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

February 6, 2006

Mr. Mikel Budde 812 Oregon Avenue, Ste E Linthicum, MD 21090

Dear Mr. Budde

RE: Spirit and Intent Case No. 89-484-SPHXA

2038 Powers Lane 1st Election District

Your letter addressed to Mr. Kotroco, dated January 27, 2006 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 height of the existing tower is not increased and no lighting of any kind is placed on the tower and that the ground based equipment will be located within the existing Utility service building, the proposal is considered to be within the "spirit and intent" of Zoning Case No. 89-484-SPHXA. 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.

Lloyd T. Moxley

Sincerely

Planner II
Zoning Review

LTM



Visit the County's Website at www.baltimorecountyonline.info

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

February 2, 2006

Ms. Katie Oppenheimer Network Building and Consulting LLC 812 Oregon Avenue, Ste E Linthicum, MD 21090

Dear Ms. Oppenheimer

RE: Spirit and Intent Case No. 89-484-SPHXA

1st Election District

Your letter addressed to Mr. Jablon, dated June 16, 2003 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 height of the existing tower is not increased and no lighting of any kind is placed on the tower and that the ground based equipment will be located within the existing Utility service building, the proposal is considered to be within the "spirit and intent" of Zoning Case No-89-484-SPHXA. 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.

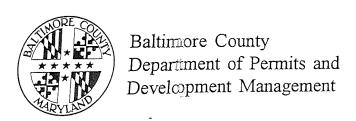
Sincerely

Lloyd T. Mexley Planner J

Zoning Review

LTM





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

June 16, 2003

Mr. Bryan Bolt Wireless Facilities, Inc. for Cingular Wireless 6810 Deerpath Road, Suite 500 Elkridge, MD 21075

Dear Mr. Bolt

RE: Spirit and Intent Case No. 89-484-SPHXA

1st Election District

Your letter addressed to Mr. Jablon, dated June 16, 2003 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 height of the existing tower is not increased and no lighting of any kind is placed on the tower, the proposal is considered to be within the "spirit and intent" of Zoning Case No. 89-484-SPHXA. 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.

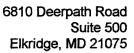
Sincerely,

Lloyd T. Moxley

Planner II

Zoning Review

LTM





June 16, 2003

VIA HAND DELIVERY

Mr. Amold Jablon, Director Department of Permits and Development Management, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

RE: Cingular Wireless – "Spirit and Intent" Request - Proposed Minor Modifications to Existing Commercial Wireless Transmitting and Receiving Facility

2038 Powers Lane, Catonsville, MD 21228
Existing 400' Self Support Tower
Reference Cases: 81-179-X. 86-273-XSPH & 89-484-SPHXA

Dear Mr. Jablon:

This request is made on behalf of my client, Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless ("Cingular"), formerly operating as Cellular One. The purpose of this letter is to request approval to make proposed minor modifications to an existing commercial wireless transmitting and receiving facility located at 2038 Powers Lane.

Cingular's current installation consists of six (6) 52" panel antennas mounted in three sectors (with each sector containing two (2) antennas) on an existing 400' self support tower. Sectors "A" and "B" are mounted at the 163' level, and sector "C" is mounted at the 116' level on the structure. Cingular's radio equipment is located within a leased room inside an equipment building at the base of the tower. Cingular proposes to modify its existing antenna configuration by replacing the six (6) existing antennas with nine (9) new 48" panel antennas. The new antennas will be mounted at the same elevations as those being replaced, and will utilize existing cabling and mounting apparatus, requiring the addition of only three more lines of coaxial cable and three "stand-off" [antenna] mounting brackets. Additionally, Cingular will be adding new BTS and power cabinets inside the leased equipment room. This proposal requires no increase in tower height and no changes to the size or layout of the compound, as no land disturbance is necessary.

Please find enclosed for review three (3) redlined copies of the site plan submitted in previous cases depicting existing antennae and features, as well as Cingular's proposed modifications. Also included are Cingular's site and construction plans for the proposed modification, site photographs, and antenna specifications for the proposed replacement antennas.

Cingular believes its proposed site modifications are consistent with original conditions of approval and consider the modifications to be within the "Spirit and Intent" of previous zoning cases, as there is no substantial increase in use or use area. Your time and assistance is greatly appreciated and Cingular respectfully requests an expedient response and approval to proceed with applying for a building permit. If you have any questions, concerns or require additional information regarding this matter, please contact me anytime at (804) 937-0469.

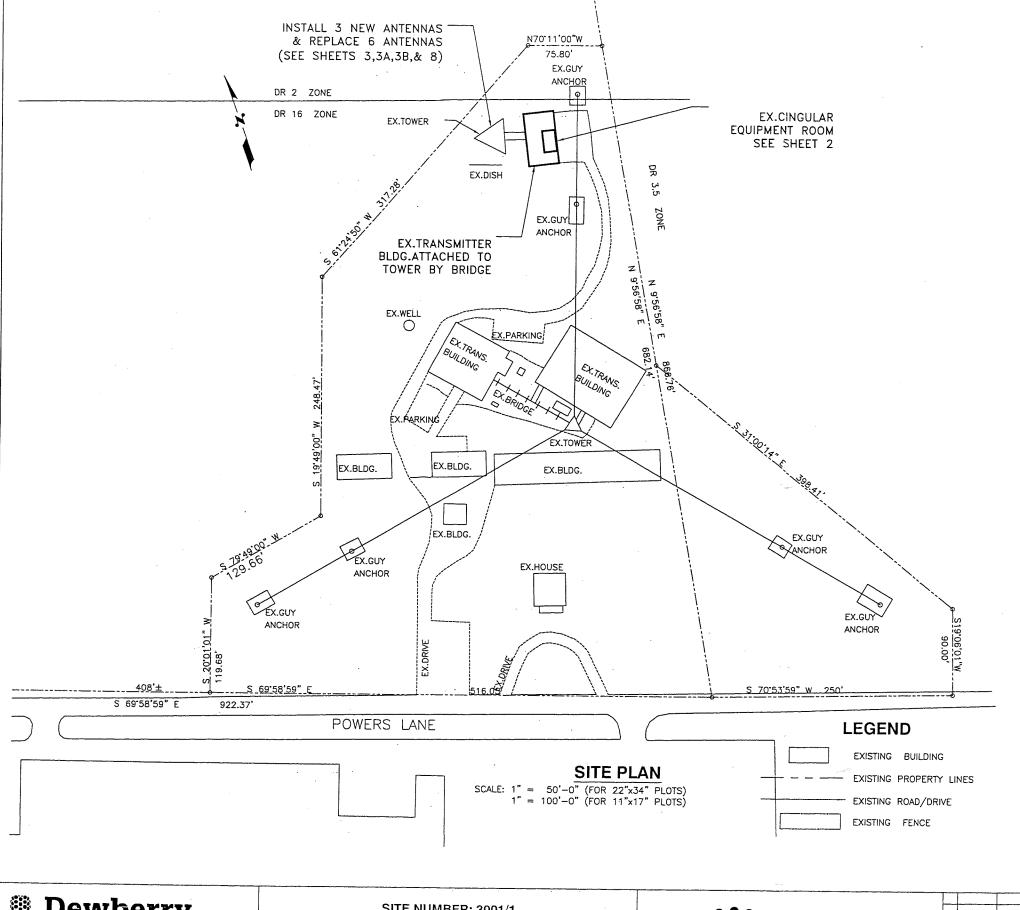
Respectfully yours,

Brian Bolt

Wireless Facilities, Inc. for Cingular Wireless

Enclosures





GENERAL NOTES

- 1. EXISTING STRUCTURES, TRUE NORTH AND TOPOGRAPHIC INFORMATION WERE TAKEN FROM PLANS CREATED BY E.F.RAPHEL & ASSOC., REG. PROF.LAND SURVEYORS OF TOWSON, MD AND DATED SEPT. 10, 1985 AND REVISED JULY 11, 1986 AND MAR. 2, 1989. AND SITE VISITS BY DEWBERRY & DAVIS LLC.
- 2. THIS PROPOSAL IS FOR AN UNMANNED TELECOMMUNICATIONS FACILITY CONSISTING OF 9 PANEL ANTENNAS & THE PLACEMENT OF THE FOLLOWING EQUIPMENT IN THE EXISTING CINGULAR EQUIPMENT ROOM: A NEW BTS CABINET AND NEW POWER CABINET.
- 3. FOR THE PURPOSE OF CONSTRUCTION DRAWING, THE FOLLOWING DEFINITIONS SHALL APPLY: CONTRACTOR BECHTEL

SUBCONTRACTOR - GENERAL CONTRACTOR (CONSTRUCTION)

