



Baltimore County
Department of Permits and
Development Management

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

June 28, 2001

Ms. Hillorie S. Morrison
Voicestream Wireless
12050 Baltimore Avenue
Beltsville, MD 20705

Dear Ms. Morrison:

RE: 935 Miller Road, Spirit and Intent Case No. 91-195-X,
7th Election District

Your letter addressed to Mr. Jablon, dated June 12, 2001, 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.

It is the position of this office that the proposed amendments to the approved Site Plan for Zoning Case No. 91-195-X is outside of the Spirit and Intent of what was granted in the aforementioned case. A Special Hearing will be required to amend the approved site plan in order to increase the height of the existing tower.

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 "L. T. Moxley".

Lloyd T. Moxley
Planner II
Zoning Review

LTM



IN THE MATTER OF THE APPLICATION OF JAMES W. DILL, SR., ET UX FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE EAST SIDE OF MILLER ROAD, 3,000' EAST OF YORK ROAD (935 MILLER ROAD) 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT * BEFORE THE * COUNTY BOARD OF APPEALS * OF * BALTIMORE COUNTY * CASE NO. 91-195-X

OPINION

This case comes before this Board on an appeal from a decision of the Deputy Zoning Commissioner dated May 23, 1991, granting, with certain restrictions, the Petition for a Special Exception to permit a 160' wireless transmitting and receiving structure and a 14' x 40' modular equipment building as an accessory use on the subject property, which is zoned RC-2.

The Petitioners/Appellants in this case, which was heard *de novo*, were James W. and Sharon D. Dill, Property Owners, and Bell Atlantic Mobile Systems, Contract Lessee.

The Petitioners/Appellants presented five witnesses. The first, Harry J. Fischer, manager of zoning, Bell Atlantic Mobile Systems (BAMS), testified that beginning in March, 1988, the company made a diligent search of industrially or commercially zoned land in the designated search area for a site on which to place a wireless transmitting and receiving tower that would serve cellular phones in the Gunpowder River Valley and north to the Pennsylvania line.

Mr. Fischer stated that the proposed tower would be a lattice-type structure rather than a monopole tower to allow its utilization by the Maryland Institute for Emergency Medical Services Systems (MIEMSS) communications systems in that area of the county.

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Case No. 91-195-X (James W. Dill, Sr. et ux)

Laurence Feldcamp, an electrical engineer retained by Bell Atlantic to search for an appropriate site, testified that he examined a number of potential industrial or commercial zoned site.

These sites included a commercial property on I-83, originally owned by Exxon, which had placed restrictions on the property that precluded a tower; a park-and-ride site at the Middletown Road exit off I-83 owned by the State Highway Administration, which rejected Petitioners/Appellants' request to use the site; and several properties that were out of the search area or did not have the required 700' elevation.

Mr. Feldcamp testified that he also examined several towers for possible use, but all were outside the search area. In addition, testimony by Mr. Feldcamp and a letter submitted as evidence from Fred Homan, chairman of the Baltimore County 800 Megahertz Committee, indicate that Baltimore County rejected BAMS' request to mount its antennae on the County's radio tower at the Pretty Boy Dam Recreational area near Parkton.

Mr. Feldcamp further testified that the subject site is on a wooded tract of land, with the nearest house 400' to 500' away.

Gene Biden, director of Emergency Medical Services Communications, MIEMSS, testified that MIEMSS wants to locate transmitting and receiving services on the subject tower to fill a gap in their communications system in that area.

Ernest J. Kern, a real estate appraiser, testified that in his opinion, the proposed tower would not have a significant adverse impact on area property values.

George E. Gavrelis, a land planner with Daft-McCune-Walker, Inc., testified that only a 100' x 100' area in the 8.8-acre

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Case No. 91-195-X (James W. Dill, Sr. et ux)

subject site would be disturbed. He further testified that because the area is one of rolling hills, it would be very difficult to see the proposed tower except at a few locations, and that in his opinion there will not be any adverse impact on the primary agricultural uses around the site.

The Protestant/Cross-Appellant, M. V. Runkles, III, testified on behalf of the Weisburg Community Association, Inc., that the proposed tower, which would rise far above the trees, would be an encroachment of an outside influence needed for highway travel. He stated that he felt that alternative sites had not been satisfactorily explored.

Harold C. Lloyd, a resident near the site, testified that in his opinion the tower would lead to unwanted growth in the area.

In his closing statement Peter Zimmerman, on behalf of the People's Counsel, questioned whether the Petitioners/Appellants had met the requirement of a "diligent search" in compliance with Baltimore County Zoning Regulations Section 502.7-C. The section enumerates additional requirements for wireless transmitting or receiving structures in RC, DR, or R-O zones.

From the testimony and evidence received, the Board is of the opinion that all sections of both 502.1 and 502.7-C have been or will be complied with at the appropriate time.

The Petitioners/Appellants established that a diligent search for a location within a business, office, or industrial zone was made and that no such location was appropriate or available. Further, in compliance with the restrictions imposed by the Deputy Zoning Commissioner in granting the special exception, the Petitioners/Appellants made a written request of Baltimore County

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Case No. 91-195-X (James W. Dill, Sr. et ux)

to mount on its tower at the Pretty Boy Dam Recreational Area, and the County rejected the request in writing.

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

In addition, the proposed site will promote the safety and welfare of the citizens of that area through the shared use of the tower by MIEMSS.

ORDER

IT IS THEREFORE this 14th day of February, 1992 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Exception be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioners shall obtain CRG approval and/or a waiver.
- 3) The structure shall be enclosed within a locked, chainlink fence, or comparable wall or structure, at least 8 feet high.
- 4) A landscape plan, designed to minimize the visual impact of accessory buildings and the lower portion of the structure shall be submitted to and approved by the Director of the Office of Planning.
- 5) Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
- 6) When the use is terminated, the structure shall be removed.

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Case No. 91-195-X (James W. Dill, Sr. et ux)

7) Every five years, or sooner in the event of substantial damage, a certification by a Maryland registered professional engineer shall be filed with the Department of Permits and Licenses indicating that the aforementioned structure meets all safety requirements. Any upgrading or maintenance required to comply with any changes in the safety requirements, or to maintain the safety thereof, shall be performed prior to the filing of such certification.

8) No white strobeoscopic lights are permitted.

9) Petitioners shall permit MIEMSS to mount all necessary equipment on the proposed structure. At the time of application for building permits of said tower, Petitioners shall submit documentation of MIEMSS' use of said tower or be limited to construction of a monopole tower.

10) Prior to the issuance of any permits, Petitioners shall submit evidence of approval by all applicable Federal and State regulatory agencies and provide an affidavit that all required approvals have been given.

11) Prior to the issuance of any permits, Petitioner shall provide a 1988, 1"=200' scale zoning map, which has been sealed by a civil engineer or land surveyor, with the use area plotted accurately and legibly thereon for inclusion in the case file.

12) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal from this decision must be made in accordance with

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

William T. Hackett
C. William Clark

William T. Hackett
Diane Levero

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County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 346

444 W. GHEESAPPEA AVENUE

TOWSON, MARYLAND 21204

(301) 887-3180

February 14, 1992

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

Re: Case No. 91-195-X (James W. Dill, Sr., et ux)

Dear Mr. Hoffman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Lindalee M. Kusymaul
Lindalee M. Kusymaul
Legal Secretary

Enclosure

cc: Mr. and Mrs. James W. Dill, Sr.
M. V. Runkles, III - Weisburg
Community Association, Inc.
Mr. Ernest J. Kern
Mr. Harry H. Fisher - Bell Atlantic
Mobile Systems
Mr. Gene Biden
Mr. George Gavrelis
Mr. Harold Lloyd
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Pocket Clerk - Zoning
Arnold Jablon, Director
Zoning Administration

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE *
S/S Miller Rd., 3000' E of * BOARD OF APPEALS *
York Rd. * OF *
7th Elect. Dist., 3rd Coun. Dist. * OF *
James W. Dill, et ux - Petitioners * BALTIMORE COUNTY *
Case No. 91-195-X * *

ORDER OF APPEAL

TO: CLERK:

Please enter an Appeal from the decision of the Deputy Zoning Commissioner dated 23 May 1991, to the County Board of Appeals on behalf of:

Weisburg Community Assoc., Inc.
18,200 York Road
Parkton, Md., 21120

M. V. Runkles, III, Secretary
WEISBURG COMMUNITY ASSOC., INC.

CERTIFICATE OF MAILING

I hereby certify that on this 20th day of June 1991, a copy of this foregoing order of appeal was mailed, postage prepaid, to Robert A. Hoffman, Esq., 210 Allegheny Ave., Towson, Md., 21204, Attorney for the Petitioner; and Peter Zimmerman Esq., People's Counsel, 409 Washington Avenue, Suite 900, Towson, Maryland, 21204.

M. V. Runkles, III, Secretary
WEISBURG COMMUNITY ASSOC., INC.

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IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE *
E/S Miller Road, 3000' E of * DEPUTY ZONING COMMISSIONER *
York Road * *
(935 Miller Road) * OF BALTIMORE COUNTY *
7th Election District * *
3rd Councilmanic District * Case No. 91-195-X *
James W. Dill, Sr., et ux *
Petitioners * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to permit a 175' wireless transmitting and receiving structure and a 14' x 40' modular equipment building as an accessory use thereto on the subject property, in accordance with Petitioner's Exhibit 1.

The Petitioners, James W. and Sharon D. Dill, Property Owners, and Bell Atlantic Mobile Systems, Contract Lessee, by Harry H. Fischer, Zoning Manager, appeared, testified, and were represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petition were Gene Biden, Director of MIEMSS of the University of Maryland State Emergency Facility; Laurence Feldkamp, Consultant; Ernest J. Kern, Real Estate Appraiser, and George Gavrelis, Land Planner with Daft-McCune-Walker, Inc. Appearing as Protestants in the matter were numerous residents of Miller Road and representatives of the Weisburg Community including Harold Lloyd, M. V. Runkles, III, and Helen Amos. Peter Max Zimmerman, Esquire, Deputy People's Counsel, argued the case on behalf of People's Counsel.

Testimony indicated that the subject property, known as 935 Miller Road, consists of 8.8348 acres zoned R.C. 2 and is presently unimproved. Petitioners are desirous of leasing the subject property to Bell Atlantic Mobile Systems for the purpose of erecting thereon a 160-foot wireless transmitting and receiving tower, in accordance with Petitioner's Exhibit

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Date 2/20/92
By [Signature]

1. At the hearing, Petitioners orally amended the request to reflect a tower of 160 feet in lieu of the originally requested 175 feet. Said modification was unopposed. Testimony indicated that approximately .23 acres of the subject property would be disturbed for the construction of the tower and the proposed equipment building.

