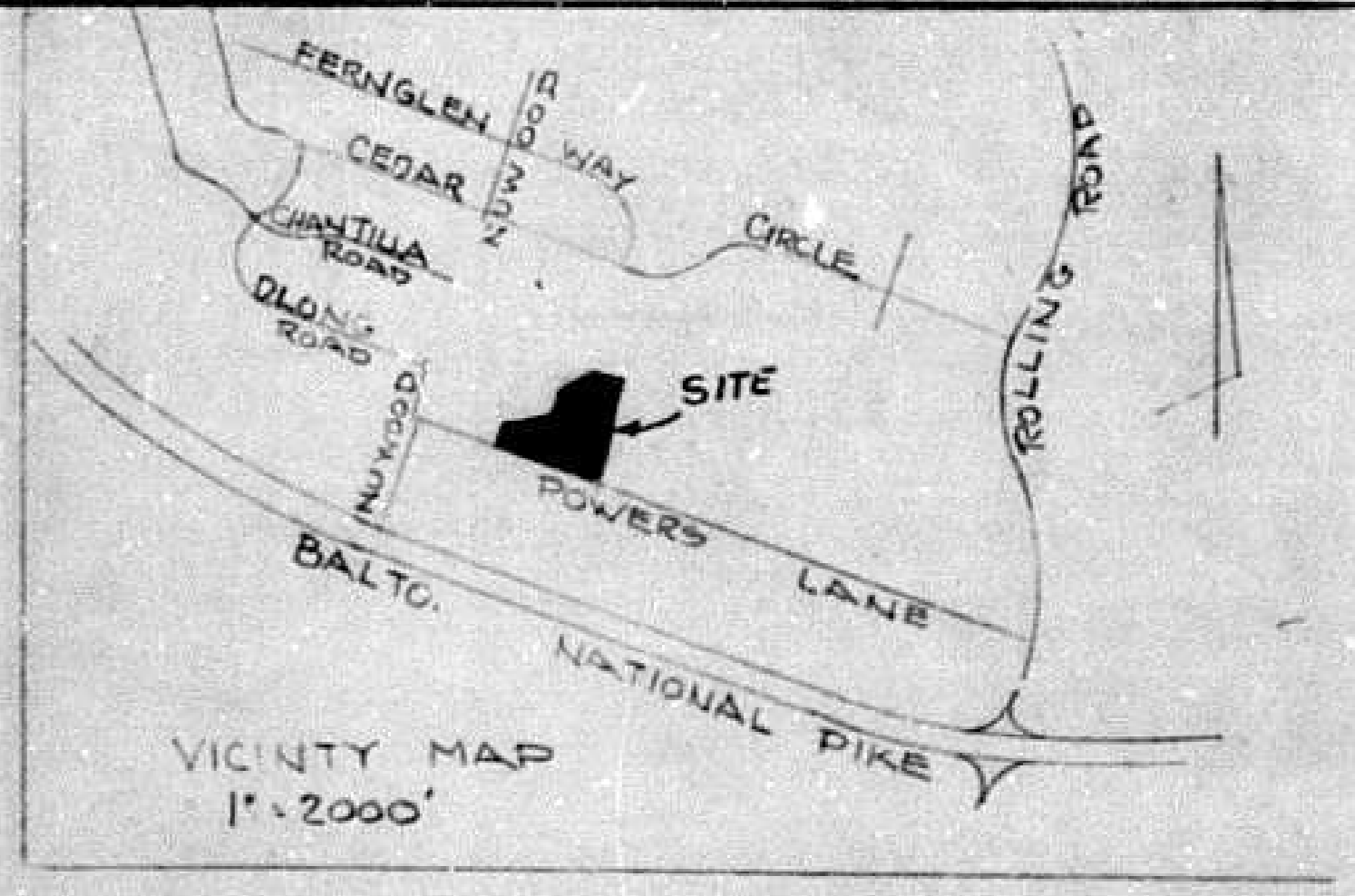
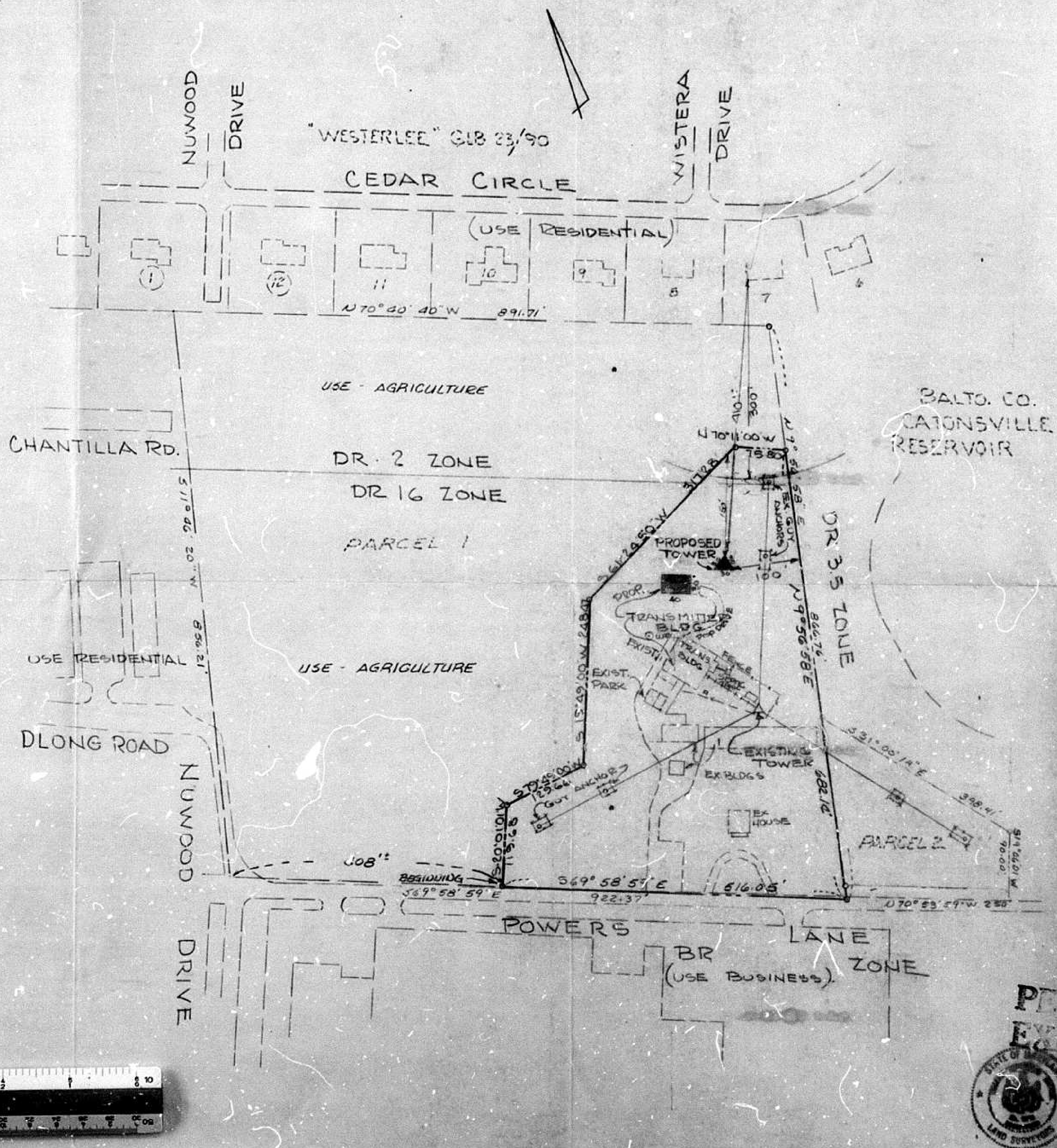
Professional Registration: Pennsylvania No. 011766-E  
Ohio No. E-034351  
Michigan No. 19783  
Minnesota No. 0011186  
Virginia No. 1019200

