

**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.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd T. Moxley", is written over the typed name and title.

Lloyd T. Moxley
Planner II
Zoning Review

LTM

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



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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.

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Baltimore County
Department of Permits and
Development Management

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

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.

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Lloyd T. Moxley
Planner II
Zoning Review

LTM

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



6810 Deerpath Road
Suite 500
Elkridge, MD 21075

June 16, 2003

VIA HAND DELIVERY

Mr. Arnold 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,

A handwritten signature in black ink, appearing to read 'Brian Bolt', written over a horizontal line.

Brian Bolt
Wireless Facilities, Inc. for Cingular Wireless

Enclosures



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.
7. 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.
15. 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-A00Z-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.

100



2038 POWERS LANE
CATONSVILLE, MD 21228
BALTIMORE COUNTY

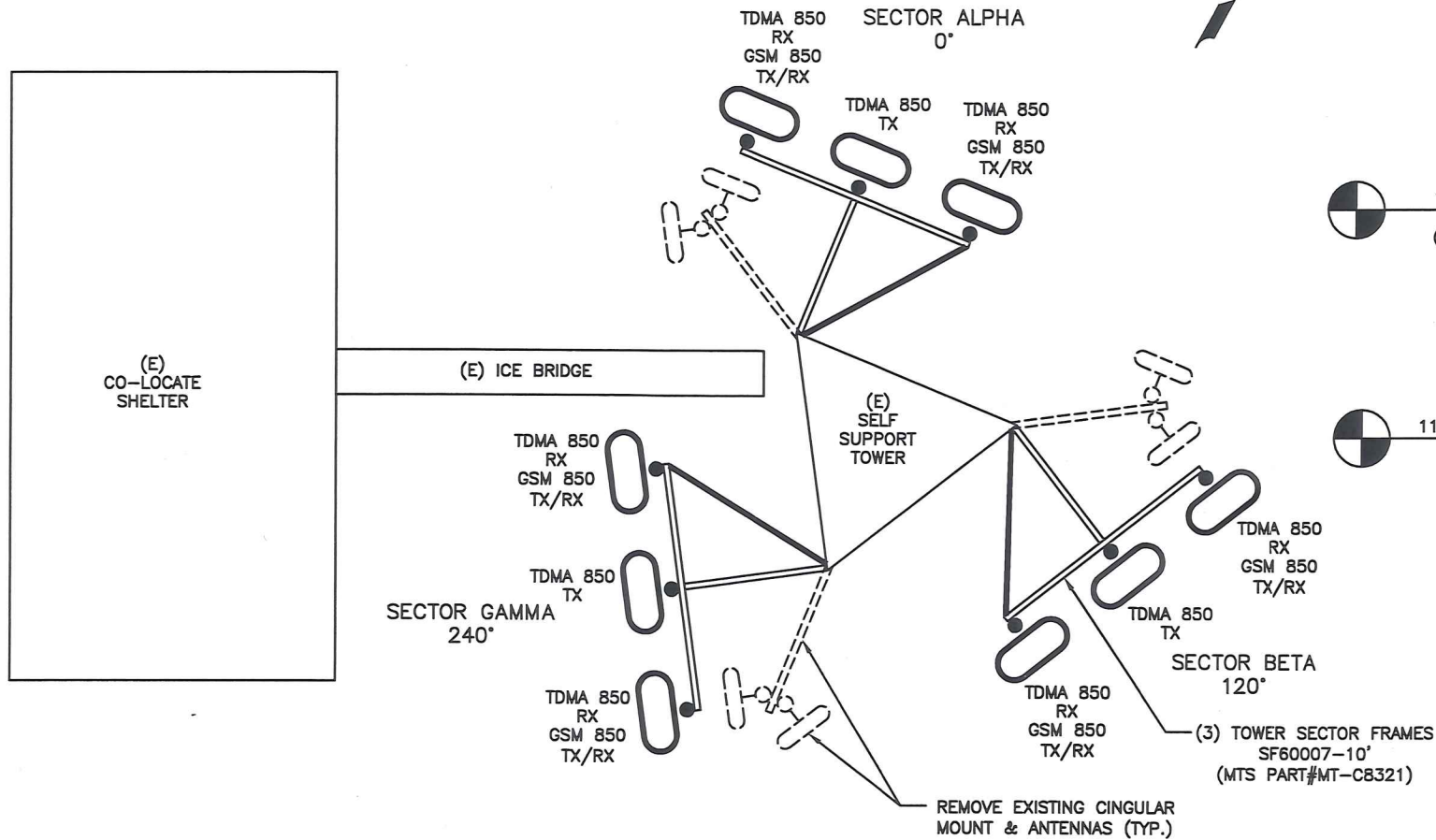
[illegible]

RF TABLE						
SECTOR	SECTOR NAME	ANTENNA MAKE & MODEL	ANTENNA COUNT	AZIMUTH	RAD CENTER	MECHANICAL DOWNTILT
1	ALPHA	SA13-86-2D	3	0°	163'-0"	6°
2	BETA	SA13-86-2D	3	120°	163'-0"	4°
3	GAMMA	SA13-86-2D	3	240°	116'-0"	6°