OWNER - CINGULAR

OEM - ORIGINAL EQUIPMENT MANUFACTURE

- 4. PRIOR TO THE SUBMISSION OF BIDS, THE BIDDING SUBCONTRACTOR SHALL VISIT THE CELL SITE TO FAMILIARIZE WITH THE EXISTING CONDITIONS AND TO CONFIRM THAT THE WORK CAN BE ACCOMPLISHED AS SHOWN ON THE CONSTRUCTION DRAWINGS. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE ATTENTION OF CONTRACTOR.
- 5. ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. SUBCONTRACTOR SHALL ISSUE ALL APPROPRIATE NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS, AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK.
- ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.
- 6. DRAWINGS PROVIDED HERE ARE NOT TO BE SCALED AND ARE INTENDED TO SHOW OUTLINE ONLY.
- UNLESS NOTED OTHERWISE, THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
- 8. "KITTING LIST" SUPPLIED WITH THE BID PACKAGE IDENTIFIES ITEMS THAT WILL BE SUPPLIED BY CONTRACTOR. ITEMS NOT INCLUDED IN THE BILL OF MATERIALS AND KITTING LIST SHALL BE SUPPLIED BY THE SUBCONTRACTOR.
- 9. THE SUBCONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.
- 10. IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE SUBCONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION FOR APPROVAL BY THE CONTRACTOR.
- 11. SUBCONTRACTOR SHALL DETERMINE ACTUAL ROUTING OF CONDUIT, POWER AND T1 CABLES, GROUNDING CABLES AS SHOWN ON THE POWER, GROUNDING AND TELCO PLAN DRAWING. SUBCONTRACTOR SHALL UTILIZE EXISTING TRAYS AND/OR SHALL ADD NEW TRAYS AS NECESSARY. SUBCONTRACTOR SHALL CONFIRM THE ACTUAL ROUTING WITH THE CONTRACTOR.
- 12. THE SUBCONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVEMENTS, CURBS, LANDSCAPING AND STRUCTURES. ANY DAMAGED PART SHALL BE REPAIRED AT SUBCONTRACTOR'S EXPENSE TO THE SATISFACTION OF OWNER.
- 13. SUBCONTRACTOR SHALL LEGALLY AND PROPERLY DISPOSE OF ALL SCRAP MATERIALS SUCH AS COAXIAL CABLES AND OTHER ITEMS REMOVED FROM THE EXISTING FACILITY. ANTENNAS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.
- 14. SUBCONTRACTOR SHALL LEAVE PREMISES IN CLEAN CONDITION.
- ALL CONCRETE REPAIR WORK SHALL BE DONE IN ACCORDANCE WITH AMERICAN CONCRETE INSTITUTE (ACI) 301.
- 16. ANY NEW CONCRETE NEEDED FOR THE CONSTRUCTION SHALL HAVE 4000 PSI STRENGTH AT 28 DAYS. ALL CONCRETING WORK SHALL BE DONE IN ACCORDANCE WITH ACI 318 CODE REQUIREMENTS.
- 17. ALL STRUCTURAL STEEL WORK SHALL BE DONE IN ACCORDANCE WITH AISC SPECIFICATIONS.
- 18. CONSTRUCTION SHALL COMPLY WITH SPECIFICATION 24782-000-3APS-AOOZ-00002, "GENERAL CONSTRUCTION SERVICES FOR CONSTRUCTION OF CINGULAR-GENESIS SITES."
- 19. SUBCONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS PRIOR TO COMMENCING ANY WORK. ALL DIMENSIONS OF EXISTING CONSTRUCTION SHOWN ON THE DRAWINGS MUST BE VERIFIED. SUBCONTRACTOR SHALL NOTIFY THE CONTRACTOR OF ANY DISCREPANCIES PRIOR TO ORDERING MATERIAL OR PROCEEDING WITH CONSTRUCTION.
- 20. THE EXISTING CELL SITE IS IN FULL COMMERCIAL OPERATION. ANY CONSTRUCTION WORK BY SUBCONTRACTOR SHALL NOT DISRUPT THE EXISTING NORMAL OPERATION. ANY WORK ON EXISTING EQUIPMENT MUST BE COORDINATED WITH CONTRACTOR. ALSO, WORK SHOULD BE SCHEDULED FOR AN APPROPRIATE MAINTENANCE WINDOW USUALLY IN LOW TRAFFIC PERIODS AFTER MIDNIGHT.
- 21. SINCE THE CELL SITE IS ACTIVE, ALL SAFETY PRECAUTIONS MUST BE TAKEN WHEN WORKING AROUND HIGH LEVELS OF ELECTROMAGNETIC RADIATION. EQUIPMENT SHOULD BE SHUTDOWN PRIOR TO PERFORMING ANY WORK THAT COULD EXPOSE THE WORKERS TO DANGER. PERSONAL RF EXPOSURE MONITORS ARE ADVISED TO BE WORN TO ALERT OF ANY DANGEROUS EXPOSURE LEVELS.
- 22. THIS DOCUMENT WAS DEVELOPED TO REFLECT A SPECIFIC SITE AND ITS SITE CONDITIONS AND IS NOT TO BE USED FOR ANOTHER SITE OR WHEN OTHER CONDITIONS PERTAIN. REUSE OF THIS DOCUMENT IS AT THE SOLE RISK OF THE USER.

STANDARD GENERAL NOTES





Dewberry & Davis LLC

3120 LORD BALTIMORE DR SUITE #211 BALTIMORE, MD 21244 PHONE: 410.265.9500 FAX: 410.265.8875

SITE NUMBER: 3001/1 SITE NAME: CATONSVILLE

2038 POWERS LANE CATONSVILLE, MD 21228 BALTIMORE COUNTY



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0	06/02/03	ISSUED FOR	CONSTRUCTION			СТМ	REC	RVB	-5
Α	04/08/03	ISSUED FOR	REVIEW AND CO	OMMENT		СТМ	REC	RJB	
NO.	DATE		REVISIO	NS .		BY	СНК	APP'D	
SCALE: NTS			DESIGNED BY:	RNG	DRAWN	BY:	RNG	·	L