Petitioners first called Harry Fischer, Zoning Manager for Bell Atlantic Mobile Systems. Mr. Fischer testified that he graduated with an Engineering Degree from the University of Michigan and has been involved in cellular mobile telephone systems since 1976. He indicated that his current responsibility with Bell Atlantic is for the placement of transmitting and receiving towers. Mr. Fischer testified the nearest tower is located in the Loveton area. Testimony indicated that there is currently a loss of service in the area between Loveton and the Pennsylvania Line. He indicated that in September 1987 he began searching for an appropriate site for an additional tower. He testified the search area depicted in Petitioner's Exhibit 3B was prepared by an in-house group in late August, 1987. He indicated their first objective was to try to find an existing structure and/or a commercial site within the search area. Mr. Fischer indicated that in 1988 he retained the services of Laurence Feldkamp, an outside consultant, to assist in the search. He further indicated that a site closer to the Maryland Line was not picked due to Federal regulations prohibiting transmissions into Pennsylvania.

In response to inquiries as to why a lattice structure is proposed in lieu of a monopole tower, Mr. Fischer testified that Bell Atlantic has been working with MIEMSS who needs additional communication services in Baltimore County. He testified that while a monopole system would meet Bell Atlantic's cellular telephone needs, such a system would not accommo-

date the needs of Petitioners and MIEMSS. Mr. Fischer testified that no lights would be placed on the tower since they are not required by Federal regulations. He testified the color would be the galvanized, dull grey steel, which he believed to be most aesthetically pleasing and least offensive to the community. Mr. Fischer then was questioned concerning the requirements of Section 502.7C of the B.C.Z.R. and concluded, in his opinion, the following: 1) Petitioners have made a diligent search for a location within a business, office or industrial zone or for mounting on any existing structure over 50 feet in height as required and no appropriate location was available; 2) the setback of the structure as depicted on Petitioner's Exhibit 1 is clearly the required distance away from the nearest property line and that the structure is located on a lot that exceeds 5 acres, in fact 8.8348 acres; 3) the structure will be enclosed within a locked chain link fence of at least 8 feet in height; 4) Petitioners will submit a landscaping plan which will minimize the visual impact of the building and the tower upon the surrounding community for approval by the Office of Planning. Mr. Fischer testified the subject property is heavily wooded and only .23 acres of the 8.8348 acre site would be disturbed. He conceded that while the equipment building and tower base will be screened by existing vegetation, the top of the tower will be visible from adjoining properties. Photographs of the property and surrounding area were introduced and marked Petitioner's Exhibits 8A through 8L and depict a balloon flown at the height of the tower at various locations to show the visual impact on the community. Testimony further indicated the following: that EPA standards and guidelines relating to radiation emissions will be met at all times; that when the use is terminated, the structure shall be removed; and, that every five (5) years or sooner in the

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Date 5/23/91
By [Signature]

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event of substantial damage, a certification by a Maryland registered professional engineer shall be filed with the Department of Permits and Licenses indicating that the aforementioned structure meets all safety requirements. Testimony indicated that there will be no white strobeoscopic lights or lights of any nature on the tower. Mr. Fischer then introduced Petitioner's Exhibit 5 indicating compliance with Section 502.1.C.10 of the B.C.Z.R. On examination by Counsel, Mr. Fischer addressed the requirements set forth in Section 502.1 and concluded that the granting of the relief requested herein would be in conformance with said requirements.

Petitioners then called Gene Biden, Director of MIEMSS. Mr. Biden testified that for the past three years they have been looking for a site in this part of the County to provide adequate communication for the paramedics in emergency situations. He testified the communication level is currently marginal at best. He indicated that it is a high recreation area and the need for good communication is of utmost importance. Mr. Biden further emphasized that due to the numerous depressed topographical areas, communications from the existing tower are currently poor. He testified if Petitioners constructed the proposed lattice tower, the communication needs for MIEMSS would be met as well as for Bell Atlantic.

Petitioners next called Laurence Feldkamp, Electrical Engineer and graduate from the University of Michigan, specializing in radio communications. Mr. Feldkamp testified that he has been involved in acquiring cellular sites in the past. He testified that he was hired by Bell Atlantic in March 1988 to locate potential sites for a tower in northern Baltimore County within the search area outlined on Petitioner's Exhibit 3B. He indicated that his instructions were to attempt to use existing facilities first and that if an existing facility could not be found, he

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By [Signature]

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was then to try to find a site within a commercial or industrial zone. Mr. Feldkamp testified that while he had located other towers within the vicinity, it was determined that the MCI and Spring towers located there were outside the search area. Mr. Feldkamp testified that in September, 1988 he became aware of the Baltimore County tower in the Pretty Boy Reservoir area for County communications. He indicated he contacted Col. Huber on numerous occasions regarding the feasibility of setting up communications on the County tower. He was advised that the County would not consider leasing to any other users for at least 18 months after the system was up and operational. Counsel for Petitioners recalled Mr. Biden to confirm that attempts were also made by MIEMSS to locate on the County tower to no avail. Mr. Feldkamp testified he examined the commercial zones in the area and then addressed each of the commercially zoned properties within the search area as depicted on Petitioner's Exhibit 3B. Testimony indicated that while there are limited commercial or industrial zoned properties in the area, prospective sites were not available and/or appropriate. Mr. Feldkamp testified that in October, 1989 he also pursued residentially zoned property owned by the SHA and used for a park and ride area. Testimony indicated that the State was not amenable to Petitioner's proposed use of the site. Mr. Feldkamp testified the subject site was discovered in approximately April, 1990 and was considered a good location due to its high elevation and dense tree coverage.

Ernest J. Kern, a real estate appraiser with 22 years experience was called by Petitioner. Mr. Kern testified that in his opinion, the proposed tower will not have a substantial adverse impact on surrounding property values. He testified that the area is heavily wooded and that there are no houses in the area. Mr. Kern testified he examined the site

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By [Signature]

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of an existing tower on Park Heights Avenue which is also visible above trees. Mr. Kern indicated that in his opinion, the tower in that location has had no adverse effect on marketability or property values. He indicated all sales were consummated in a reasonable period of time and sold at market value. Mr. Kern concluded that the proposed site would not have a substantial impact on surrounding property owners, parklands or open space.

Petitioners next called George Gavrelis, a Land Planner with Daft-McCune-Walker, Inc. Mr. Gavrelis indicated that he had toured the area and participated in flying the aforementioned balloon. He indicated that he also participated in assembling the pictorial evidence introduced as Petitioner's Exhibits 8A through 8L. Mr. Gavrelis testified in detail as to each photograph and the location noted on the back of each. He indicated that in his opinion, the construction of the proposed tower would have no adverse impact on the surrounding agricultural uses. He further noted that this site would largely remain undisturbed. Mr. Gavrelis was questioned regarding the requirements of Sections 502.1 and 502.7 and indicated that in his opinion, the granting of the relief requested would not conflict with said requirements.

On behalf of the Weisburg Community, Mr. Lloyd testified in opposition, indicating it was the position of the community that special exceptions would create a "domino effect" in their community. It was their opinion that the granting of the special exception for the tower would have a detrimental effect on the agricultural uses in the area and result in commercial encroachment and increasing urbanization into their community. He indicated the adjoining property owners feared that the construction of the tower would make their properties less marketable.

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By [Signature]

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At the conclusion of Petitioners' case, Mr. Zimmerman, on behalf of People's Counsel, questioned whether Petitioners had met their burden evidencing a "diligent search" pursuant to Section 502.7C.

It is clear that the B.C.Z.R. permits the use proposed in an R.C. 2 zone 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 Sections 502.1 and 502.7 are satisfied.

The term "special exception" refers to a "grant by a zoning administrative body pursuant to existing provisions of zoning law and subject to certain guides and standards of special use permitted under provisions of existing zoning law." Adams v. Nanna, 243 Md. 536, 543 (1966). It is a part of a comprehensive zoning plan, sharing the presumption that it is in the interest of the general welfare and is, therefore, valid. Rockville Fuel and Feed Co. v. Board of Appeals of the City of Gaithersburg, 257 Md. 183 (1970). It is a use which has been legislatively predetermined to be conditionally compatible with the uses permitted as of right in a particular zone, the condition being that a zoning body must, in each case, decide under specified statutory standards whether presumptive compatibility exists. Creswell v. Baltimore Aviation Service, Inc., 257 Md. 712 (1970). In sum, special exception is a "valid zoning mechanism that delegates to an administrative board a limited authority to permit enumerated uses which the legislative body has determined can, prima facie, properly be allowed in a specified use district, absent any fact or circumstance in a particular case which would change this presumptive finding." Rockville Fuel, 257 Md. at 188. (Citing Montgomery County v. Merlands Club, Inc., 202 Md. 279,287 (1953)).

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The uncontradicted testimony was that 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.

Petitioner has established that a diligent search for a location within a business, office or industrial zone was made and that no such location was appropriate or available. The testimony presented clearly established the only potential existing tower to mount on was the County's 800 Mhz tower in the area. The uncontradicted testimony indicated that the County did not unconditionally refuse Petitioner's request, but indicated that it was not in a position to make a decision at that time. Testimony indicated that Petitioners' request was made some time in 1989 and 1990 at which time the County indicated it would consider the request in 18 months to 2 years from that date. In view of the desirability of mounting antennae on existing towers to avoid the proliferation of unnecessary duplicative towers, and the possibility of mounting on the County tower in the foreseeable future, prior to the issuance of any permits for a new tower, Petitioner must document the County's current position as hereinafter set forth in the restrictions.

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

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

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Date 5/23/91
By [Signature]

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THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of May, 1991 that the Petition for Special Exception to permit a 160' wireless transmitting and receiving structure and a 14' x 40' modular equipment building as an accessory use thereto on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioners shall obtain CRG approval and/or a waiver.
- 3) The structure shall be enclosed within a locked, chainlink fence, or comparable wall or structure, at least 8 feet high.
- 4) A landscape plan, designed to minimize the visual impact of accessory buildings and the lower portion of the structure shall be submitted to and approved by the Director of the Office of Planning.
- 5) Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
- 6) When the use is terminated, the structure shall be removed.
- 7) Every five years, or sooner in the event of substantial damage, a certification by a Maryland registered professional engineer shall be filed with the Department of Permits and Licenses indicating that the aforementioned structure meets all safety requirements. Any upgrading or maintenance required to comply with any changes in the safety requirements, or to maintain the safety thereof, shall be performed prior to the filing of such certification.
- 8) No white strobeoscopic lights are permitted.

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Date 5/23/91
By [Signature]

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9) Petitioner must make written request of Baltimore County to mount on its tower in the area. Baltimore County shall have a minimum of ninety (90) days to approve or disapprove said request. If approval is provided within said ninety-day period, the relief granted herein shall be null and void. If Baltimore County determines and advises Petitioner in writing prior to the expiration of the ninety-day period that it will not grant Petitioner permission to mount on its tower and/or will not consider said request within ninety (90) days of the date of Petitioner's written request, Petitioner may proceed to construct a wireless transmitting tower in compliance with the terms and conditions of this Order.

10) Petitioners shall permit MEMSS to mount all necessary equipment on the proposed structure. At the time of application for building permits of said tower, Petitioners shall submit documentation of MEMSS' use of said tower or be limited to construction of a monopole tower.

11) Prior to the issuance of any permits, Petitioners shall submit evidence of approval by all applicable Federal and State regulatory agencies and provide an affidavit that all required approvals have been given.