NOTE:
FOR ANTENNA COAX & JUMPER
INFORMATION REFER TO DETAIL

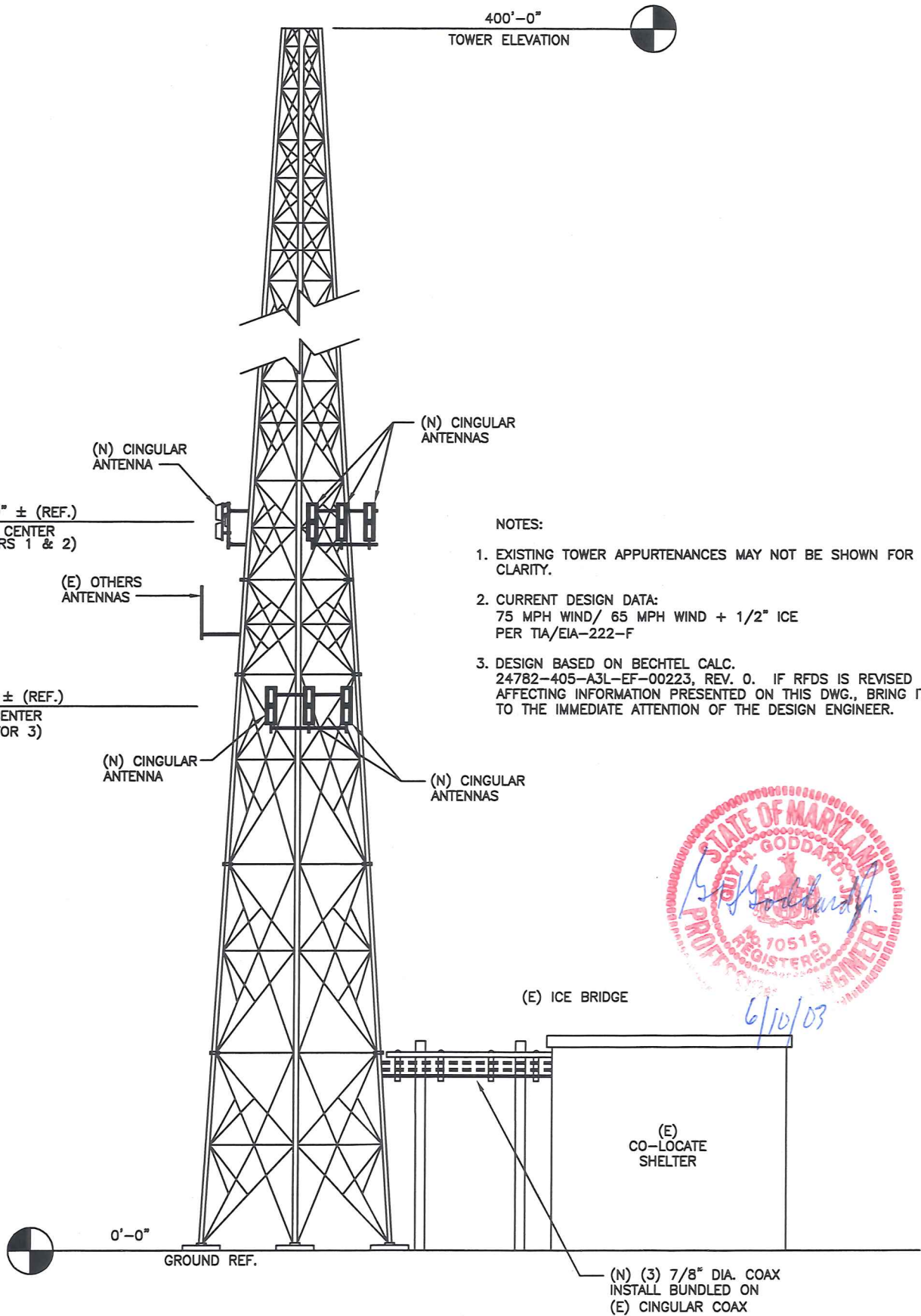
1
03, 03A, 03B

NOTE:
TYPICAL TOWER ELEVATION
& ANTENNA LOCATION ONLY.
ACTUAL TOWER & ANTENNA
REPRESENTATION VARIES.