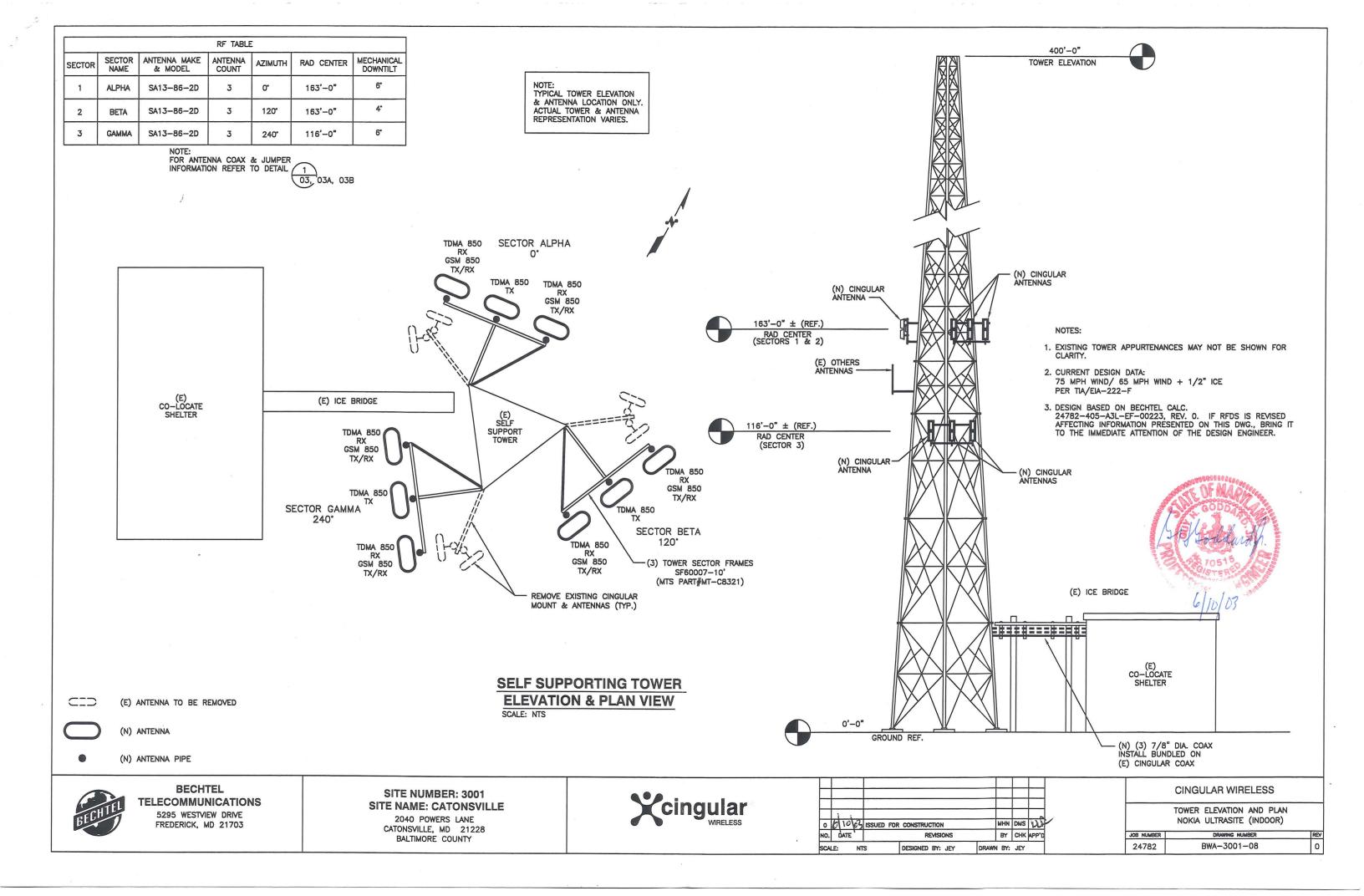


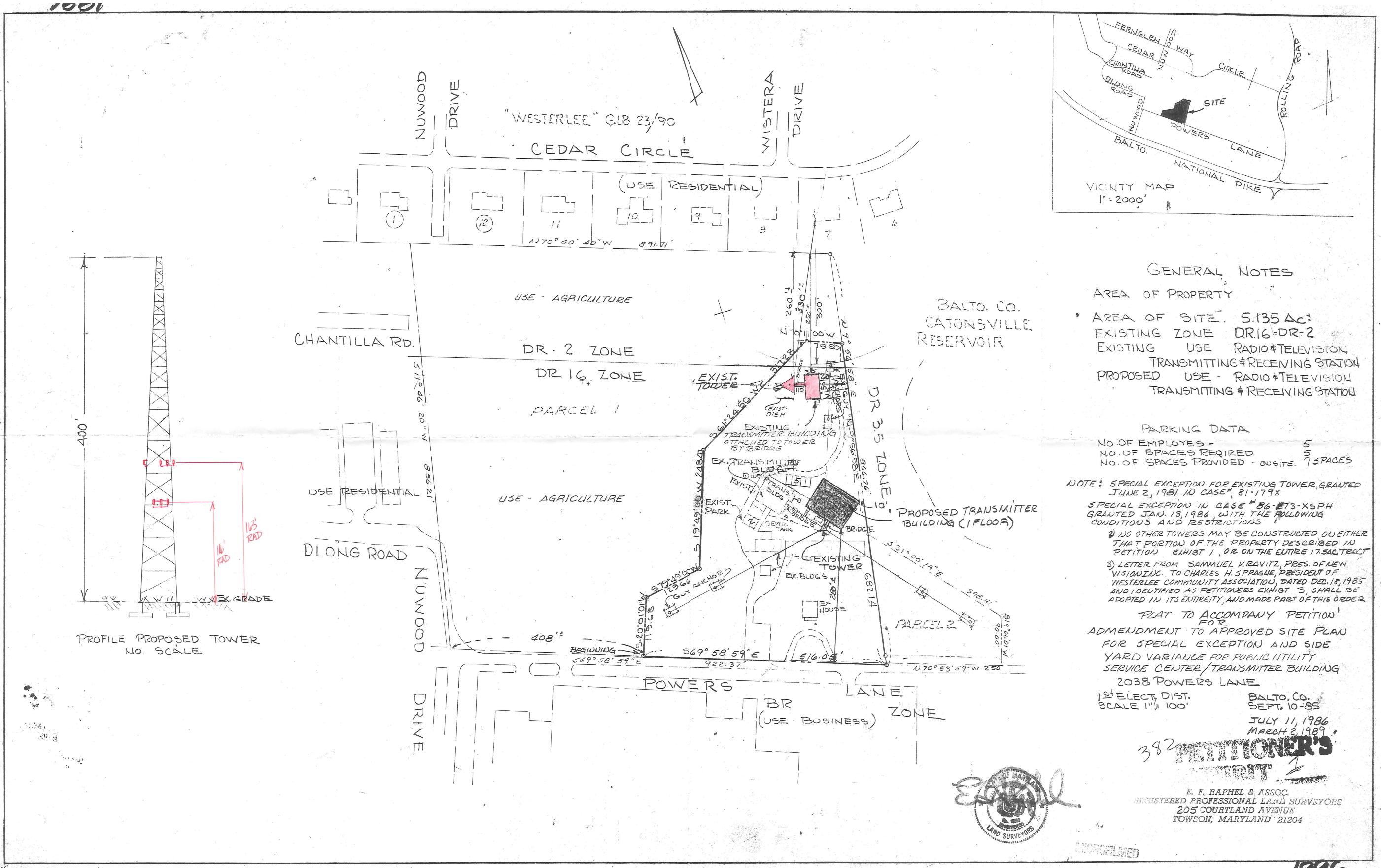
Dewberry & Davis LLC

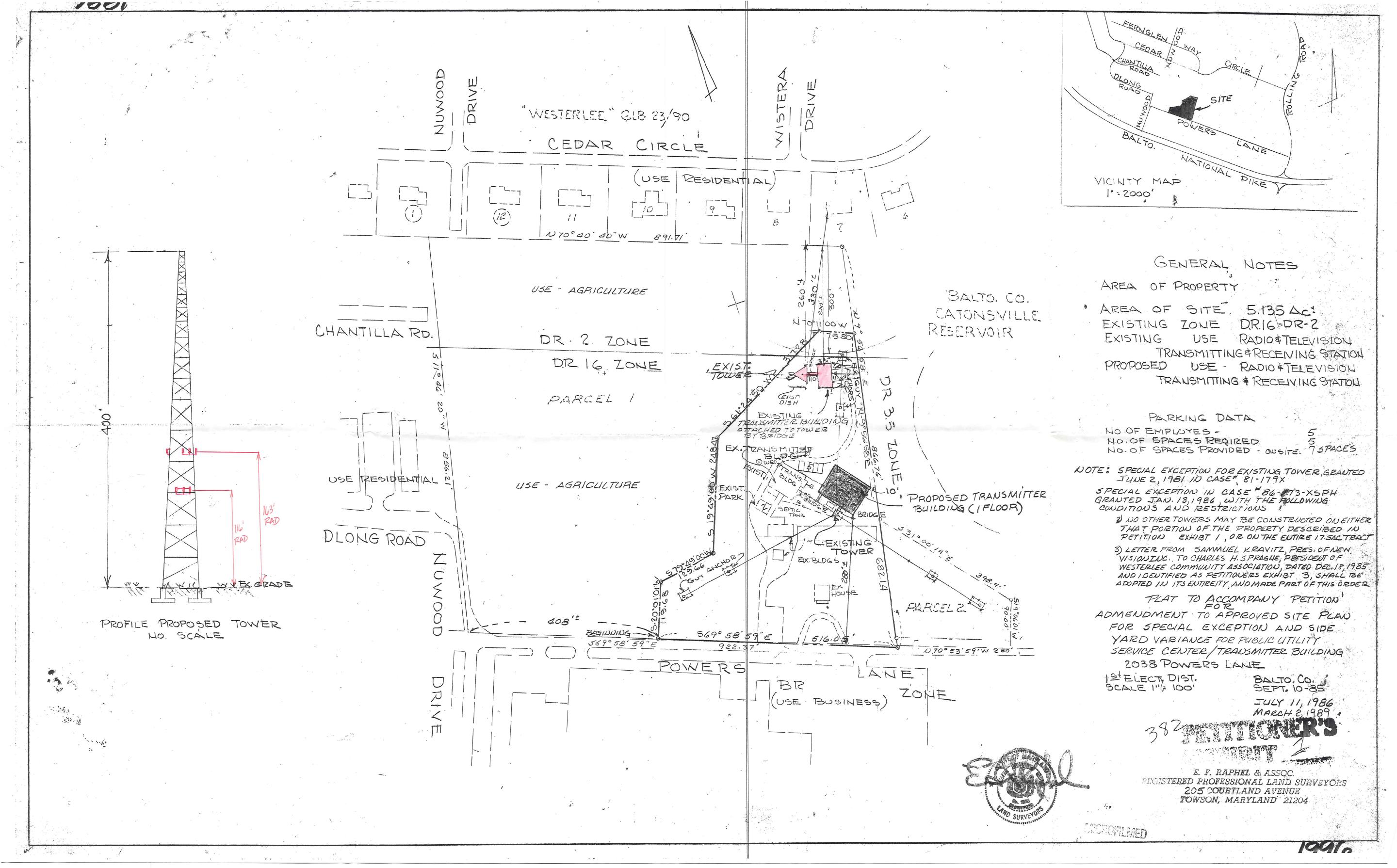
SITE PLAN NOKIA ULTRASITE (INDOOR)

 JOB NUMBER
 DRAWING NUMBER

 24782
 BWA-3001-02A







FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment of the special exception an site plan previously approved in Case Nos. 81-179-X and 86-273-XSPH to permit an additional transmitter/ public utility service center building, or in the alternative, to permit the proposed transmitter/public utility service center building to be located with the existing facilities, or a special exception to permit a public utility service center on the subject property; and variances to permit side and rear yard setbacks of 10 feet each in lieu of the required 25 feet and 30 feet, respectively, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, High Vision, Inc., by Samuel Kravetz, President $\mathcal I$ and General Manager, and Tenant, Southwestern Bell Mobile Systems, Inc., t/a Ce:lular One, by Emilienne O'Rourke, Real Estate Manager, appeared, testified, and were represented by Stephen J. Nolan, Esquire. Also appearing on behalf of the Petition were Joseph E. Joyce, Construction Manager tor Cellular One; Bernard Willemain, Land Use and Zoning Consultant; H. Eugene Parry, Vice President and General Manager of Maryland Communications; Eugene F. Raphel, Fegistered Professional Land Surveyor, and Eugene P. Smith, Esquire, who participated in a prior hearing regarding this site as Counsel for High Vision, Inc.'s predecessor in interest. Robert T. Steinberg and Thomas E. Rosser, Esquire, on behalf of John Hoffman and Bernadette Hoffman, his wife, appeared and testified as Protestants.

Testimony indicated that the subject property, known as 2038 Powers Lane, consists of 5.135 acres more or less split zoned D.R. 16 and D.R. 2, and is improved with two towers and a radio and television transmitting and receiving station. Petitioners propose constructing a one story transmitter building, approximately 92' x 72', in the D.R. 16 zoned portion of the property for the purpose of housing a switching station to be utilized by Cellular One and other select public utility concerns (See Petitioner's Exhibit 1). Testimony indicated that the purpose of the switching station is, among other functions, to convert radio signals to telephone signals and vice versa. Ms. O'Rourke testified the proposed station is needed to accommodate the growing car phone market in the Washiruton/Baltimore area. At present, Cellular One's Greenbelt station is operating at 95% capacity. She testified that at Cellular One's current growth rate, the market demand for mobile telephone service is estimated to out-distance the capabilities of Petiticner's current facilities within the near future. Ms. O'Rourke stated that current Federal Communications Commission (FCC) regulations require that Cellular One meet the growing market demands; that failure to meet such demands could place Cellular One's FCC license in jeopardy. Ms. O'Rourke indicated that if the request for the proposed switching station is denied, market growth in the Baltimore area could be curtailed for a period of approximately two years in view of the limitations of their present equipment. She testified the proposed location is desirable due to its close proximity to the necessary C & P facilities and will create a better balance between the Washington/ Baltimore markets. The new facility will employ a general manager, a switching technician and two field technicians.

Mr. Raphel and Mr. Willemain testified that the proposed building will require little additional grading, will have no detrimental affect on the County's proposed plans to install three water reservoir tanks on an adjacent site and will have no new adverse impact on the community.

Mr. Joyce testified regarding the desirability of locating the proposed building in close proximity to the existing tower. Mr. Joyce stated that the greater the distance the antenna wire must extend from the switching station to the tower, the greater the radio frequency (RF) power loss. He also stated if the building is permitted at the proposed location near the tower, interruption of service will be approximately two days. If the request is denied, interruption of service for Cellular One customers will be approximately two weeks, and approximately two days for Maryland Communications and the Federal Bureau of Investigation (FBI). Mr. Joyce testified that High Vision, Inc. will own the proposed building and will lease space to Maryland Communications, the FBI, Secret Service, and possibly another paging company. Mr. Joyce stated that a landscape plan will be submitted subject to approval by Baltimore County.

Mr. Parry testified regarding the issue of transmitter interference with television reception. He stated that the 72 megahertz frequency is the frequency that is most commonly associated with television interference. Specifically, he indicated that this frequency has the potential for causing particular interference with the reception of two Washington stations in the Baltimore area, namely Channels 4 and 5. According to Mr. Parry, there are numerous transmitters in the Baltimore area utilizing the 72 megahertz frequency. Among such broadcasters is television Channel 45.

He further testified that the facility in question transmits on frequencies between 806 and 866 megahertz, and to his knowledge, there frequencies do not cause television interference in this area. Mr. Parry added that said facility does not transmit over the 72 megahertz frequency.