Publications: "A Study of Factors in Tower Type and Site Selection," Communications News, June, 1967.

"Structural Considerations When Changing or Adding Antennas on Existing Towers," Proceedings - 29th Annual Broadcast Engineering Conference, National Association of Broadcasters, 1975.

Committees: EIA Subcommittee TR-14.7 responsible for maintenance of EIA Standard RS-222, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

07661



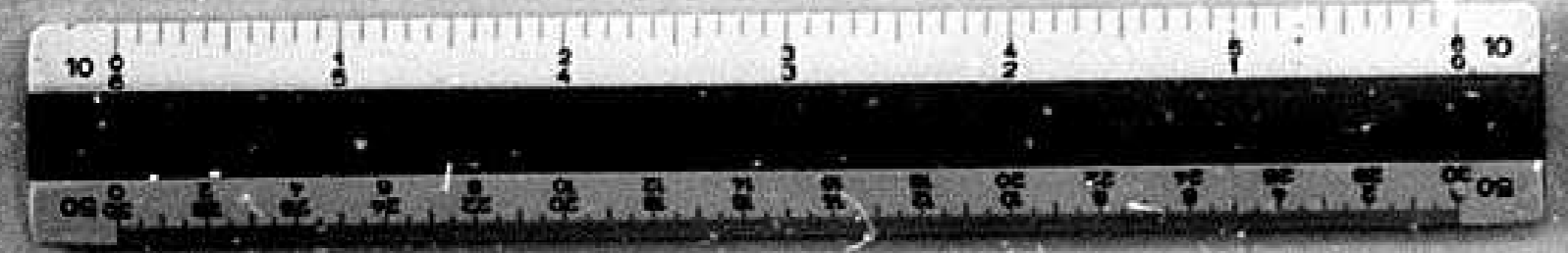
PROFILE PROPOSED TOWER  
NO SCALE

**GENERAL NOTES**  
 AREA OF PROPERTY  
 AREA OF SITE 5.135 AC.  
 EXISTING ZONE DR-16-DR-2  
 EXISTING USE RADIO & TELEVISION TRANSMITTING & RECEIVING STATION  
 PROPOSED USE - RADIO & TELEVISION TRANSMITTING & RECEIVING STATION