**SELF SUPPORTING TOWER
ELEVATION & PLAN VIEW**

SCALE: NTS



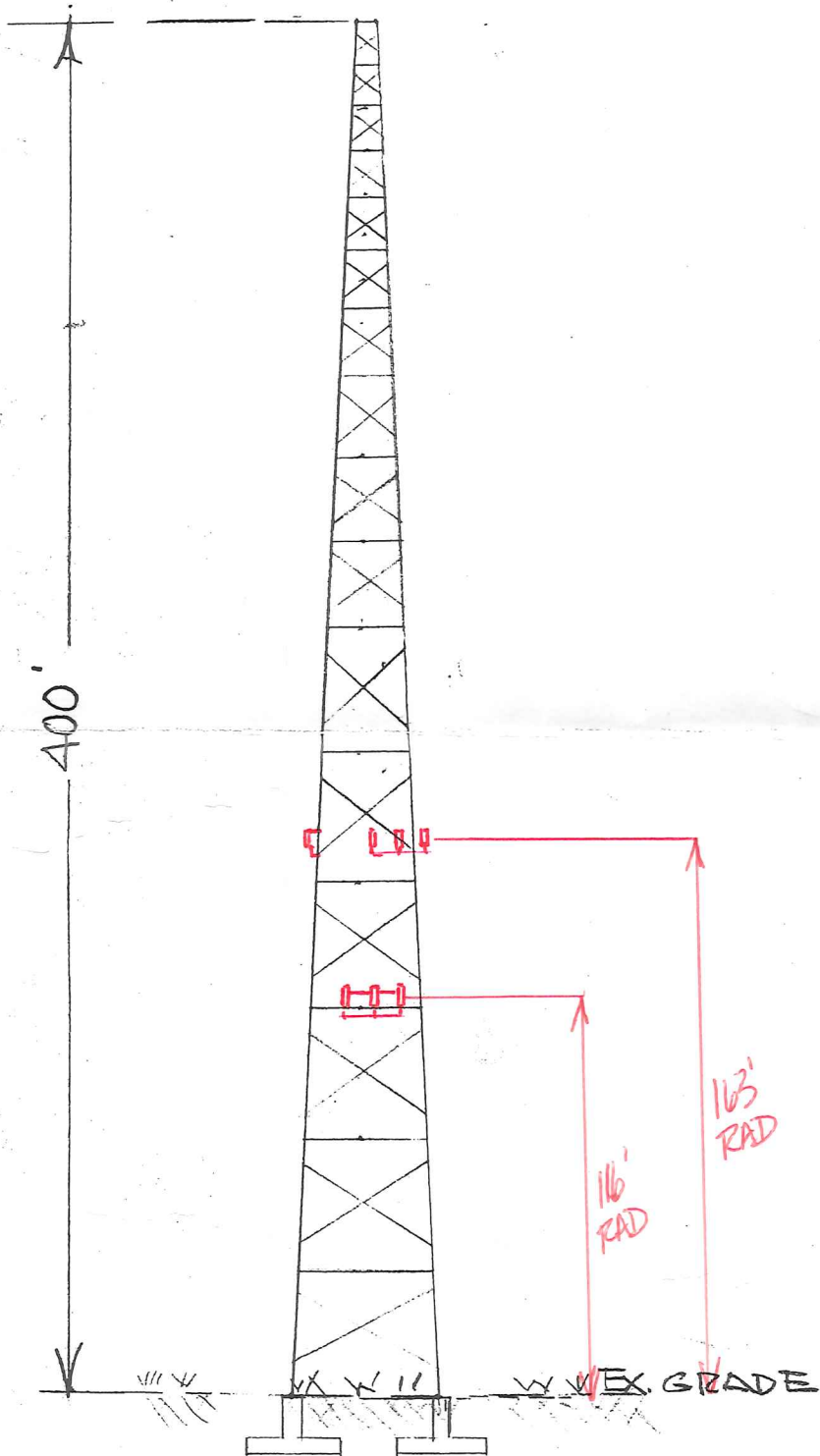
**BECHTEL
TELECOMMUNICATIONS**
5295 WESTVIEW DRIVE
FREDERICK, MD 21703

**SITE NUMBER: 3001
SITE NAME: CATONSVILLE**
2040 POWERS LANE
CATONSVILLE, MD 21228
BALTIMORE COUNTY

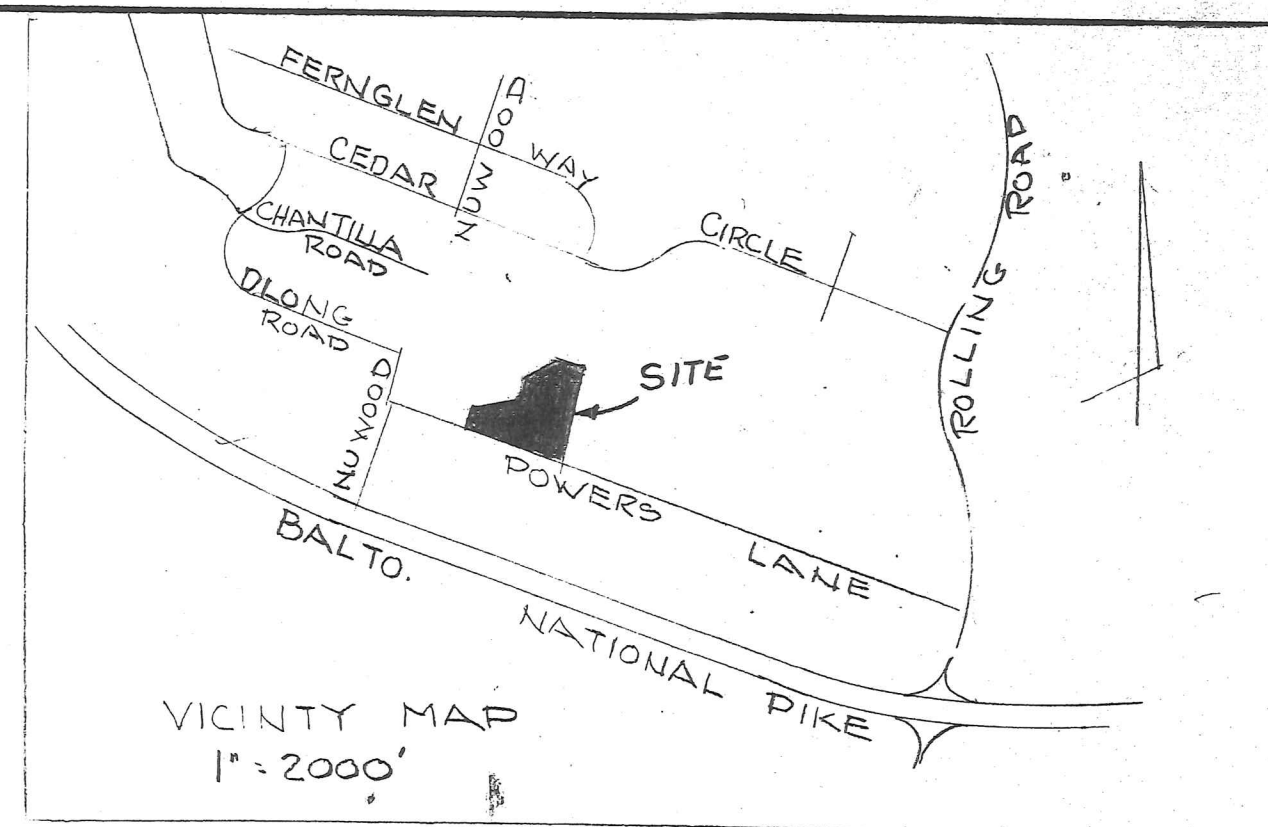


NO.	DATE	ISSUED FOR CONSTRUCTION	BY	CHK	APP'D
0	6/10/03	ISSUED FOR CONSTRUCTION	MHN	DMS	WJ
REVISIONS					
SCALE: NTS					
DESIGNED BY: JEY					
DRAWN BY: JEY					

CINGULAR WIRELESS		
TOWER ELEVATION AND PLAN NOKIA ULTRASITE (INDOOR)		
JOB NUMBER	DRAWING NUMBER	REV
24782	BWA-3001-08	0



PROFILE PROPOSED TOWER
NO. SCALE



VICINITY MAP
1" = 2000'

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 - 5
 NO. OF SPACES REQUIRED - 5
 NO. OF SPACES PROVIDED - ON SITE 7 SPACES

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

SPECIAL EXCEPTION IN CASE # 86-ET3-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 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

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

1ST ELECT. DIST.
 SCALE 1" = 100'