Mr. Willemain testified in reference to the requested variances. Prior to testifying, Mr. Willemain visited the subject site and reviewed the plans. He stated that in his opinion, practicality dictated that the switching station be located in accordance with the site plans. He advised that the new facility will create no additional noise, adverse visial impact, or pollution. He also testified that if the requested variance es were denied, the additional cost overrun would be prohibitive. Mr. Willemain testified that in his opinion, the granting of the requested variances is within the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.) and will not be detrimental to the health, safety or general welfare of the public.

Mr. Steinberg was the first of two Protestants to testify. He testified on behalf of himself and also requested to be recognized as the representative spokesperson for the Westerly Community, over the objection of Petitioner's Counsel. The Deputy Zoning Commissioner reserved ruling on Mr. Steinberg's motion pending production of appropriate documentation from the Westerly Community authorizing Mr. Steinberg to speak on their

Mr. Steinberg testified his property is located in close proximity to the site in question. His main concern is that the proposed switching station and its users will cause additional interference with his television reception, particularly reception of Channels 4 and 5 out of Washington, D.C. Mr. Steinberg tostified that he has experienced televi-

sion interference in the past on both Cable and regular network television. Additionally, Mr. Steinberg objected to Cellular One, Inc.'s use of the existing 400-foot tower on the subject site. He contends that the tower, pursuant to the opinion in Case No. 86-273-XSPH, was to be utilized for "back-up" purposes only in the event that the main tower on the site were to be temporarily shut down for repairs. However, in the opinion that Mr. Steinbarg references, the subject tower is clearly permitted 'to be utilized by "public service agencies." Testimony and evidence produced at the hearing of May 30, 1989 clearly indicated that Cellular One, Inc. is a "public service agency" as that term is defined by the F.C.C., and is therefore a permitted user of the subject facilities. Further, he referenced correspondence dated December 18, 1985 (See record in Case No. 86-273-XSPH) from Samuel Kravetz (President, New Vision, Inc.) to Charles H. Sprague (a neighbor of Mr. Steinberg) in which Mr. Kravetz made certain representations regarding, but not limited to, future applications to Baltimore County regarding additional "broadcast facilities." Mr. Steinberg further testified regarding specific television interference that he $oldsymbol{j}$ has been experiencing over the last several years which he attributes to the existing towers. However, there was no evidence produced at the hearing of this matter that would confirm Mr. Steinberg's allegation that the television interference he experiences originates at the subject site. To the contrary, testimony indicated that the broadcast frequencies transmitted from the facility, approximately 806 to 866 megahertz, are not commonly associated with television interference. However, as aforementioned, the 72 megahertz frequency, which is utilized by numerous broadcast entities in the Baltimore area but not at the subject facility, has been known to create significant interference with television reception.

Also testifying on behalf of the Protestants, John and Bernadette Hoffman, was Thomas E. Rosser, Esquire. The Hoffmans rent approximately 12 acres from High Vision, Inc. which are located adjacent to the High Vision, Inc. facility. The Hoffmans' main concern arises out of the interpretation of a written lease, and mendments thereto, between the Hoffmans (Tenants) and High Vision, Inc. (Landlord). As this matter lies outside the jurisdiction of this forum, it will suffice it to say that the issue between these two parties arises out of whether the proposed building is violative of the aforementioned lease. The Deputy Zoning Commissioner will defer on this matter to the proper forum.

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, an amendment to the previously approved special exception and site plan in Case Nos. 81-179-X and 86-273-XSPH should be granted with restrictions as more particularly described below.

It is clear that the B.C.Z.R. permits the proposed public utility service center in the D.R. 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 if the conditions as delineated in Section 502.1 are satisfied.

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 of the B.C.Z.R. 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 ad-

verse 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 B.C.Z.R. Testimony indicated that the broadcast frequencies emitted from the subject site are not generally those associated with home television interference.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

 whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the sparit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitions for Special Hearing, Special Exception and Zoning Variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Roning Commissioner for Baltimore County this 25 day of June, 1989 that the Fetition for Special Hearing to approve an amendment of the special exception and site plan previously approved in Case Nos. 81-179-X and 86-273-XSPH to permit an additional transmitter/ public-utility service center building; the Petition for Special Exception to permit a public utility service center on the subject property; and the Petition for Soning Variance to permit side and rear yard setbacks of 10 feet each in lieu of the required 25 feet and 30 feet, respectively, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however. Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day 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

> > / M/Ns tame INN M. NASTALOWICZ Deputy Zoning Commissioner for Baltimore County

- 7-

- 5-

June 28, 1989

Dennis F. Rasmussen

Stephen J. Nolan, Esquire Nolan, Plumhoff & Williams 300 E. Joppa Road, Suite 1105 Towson, Maryland 21204

Case No. 89-484-SPHXA

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL FXCEPTION & ZONING VARIANCE N/S Powers Lane, 408' E of Nuwood Avenue (2038 Powers Lane) 1st Election District - 1st Councilmanic District High Vision, Inc. - Petitioners

Dear Mr. Nolan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted in accordance with the attached

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

a_M Nesterous ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: Thomas E. Rosser, Esquire 343 N. Charles Street, Baltimore, Md.

Mr. Ronald T. Steinberg 2107 Cedar Circle Drive, Catonsville, Md. 21228

Eugene P. Smith, Esquire 100 S. Charles Street, Baltimore, Md. 21201

People's Counsel

MD 20770, Tenant.

RE: PETITION FOR SPECIAL EXCEPTION, : BEFORE THE ZONING COMMISSIONER SPECIAL HEARING & VARIANCE N/S Powers La., 408' E of Nuwood: OF BALTIMORE COUNTY Ave. (2038 Powers Lane), 1st Election District 1st Councilmanic District Case No. 89-484-SPHXA HIGH VISION, INC., Petitioner

ENTRY OF APPEARANCE

::::::

Please enter the appearance of the People's Counsel in the abovecaptioned 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.

> Phyllic Cole Friedman
> People's Counsel for Baltimore County Letter Max Zonmenna

Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204 887-2188

I HEREBY CERTIFY that on this 18th day of May, 1989, a copy of the foregoing Entry of Appearance was mailed to to Stephen J. Nolan, Esquire, 300 E. Joppa Rd., Suite 1105, Towson, MD 21204, Attorney for Petitioner; and Emilienne O'Rourke, Real Estate Manager, Southwestern Bell Mobile Systems, Inc., t/a Cellular One, Suite 100, 7855 Walker Dr., Greenbelt,

 ρ Max Jummerman Peter Max Zimmerman

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

CONTROL YELLENANT: TENANT:

300

Z.C.O.-No. 1

NOTICE OF HEARING

The Zoning Commissioner

The Zoreng Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, to-cated at 111 W. Chesapeake Av-

zoning Variance
Case number:
89-484-SPHXA
N/S Powers Lane, 408 ft.
East of Nuwcod Avenue
2038 Powers Lane
1st Election District

Special Exeception: A Public

Utility Service Center.

Special Hearing: An amendment of the Special Exception

and approved see plan in Case Nos. 81-179-X and 86-273-XSPH, to permit an addi-

tional transmitter/public-utility service center building. Alternate

to an additional Special Exception or to co-locate with the exist

ng tacilities and Special Excep-

/arlance: to permit a side/rear

and setback of 10 ft. in lieu of the equired 25 ft./30 ft. respectively. In the event that this Petrion is

granted, a building permit may be sould within the thirty (30) day

appeal period. The Zoning Com-missioner will, however, exaction

any request for a stay of the 47-

period for good cause shown. Such request must be in writing

and received in this office by the

date of the hearing set above of

J. ROBERT HAINES

Address

Towson, MD 21204

Attorney's Telephone No.:

City and State

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 Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____

an amendment of the special exception and approved site plan in Case Nos. 81-179X and 86-273-XSPH, to permit an additional transmitter/public-utility /alternate to an additional special exception or service center building. to co-locate with the existing facilities and Special

Exception.

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

I, or we, agree to pay expenses of above Special Hearing 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.

38 Z

thwestern Roll Mobils Co.	Legal Owner(s):	MAP SWIG			
thwestern Bell Mobile Systems, Inc.	High Vision, Inc.	28			
Type or Print Name) . 1	(Type or Print Name)				
Tiliena Oranki)	1 17 +	E. D. 13			
ignature Emilienne O'Rourke	Signature Samuel Kravi	390			
e 100 7855 Walker Drive	President and General Mar	ager BF.			
ddress	(Type or Print Name)	De			
enbelt, MD 20770	•	1000			
ity and State	Signature	6P			
rney for Petitioner:					
phen J. Nolan	6317 Park Heights Avenue	462-5400			
Type of Print Name)	Address	Phone No.			
Sterden Nolan	Baltimore, MD 21215				
gnature	City and State				
E Joppa Rd Suite 1105	Warra add a c				
ddrece	Name, address and phone number of legal owner, con-				

ORDERED By The Zoning Commissioner of Baltimore County, this 22 day of March., 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 + Towson, Baltimore County, on the 30 the day of may 1989, at 10 o'clock

tract purchaser or representative to be contacted

300 E Joppa Road Suite 1105 823-7800

Address Towson, MD 21204 Phone No.

Stephen J. Nolan, Esquire

NOTICE OF HEARING

The Zoning Commissioner

Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a

public hearing on the property identified herein in Room 106 of

tion, Special Hearing & Zoning Variance Case number:

89-484-SPHUA N/S Powers Lane, 408 ft. East of Nuwood Avenue 2038 Powers Lane 1st Election District 1st Councilmanic

Utility Service Center.

Special Hearing: An amendment of the Special Exception

and approved site plan in Case Nos. 81-179-X and 86-273-XSPH, to permit an addi-

any request for a stay of the is-suance of said permit during this

period for good cause shown. Such request must be in writing

and received in this office by the date of the hearing set above or

J. ROBERT HAINE

variance: to permit a side/year/Inice a week for____

yard setback of 10 ft. in feu of the he _____ day of ___

Office of

PATUXENT

Publishing Company

10750 Little Patuxent Pkwy. Columbia, MD 21044

was inserted in the following: X THE JEFFERSONIAN

☐ Booster Weekly

S. PATUXENT PUBLISHING COMPANY

Owings Mills Flier

successive weeks before

High Vision, Inc.