12) Prior to the issuance of any permits, Petitioner shall provide a 1988, 1"=200' scale zoning map, which has been sealed by a civil engineer or land surveyor, with the use area plotted accurately and legibly thereon for inclusion in the case file.

13) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN W. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 22, 1991

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
E/S Miller Road, 3000' E of York Road
7th Election District - 3rd Councilmanic District
James W. Dill, et ux - Petitioners
Case No. 91-195-X

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has 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 887-3391.

Very truly yours,

ANN W. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Gene Biden
22 S. Greene Street, Baltimore, Md. 21201

Peter Zimmerman, Esquire
People's Counsel

File

Mr. Harold Lloyd
Ms. Helen Aves
Mr. M. V. Runkles, III

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
E/S Miller Rd., 3000' E of York
Rd., 7th Election District : OF BALTIMORE COUNTY
3rd Councilmanic District :
JAMES W. DILL, SR., et ux, : Zoning Case No. 91-195-X
Petitioners :

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.

RECEIVED
JAN 21 1991
ZONING OFFICE

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 January, 1991, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner; and Harry H. Fischer, Zoning Manager, Bell Atlantic Mobile Systems, 180 Washington Valley Rd., Bedminster, N. J. 07921, Lessee.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a 175' wireless transmitting and receiving structure and a 14' by 40' modular equipment building as an accessory use thereto
PURSUANT TO B.C.Z.C. 1A01.2.C.23

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

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

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

Lessee:

Bell Atlantic Mobile Systems

(Type or Print Name)

Signature

180 Washington Valley Road

Address

Bedminster, New Jersey

City and State

Attorney for Petitioner:

Robert A. Hoffman, Esquire

(Type or Print Name)

Signature

210 Allegheny Avenue

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 823-4111

Telephone No.

Legal Owner(s):

James W. Dill, Sr.

(Type or Print Name)

Signature

Sharon D. Dill

(Type or Print Name)

Signature

935 Miller Road

Address

Parkton, Maryland 21120

City and State

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

Robert A. Hoffman

Name 210 Allegheny Avenue

Towson, Maryland 21204

Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24 day of Oct, 1990, 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 22 day of Jan, 1991, at 11:00 o'clock A.M.

J. Robert Africa
Zoning Commissioner of Baltimore County

2.C.O.-No. 1

(over)

4:00 PM
All days 45 min.

KIDDE CONSULTANTS, INC.

146

13992 Baltimore Avenue
Suite 300
Laurel, MD 20707
(301) 953-1821
(301) 792-8086

DESCRIPTION OF A 8.8348 ACRE

LEASE PARCEL

PORTION OF THE PROPERTY OF

JAMES W. DILL, SR., ET UX

SEPTEMBER 17, 1990

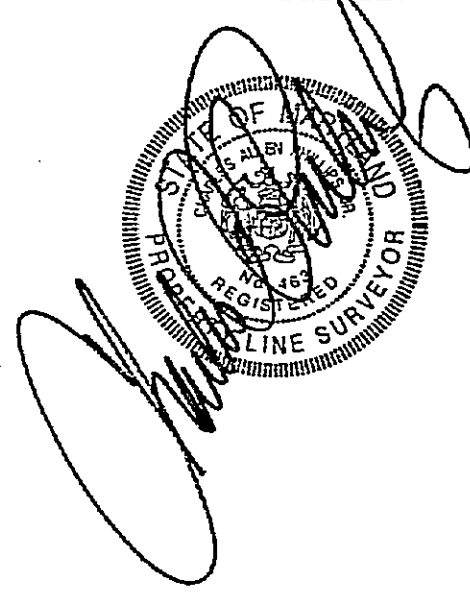
Beginning for the same at a point on the northeasterly right-of-way line of York Road - Maryland Route No. 45, said point being the intersection of said right-of-way line with the centerline of Miller Road, twelve (12) foot wide gravel drive; thence running with the centerline of Miller Road the three following directions and distances 1) northeasterly 850 feet to a point; thence 2) southeasterly 2700 feet to a point; thence 3) northeasterly 580 feet to the intersection of said drive with the eighth (8th) or North 82 degrees 18 minutes 55 seconds West, 413.07 foot line of the second parcel of land which by deed dated October 24, 1988 and recorded among the Land Records of Baltimore County, Maryland in Liber 8043 at Folio 500 was conveyed by Virginia Elizabeth Colfelt, et al to James W. Dill, Sr., et ux, said point being distant 301 feet measured northwesterly along said line from the beginning thereof; thence running so as to describe the centerline of a 20 foot wide access easement the seven (7) following courses and distances, viz

91-195-X

ENGINEERS • PLANNERS • SURVEYORS

KIDDE CONSULTANTS, INC.

- 4) North 36 degrees 18 minutes 41 seconds West, a distance of 139.00 feet to a point; thence
- 5) North 03 degrees 41 minutes 19 seconds East, a distance of 53.00 feet to a point; thence
- 6) North 22 degrees 41 minutes 19 seconds East, a distance of 135.00 feet to a point; thence
- 7) North 30 degrees 41 minutes 19 seconds East, a distance of 57.00 feet, more or less to a point on the outline of a 384,845 square foot or 8.8348 acre lease area; thence running so as to describe the parcel of land in the lease area by a curve to the right
- 8) having a radius of 350.00 feet for an arc length of 2,199.11 feet, to the point of beginning of said Lease Parcel.



91-195-X

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12-20, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-13, 1990

THE JEFFERSONIAN,

S. Zefe Olin
Publisher

8 81.93

RECEIVED

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Law and Zoning Regulations of Baltimore County, will hold a public hearing on the petition for Special Exception for a 175' wireless transmitting and receiving structure and a 14' by 40' modular equipment building as an accessory use thereto, at 11:00 A.M. on Tuesday, January 22, 1991, at the County Office Building, Room 106, Towson, Maryland 21204. The petition is filed in Case No. 91-195-X. The hearing will be held at 11:00 A.M. on Tuesday, January 22, 1991, at the County Office Building, Room 106, Towson, Maryland 21204. The hearing will be held at 11:00 A.M. on Tuesday, January 22, 1991, at the County Office Building, Room 106, Towson, Maryland 21204. The hearing will be held at 11:00 A.M. on Tuesday, January 22, 1991, at the County Office Building, Room 106, Towson, Maryland 21204.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 7th
Posted for: Special Exception
Petitioner: James W. Dill, Sr. et ux Bell Atlantic Mobile Systems
Location of property: E/S Miller Rd., 3000' E of York Rd.
Location of Sign: 14' x 40' facing Miller Rd. at entrance of driveway leading to R.A. Hoffman property.
Remarks:
Posted by: M. Hoffman
Date of return: 1/22/91
Number of Signs: 1

Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 3583

Date: 10/04/90

Public Hearing Fees

QTY	PRICE
1 X	\$175.00

TOTAL: \$175.00

LAST NAME OF OWNER: DILL

Cashier Validation: Please make checks payable to: Baltimore County

04A040057N1CHRC \$175.00
BA C010:10A10-04-90

CERTIFICATE OF PUBLICATION

TOWSON, MD. 12-20-1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-13-1990.

TOWSON TIMES,
S. Zebe Orlan
Publisher

\$81.93

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, as follows:
A. Petition for Special Exception Case number 91-195-X
6/5 Miller Road, 3000' E of York Road
7th Election District
Legal Owner: James W. Dill, Sr., et ux
Lessee: Bell Atlantic Mobile Systems
Special Exception for a 175' x 40' wireless transmitting and receiving structure and a 14' x 40' modular equipment building as an accessory use.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TOWSON, MD. Dec. 13, 1990

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE: 1-3-91

Bell Atlantic Mobile Systems
Harry A. Fisher
180 Washington Valley Road
Red Bank, New Jersey

RE:
Petition for Special Exception
CASE NUMBER: 91-195-X
6/5 Miller Road, 3000' E of York Road
7th Election District - 3rd Councilmanic
Legal Owner: James W. Dill, Sr., et ux
Lessee: Bell Atlantic Mobile Systems
HEARING: TUESDAY, JANUARY 22, 1991 at 11:00 a.m.

Dear Petitioner(s):
Please be advised that \$106.93 is due for advertising and posting of the above captioned property.
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.
Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204 (15) minutes before your hearing is scheduled to begin.
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND
JRH:gs
cc: Robert A. Hoffman, Esq.

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
September 6, 1991

Hearing Room -
Room 301, County Office Bldg.

NOTICE OF ASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-195-X
JAMES W. DILL, SR., ET UX
6/5 Miller Rd., 3,000' E of York Rd.
(335 Miller Rd.)
7th Election District
3rd Councilmanic District
SE-Wireless transmitting and receiving structure and 14' x 40' modular equipment building as accessory use.
5/23/91 - D.Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: WEDNESDAY, JANUARY 22, 1992 at 10:00 a.m.
cc: Robert A. Hoffman, Esquire-Counsel for Petitioners/Appellants
Mr. and Mrs. James W. Dill
M.V. Runkles, III -Weisburg Comm. Assoc., Inc. Protestant/Cross-Appellant
Mr. Ernest J. Kern
Mr. Harry H. Fisher - Bell Atlantic Mobile Systems
Mr. Gene Biden
Mr. George Gavrelis
Mr. Harold Lloyd
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services out per Paula 9/6/91
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon-Director of Zoning Administration
LindaLee M. Kuszmaul
Legal Secretary

Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 91-195-X

Date: 9/1-195-X

Public Hearing Fees

QTY	PRICE
1 X	\$175.00

POSTING SIGNS / ADVERTISING 1 X \$25.00

TOTAL: \$200.00

LAST NAME OF OWNER: DILL

Cashier Validation: Please Make Checks Payable To: Baltimore County 04A040057N1CHRC \$200.00
BA C010:19A01-01-91

9/6/91 - Following parties notified of hearing set for January 22, 1992 at 10:00 a.m.:

Robert A. Hoffman, Esquire
Mr. and Mrs. James W. Dill
M.V. Runkles, III -Weisburg Comm. Assoc., Inc.
Mr. Ernest J. Kern
Mr. Harry H. Fisher - Bell Atlantic Mobile Systems
Mr. Gene Biden
Mr. George Gavrelis
Mr. Harold Lloyd
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon-Director of Zoning Administration

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 30, 1990

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
CASE NUMBER: 91-195-X
6/5 Miller Road, 3000' E of York Road
7th Election District - 3rd Councilmanic
Legal Owner: James W. Dill, Sr., et ux
Lessee: Bell Atlantic Mobile Systems
HEARING: TUESDAY, JANUARY 22, 1991 at 11:00 a.m.
Special Exception for a 175' x 40' wireless transmitting and receiving structure and a 14' x 40' modular equipment building as an accessory use.

J. Robert Haines
Zoning Commissioner of Baltimore County

cc: James W. Dill, Sr., et ux
Bell Atlantic Mobile Systems
Robert A. Hoffman, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

Your petition has been received and accepted for filing this 4th day of October, 1990.