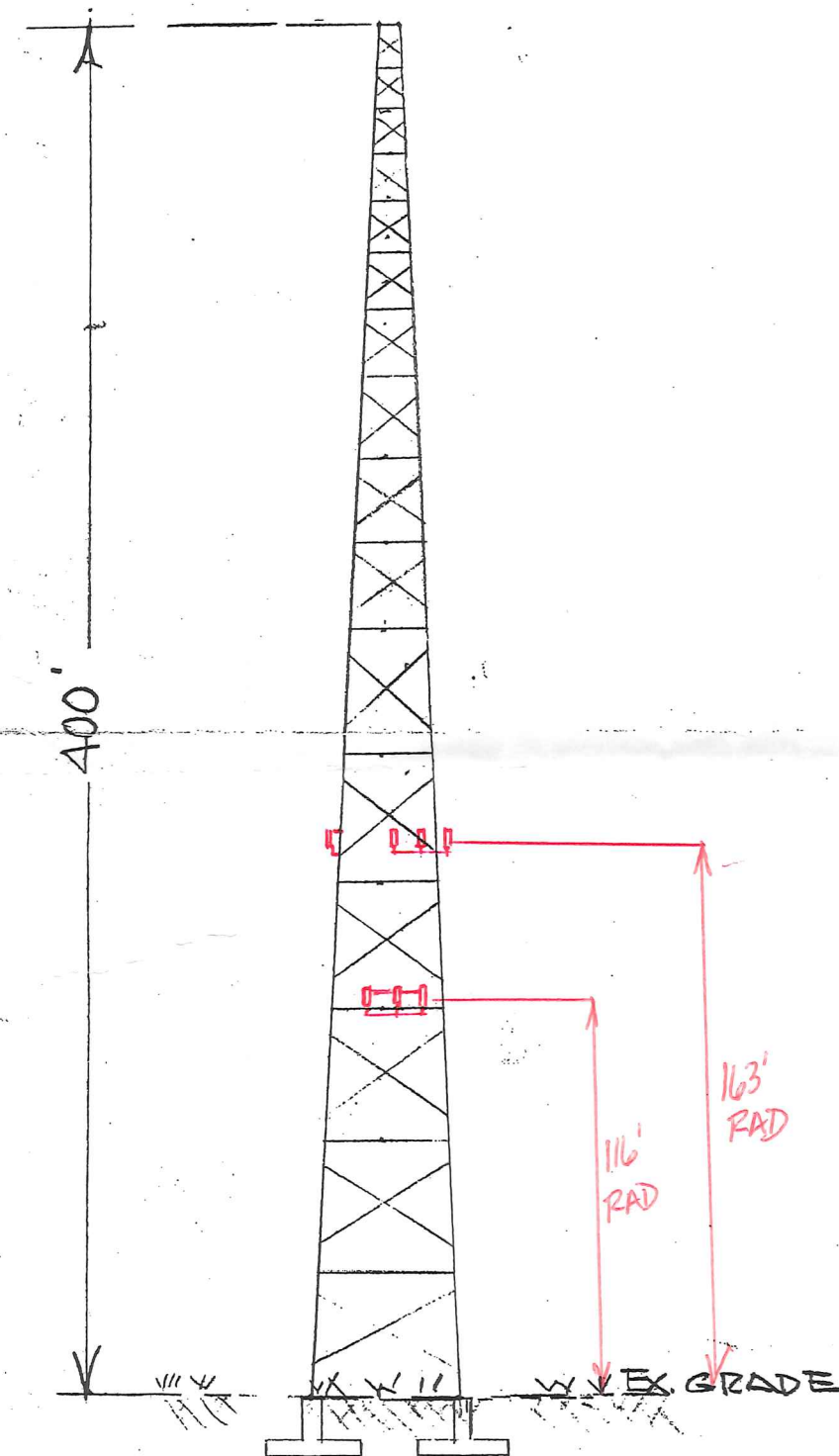
BALTO. CO.
 SEPT. 10-85

JULY 11, 1986
 MARCH 2, 1989

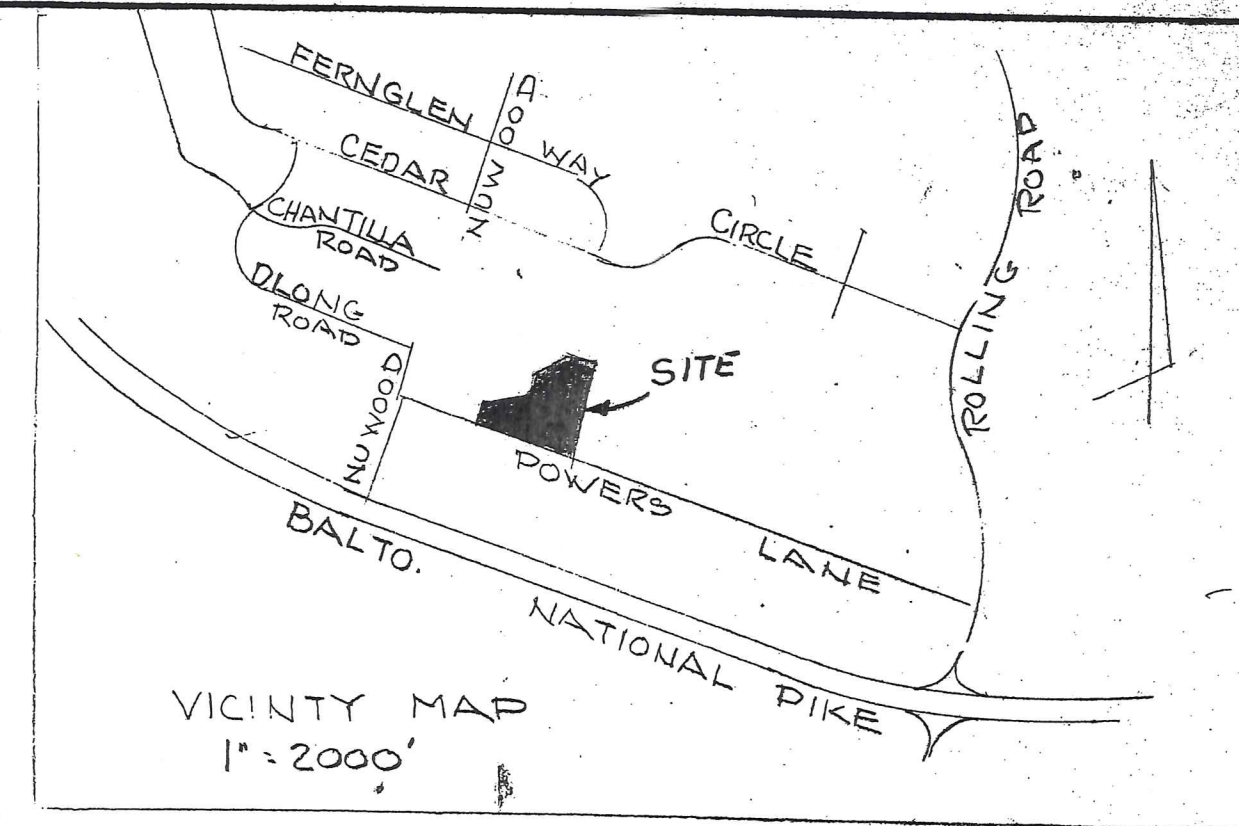
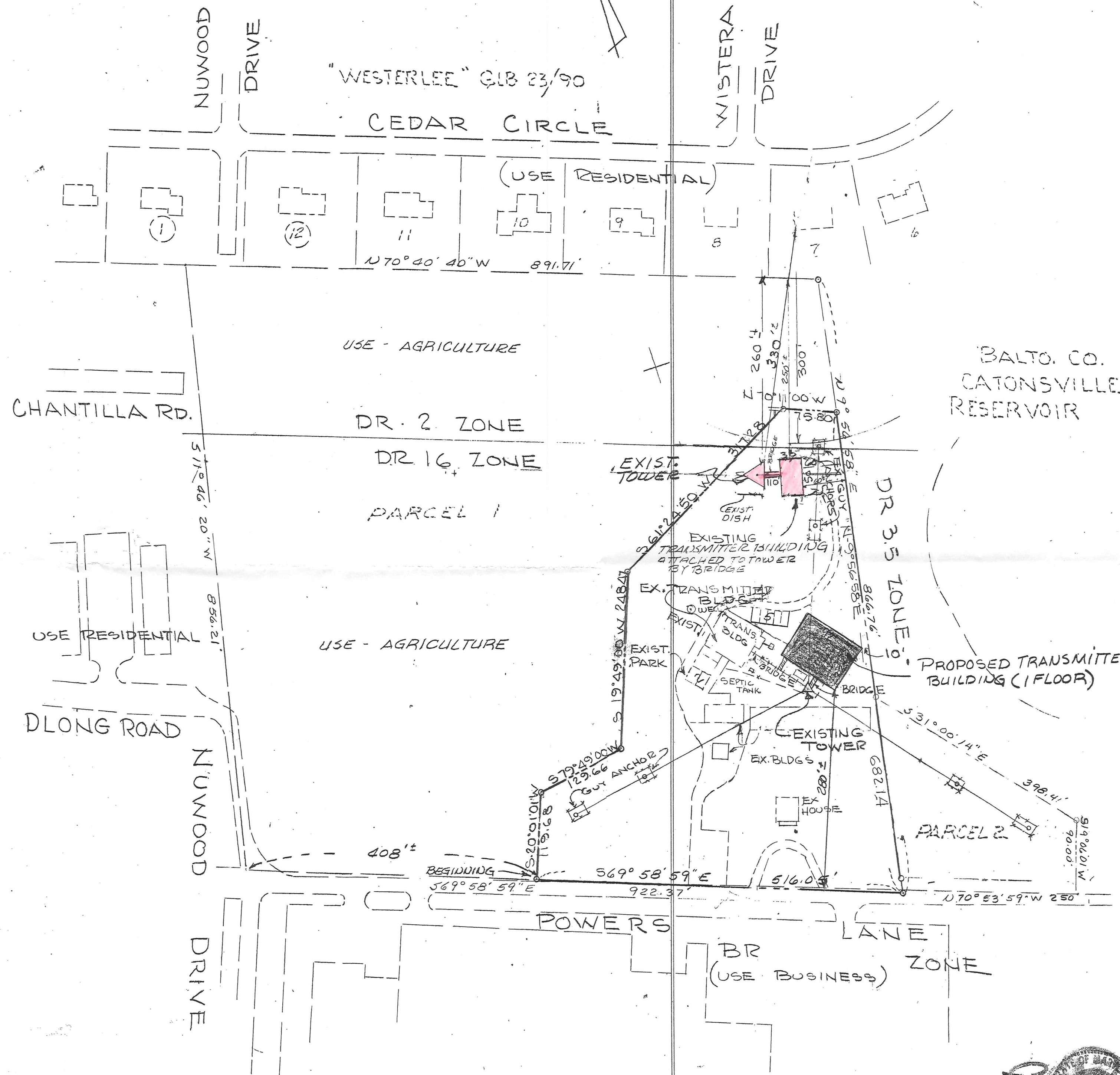
382 PETITIONER'S
 EXHIBIT