Tenant: Southwestern Bell S IS TO CERTIFY, that the annexed advertisement of Mobile Systems, Inc., t/a S IS TO CERTIFY, that the annexed advertisement of Cellular One Hearing Date: Tuesday, May 30, 1989 at 10:00 a.m.

tional transmitter/public-utility service center building. Atternate to an additional Special Exception or to co-locate with the existing facilities and Special Exception by the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and Special Exception or to co-locate with the existing facilities and special Exception or to co-locate with the existing facilities and special Exception or to co-locate with the existing facilities and special Exception or to co-locate with the existing facilities and special Exception or to co-locate with the existing facilities and special Exception or to co-locate with the existing facilities and special Exception or to co-locate with the existing facilities and special Exception or to co-locate with the existing facilities and the existing

price \$87.14

Catonsville Times

Arbutus Times

required 25 ft./30 ft. respectively. The same was inserted in the issues of in the event that this Petition issay, the same was inserted in the issues of

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-484-5PHXA 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 public utility service center.

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. Southwestern Bell Mobile Systems, Inc. Legal Owner(s): t/a Cellular One High Vision, Inc. (Sype or Print Name) /1 (Type or Print Name) Signature Emilienne O'Rourke, Lamuel Krant Real Estate Manager Signature Samuel Kravit Suite 100 7855 Walker Drive President and General Manager (Type or Print Name) Greenbelt, MD 20770 City and State Signature Attorney for Petitioner: STEPHEN J. NOLAN 6317 Park Heights Avenue 301-462-5400 (Type or Print Name) Baltimore, MD 21215 City and State 3C / E Joppa Road Suite 1105 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Towson, MD 21204 Stephen J. Nolan, Esquire City and State 300 E Joppa Rd Suite 1105 301-823-7800 Address Towson, MD 21204 Phone No. Attorney's Telephone No.: 301-823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day March, 1989, that the subject matter of this petition be advertised, as equired by the Zoning Law of Baltimore County, in two newspapers of general circulation through-But Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Robert Haire County.

PETITION FOR ZONING VARIANCE

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 1BO2.2.B (V.B.2-C.M.D.P.) to permit a side/rear yard setback of 10 ft. in lieu of the required 25 ft./ 30 ft. respectively.

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

1. Unreasonable hardship and practical difficulty will result because the site constraints and existing towers and equipment buildings restrict and limit

2. A grant of the variance will be in conformity with Baltimore County's policy and goal of co-locating transmitter towers and equipment (Bill No. 64-86).

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.

Southwestern Bell Mobile Systems, Inc. Legal Owner(s): High Vision, Inc. t/a Cellular One Type or Print Name) . 1 (Type or Print Name) Jailian Church famuel Transfer Emilienne O'Rourke Real Estate Manager Signature ignature Samuel Krayit Ste. 100 7855 Walker Drive President and General Manager Address Type or Print Name) Greenbelt, MD 20770 City and State Signature Attorney for Petitioner 6317 Park Heights Ave Stephen J. Nolan 301-462-5400 Phone No.

(Type or Print Name) - Stepshens Baltimore, MD 21215 Signature () City and State 300 E Joppa Road Ste. 1105 Towspn, MD 21204 Sity and State

Name, address and phone number of legal owner, con tract purchaser or representative to be contacted Stephen J. Nolan, Esquire

300 E Joppa Road, Ste 1105 301-823-7800 Atterney's Telephone No.: 301-823-7800 Address Towson, MD 21204 Phone No. ORDERED By The Zoning Commissioner of Baltimore County, this 2200 day that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-court 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

Sunty, on the 30th day of May, 1989, at 10 o'clock

Baltunore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Z.C.O.-No. 1

Date: 5/22/89

Dennis F. Rasmussen

Southwestern Bell Mobile System, Inc. t/a Cellular One 7855 Walker Drive, Suite 100

Greenbelt, Maryland 20770 ATTN: EMILIENNE O'ROURKE, Real Estate Mgr.

Re: Petitions for Special Exception, Special Hearing & Zoning Variance CASE NUMBER: 89-484-SPHXA N/S Powers Lane, 408 ft. East of Nuwood Avenue

203B Powers Lane 1st Election District - 1st Councilmanic Legal Owner(s): High Vision, Inc. Tenant: Southwestern Bell Mobile Systems, Inc., t/a Cellular One HEARING SCHEDULED: TUESDAY, MAY 30, 1989 at 10:00 a.m.

Please be advised that \(\frac{f}{1/7.1} \) is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building Room 111, Towson, Maryland 21204 fifteen (15) minutes before

d post set(s), there BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION r each set not MISCELLANEOUS CASH RECEIPT R-01-615-000

B B155****11714:8 3114F VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines

April 18, 1989

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Exception, Special Hearing & Zoning Variance CASE NUMBER: 89-484-SPHXA N/5 Powers Lane, 408 ft. East of Nuwood Avenue 2038 Powers Lane 1st Election District - 1st Councilmanic Legal Owner(s): High Vision, Inc. Tenant: Southwestern Bell Mobile Systems, Inc., t/a Cellular One HEARING SCHEDULED: TUESDAY, MAY 30, 1989 at 10:00 a.m. Special Exception: A Public Utility Service Center.

Special Hearing: An amendement of the Special Exception and approved site plan in Case Nos. 81-179-X and 86-273-XSPH, to permit an additional transmitter/public-utility service center building. Alternate to an additional Special Exception or to co-locate with the existing facilities and Special Exception. Variance to permit a side/rear yard setback of 10 ft. in lieu of the required 25 ft./30

In the event that this Petition is 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 in writing and received in

this office by the date of the hearing set above or presented at the hearing.

J. RCBERT HAINES Zoning Commissioner of Baltimore County

Emilienne O'Rourke/Southwestern 8ell Samuel Kravitz/High Vision, Inc. Stephen J. Nolan, Esq.

3. Mr. Mroz states "Two distinct sources have been identified and corrected." The only thing ever corrected was the removal of the Metromedia Link Tran inter. which should have never been installed in the first place. I might add, parenthetically, it sure took a let of effort and sophisticated equipment to track

that one down. C. Mr. Mroz states "The current major source of interference has been given 40 days to resolve the complaint" I find this statement to be totally regretersible and lacking any sense of commitment to the public. After the recent problem with the Metromedia Link transmitter. I would like to know who approved the installation of the Page Plus Link transmitter. After thirty days, they are supposed to subsit a written report of what they are doing to correct the problem. Page Plus states that what they are doing is "Waiting for the DC to bring in some very scophisticated equipment so they can prove some kind of "Gobble-de-gook" I'll give you ore guess what the FCC is doing about this nothing.....nothing.....nothing. Since there is no known way of correcting this problem other than the removal of the effecting transmitter why must I suffer for 90 days; if Mr. Mrcz thinks otherwise, I

will give him ten to one odds in a centlemen's bet. D. Mr. Mroz states "Mr. Steinberg ... chooses to view weaker more distant Washington \$\frac{2}{2}\tations". When we moved to Baltimore for the second time in 1976, we were pre-roughly very much aware of good and bad TV reception areas (we are TV buffs) and we purposely selected a high elevation area with good "Washington TV reception" Obviously, since the Channel 54 Tower and most of the transmitters on the Channel 45 lower coved here after we did, it is appears that we chose an excellent location. We are less than 40 miles from the Washington stations and when there is no interference, there is no difference between our Baltimore and Washington reception. Please be aware that we are also observing interference on Channel 2 and Channel 67, both of which are Baltimore Channels.∦We do not choose to watch Washington; we are forced to watch : washington: Even though I am a Faseball fan, my wife is not, so whenever the games are to Channel 2 and/ or whenever Channel 2 decides not to carry 🗯 Retwork programming, which is quite frequent, we are forced to watch Channel 4. Channel 45 supposedly carries the same programming as Channel 5. Not true. Channel 5 is Stereo and Channel 45 is not. We listen to all of our TV with Stereo headphones; the difference is a flat dull monotone vs a vibrant symphonic type sound. On most days there is little or no interference on the Washington Channels 20, 26, 32, & 50, all of which we receive as

E. Mr. Mroz states "Cable television is available" I hope he is less generous with the governments money than he is with my money. We have subscribed to cable TV on two previous occasions and discontinued service for a number of reasons: # Cable is not as reliable as Antenna IV. We never felt comfortable unless the cable was backed up

with a recording via the antenna. (We have 2 VCR's) Catle does not carry the Washington VAF channels. Whenever Channels 2, 11, & 13 chose not to carry network programming we were out of luck. Also, news reporting from the Paltimore channels is slanted toward local news; we prefer national and worldwide

Cable is not completely interference clear. It has its own kinds of interference. F. Mr. Mrcz states " We will continue to work toward a solution etc." The type of work they are doing new is, in my opinion a total waste of time. Unless they are willing to get the right kind of equipment to constantly and/or periodically monitor the relationship between TV interference and transmitter activity and unless someone accepts responsibility, nothing will be accomplished. At the present time, the FCC, the Yower owners, the Tower managers, and the individual transmitter owners all claim it is the other "_vs" responsibility.

Specifically, I would like to know exactly what Mr. Mroz and his personnel have done to resolve my problem. I am at loss to understand how driving through my neighborhood with a monitor can possibly relate to interference in my TV, particularly, if the interference is caused by two or more transmitters transmitting simultaneously. I am also at loss to understand why nothing has been done to step the

interference which we have established a peing caused by Metromedia. Is there someway we can obtain a more responsive reply to my letter of July 5th and a more specific program of intent and implementation other than "we will continue to work". They have been doing that for over two years, and the problem keeps getting

Sincerely yours,

Ronald T. Steinberg

P.S. WRITTEN: August 15th, 1988 Since writing the above, the following has occurred (chronologically): A. July 27th- The problem with the Link transmitter was suddenly no longer continuous. If they can determine what "changed" and how to control the change (We called them and they have no idea what happened), we may be able to resolve this

particular problem. B. July 29th- For the first time Mr. Walker came to our home with a portable Monitor. He stated that it was a new piece of equipment (about 6 months old) and the only one they had. He and another associate were able to determine that the electrical type interference on Channel 5 was externally generated, but they were unable ___ pinpoint the exact cause. Unfortunately, there was no interference on Channels 4, 7, & 9 during the one hour that they were at my home. I asked Mr. Walker when he would be able to bring the equipment back. He could give no definite commitment; he stated "Residential TV is the lowest priority, this was the only piece of equipment they had, and that both he and the equipment had to be available simultaneously. Meanwhile, the interference continues unabated on my TV.