J. Robert Haines
ZONING COMMISSIONER

Received By:
James E. Dyer
Zoning Plans Advisory Committee

Petitioner: James W. Dill, et ux
Petitioner's Attorney: Robert A. Hoffman

Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 91-195-X

Date: 9/1-195-X

Public Hearing Fees

QTY	PRICE
1 X	\$175.00

POSTING SIGNS / ADVERTISING 1 X \$25.00

TOTAL: \$200.00

LAST NAME OF OWNER: DILL

Cashier Validation: Please Make Checks Payable To: Baltimore County 04A040057N1CHRC \$200.00
BA C010:19A01-01-91

9/6/91 - Following parties notified of hearing set for January 22, 1992 at 10:00 a.m.:

Robert A. Hoffman, Esquire
Mr. and Mrs. James W. Dill
M.V. Runkles, III -Weisburg Comm. Assoc., Inc.
Mr. Ernest J. Kern
Mr. Harry H. Fisher - Bell Atlantic Mobile Systems
Mr. Gene Biden
Mr. George Gavrelis
Mr. Harold Lloyd
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon-Director of Zoning Administration

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 30, 1990

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
CASE NUMBER: 91-195-X
6/5 Miller Road, 3000' E of York Road
7th Election District - 3rd Councilmanic
Legal Owner: James W. Dill, Sr., et ux
Lessee: Bell Atlantic Mobile Systems
HEARING: TUESDAY, JANUARY 22, 1991 at 11:00 a.m.
Special Exception for a 175' x 40' wireless transmitting and receiving structure and a 14' x 40' modular equipment building as an accessory use.

J. Robert Haines
Zoning Commissioner of Baltimore County

cc: James W. Dill, Sr., et ux
Bell Atlantic Mobile Systems
Robert A. Hoffman, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

Your petition has been received and accepted for filing this 4th day of October, 1990.

J. Robert Haines
ZONING COMMISSIONER

Received By:
James E. Dyer
Zoning Plans Advisory Committee

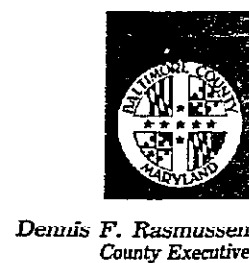
Petitioner: James W. Dill, et ux
Petitioner's Attorney: Robert A. Hoffman

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Runkles
Chief

OCTOBER 24, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



RE: Property Owner: JAMES W. DILL, SR.
Location: E/S MILLER ROAD
Item No.: 146 Zoning Agenda: OCTOBER 23, 1990

Gentlemen:

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Driveway shall be constructed to support 50,000 lb fire apparatus.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Runkles* Noted and
Planning Group Approved *Charles E. Burnham*
Special Inspection Division Fire Prevention Bureau
KE

JK/KEK

Rec 10/24/90

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
October 12, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT OF ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES *C.E.B.*

SUBJECT: ZONING ITEM #: 146
PROPERTY OWNER: James W. Dill, Sr., et ux
Lessee: Bell Atlantic Mobile Systems
LOCATION: E/S Miller Road, 3000' E of York Road
ELECTION DISTRICT: 7
COUNCILMANIC DISTRICT: 3

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RMPFS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED. STRUCTURAL & ARCHITECTURAL PLANS SHALL BE SIGNED AND SEALED BY A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 18, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for October 23, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 138, 144, 146, 149 and 150.

For Items 140 and 145, County Review Group Meetings may be required.

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

RWB:s

Rec 10/23/90

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: January 2, 1991
Zoning Commissioner

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

SUBJECT: James W. Dill, Sr., Item No. 146

The petitioner requests a Special Exception for a 175 ft. wireless transmitting and receiving structure and a 14 ft. by 40 ft. modular equipment building as an accessory use.

In reference to the applicant's request, staff offers the following comments:

- This project requires prior CRG approval or a waiver.
- The Master Plan identifies the petitioner's site as an agricultural preservation area. Staff believes the use of forest land for a commercial tower offers no positive contribution to agriculture. The R.C.2 zone was created in order to foster conditions favorable to a continuing use of productive agricultural areas.
- The applicant's proposal conflicts with the intent of both the Master Plan and the zoning regulations to provide for appropriate development in rural residential areas.

Due to the unique character of communication towers in terms of scale and visual impact, staff feels such uses are more appropriately located in suitable commercial and manufacture zones.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM146/ZAC1

received
1/8/91

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 10, 1991

Mr. M.V. Runkles, III
Secretary
Weisburg Community Association, Inc.
18200 York Road
Parkton, Maryland 21120

RE: Case No. 91-195-X, Item 146
175 ft. Transmitting Tower
Miller Road in Parkton

Dear Mr. Runkles:

Thank you for your letter dated January 5, 1991 concerning your community association's opposition to the proposed wireless transmitting and receiving tower at the location described in the above captioned matter.

Please be advised that these types of structures have been permitted by special exception in the R.C. zones since 1979. In 1979, the Baltimore County Council enacted Bill 178 which, specifically, provides for this use by special exception.

Please also be advised that there are special regulations concerning wireless transmitting and receiving facilities. These special regulations are contained in Section 502 of the Baltimore County Zoning Regulations. I have attached a copy of those special regulations for your information.

At this point in time, the public hearing on this matter is scheduled for January 22, 1991 at 11:00 A.M. You are invited to attend and testify at this public hearing.

Thank you for your interest.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm

att.

cc: Robert Hoffman, Esq.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 19, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception
E/S Miller Road 3000' E of York Road
(935 Miller Road)
7th Election District, 3rd Councilmanic District
JAMES W. DILL, SR. ET UX - Petitioner
Case No. 91-195-X

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 21, 1991 by Robert A. Hoffman, Attorney of behalf of the Petitioners and a second appeal was filed on June 21, 1991 by M. V. Runkles, III, Protester. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. James W. Dill, Sr.
935 Miller Road, Parkton, MD 21120

Robert A. Hoffman, Esquire - Venable, Baetjer and Howard
210 Allegheny Avenue, Towson, Maryland 21205-5517

Harry H. Fischer - Bell Atlantic Mobile Systems
180 Washington Valley Road, Bedminster, NJ 07921

Gene Biden, 22 S. Greene Street, Baltimore, MD 21201

MICROFILMED

Appeal Cover Letter - Case No. 91-195-X
JAMES W. DILL - Petitioner
July 19, 1991
Page 2

Ernest J. Kern, 606 Baltimore Avenue, Towson, MD 21204

Harold Lloyd, P.O. Box 8, Freeland, MD 21053

M. V. Runkles, III - Weisburg Community Association, Inc.
18200 York Road, Parkton, MD 21120

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

MICROFILMED

APPEAL

Petition for Special Exception
E/S Miller Road, 3000' E of York Road
(935 Miller Road)
7th Election District - 3rd Councilmanic District
JAMES W. DILL, SR., ET UX - Petitioner
Case No. 91-195-X

Petition for Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat to accompany Petition

2. Photographs of Lattice Tower and Monopole
- 3A. Coverage Area System Map
- 3B. Local Coverage Area
4. Search Area
5. Environmental Impact Statement
6. Zoning Map
7. Qualifications of E. Kern
8. Photographs (8A - 8L)
9. Topographic map

PEOPLE'S COUNCIL EXHIBIT: 1. Comments from Pat Kellar

Deputy Zoning Commissioner's Order dated May 23, 1991 (Granted with restrictions)

Notice of Appeal received June 21, 1991 from Robert A. Hoffman, Attorney on behalf of the Petitioner

Notice of Appeal received June 21, 1991 from M. V. Runkles, III, Protester

cc: Mr. & Mrs. James W. Dill, Sr., 935 Miller Road, Parkton, MD 21120

Robert A. Hoffman, Esquire - Venable, Baetjer and Howard
210 Allegheny Avenue, Towson, Maryland 21204

Ernest J. Kern, 606 Baltimore Avenue, Towson, MD 21204

MICROFILMED

Appeal Checklist - Case No. 91-195-X
JAMES W. DILL, SR., ET UX
Page 2
July 19, 1991

Harry R. Fischer - Bell Atlantic Mobile Systems
180 Washington Valley Road, Bedminster, NJ 07921

Gene Biden, 22 S. Greene Street, Baltimore, MD 21201

George Gavrelis - Daft, McCune & Walker
200 East Pennsylvania Ave., Towson, MD 21204

Harold Lloyd, P.O. Box 8, Friesland, MD 21053

M. V. Runkles, III - Weisburg Community Assoc., Inc.
18200 York Road, Parkton, N.J. 21120

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Chief Deputy County Attorney
Public Services



Baltimore County, Maryland

PEOPLES COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-4421

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

January 28, 1991

The Honorable
Ann M. Nastarowicz
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: James W. Dill, Sr., et ux, Petitioners
Zoning Case No. 91-195-X

Dear Mrs. Nastarowicz:

For your information, and that of the interested neighbors, I am enclosing a copy of the Zoning Commissioner's decision in Liberty Road Volunteer Fire Company, Inc., Case No. 90-381-SPHA. This is the only other tower case under the new law of which I am aware. If there are any other Bell Atlantic cases, I am sure that Mr. Hoffman will let us know. I should add that the Liberty Road case is currently on appeal to the County Board of Appeals.

While the facts may vary from case to case, I trust that the thought process which the Commissioner used in the Liberty Road case may be of some help as the present case is being considered.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: Robert A. Hoffman, Esquire
Mr. M. V. Runkles, III
Ms. Joni Amos

PMZ:sh

RECEIVED
JAN 28 1991

ZONING OFFICE

MICROFILMED

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE
NE/S Liberty Road, 143' NW of
the c/l of Deer Park Road
(10010 Liberty Road)
2nd Election District
2nd Councilmanic District
Liberty Road Volunteer Fire Co.
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the previously approved site plan in Case No. 76-241-X to include a wireless transmitting and receiving facility; a special exception to use the subject property for a wireless transmitting and receiving facility pursuant to Sections 1801.1.C.20 and 502.7; and variances to permit a setback to the nearest property line of 10 feet in lieu of the required 300 feet, a lot area of 0.08 acres in lieu of the required 5.00 acres, side yard setbacks of 5 feet each in lieu of the required 20 feet, and a rear yard setback of 5 feet in lieu of the required 30 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, Liberty Road Volunteer Fire Company, Inc., and Contract Lessee, Southwestern Bell Mobile Systems, Inc., trading as Cellular One, by Emilienne (Amy) O'Rourke, Director of Real Estate, appeared, testified and were represented by G. Scott Barhight, Esquire. Also appearing on behalf of the Petitioner were David Ransone, Professional Property Line Surveyor, Jerry Bialecki, Director of Engineering for Cellular One, Fred Kruhn, Real Estate Agent, and Ronald Steg, Environmental Assessment Manager. Appearing as Protestants in the matter were Harold R. and Ethel Carter, John Celentano, and Al Barnes.