**PARKING DATA**  
 NO. OF EMPLOYEES - NO ADDITIONAL REQUIRED  
 NO. OF SPACES REQUIRED - NONE  
 NO. OF SPACES PROVIDED - 2 EXIST. ON SITE

NOTE: SPECIAL EXCEPTION FOR EXISTING TOWER GRANTED JUNE 2 1981 CASE # 81-179 X

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR RADIO & TELEVISION TOWER  
 2038 POWERS LANE  
 1<sup>ST</sup> ELECT. DIST. BALTO. CO.  
 SCALE 1"=100' SEPT. 10-85



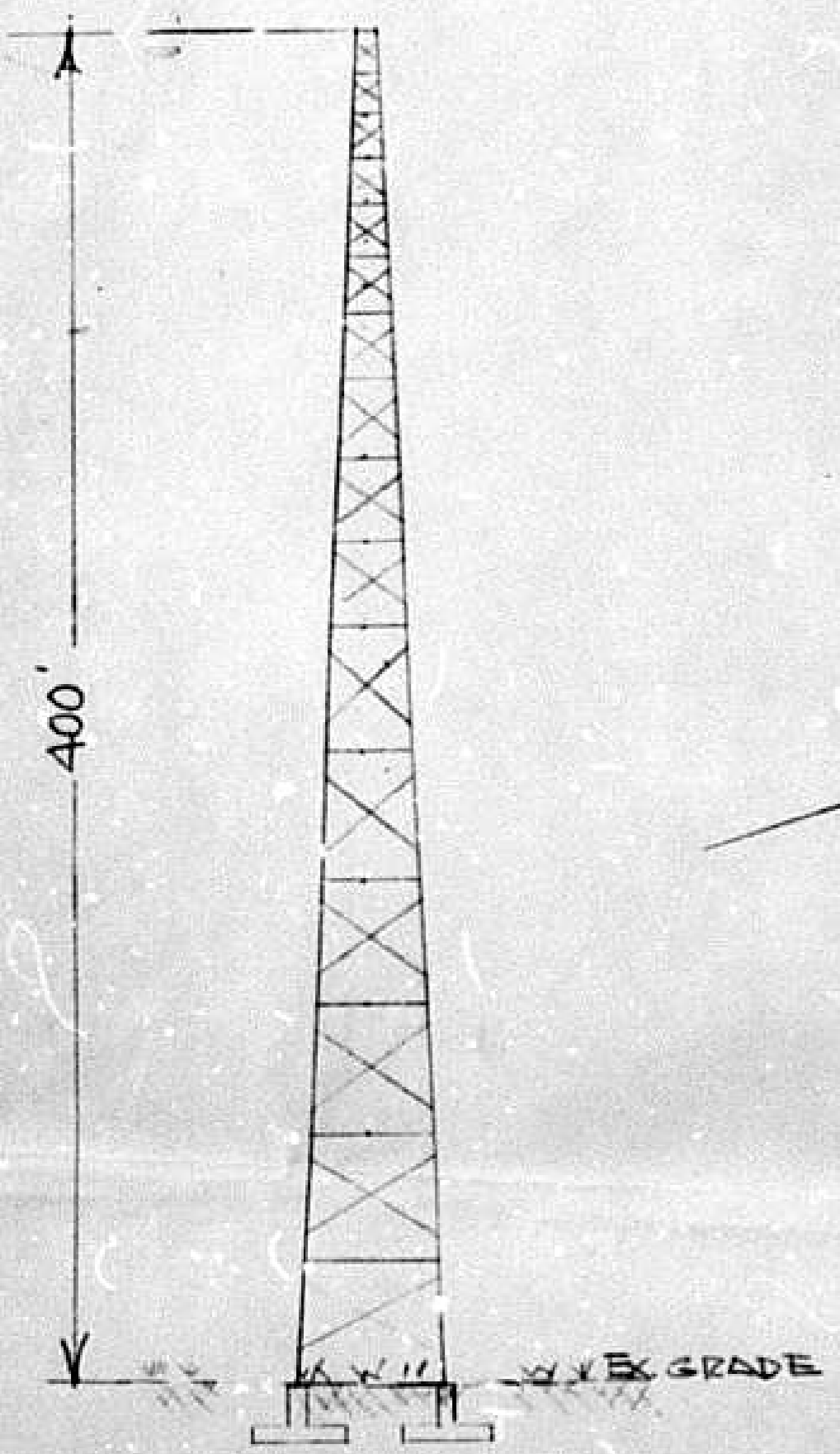
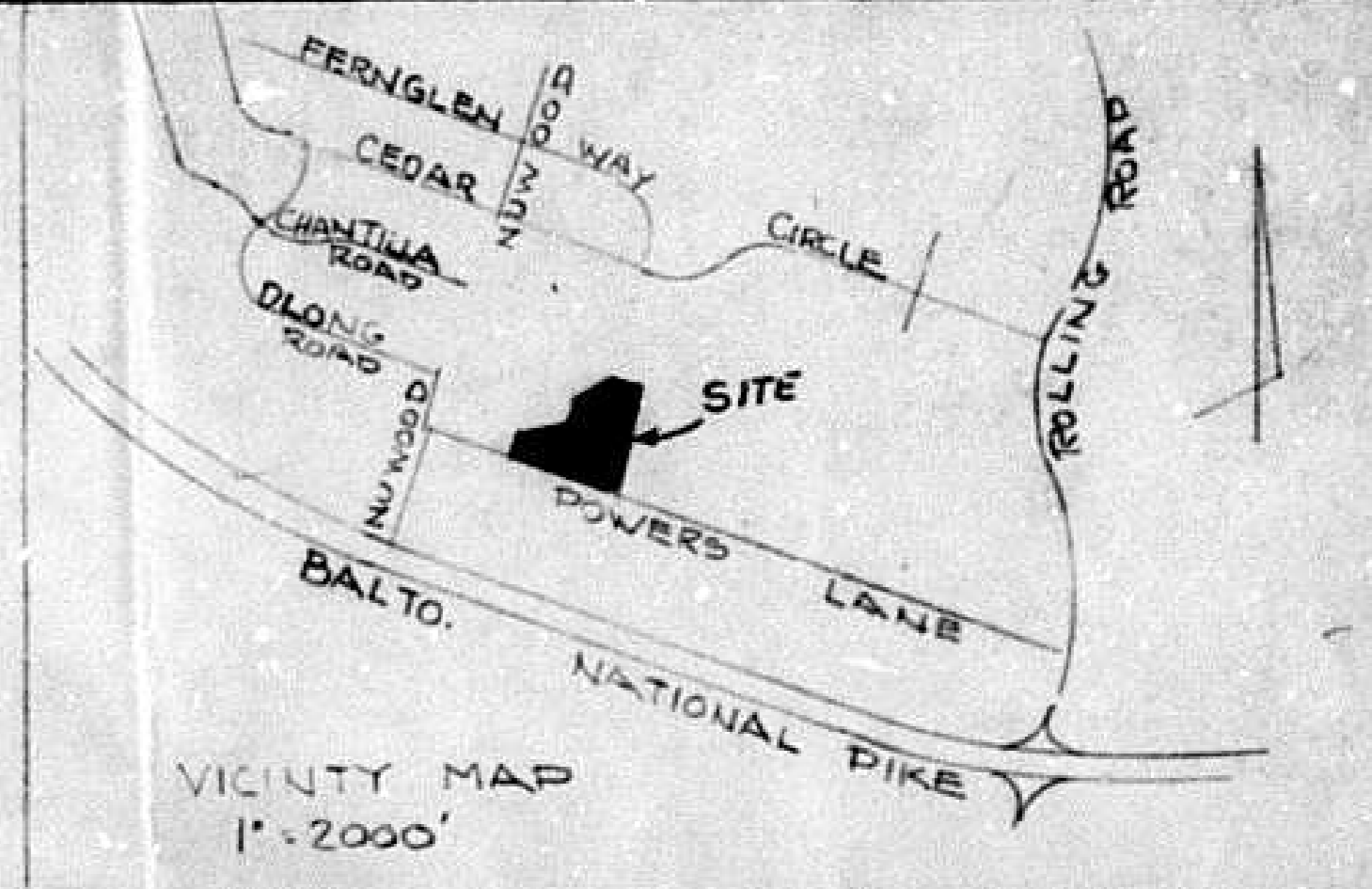
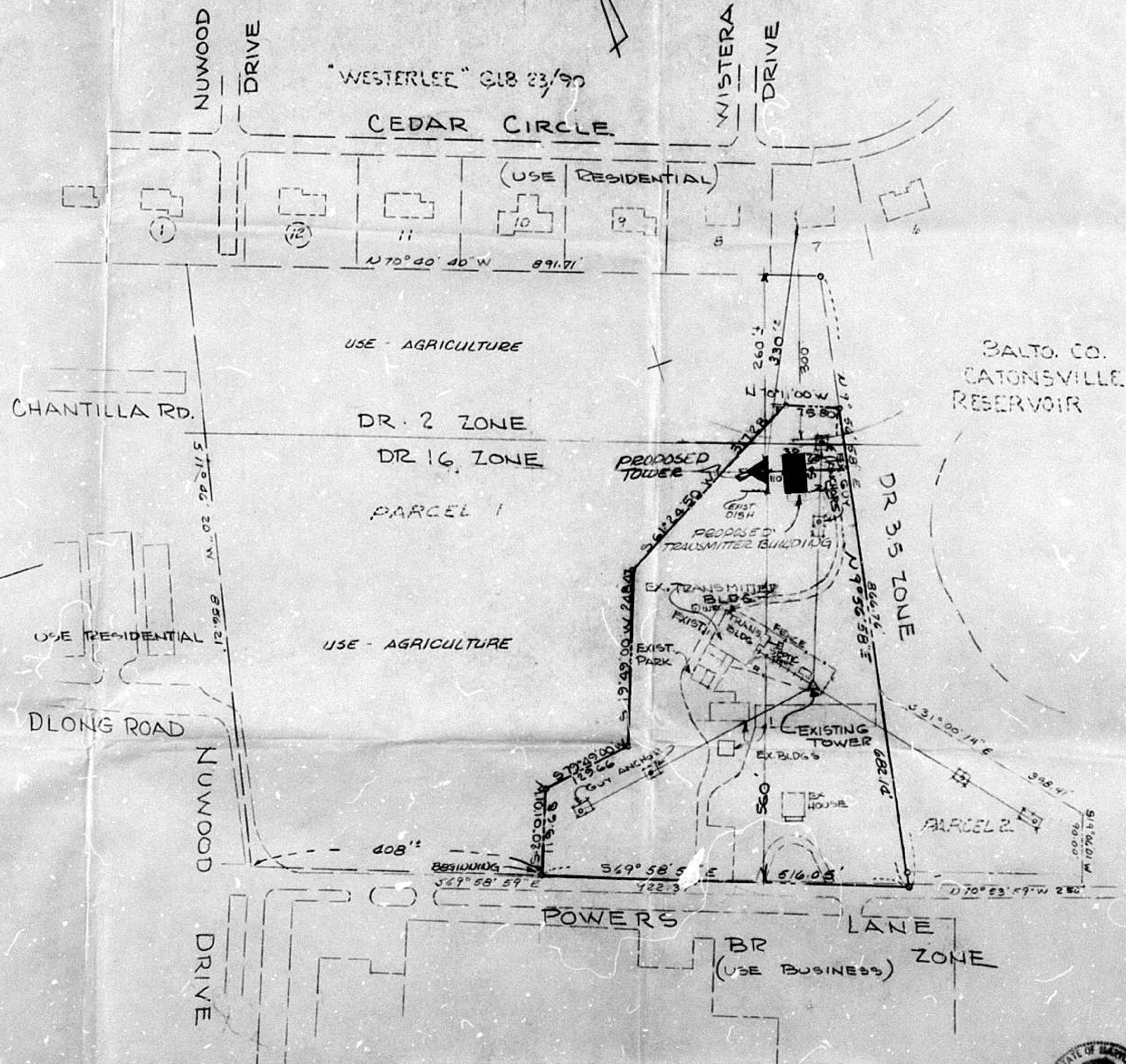
E. F. RAPHAEL & ASSOC.  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 201 COURTLAND AVENUE  
 TOWSON, MARYLAND 21204