C. August 12th- Page Plus installed a \$600 filter on our Washington TV antenna which appears to filter out their particular interference only. It does not, however, filter out the interference on our portable TV's with Rabbit Ears. This appears to be a good temporary sclution until they figure out how to control whatever it was that changed on July 27th.

CONVERSATION: that gove every indication to would attend the Ch is addressed with all parties present.

Leging IN 89-484-SPHXA this issue for 89-1350

88-484-SPHXA 86-273-X5PH 81-179-X

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Al Wirth - SWM DATE: September 13, 1989 Bob Bowling - Dev. Eng. (3) Frank Fisher - Current Planning Rahim Famili - Traffic Engineering Rocky Powell - DEPRM Larry Pilson - DEPRM Dave Flowers - DEPRM Carl Richards - Zoning Capt. Kelly - Fire Department Pat Kincer - Rec. & Parks Chuck Weiss - Sanitation Larry Brocato - SHA

Susan Wimbley Bureau of Public Services

SUBJECT: Cellular One Reimer, Muegge & Assoc. 461-2690 W-89-145

The subject property was granted a waiver of CRG meeting by the Office of Planning & Zoning. However, CRG approval signatures must be obtained.

Please review the attached plan for concurrance with current development regulations and give us your approval or comments by September 29, 1989. Nonresponsiveness by the aforementioned date is considered to be concurrance by your office of the plan.

(See Other Side for Comments)

Attachment cc: File

Jules Cohen, P.E.

Secretary-Treasurer

President

PLEASE PRINT CLEARLY Ste 1105, 300 E. JOPA RD. CELLULAR DRE GREENBUT, MD STEPHEN J. NOLAN AMY O'ROURKE Joseph E. Joyce CECL ONE 7855 WALKER DR GREENLEST Burnard Willemain 3 Tolott Ave Lunchism Md. H. Eugene- Parry 150 S. Clored Visel 205 Court Mille Javan Paksht Thomas E. Rosser 3 43 M. Charles St. 2127

PLEASE PRINT CLEARLY BONALO T STEINBERG 2107 CEDAR CIRCUE DRIVE CATONSVILLE MO 21228





Moffet Larson & Johnson 1925 North Lynn Street, Suite 700 Arlington, VA 22209

NEW VISION, INC. 3001 Druid Park Drive Baltimore, Md. 21215 (301) 462-5400

	TO DOUENCY	ERP	HEIGHT
SERVICE	FREQUENCY		1,000'
	711-716 MHZ	4700 KW (V) 47 KW (A)	
WNUV-TV	531.26 MHZ	1180 KW (V) 11 KW (A)	950'
WKJL-TV	ICR 6.875 GHZ	2691 W	350 °
wnuv-tv		150 W	8001
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	163.9625 MHZ	75 W	600
FBI	162.850 "	•	
	165.500 MH2	400 W	700
SECRET SERVICE	170.00 MH2		750

copy of what I sent town 12.02.4MD KB43391- Marlin Marulla Congs. 4p. 12-12-93 17.88 .2 MIRA 34-19-46 76-25-49 (Ballings) - 1X KD 25688. Eastern Stainers Steel Co. 25 MIRA 39-18-01 76-30-08 (patternece) KD20856 - Horizon Corp ир. 10.14-92 17.23 .25 MIRA 39-02-29 76-48-50 (Howard Chy) KA 36774 - Buffalo Jank Corp. of DE plant area - Deltinous KB95577 - Southern Haivaniging Co within plant area Bellineur 12-4-90 KB60886. Mennesola Mening & Manufictioning 4-20-94 6654 Canol Cty-MD 39.33-21 27-57-31 9-19-90

KA 69147 - Willy Manufacturing

72.04 kMD KGH868. Salisbury Mobile Delephone Inc CB-10-08-86

11-2193

KB 43397 - above at 72.02

KJ2042 - Bethleham Here Corp.
Plant area - Sparrour Point KB 95 044 - Southern Believing 25 mus 39-16 00 76-31-50

JULES COHEN & ASSOCIATES, P.C. CONSULTING ELECTRONICS ENGINEERS SUITE 400 1730 M STREET, N.W. WASHINGTON, D.C. 20036 (202) 659-3707

Bernard R. Segal, P.E. William C. King, Jr., P.E. Alan E. Gearing, P.E.

William P. Suffa Donald R. Spain Andrea L. Marcucci

April 22, 1987

Mr. Steven Avery Smith Director of Engineering Capitol Broadcasting Company 1150 Connecticut Avenue, N.W. Washington, DC 20036 Dear Steve:

I would like to reiterate my concerns regarding the installation of a high power 72-megahertz paging transmitter at the WWDC tower. Since proposed operating power figures were not available, I can only discuss this matter in generalities. You indicate that the operating power is likely to be relatively high (on the order of 100 watts). Therefore, I have directed my comments toward a proposed operation at or near this power level.

As you may be aware, 72 megahertz is between television channels 4 and 5. The FCC has restricted use of these frequencies to prevent interference to television reception. In the past few years, the Commission has become somewhat more liberal in allocation of the 72-megahertz band. However, some restrictions remain.

Present Commission rules prohibit installation of new 72-megahertz transmitting installations within 10 miles of either a channel 4 or channel 5 transmitter site. Further, if the proposed 72-megahertz transmitter is to be installed at a distance of 10 to 80 miles from a channel 4 or 5 television transmitter site, power and height restrictions apply to minimize interference. The rules further require that the licensee of the 72-megahertz transmitter resolve any television interference complaints arising from the operation.

Despite these rules, I am aware of instances where the Commission has authorized 72-megahertz facilities which do not comport to the

1/ WWDC is located 4.3 miles from WRC, channel 4, and 3.3 miles from WTTG, channel 5.

: Paul Garnett, "WNUV" Engineering

: D. A. Dubrawsky, Engineering Manager

DATE : 05/22/89

SUBJECT : Draft Report "Catonsville TV, vs. Mr. Ron Steinberg"

For approximately the past 12 months, since our artempts to establish a 72 MHz. Link at the Catonsville Site, Mr. Ron Steinberg has presented us with numerous complaints of Television Interference. Mr. Steinberg resides at 2107 Cedar Circle Drive, in close proximity of the Catonsville Site.

The investigation of these complaints involved Metromedia Paging Services, the FCC, Mr. Steinberg and, the engineers of Television Station "WNUV" at that location. These investigations had initially prompted us to actually "move" the 72 MHz. transmitters to the Crofton Site due to an apparent "unresolvable" case of TVI caused by this transmitter. The primary complaintant was Mr. Steinberg as well as at least two (2) other residents of the area around the facility. After troubleshooting for several weeks during that initial "burn-in" period, we determined that the TVI problem was in-fact caused by the aforementioned transmitter and that only further and extensive actions would be needed to "cure" the TVI symptoms that we were aware of. The cost of such measures in both time, money and, public relations was determined as not worth the venture. The transmitter was therefore "shut down" and Mr. Steinberg along with the FCC notified of same in June of 1987 (FCC in "hardcopy"; Mr.Steinberg "verbal").

After a "lull" of approximately one month, ve again bagan receiving complaints from Ron Steinberg. The "sequencing" of the occurrances was in some cases "coincident" with what appeared to be our Pl (35.22 MHz.) transmitter at the site, but substantially decreased over that of the previous "72 hHz.interference". During the numerous visits to the site, and Mr. Steinberg's residence, in efforts to resolve the situation; various types of interference vers observed, most of which being minor in intensity but nonatheless troublesome to Mr. Steinberg. On only a few orcasions did our Technical Coordinator John Dailey witness any severe TVI, where reception of certain channels was impossible. At these times he was unable to "identify the offending transmitter (s)". In the months that followed, "preventive measures" to reduce and / or eliminate the symptoms both at the site and at Nr. Steinberg's residence, had shown only slight improvement in the situation.

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4569

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: High Vision, Inc.

Location: N/S Powers Lane, 408' East of Nuwood Ave. Zoning Agenda: March 21, 1989

Item No.: 382

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.

Dennis F. Rasmussen

() 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.

() 3. The vehicle dead end condition shown at _____ EXCFEDS 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.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protec-tion Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupan /.

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

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

89-484-5PHYA

CERTIFICATE OF POSTING

District st Dete of Posting May 11-89

Posted for Aplaced Haring - Special Chaption & Variance

Petitioner: Legal owners High Vision INC.

Location of property: N/sich of Powers Lane, 468 Lest of neword Dr.:

89-484-SPHXA

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 ______ day of ______ #arch ___, 19 8%

Petitioner High Wiston, Tho., et Received by: Petitioner's Attorney Mr. Stophen J. Molan

James E. Dyer Chairman, Zoning Plans Advisory Committee

May 19, 1989

MAY 30th 89-484-SPHXA BAZTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Zoning Advisory Committee

FROM Robert W. Bowling, P.E.

SUBJECT Item #382 - Service Center/Transmitter Building

PROPERTY OWNER: High Vision, Inc.

N/S Powers Lane, 408 ft. East of Nuwood Avenue (#2038 Powers Lane)

1st Election District DISTRICT: The Plan for the subject zoning site has been reviewed by the

Developers Engineering Division and we comment as follows: HIGHWAY COMMENTS: Powers Lane is an existing road which shall ultimately be improved as a

40-foot street cross section on a 60-foot right-of-way. The applicant shall dedicate the right-of-way and slope easements along the frontage to Baltimore County at no cost to the County. The right-of-way plat shall be submitted prior to issuance of the building permit and the acquisition by the County shall have occurred prior to the issuance of the occupancy permit.