MICROFILMED

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204-5517
1201 823-4111
FAX 1201 823-0147

February 4, 1991

Ann M. Nastarowicz
Deputy Zoning Commissioner
1st Floor, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Zoning Case No. 91-195-X
Bell Atlantic Mobile Systems, Inc., Petitioner

Dear Ms. Nastarowicz:

I received a copy of a letter dated January 28, 1991, from Peter Max Zimmerman, Deputy People's Counsel, to you enclosing a copy of the Findings of Facts and Conclusions of Law in Case No. 90-381-SPHA. For the record, this was not a Bell Atlantic Mobile Systems, Inc. case as Mr. Zimmerman's letter would imply, and the facts in that case, as I am sure you are aware, were significantly different from those presented to you in the referenced case.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH/tls
cc: Peter Max Zimmerman, Deputy People's Counsel

RECEIVED
FEB 5 1991
ZONING OFFICE

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204-5517
1201 823-4111
FAX 1201 823-0147

June 21, 1991

ROBERT A. HOFFMAN

Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Appeal of Case No. 91-195-X; Petition for
Special Exception; E/S Miller Road, 3000'
E of York Road (935 Miller Road); James W.
Dill, Sr., et ux, Petitioners

Dear Mrs. Nastarowicz:

Please note an appeal on behalf of the Petitioners in the above-referenced case, granting a Special Exception for a wireless transmitting and receiving structure and modular equipment building subject to certain restrictions. Enclosed is the \$200.00 fee for this appeal.

If you have any questions or comments please do not hesitate to contact me.

Yours truly,

Robert A. Hoffman/Re
Robert A. Hoffman

RAH/cac
Enclosure

cc: Harry H. Fischer

RECEIVED
JUN 21 1991
ZONING OFFICE

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204-5517
1201 823-4111
FAX 1201 823-0147

June 24, 1991

ROBERT A. HOFFMAN

J. Robert Haines
Zoning Commissioner
for Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Appeal of Case No. 91-195-X; Petition for
Special Exception; E/S Miller Road, 3000'
E of York Road (935 Miller Road); James W.
Dill, Sr., et ux, Petitioners

Dear Mr. Haines:

As my letter submitted on June 21, 1991 did not identify the name and address of the appellant in this case, please note the appeal on behalf of Bell Atlantic Mobile Systems, Inc., 180 Washington Valley Road, Bedminster, NJ 07921, contract lessee and Petitioner in the above-referenced case (a copy of the June 21 letter is attached and incorporated herein).

If you have any questions or comments please do not hesitate to contact me.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH/cac
Enclosure

cc: Harry H. Fischer

RECEIVED
JUN 24 1991
ZONING OFFICE

DiNENNA AND BRESCHI

ATTORNEYS AT LAW
S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.
FRANCIS X. BORGERDING, JR. I
2 ALSO MEMBER OF DISTRICT OF COLUMBIA BAR

June 13, 1991

J. Robert Haines
Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Your Case No. 91-245-A
West Side Carroll Place
Katherine Paul/Petitioner

Dear Mr. Commissioner:

This is to confirm my conversation with Ms. Thomas of your office on June 11, 1991, wherein she indicated that your records did not reflect an appeal taken from the Order of the Deputy Zoning Commissioner, Ann M. Nastarowicz, dated May 2, 1991, concerning the above-captioned matter.

Thank you for your cooperation.

Very truly yours,

Eric Dinenna
S. ERIC DINENNA

SED:cjc
cc: Ms. Katherine Paul

RECEIVED
JUN 13 1991
ZONING OFFICE

MICROFILMED

William T. Haskett
Chairman of the Zoning Board
Baltimore County Board of Appeals
Old Court House
Towson, Md. 21204

Dear Sir:

We live on Miller Road, right next to where they want to put a tower. We oppose it because it will decrease our property value. We've been here for most of our lives & never had a tower in "our front yard" why do we need one now?

Mrs. Alice M. Haskett
Kenneth J. Haskett

02 JUN 29 1991
JUN 29 1991

MICROFILMED



ENVIRONMENTAL IMPACT STATEMENT

FOR CASE NO. 91-146

PROJECT: PROPOSED 160' TOWER AND
EQUIPMENT SHELTER

LOCATION: LIBER 8043 FOLIO 500
935 MILLER ROAD
PARKTON, BALTIMORE COUNTY
MARYLAND

PREPARED BY: ROBERT T. VOSS, P.E.
180 WASHINGTON VALLEY ROAD
BETHESDA, MD 20814
908/306-7448

NOVEMBER 1, 1990

Robert T. Voss
Robert T. Voss, P.E.
Maryland License No. 14530

**PETITIONER'S
EXHIBIT 5**

*Let say 7
9-18-91
1/2-92*

KERN REALTY & APPRAISING, INC.

QUALIFICATIONS OF ERNEST J. KERN, MAI, CPM

B.S. Commerce - University of Virginia - 1953
Sales Management - Youngstown, Ohio - University of Youngstown
Millwork Course - Michigan State University

7 years building products sales and consultant of pre-fab homebuilders

Commercial Real Estate - Johns Hopkins University
Industrial Real Estate - Johns Hopkins University
Residential and Commercial Appraisal - Johns Hopkins University
Society of Real Estate Appraisers - Course 1 - University of KY
Certified Property Management - Course 1 - Atlanta, GA - 1967
Certified Property Management - Course 2 - Washington, DC - 1967
Certified Property Management - Course 3 - Miami, FL - 1968
Certified Property Management Designation - CPM - 1968

Maryland Real Estate Broker's License
Approved VA Appraiser
Approved FHA Appraiser

15 years real estate sales and brokerage and management of 1,500 apartments.

Expert testimony - Baltimore City, Harford County, MD, Baltimore County, MD

Chief Appraiser and Director of Grempler Management Company for 6 years.

Society of Real Estate Appraisers Course 101 - Instructor's Course -
Indiana University - 1976

Society of Real Estate Appraisers Course 102 - Instructor's Course -
Purdue University - 1982

Society of Real Estate Appraisers Course 201 - Loyola College, Baltimore, MD - 1973
Society of Real Estate Appraisers Course 301

Instructor - Course 101 - "An Introduction to Appraising Real Property": Frederick
Community College - 1975
Loyola College - 1976-1977
Towson State University - 1977-1978
Notre Dame College - 1979-1980
Catonsville Community College - 1981
University of Maryland, Baltimore County - 1982

Instructor - Course 102 - "Applied Residential Appraisal Valuation":
Towson Presbyterian Church, Towson, Maryland - 1983

**PETITIONER'S
EXHIBIT 7**

TEI No. 9083067735

Jun 6, 91 13:46 No. 001 P.02

**Bell Atlantic
Mobile Systems**

Bell Atlantic Mobile Systems
180 Washington Valley Road
Bedminster, NJ 07921
908 306-7000

June 6, 1991

Mr. Fred Homan, Chairman
Baltimore County 800 Megahertz Committee
Old Courthouse Building
Towson, Maryland 21204

RE: **Bell Atlantic Mobile Systems; Antennae Installation in
Baltimore County, Maryland**

Dear Mr. Homan:

As you may know, Bell Atlantic Mobile Systems (BAMS) applied for and
received approval from the Baltimore County Office of Zoning to install a
175' wireless transmitting and receiving structure and accessory equipment
building at 935 Miller Road, Parkton, Maryland. (Please see the attached
site plan for more detail.)

The Deputy Zoning Commissioner of Baltimore County approved a special
exception for the use described above on May 23, 1991, subject to certain
restrictions (see attached copy of Order in Case No. 91-195-N).

The restriction relevant to this discussion (see restriction No. 9) requires
that BAMS make a formal request to your office for permission to mount the
antennae on the County's 600' radio tower located at the Pretty Boy Dam
Recreational Area near Parkton, Maryland. According to restriction No. 9
the County has 90 days to respond to the BAMS request. If at the end of 90
days the County advises BAMS that it will not permit it to mount on the
County tower or that it will not consider the request, BAMS may proceed in
compliance with the terms of the Order.

Therefore, this letter is a formal request to the County for permission to
install and operate BAMS antennae on the County's tower in the Pretty Boy
Dam Recreational Area.

By way of background, BAMS must establish a new cellular telephone radio
cell site (i.e. low power, 800 Megahertz, FM transmission for cellular
service) in this area to better serve the northern part of the County. The
need for this new facility is both immediate and long-term (up to 20 years)
and BAMS has been engaged in efforts for nearly three years to locate a site
in this area. It has entered into a lease agreement for a large tract of
privately-owned land in a remote area off of Miller Road. The principal
required features of the cell site would include up to three whip type and
12 directional antennae mounted at or near the 180' level of the tower, and
the base of the tower. The system would operate unmanned but must be
accessible on a 24-hour, seven-day-per-week basis.

Baltimore County Government
Office of the Budget

400 Washington Avenue
Towson, MD 21204

88-3513

July 29, 1991

Mr. H. H. Fischer
Manager - Zoning
Bell Atlantic Mobile Systems
180 Washington Valley Road
Bedminster, New Jersey 07921

RE: **REQUEST FOR SHARING BALTIMORE COUNTY TOWER**

Dear Mr. Fischer:

This letter is in reference to your letter dated 6/6/91, which re-
quests that Baltimore County ("COUNTY") consider sharing tower space with
Bell Atlantic Mobile Systems ("BAMS").

Along with other members of the COUNTY's 800 Mhz Committee, I have
reviewed all of the material which describes the background of your efforts.
After careful consideration of your request to use the COUNTY's geyed tower
located on the Pretty Boy reservoir property, I must regretfully inform you
that your request has been denied.

In case you are unfamiliar with the status of the 800 Mhz Public Safe-
ty system that the COUNTY has been involved with implementing, we have not
quite completed the entire effort. Although portions of our radio system
have been in operation since 2/91, total system cutover will not take place
for several months. Obviously, then, our attention is focused upon comple-
tion of the remaining subsystems. Further, it is entirely possible that
shared tower usage, if granted after system completion, will be restricted to
public safety usage.

If you have any additional questions regarding this matter, please do
not hesitate to contact me.

Sincerely,

F. Homan

Fred Homan
Chairman
Baltimore County 800 Mhz Committee

*Approved 9/18/91
9/18/91
1/2-92*

SREA Appraiser's Symposium, Minneapolis, MN - September 1989
Professional Practice Seminar, Greater Baltimore Board of Realtors - March 1991

Other

7 years building products sales and consultant of pre-fab homebuilders
Maryland Real Estate Broker's License
Approved VA Appraiser
Approved FHA Appraiser
15 years real estate sales and brokerage and management of 1,500 apartments.
Chief Appraiser and Director of Grempler Management Company for 6 years.