MICROFILMED



PROFILE PROPOSED TOWER
NO. SCALE



VICINITY MAP
1" = 2000'

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 -	5
NO. OF SPACES REQUIRED	5
NO. OF SPACES PROVIDED - ON SITE	7 SPACES

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 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

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

1ST ELECT. DIST.
SCALE 1" = 100'

BALTO. CO.
SEPT. 10-85

JULY 11, 1986

MARCH 2, 1989

382 PETITIONER'S
AFFIDAVIT

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



RECEIVED

1991

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCES * DEPUTY ZONING COMMISSIONER
N/S Powers Lane, 408' E of *
Nosed Avenue * OF BALTIMORE COUNTY
(2039 Powers Lane) *
1st Election District * Case No. 89-484-SPH/VA
1st Councilmanic District *
High Vision, Inc. *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment of the special exception 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 and General Manager, and Tenant, Southwestern Bell Mobile Systems, Inc., t/a Cellular 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 for Cellular One; Bernard Willemain, Land Use and Zoning Consultant; H. Eugene Parry, Vice President and General Manager of Maryland Communications; Eugene F. Raphael, Registered 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 Washington/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 Petitioner'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. Raphael 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 frequencies between 806 and 886 megahertz, and to his knowledge, these 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 visual impact, or pollution. He also testified that if the requested variances 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 behalf.

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 testified 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. Steinberg 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 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 886 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 amendments 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
- 3) 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 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit 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 Zoning Commissioner for Baltimore County this 30th day of June, 1989 that the Petition 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 Zoning 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 condition.

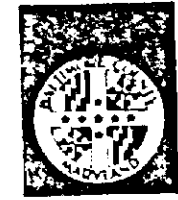
John M. Nastawczyk
JOHN M. NASTAWCZYK
Deputy Zoning Commissioner
for Baltimore County

ANN-138

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

June 28, 1989



Dennis F. Rasmussen
County Executive

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE
N/S Powers Lane, 408' E of Nuwood Avenue
(2038 Powers Lane)
1st Election District - 1st Councilmanic District
High Vision, Inc. - Petitioners
Case No. 89-484-SPHXA

Dear Mr. Nolan:

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

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,

J. Robert Haines
J. Robert Haines
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Thomas E. Rosser, Esquire
343 N. Charles Street, Baltimore, Md. 21201

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

File

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

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
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 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, MD 20770, Tenant.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-484-SPHXA

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

alternative to an additional special exception of 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 a 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.

Legal Owner(s):
Southwestern Bell Mobile Systems, Inc.
t/a Cellular One

(Type or Print Name)

Emilienne O'Rourke

Signature

Suite 100, 7855 Walker Drive

Address

Greenbelt, MD 20770

City and State

Attorney for Petitioner:

Stephen J. Nolan

(Type or Print Name)

Stephen J. Nolan

Signature

300 E Joppa Rd Suite 1105

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 301-823-7800

Legal Owner(s):
High Vision, Inc.

(Type or Print Name)

Samuel Kravitz

Signature

President and General Manager

(Type or Print Name)

Address

Greenbelt, MD 20770

City and State

6317 Park Heights Avenue 462-5400

Address

Baltimore, MD 21215

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Stephen J. Nolan, Esquire

Name

300 E Joppa Road Suite 1105 823-7800

Address

Towson, MD 21204

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of March, 1989, 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 30th day of May, 1989, at 10 o'clock A.M.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-484-SPHXA

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.

Legal Owner(s):
Southwestern Bell Mobile Systems, Inc.
t/a Cellular One

(Type or Print Name)

Emilienne O'Rourke

Signature

Real Estate Manager

(Type or Print Name)

Address

Greenbelt, MD 20770

City and State

Attorney for Petitioner:

STEPHEN J. NOLAN

(Type or Print Name)

Stephen J. Nolan

Signature

300 E Joppa Road Suite 1105

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 301-823-7800

Legal Owner(s):
High Vision, Inc.

(Type or Print Name)

Samuel Kravitz

Signature

President and General Manager

(Type or Print Name)

Address

6317 Park Heights Avenue 301-462-5400

Address

Baltimore, MD 21215

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Stephen J. Nolan, Esquire

Name

300 E Joppa Rd Suite 1105 301-823-7800

Address

Towson, MD 21204

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of March, 1989, 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 30th day of May, 1989, at 10 o'clock A.M.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-484-SPHXA

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 1802.2.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 placement options.
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.

Legal Owner(s):
Southwestern Bell Mobile Systems, Inc.
t/a Cellular One

(Type or Print Name)

Emilienne O'Rourke

Signature

Real Estate Manager

(Type or Print Name)

Address

Greenbelt, MD 20770

City and State

Attorney for Petitioner:

STEPHEN J. NOLAN

(Type or Print Name)

Stephen J. Nolan

Signature

300 E Joppa Road Suite 1105

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 301-823-7800

Legal Owner(s):
High Vision, Inc.

(Type or Print Name)

Samuel Kravitz

Signature

President and General Manager

(Type or Print Name)

Address

6317 Park Heights Ave 301-462-5400

Address

Baltimore, MD 21215

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Stephen J. Nolan, Esquire

Name

300 E Joppa Road, Ste 1105 301-823-7800

Address

Towson, MD 21204

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of March, 1989, 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 30th day of May, 1989, at 10 o'clock A.M.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

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 21204 as follows:

Petition for Special Exception, Special Hearing & Zoning Variance

Case number: 89-484-SPHXA

N/S Powers Lane, 408' E. of Nuwood Avenue (2038 Powers Lane)

1st Election District

1st Councilmanic District

Legal Owner(s): High Vision, Inc.

Tenant: Southwestern Bell Mobile Systems, Inc., t/a Cellular One

Hearing Date: Tuesday, May 30, 1989 at 10:00 a.m.

Special Exception: A Public Utility Service Center.

Special Hearing: 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 service center building, 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 ft. respectively.

Legal Owner(s): High Vision, Inc.

Tenant: Southwestern Bell Mobile Systems, Inc., t/a Cellular One

Hearing Date: Tuesday, May 30, 1989 at 10:00 a.m.

Special Exception: A Public Utility Service Center.

Special Hearing: 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 service center building, 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 ft. respectively.

Legal Owner(s): High Vision, Inc.

Tenant: Southwestern Bell Mobile Systems, Inc., t/a Cellular One

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Legal Owner(s): High Vision, Inc.

Tenant: Southwestern Bell Mobile Systems, Inc., t/a Cellular One

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Variance: To permit a side/rear yard setback of 10 ft. in lieu of the required 25 ft./30 ft. respectively.

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

vs.

Defendant

CERTIFICATE OF PUBLICATION OF

LEGAL NOTICE

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

Defendant

Plaintiff

vs.