Robert W. Bowling, P.E., Chief Developers Engineering Division

RWB:DAK:pab cc: File

LOCATION:

SERVICE/TXTCOMM2

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 4, 1989

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 Mr. Stephen J. Nolan, Esquire 300 E. Joppa Road, Suite 1105

MEMBERS

Department of

Fire Prevention

Project Planning

Traffic Engineering

Burcau of

Bureau of

Industrial

RE: Item No. 382, Case No. 89-484-SPHXA Petitioner: High Vision, Inc., et al Petition for Zoning Variance and Special Exception and Special Hearing

Dear Mr. Nolan:

Towson, MD 21204

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

> 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

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Zoning Plans Advisory Committee

cc: Mr. Samuel Kravitz High Vision, Inc. 6317 Park Heights Avenue Baltimore, MD 21215

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

April 21, 1989



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 367, 368, 369, 370, 371, 372, 374, 375, 376, 377, 378, 379, 380, 381,

> Very truly yours, Michael S. Flung -Michael S. Flanigan Traffic Engineer Assoc. II



ZONING OFFICE

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

May 25. 1989 DATE:

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case # 89-4#4 SPHXA Item # 382

This project is the subject of a request for a waiver from the County Review Group meeting and County Review Group Plan requirement. This waiver request (W-89-145) will be reviewed by the Planning Board on June 15, 1989. A final landscape plan is required prior to issuance of building permits. The Department of Public Works should advise on road improvements required on Powers Lane.

A:53089.txt Pg.5

TO: J. Robert Haines Zoning Commissioner

Re: High Vision. Inc. et al

NEWTON A. WILLIAMS WILLIAM M. HESSON, JR.º THOMAS J. RENNER WILLIAM P. ENGLEHART, JR TEPHEN J. NOLAN ROBERT L. HANLEY, JR. ROBERT S. GLUSHAKOW STEPHEN M. SCHENNING DOUGLAS L. BURGESS LOUIS G. CLOSE, III ROBERT C. BANNIETTIS O MALSO ACMITTED IN D. C.

SADMITTED TO TEXAS BAR ONLY

LAW OFFICES NOLAN, PLUMHOFF & WILLIAMS CHARTERED SUITE HOS, HAMPTON PLAZA 300 EAST JOPPA ROAD Towson, Maryland 21204-3095

(301) 823-7800

TELEFAX: (301) 296-2765

J. EARLE PLUMHOFF JAMES D. NOLAN (RETIRED, 1980) OF COUNSEL RALPH E. DEITZ 9026 LIBERTY ROAD RANDA USTOWN, MARYLAND 21133 (301) 922-2121

March 3, 1989

HAND DELIVERY

Mr. W. Carl Richards, Jr. Development Control Section Office of Planning and Zoning for Baltimore County 111 West Chesapeake Avenue Towson, Maryland 21204

Proposed Addition of Public Utility Service Center at High Vision, Inc. Site NS of Powers Lane, E of Nuwood Drive

Dear Mr. Richards:

As counsel for Southwestern Bell Mobile Systems, Inc. t/a Cellular One, I am filing herewith the following:

Three (3) signed Petitions for Special Hearing;

2. Three (3) signed Petitions for Special Exception;

Three (3) signed Petitions for Zoning Variance;

4. Ten (10) copies of the site plan prepared by E.F. Raphel and Associates;

5. Five (5) copies of a zoning description; and

6. Our firm's check to cover the filing costs. Cellular One is proposing to lease a new transmitter/public utility service center building from High Mr. W. Carl Richards, Jr. March 3, 1989 Page Two

Vision, Inc. at its Channel 54 tower site on Powers Lane. No new radio towers are proposed as a part of this project. Thank you for yo : assistance.

SJN/mao Enclosures

CC: Ms. Emilienne O'Rourke Real Estate Manager Cellular One

Mr. Samuel Kravitz President and General Manager High Vision, Inc.

Mr. Eugene F. Raphel E.F. Raphel and Associates

THIS FARM LEASE AGREETING as made this 3rd day of February, 1932, by and among NEW VISION, INC. (hereinafter called "Landlord") and bown Hoffwan, Sernaderre Hoffwan and Bose Hoffwan (hereinsfeer collectively the "Tenants").

 Premises: Landlord does hereby demise and lease to the Tenants, subject to the provisions hereinafter set forth, all that certain land, exclusive of all the property upon which Land-... lord's Television Pransmission Towar, Oransmitting Station and all Wires and support structures are to be constructed, lying and being situate in Baltimore County, Maryland, comprising 13 acres more or less, more particularly described in Exhibit A attached hereto and made a part thereof (the same being hereinafter called the "Premises"). Said Premises are to include all those present improvements connected with the farming operation and the family dwelling house.

2. <u>Term:</u> The Term of this lease shall commence on the day of closing under the Option Agreement between the HOFFMAN FAMILY LIMITED PARTNERSHIP and NEW VISION, INC., dated November E, 1980, and Amendments and Extensions thereto, (the "Option Agreement") and shall terminate upon either the death of the last survivor amongst the Tenants or upon the edjudication of bankruptcy by or against

3. Rent: Tenants agree to pay rent to Landlord in the any individual tenant. sum c'One Dollar (\$1.00) per year which shall be payable in advance on the day Tenants commence their occupancy under this Lease and

then upon each anniversary of such date each year. 4. Use: The Tenants shall use the Premises primarily . for agricultural purposes, and for residential and retail uses

5. <u>Waste</u>: Tenants will not commit waste on, or damage incident thereto. to the Premises and will use due care to prevent others from so

TRANSFER TAX NOT REQUIRED

and paragraph 4 (Use) of the subject lease be and the same are hereby deleted and removed as provisions of the subject lease, and, in lieu thereof, the following new paragraphs 1, 2 and 4 be inserted and deemed a part of the subject lease: 1. Premises: Landlord does hereby demise and lease to the Tenants, subject to the

provisions hereinafter set forth, all that certain land, exclusive of all the property upon which Landlord's Television Transmission Tower, Transmitting Station and all wires and support structures are or are to be constructed, lying and being situate in Baltimore County,

THIS AMENDMENT OF FARM LEASE 17th day of July, 1985, by and among NEW VISION, INC.,

HOFFMAN, hereinafte. collectively called "Tenants". WHEREAS, Tenants, together with Rose Hoffman, who heretofore departed this life, and Lardlord, entered into a Farm Lease Agreement (subject lease), dated February 3, 1982, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6367, folio 304, covering the rights of the parties in the approximately 17.655 acre tract of land located in Baltimore County, Maryland, and described in Exhibit A of the subject lease; and

hereinafter called "Landlord", and JOHN HOFFMAN and BERNADETTE

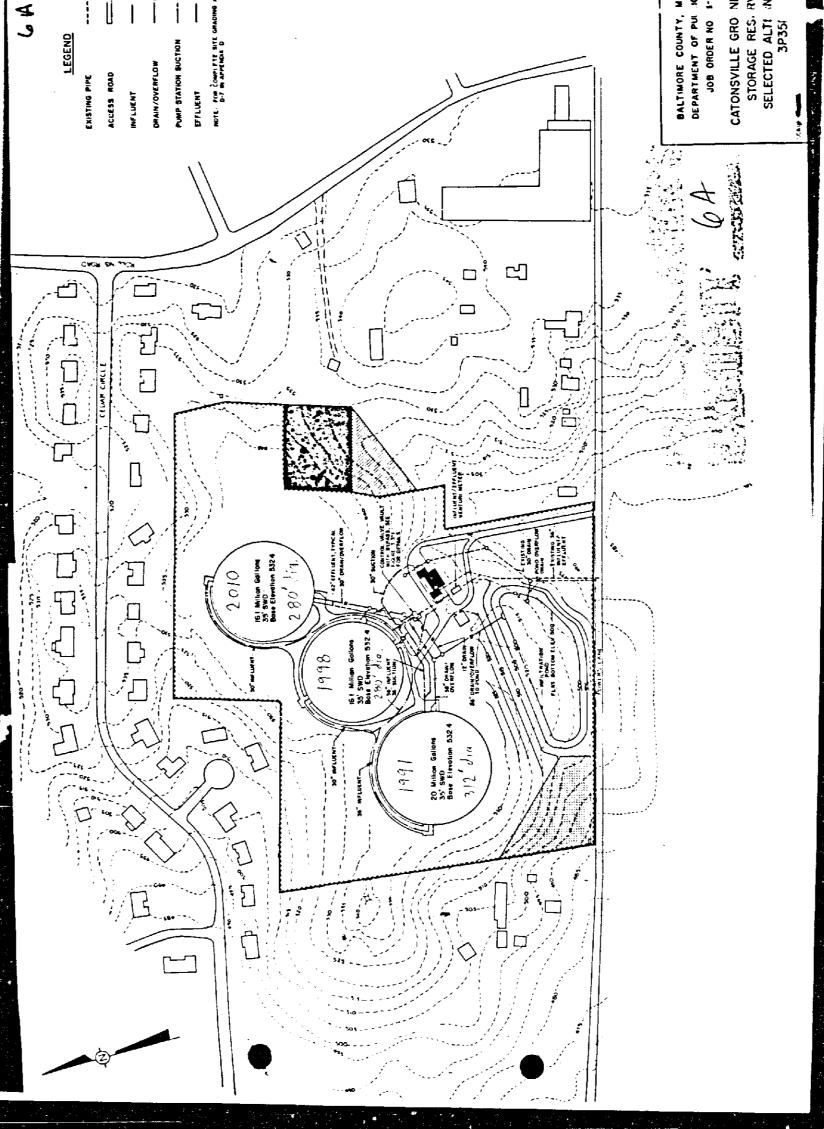
WHEREAS the parties hereto now desire to amend the subject lease by providing for subdivision of the leased premises, and, in addition, release of part of said leased premises to Landlord within, or about, thirty (30) months from the date hereof, all as hereinafter set forth.