Appraisal Courses Taught

Instructor, Course 101, "An Introduction to Appraising Real Property":
Frederick Community College - 1975
Loyola College, 1976-1977
Towson State University, 1977-1978
Notre Dame College, 1979-1980
Catonsville Community College - 1981
University of Maryland, Baltimore County - 1982

Instructor, Course 102, "Applied Residential Appraisal Valuation":
Towson Presbyterian Church, Towson, Maryland - 1983

Offices Held

President, Society of Real Estate Appraisers, Baltimore Chapter 24, 1978-1979
1st Vice-President, Society of Real Estate Appraisers, Baltimore Chapter 24, 1977-1978
2nd Vice-President, Society of Real Estate Appraisers, Baltimore Chapter 24, 1976-1977
Secretary, Society of Real Estate Appraisers, Baltimore Chapter 24, 1975-1976

Chairman, Appraisal Division, Real Estate Board, 1981-1982

Chairman, Professional Practice Committee, Society of Real Estate Appraisers, Baltimore
Chapter 24

Expert Witness

Baltimore City, MD; Harford County, MD; Baltimore County, MD

Professional Designations

Certified Property Management Designation, CPM - 1968
Senior Real Property Appraiser Designation, SRPA - 1983
Member Appraisal Institute Designation, MAI - 1991

Ernest J. Kern
Ernest J. Kern, MAI, CPM
President, Certified General Real Estate Appraiser #04-0162

*Let say 11
9-18-91
1/2-92*

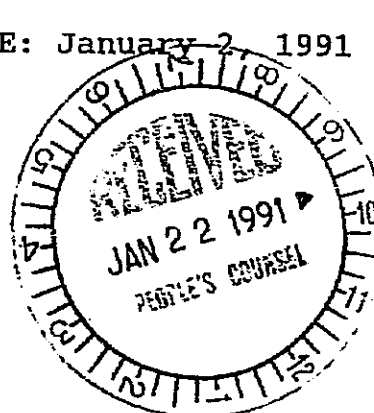
BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: January 2, 1991

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

SUBJECT: James W. Dill, Sr., Item No. 146



The petitioner requests a Special Exception for a 175 ft.
wireless transmitting and receiving structure and a 14 ft. by 40 ft.
modular equipment building as an accessory use.

In reference to the applicant's request, staff offers the
following comments:

- This project requires prior CRG approval or a waiver.
- The Master Plan identifies the petitioner's site as an
agricultural preservation area. Staff believes the use of
forest land for a commercial tower offers no positive
contribution to agriculture. The R.C.2 zone was created in
order to foster conditions favorable to a continuing use of
productive agricultural areas.
- The applicant's proposal conflicts with the intent of both
the Master Plan and the zoning regulations to provide for
appropriate development in rural residential areas.

Due to the unique character of communication towers in terms of
scale and visual impact, staff feels such uses are more appropriately
located in suitable commercial and manufacture zones.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

PK/JL/cmm
ITEM146/ZAC1

*People's Council
Exhibit 1
received
1/2/91*



STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
MARYLAND GEOLOGICAL SURVEY
KENNETH N. WEAVER, DIRECTOR

**PETITIONER'S
EXHIBIT** 3B.4
MICROFILMED

TOPOGRAPHIC MAP OF BALTIMORE COUNTY

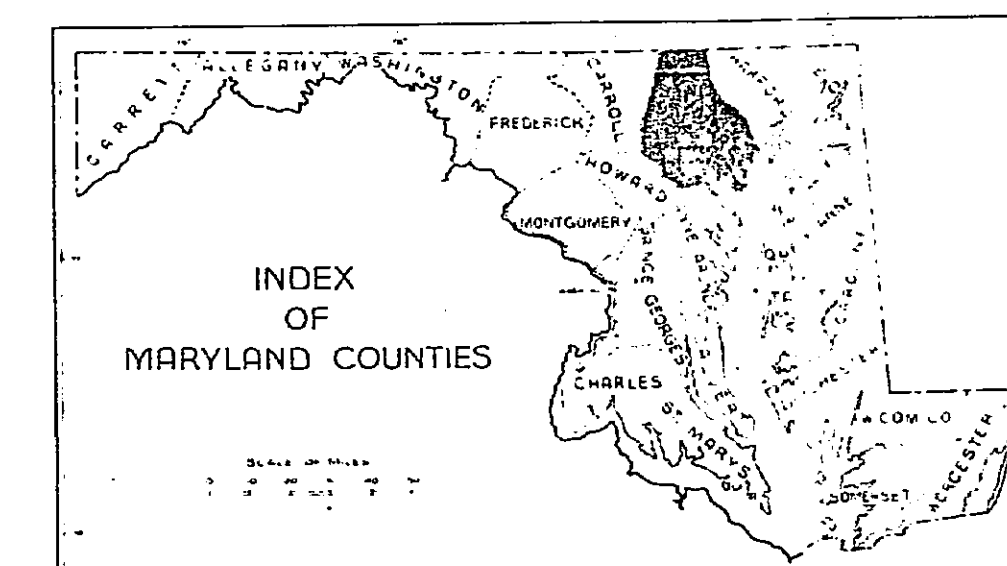
COMPILED FROM 7.5 MINUTE TOPOGRAPHIC QUADRANGLES OF THE
U. S. GEOLOGICAL SURVEY

1985
BY JAMES P. REGER
JEANNE McLENNAN
PETER D. MULLER

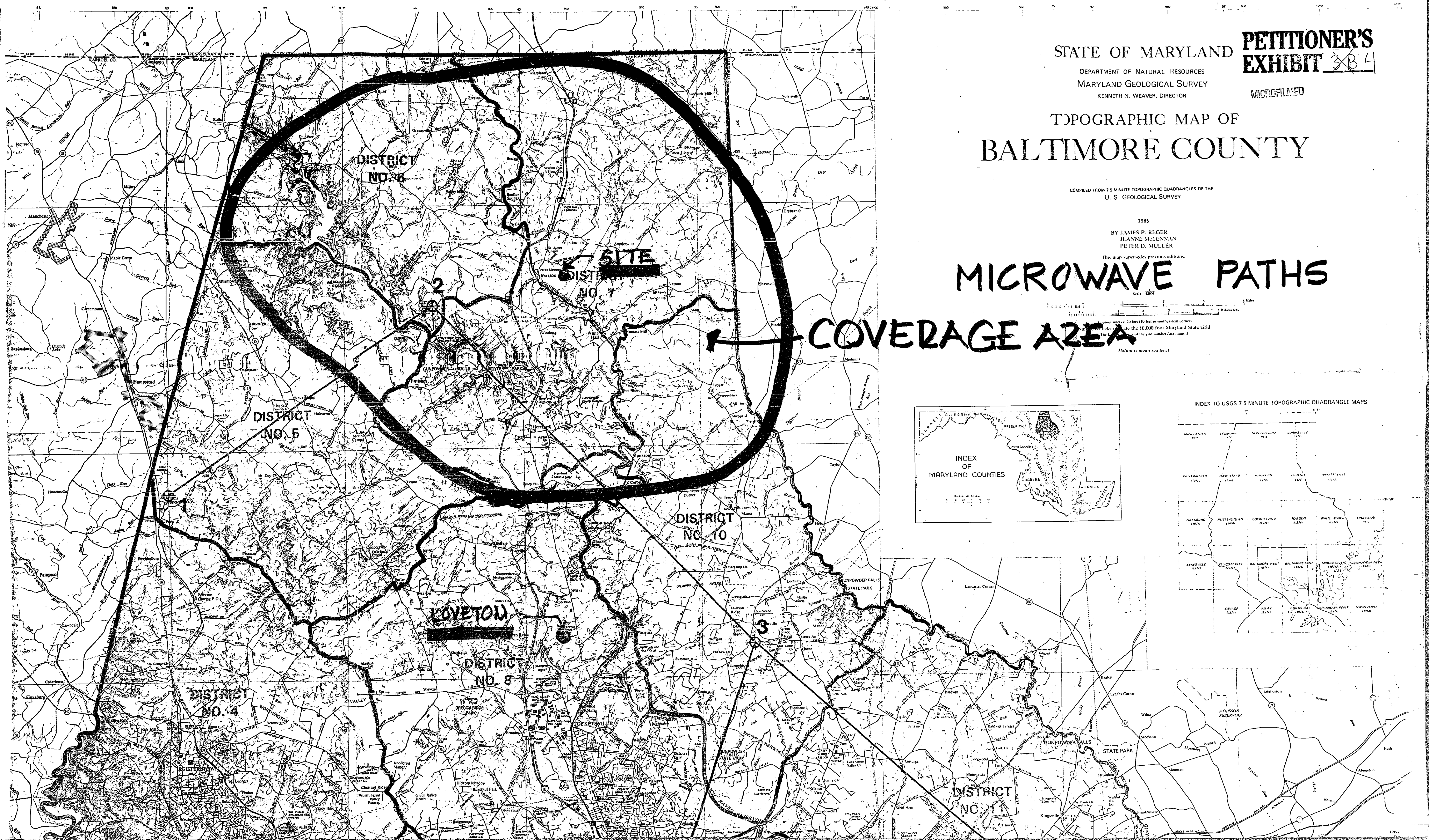
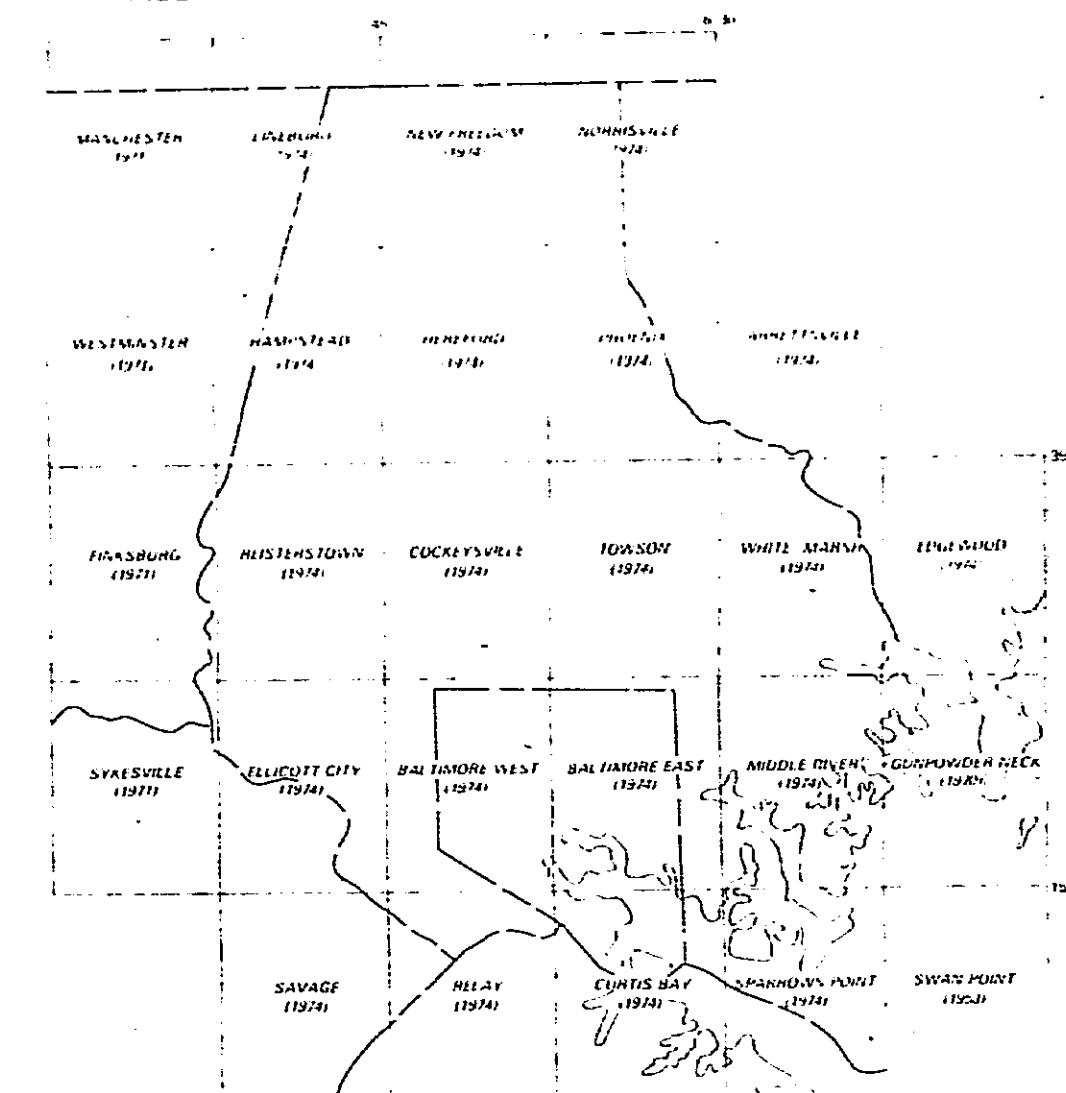
This map supersedes previous editions.