*Revised 1-10-86 #159*

ADDITION - DRIVE

1996

0661



GENERAL NOTES

AREA OF PROPERTY  
 AREA OF SITE 5.135 AC.  
 EXISTING ZONE DR16-DR-2  
 EXISTING USE RADIO & TELEVISION TRANSMITTING & RECEIVING STATION  
 PROPOSED USE - RADIO & TELEVISION TRANSMITTING & RECEIVING STATION

PARKING DATA

NO OF EMPLOYEES - NO ADDITIONAL REQUIRED  
 NO. OF SPACES REQUIRED - NONE  
 NO. OF SPACES PROVIDED - 2 EXIST. ON SITE

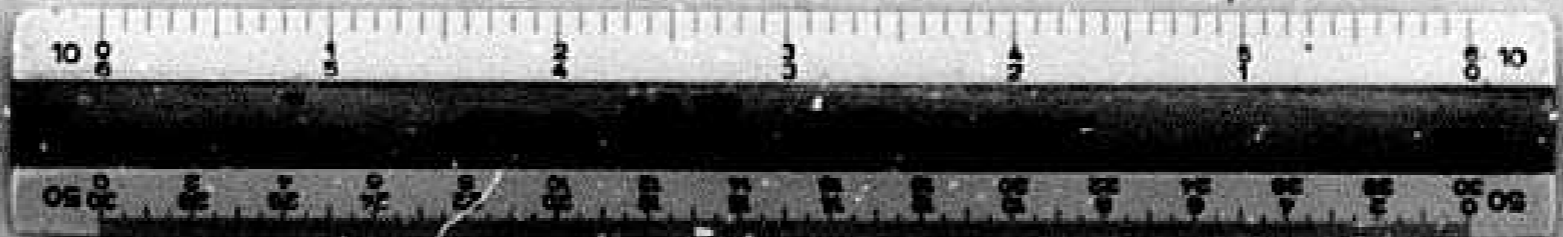
NOTE: SPECIAL EXCEPTION FOR EXISTING TOWER, GRANTED JUNE 2, 1981 IN CASE # 81-179X  
 SPECIAL EXCEPTION IN CASE # 86-273-XSPH GRANTED JAN. 13, 1986 WITH THE FOLLOWING CONDITIONS AND RESTRICTIONS  
 1) NO OTHER TOWERS MAY BE CONSTRUCTED ON EITHER THAT PORTION OF THE PROPERTY DESCRIBED IN PETITION EXHIBIT 1, OR ON THE ENTIRE 17.5 AC TRACT  
 2) LETTER FROM SAMUEL KRAVITZ, PRES. OF NEW VISION INC. TO CHARLES H. SPRAGUE, PRESIDENT OF WESTERLEE COMMUNITY ASSOCIATION, DATED DEC. 18, 1985 AND IDENTIFIED AS PETITIONERS EXHIBIT 3, SHALL BE ADOPTED IN ITS ENTIRETY, AND MADE PART OF THIS ORDER.