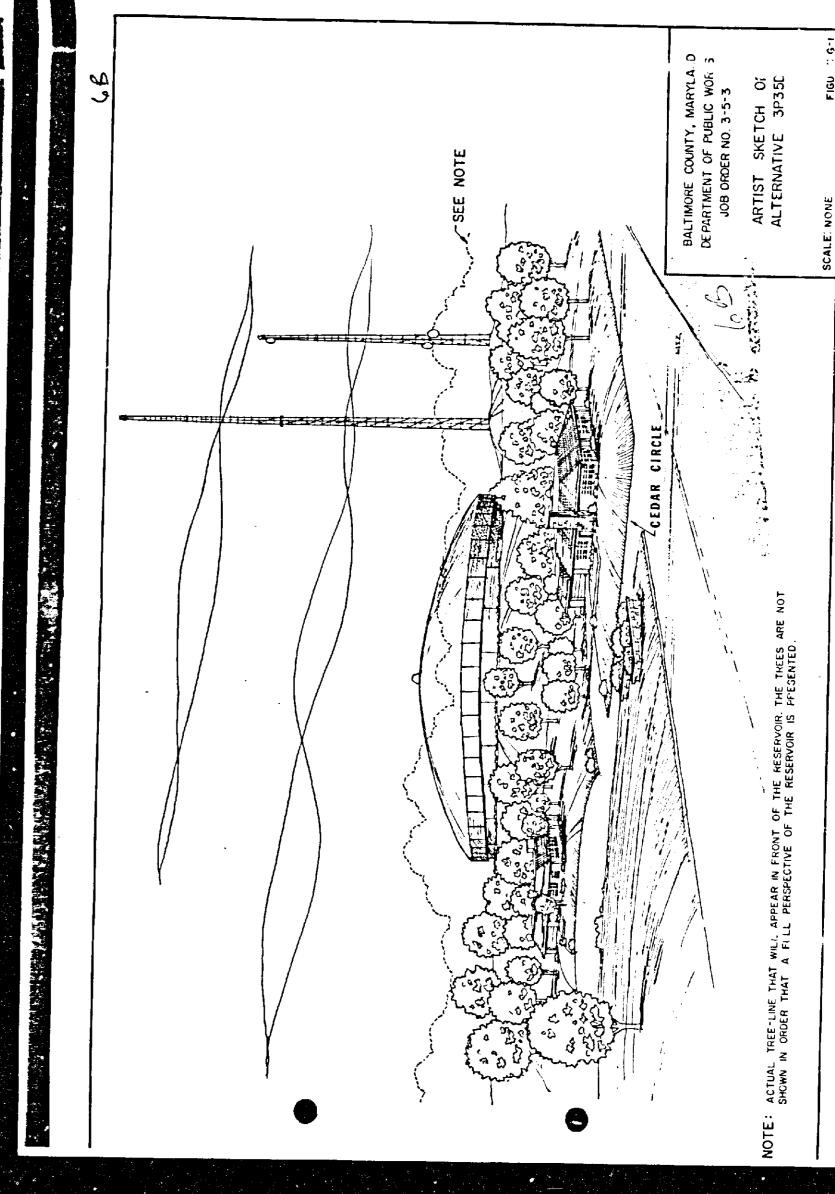
NOW, THEREFORE, THIS AMENDMENT OF FARM LEASE AGREE-MENT WITNESSETH: That for and in consideration of the mutual covenants and agreements herein contained, the parties do hereby covenant and agree as follows:

1. That paragraph 1 (Premises), paragraph 2 (Term),

Jak M-lun-Robert M. Mroz Engineer In Chargè I am both app Calar multion by Money's totally non-nexponence reply to my letter dated

Fature on reaforce to me ingoto Reducy





FEDERAL COMMUNICATIONS COMMISSION FIELD OPERATIONS BUREAU July 22, 1988

ADDRESS REPLY TO:

Room 1017 Federal Building 31 Hopkins Plaza Baltimore, Maryland 21201 PROTESTANT'S

EXHIBIT 3 The Honorable Paul S. Sarbanes, U.S. Senator 1518 Federal Office Building Baltimore, Maryland 21201

Dear Senator Sarbanes;

Our records show that Mr. Steinberg first contacted this office in February 1986. Since that time there have been several different sources of interference to Mr. Steinberg's TV reception and personnel from this office have made numerous attempts to identify and resolve the source of Mr. Steinberg's

The sources of the interference are located at either (or both) of two neighboring radio communications facilities. Two distinct sources have been identified and corrected. The current major source of interference has been identified and the radio equipment licensee has been given 90 days to resolve the complaint in accordance with Commission Rules.

It should be pointed out that Mr. Steinberg, a resident of Baltimore County, receives relatively strong TV signals from the Baltimore TV stations but chooses instead to view the weaker, more distant, Washington TV stations. The fact that he chooses to attempt to receive the relatively weak TV signals in an environment of relatively strong radio/TV signals contributes greatly to his problem. It is therefore expected that TV interference will be an on-going problem. As an alternative, cable television is available to Mr. Steinberg and should provide interference-free reception of the programs he claims he does not get from the local TV stations.

We will continue to work toward a solution to Mr. Steinberg's complaint. If you have any questions, please contact me at 962-2729.

PROTESTANT'S EXHIET 4

Datossyrile, Maryland Didia WRITTEN: July 29th, 1988 MAILED: August 18th, 1988 Phone: (301) 744-5544

The Honorable Paul S. Sartanas, U.S. Senator 1518 Federal Office Suilding Baltimore, Md 2:201

> Attention: Ms. Sharon Farone Reference: Response on July 22cmd by Mr. Robert M. Mroz to my letter dated July Sto.

I am appailed at the total non-responsiveness and general nature of Mr. Moss a response. I beg you to understand that we have had these TV problems in a case of 1 years (2%1/2 years officially) and that you are our lest hope of getting some kind on meaningful response. Flease, please help us.

Before I respond in detail to his generalities and to the nature of the non-response, a little background is in order. It is common intelesses esconding to Mr. Bene Parry, Manager of Maryland Echaunications Esi-8155) that a transmitter legan as a Link transmitter invariably interferes with Charrel 4 and Channel 5. It is also common knowledge in the industry (It took me, a layare, over one year to fire but) that such a transmitter should never be installed near a residential eres. Yet, two such transmitters were permitted to be installed. The first one installed by Metromedia was removed relatively promptly only because Mr. Jim Waller, an engineer with the FCC lived close enough to observe the effect on his personal TV at his hore. Responding to Mr. Mrez:

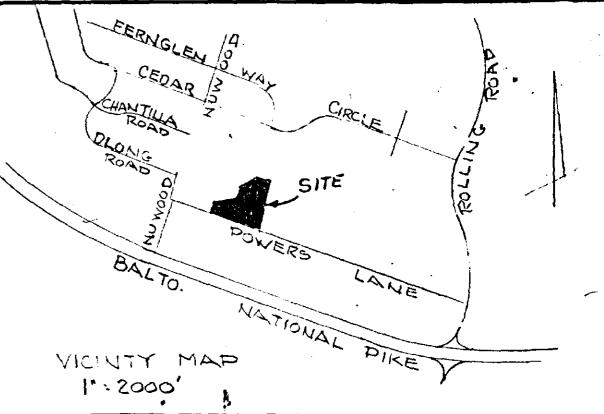
A. Mr. Mroz states "personnel have made numerous attempts to identify atc." Only twice has Mr. Walker been to our home. Both times ha dame for the so's purpose of placating us and verifying that the interference was a ternally and not internall. generated. He brought no equipment into our hore such that he could observe the relationship between the interference on our TV and the signals depended by the various transmitters located on the towers. According to Mr. Waller, the colv equipment they have is mobile equipment permanently attached to their vehicle. I din't understand how they could ever establish the cause of our proplets without simultaneously observing the interference on our TV and a conter showing which transmitters are transmitting,

As a matter of fact, Metromedia did bring such minitering equiphent into six home. A relationship was established between three of the transmissers on the Charge! 54 Tower and one particular interference in our home. Metropedia worked diligently but was unsuccessful in completely solving that particular problem. They offered to pay for cable and we rejuctantly agreed to accept their offer. Unfortunately, before it could be finalized, the lawyers for Metromadia vector the

The FCC is aware of this relationship between the three transmitters and curinterference and yet they have done nothing ... nothing nothing. Maryland Communication has also been made aware of this relationship and they have informed me that all the lessee's most correct any problems with IV interference or their lease can be terminated. Marvland Communication is responsible for renting space on the Channel 54 Tower. But they also have done nothing focause they are waiting for the FCC to run some tests!!!!/?? Sounds like "pass the buck" to me.

STATE DEPARTMENT OF ASSESSITITS & TAXATION

والما لمستقد للمستقدين ويتواد الدائم الماميدان



GENERAL NOTES

AREA OF PROPERTY

SITE, 5.135 Act AREA OF DR16-DR-2 RADIO & TELEVISION EXISTING TRANSMITTING & RECEIVING STATION USE - RADIO +TELEVISION PROPOSED TRAUSMITTING & RECEIVING STATION

PARKING DATA

NO OF EMPLOYES - 5
NO. OF SPACES PROVIDED - OUSITE 7 SPACES

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

SPECIAL EXCEPTION IN CASE 86-273-X5PH GRANTED JAN. 13,1986, WITH THE POLLOWING CONDITIONS AND RESTRICTIONS

2) NO OTHER TOWERS MAY BE CONSTRUCTED ON EITHER THAT PORTION OF THE PROPERTY DESCRIBED IN PETITION EXHIBT I OR ON THE ENTIRE 17. SACTRACT

3) LETTER FROM SAMMUEL KRAVITZ, PRES. OF NEW VISIONING TO CHARLES H. SPRAGUE, PRESIDENT OF WESTERLEE COMMUNITY ASSOCIATION, DATED DEC. 18, 1985 AND I DENTIFIED AS PETITIONERS EXHIBT 3, SHALL BE ADOPTED IN ITS ENTIREITY, AND MADE PART OF THIS ORDER

FLAT TO ACCOMPANY PETITION

ADMENDMENT TO APPROVED SITE PLAN FOR SPECIAL EXCEPTION AND SIDE YARD VARIANCE FOR PUBLIC UTILITY SERVICE CENTER/TRANSMITTER BUILDING 2038 POWERS LANE

15 ELECT, DIST. SCALE 1": 100"

BALTO. Co. SEPT. 10-85

JULY 11, 1986 MARCH 2, 1989

E. F. RAPHEL & ASSOC. MEGISTERED PROFESSIONAL LAND SURVEYORS 205 COURTLAND AVENUE TOWSON, MARYLAND 21204