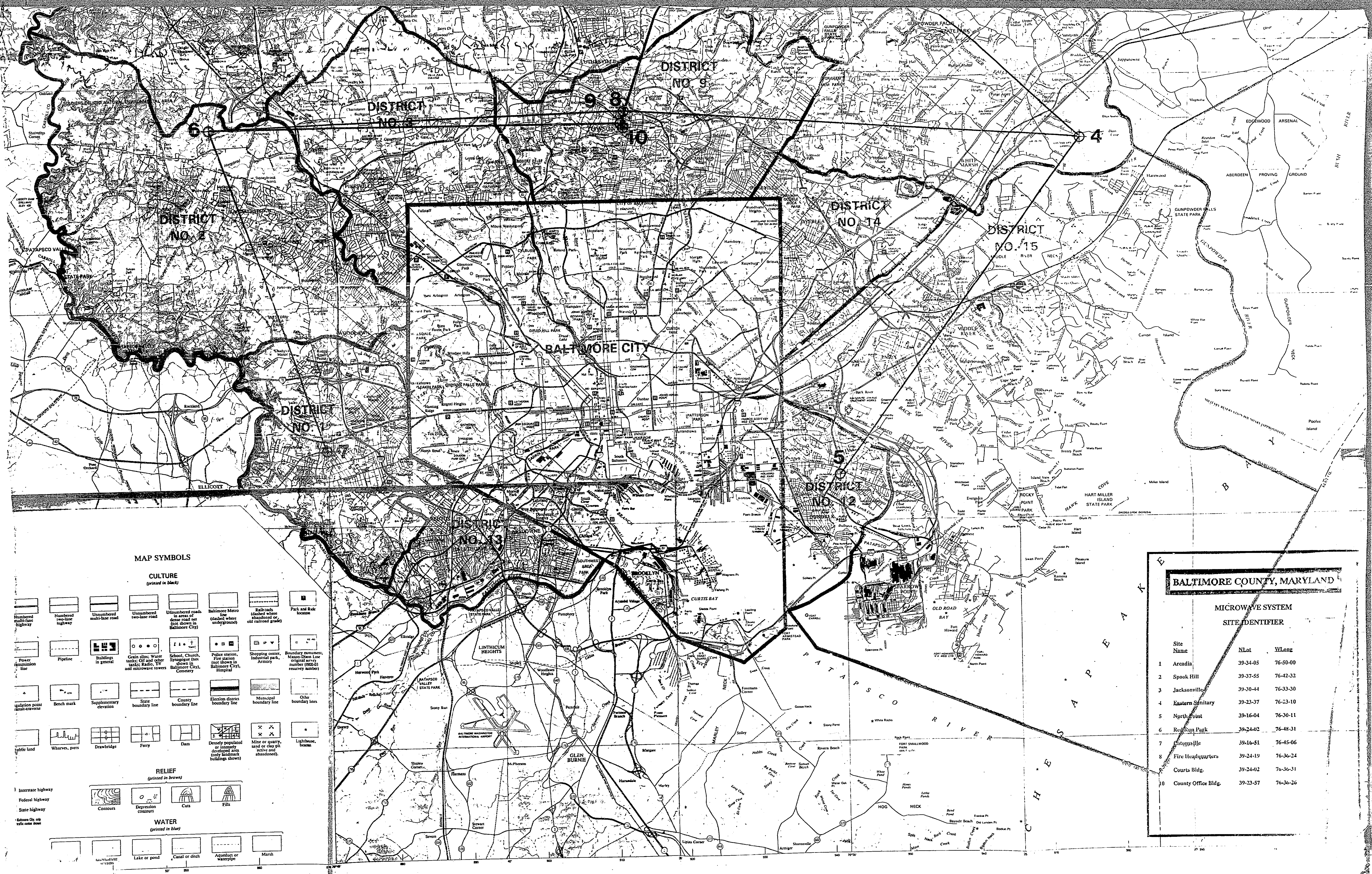
MICROWAVE PATHS

COVERAGE AREA



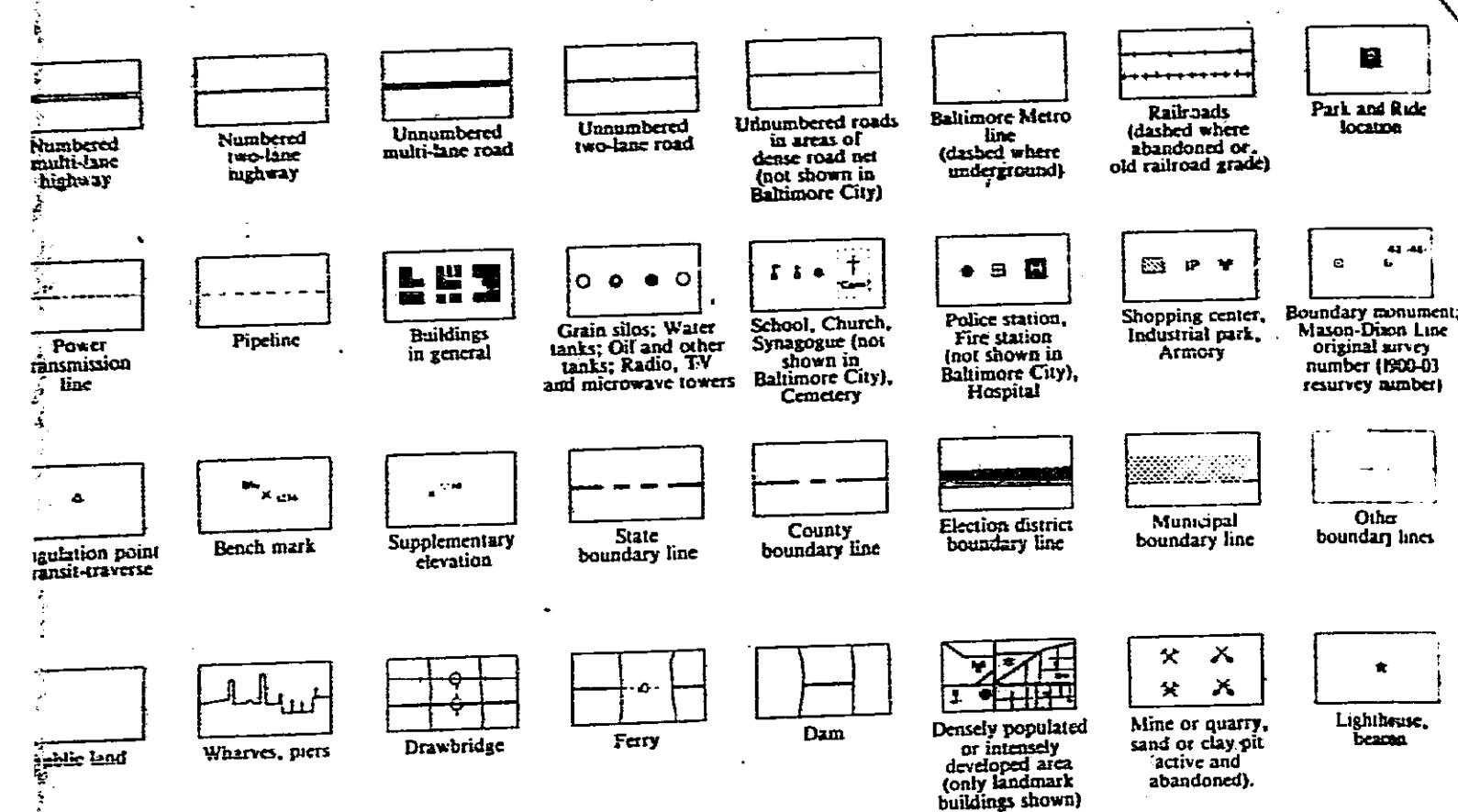
INDEX TO USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE MAPS



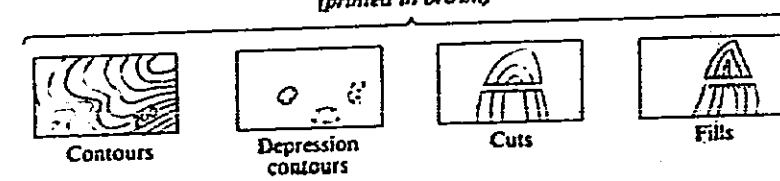


MAP SYMBOLS

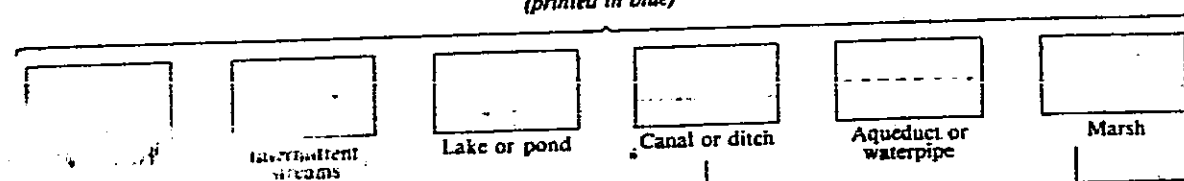
CULTURE
(printed in black)



RELIEF
(printed in brown)