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. PENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT A. GUSHAW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
LOUIS G. CLOSE, III
ROBERT C. BARNETT
THOMAS E. ALDERMAN
KEITH L. KOSTUN

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3095
301/823-7800
TELEFAX 301/296-2765

J. EARLE PLUMHOFF
(1940-1988)
JAMES D. NOLAN
(DECEASED, 1980)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RAWMONT, MARYLAND 21133
(301) 922-2121

March 3, 1989

HAND DELIVERY

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

Re: Proposed Addition of Public Utility
Service Center at High Vision, Inc. Site
NE of Powers Lane, E of Nuxwood Drive

Dear Mr. Richards:

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

1. Three (3) signed Petitions for Special Hearing;
2. Three (3) signed Petitions for Special Exception;
3. Three (3) signed Petitions for Zoning Variance;
4. Ten (10) copies of the site plan prepared by E.F. Raphael 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 your assistance.

Very truly yours,

Stephen J. Nolan
Stephen J. Nolan

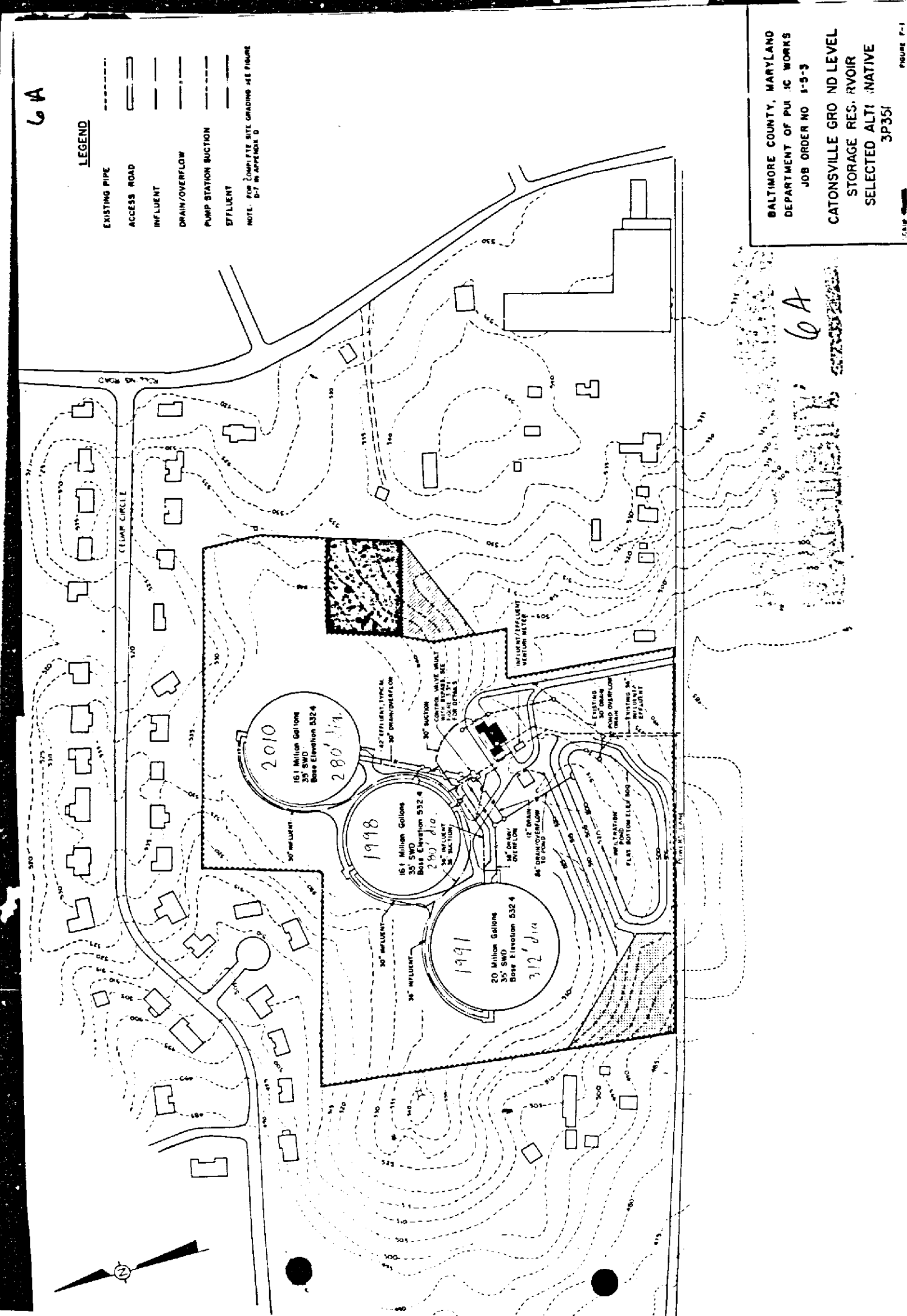
SJN/mao

Enclosures

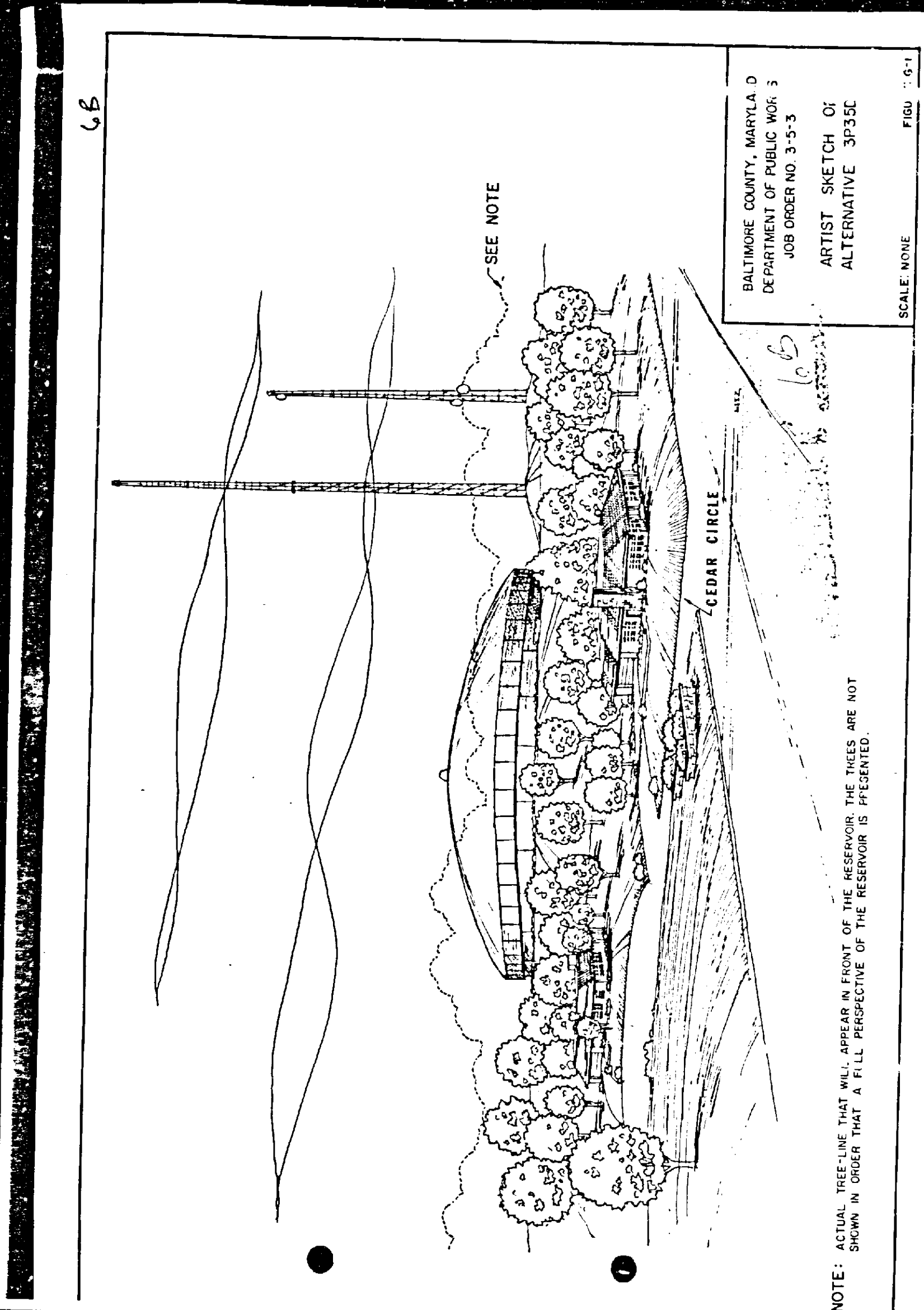
CC: Ms. Emilienne O'Rourke
Real Estate Manager
Cellular One