AMENDED PLAT FOR SPECIAL EXCEPTION  
 CASE # 86-273 XSPH

RADIO & TELEVISION TOWER  
 2038 POWERS LANE

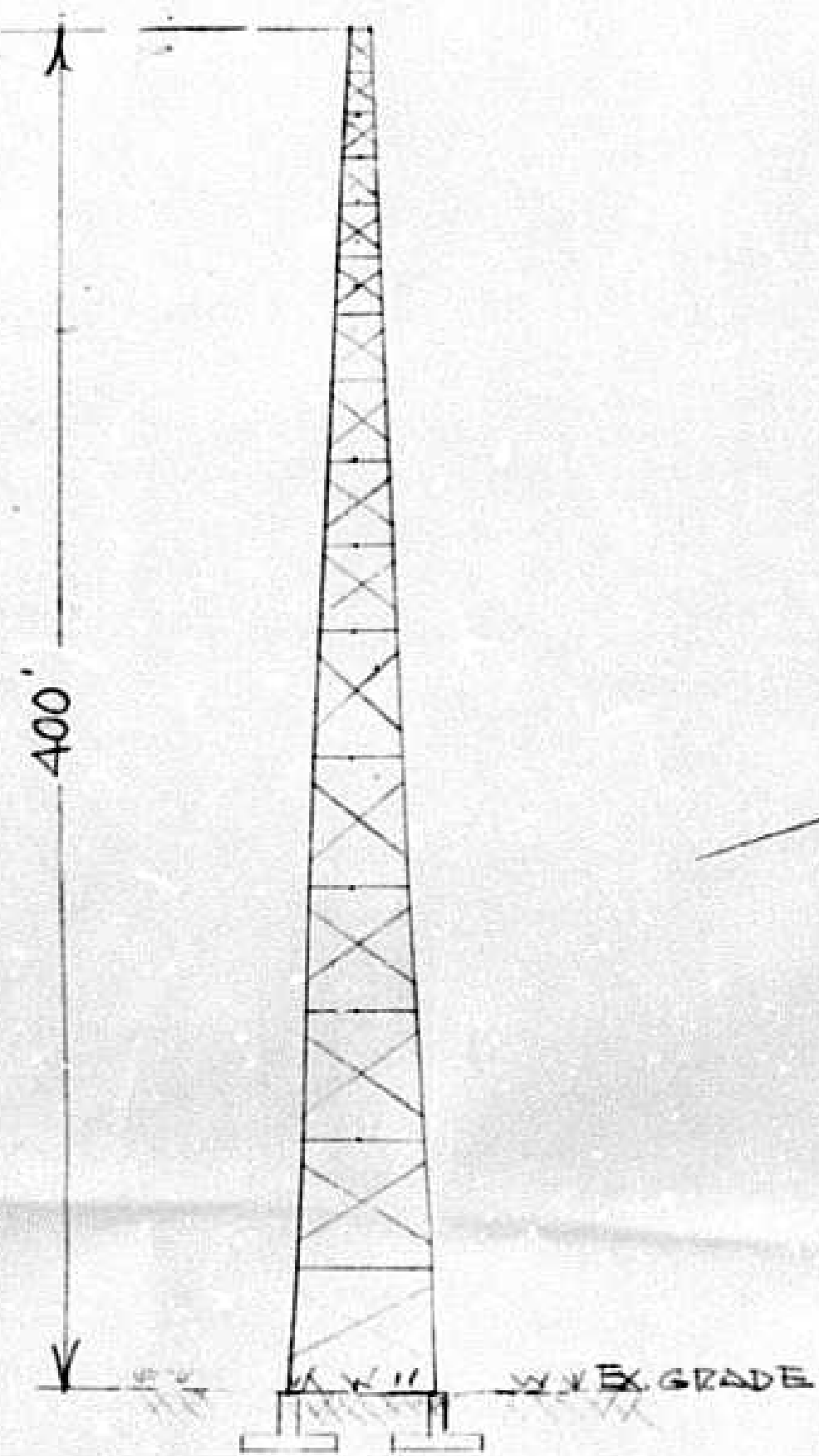
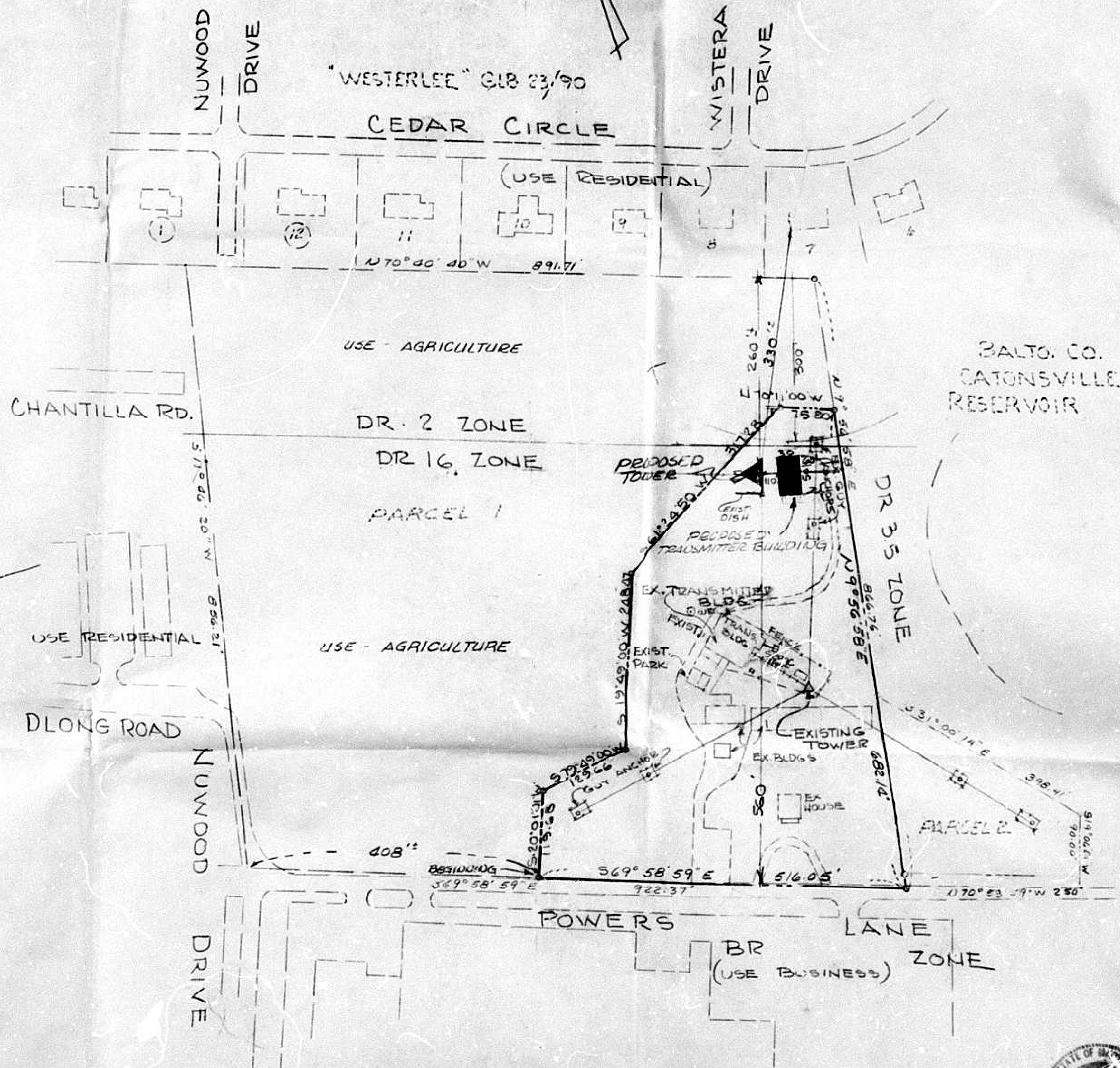
1<sup>ST</sup> ELECT. DIST. BALTO. CO.  
 SCALE 1" = 100' SEPT. 10-85