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

Mr. Eugene F. Raphael
E.F. Raphael and Associates



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS
JOB ORDER NO. 3-3-3
CARTOGRAPHIC GEO. NO. LEVEL
STORAGE RES. NO. 100
SELECTED ALT. NATIVE
3P351



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS
JOB ORDER NO. 3-3-3
CARTOGRAPHIC GEO. NO. LEVEL
STORAGE RES. NO. 100
SELECTED ALT. NATIVE
3P351

NOTE: ACTUAL TREE-LINE THAT WILL APPEAR IN FRONT OF THE RESERVOIR IS SHOWN IN GREEN. THE TREE-LINE SHOWN IN BLACK IN THE PLAN IS SHOWN IN ORDER THAT A FULL PICTURE OF THE RESERVOIR IS PRESENTED.

PROTESTANT'S
EXHIBIT 1

THIS FARM LEASE AGREEMENT, made this 3rd day of
February, 1982, by and among NEW VISION, INC. (hereinafter called
"Landlord") and JOHN HOFFMAN, BERNADETTE HOFFMAN and ROSE HOFFMAN
(hereinafter collectively the "Tenants").

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 Land-
lord's Television Transmission Tower, Transmitting 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. Term: 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 27, 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 adjudication of bankruptcy by or against
any individual Tenant.

3. Rent: Tenants agree to pay rent to Landlord in the
sum of 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
incident thereto.

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

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

CLERK DATE

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per [Signature]
Authorized Signature
Date 2/17/89 Doc 1145

AMENDMENT OF FARM LEASE AGREEMENT

THIS AMENDMENT OF FARM LEASE AGREEMENT, Made this
17th day of July, 1985, by and among NEW VISION, INC.,
hereinafter called "Landlord", and JOHN HOFFMAN and BERNADETTE
HOFFMAN, hereinafter collectively called "Tenants".

WHEREAS, Tenants, together with Rose Hoffman, who here-
tofore departed this life, and Landlord, 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

WHEREAS the parties hereto now desire to amend the
subject lease by providing for subdivision of the leased prem-
ises, 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),
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 de-
mise 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,

FEDERAL COMMUNICATIONS COMMISSION
FIELD OPERATIONS BUREAU
July 22, 1988

U.S. 261988

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
complaints.

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.

Sincerely,

Robert M. Mroz
Robert M. Mroz
Engineer in Charge

I am both happy and surprised by Mr. Mroz's
totally non-responsive reply to my letter
dated [Date]
[Signature] - response to Mr. Mroz's Reply

PROTESTANT'S
EXHIBIT 4

2177 Cedar Circle Drive
Catonsville, Maryland 21033
ATTENTION: July 22, 1988
MAILER: August 1988
Phone: (301) 744-0044

The Honorable Paul S. Sarbanes, U.S. Senator
1518 Federal Office Building
Baltimore, MD 21201

Attention: Mr. Sharon Parson
Reference: Responses of July 22, 1988 by Mr. Robert M.
Mroz to my letter dated July 1988

Dear Mr. Parson:

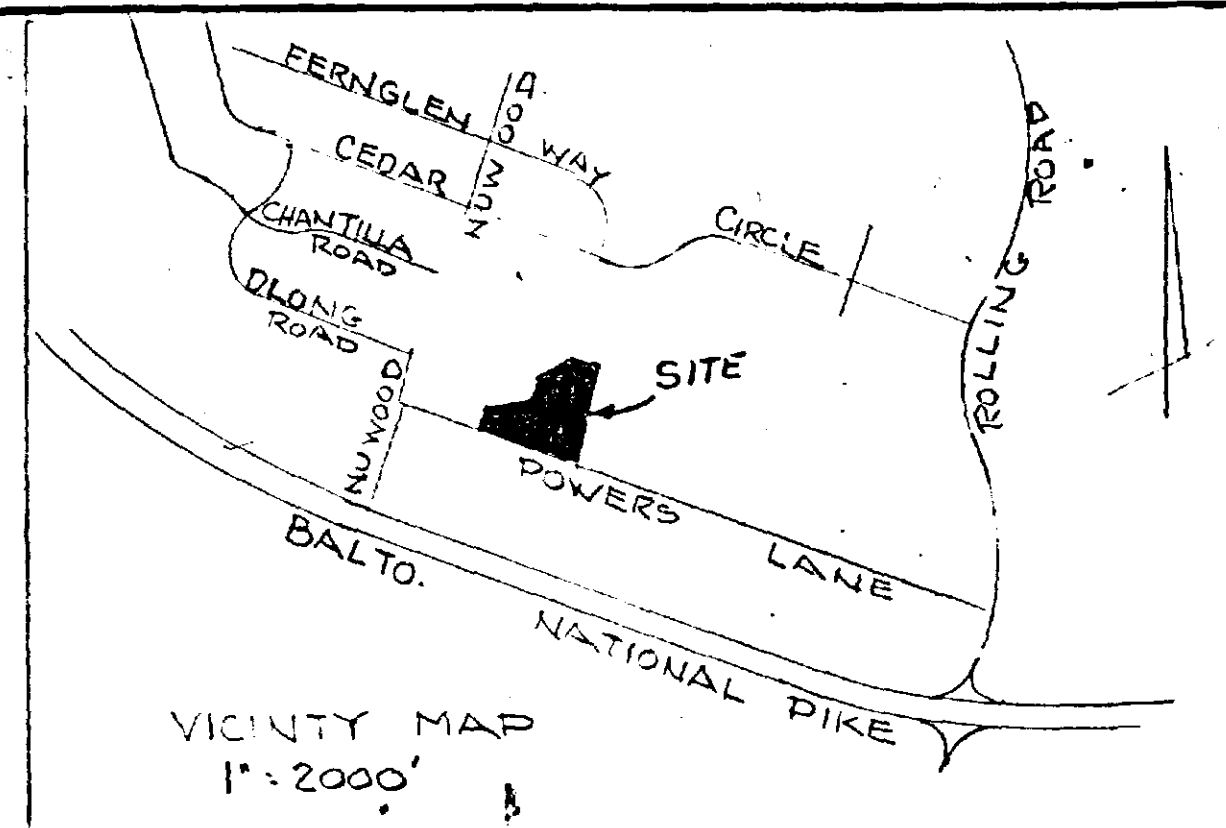
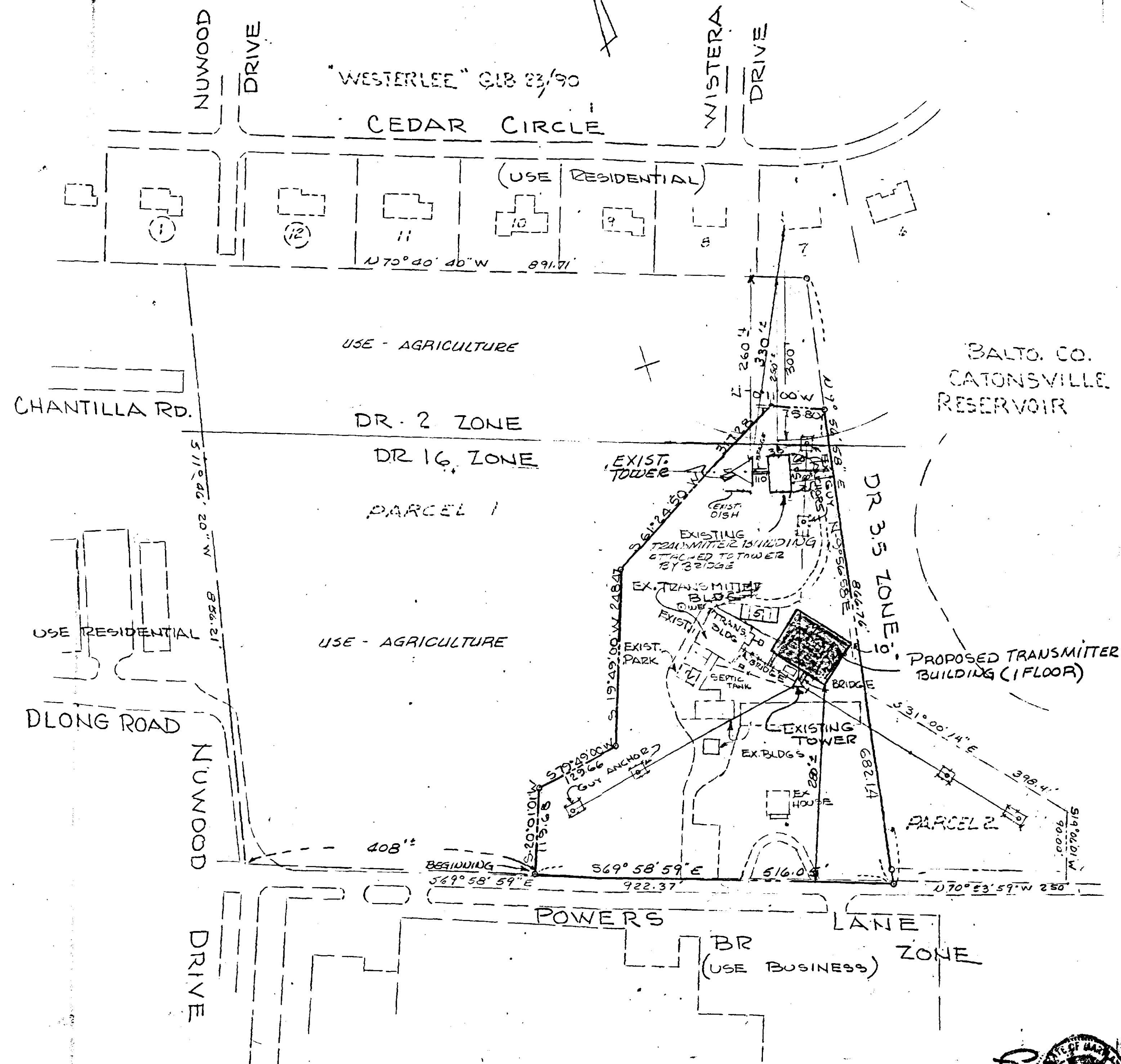
I am appalled at the total non-responsiveness and general nature of Mr. Mroz's
response. I beg you to understand that we have had these TV problems in a case of 3
years (2 1/2 years officially) and that you are our last hope of getting some kind of
meaningful response. Please, please help us.

Before I respond in detail to his generalities and to the nature of his
non-response, a little background is in order. It is common knowledge, according to
Mr. Gene Perry, Manager of Maryland Communications Inc. (MDCI), that a transmitter known
as a Link Transmitter invariably interferes with Channel 4 and Channel 5. It is also
common knowledge in the industry that such a transmitter should never be installed near a residential area. Two
such transmitters were permitted to be installed. The first one installed by
Metronedia was removed relatively promptly only because Mr. Jim Walker, an engineer
with the FCC lived close enough to observe the effect on his personal TV at his home.
Responding to Mr. Mroz:

As Mr. Mroz states "personnel have made numerous attempts to identify, etc."
Only twice has Mr. Walker been to our home. Both times he came for the sole purpose of
placating us and verifying that the interference was external and not internally
generated. He brought no equipment into our home such that he could observe the
relationship between the interference on our TV and the signals generated by the
various transmitters located on the towers. According to Mr. Walker, the only
equipment they have is mobile equipment permanently attached to their vehicle. I don't
understand how they could ever establish the cause of our problem without
simultaneously observing the interference on our TV and a monitor showing which
transmitters are transmitting.

As a matter of fact, Metronedia did bring such monitoring equipment into our
home. A relationship was established between three of the transmitters on the Channel
54 Tower and one particular interference in our home. Metronedia agreed to
diligently but was unsuccessful in completely solving that particular problem. They
offered to pay for cable and we reluctantly agreed to accept their offer.
Unfortunately, before it could be finalized, the lawyers for Metronedia backed the
deal.

The FCC is aware of this relationship between the three transmitters and our
interference and yet they have done nothing... nothing... nothing.
Maryland Communications has also been made aware of this relationship and they
have informed us that all the licensee must correct any problems with TV interference
or their lease can be terminated. Maryland Communications is responsible for putting
space on the Channel 54 Tower. But they also have more nothing to do as they are
waiting for the FCC to run some tests!!! It sounds like "pass the buck" to me.



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 - 5
NO. OF SPACES REQUIRED 5
NO. OF SPACES PROVIDED - ON SITE 7 SPACES

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:

2) NO OTHER TOWERS MAY BE CONSTRUCTED ON EITHER THAT PORTION OF THE PROPERTY DESCRIBED IN PETITION EXHIBIT 1, OR ON THE ENTIRE 17.5 ACRE TRACT

3) LETTER FROM SAMMUEL 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.

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

1st ELECT. DIST. BALTO. CO.
SCALE 1" = 100' SEPT. 10-85

JULY 11, 1986
MARCH 2, 1989

SECRET

382 **ATTORNEY'S**

SECRET

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



1996