APPROVED  
 OFFICE OF PLANNING & ZONING  
 BY: *[Signature]*  
 PLANNING  
 DATE: 8/11/86  
 BY: *[Signature]*  
 ZONING COMMISSIONER  
 DATE: 8/11/86  
 E. F. RAPHEL & ASSOC.  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 201 COURTLAND AVENUE  
 TOWSON, MARYLAND 21204

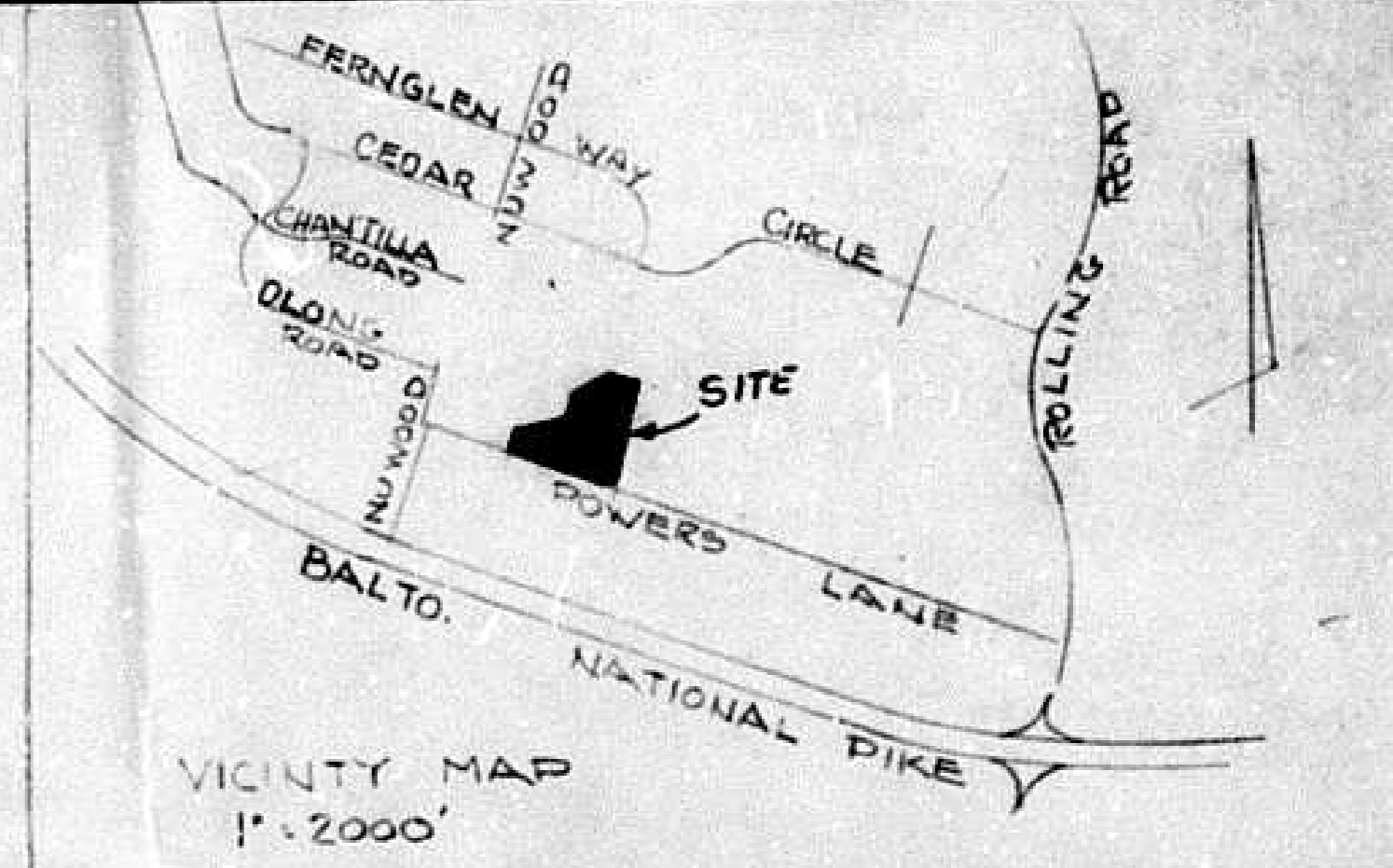


1996

9661



PROFILE PROPOSED TOWER  
NO SCALE



**GENERAL NOTES**

AREA OF PROPERTY  
 AREA OF SITE 5.135 AC.  
 EXISTING ZONE DR16-DR-2  
 EXISTING USE RADIO\*TELEVISION TRANSMITTING\*RECEIVING STATION  
 PROPOSED USE - RADIO\*TELEVISION TRANSMITTING \*RECEIVING STATION

**PARKING DATA**

NO. OF EMPLOYEES - NO ADDITIONAL REQUIRED  
 NO. OF SPACES REQUIRED - NONE  
 NO. OF SPACES PROVIDED - 2 EXIST. ON SITE

**NOTE: SPECIAL EXCEPTION FOR EXISTING TOWER GRANTED JUNE 2, 1981 IN CASE # 81-179X**

**SPECIAL EXCEPTION IN CASE # 86-273-XSPH GRANTED JAN. 13, 1986 WITH THE FOLLOWING CONDITIONS AND RESTRICTIONS**

- NO OTHER TOWERS MAY BE CONSTRUCTED ON EITHER THAT PORTION OF THE PROPERTY DESCRIBED IN PETITION EXHIBIT 1, OR ON THE ENTIRE 17.5 AC. TRACT
- LETTER FROM SAMMUEL KRAVITZ, PRES. OF NEW VISION, TO CHARLES H. SPRAGUE, PRESIDENT OF WESTERLEE COMMUNITY ASSOCIATION, DATED DEC. 18, 1985 AND IDENTIFIED AS PETITIONERS EXHIBIT 3, SHALL BE ADDED IN ITS ENTIRETY AND MADE PART OF THIS ORDER.

AMENDED PLAT FOR SPECIAL EXCEPTION  
CASE # 86-273XSPH  
FOR

**RADIO & TELEVISION TOWER**  
 2038 POWERS LANE  
 1<sup>ST</sup> ELECT. DIST. BALTO. CO.  
 SCALE 1" = 100' SEPT. 10-85

APPROVED  
 OFFICE OF PLANNING & ZONING  
 BY: *[Signature]*  
 PLANNING  
 DATE: *[Signature]*  
 BY: *[Signature]*  
 ZONING COMMISSIONER  
 DATE: 8/11/86



F. F. RAPHEL & ASSOC.  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 301 COURTLAND AVENUE  
 TOWSON, MARYLAND 21284



1996