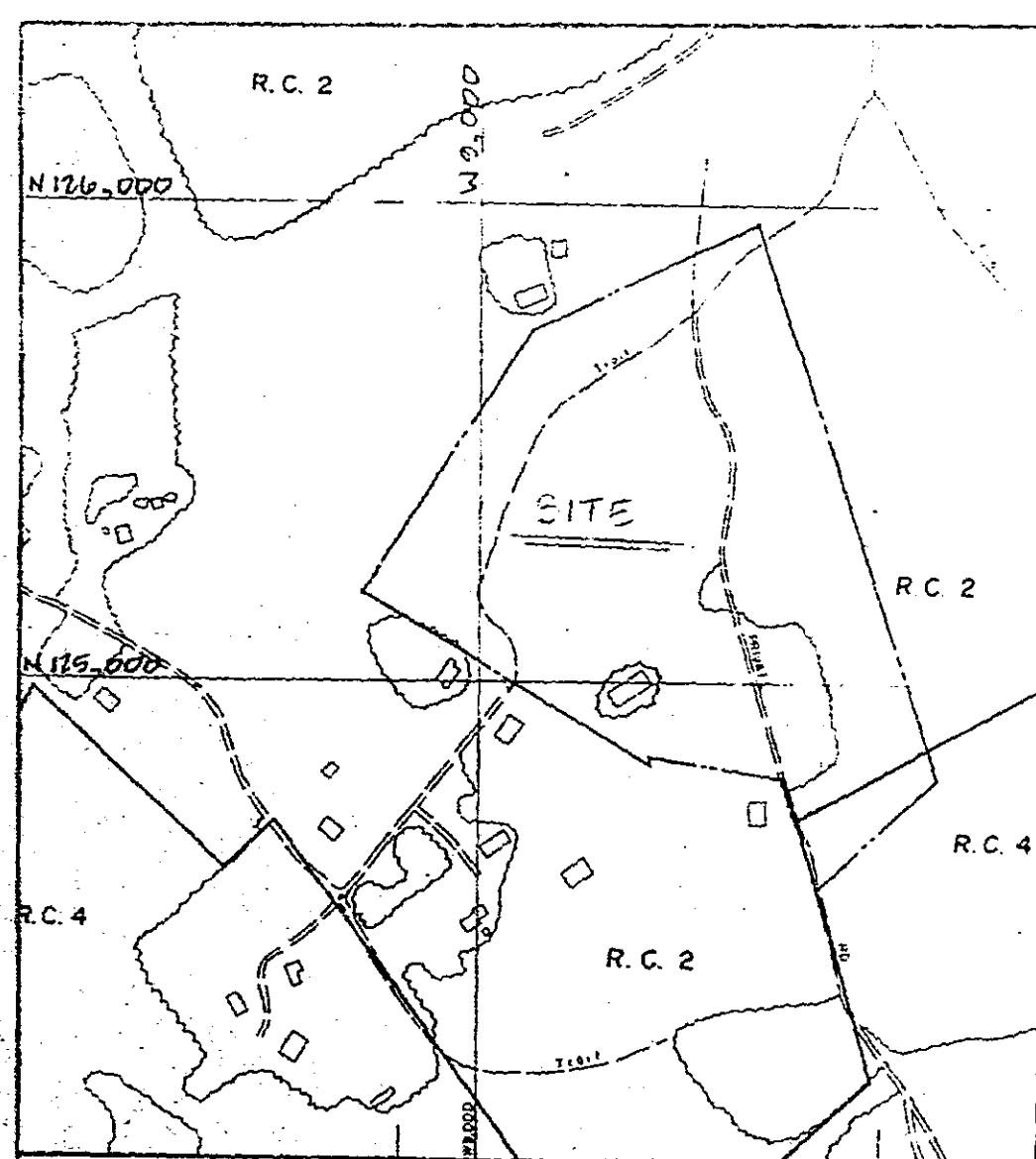
WATER
(printed in blue)



BALTIMORE COUNTY, MARYLAND

MICROWAVE SYSTEM
SITE IDENTIFIER

Site Name	NLat	WLong
1 Arcadia	39-34-05	76-50-00
2 Spook Hill	39-37-55	76-42-32
3 Jacksonville	39-30-44	76-33-30
4 Eastern Sanitary	39-23-37	76-23-10
5 North Point	39-16-04	76-30-11
6 Red Run Park	39-24-02	76-48-31
7 Catonsville	39-16-51	76-45-06
8 Fire Headquarters	39-24-19	76-36-24
9 Courts Bldg.	39-24-02	76-36-31
10 County Office Bldg.	39-23-57	76-36-26



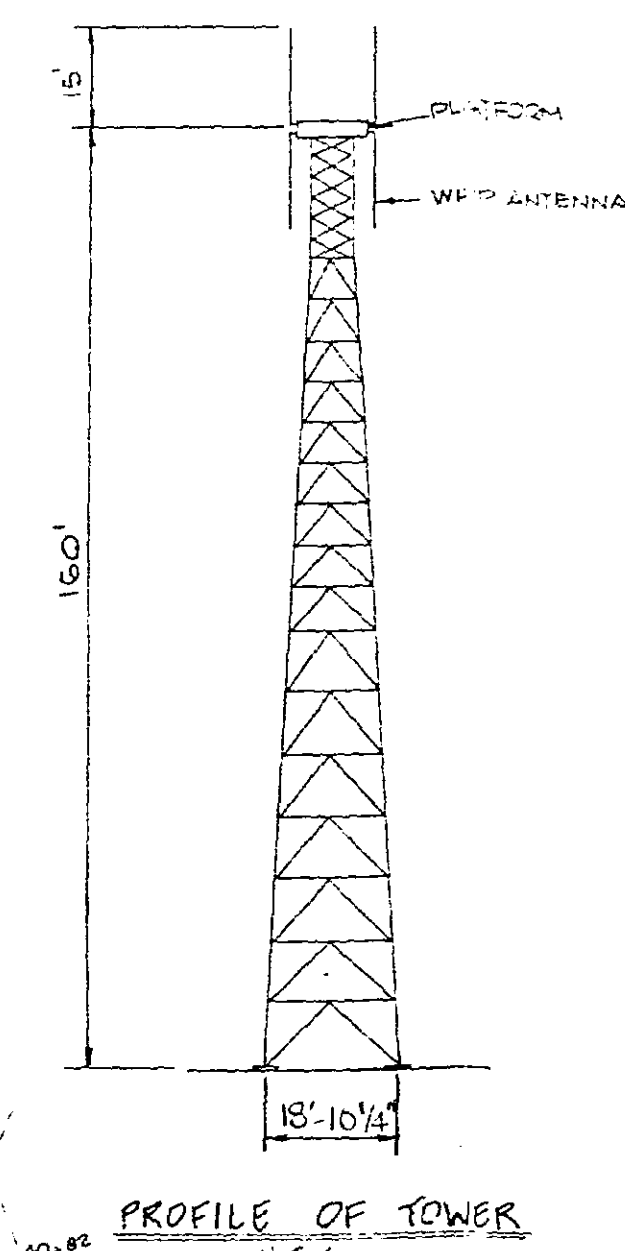
ZONING MAP SCALE: 1" = 400'

JAMES N. AMER
8888 / 274
ZONE: R.C. 2

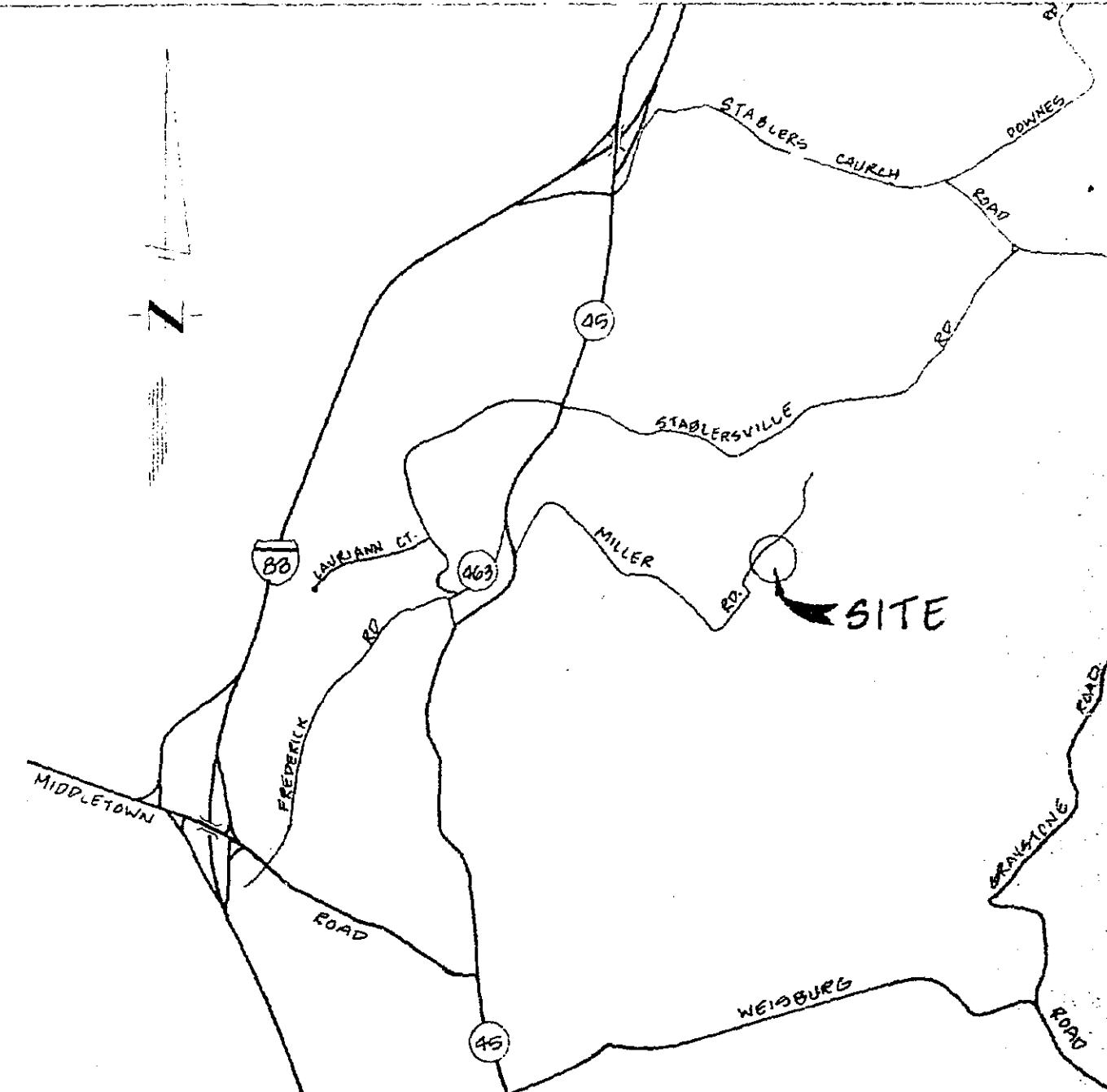
JOHN J. WALTERMYER
888 / 227
ZONE: R.C. 2

MARIAN T. CLARKE
W/R 88-444
ZONE: R.C. 2

ZONE: R.C. 2



PROFILE OF TOWER



SITE LOCATION MAP Scale: 1" = 2000'

GENERAL NOTES

- OWNER: JAMES W. DILL, SR AND SHARON D. DILL
LIBER 8043 - FOLIO 500
- VERTICAL CONTROL HEREON IS BASED ON THE FOLLOWING U.S. COASTAL GEODETIC SURVEY MONUMENTS:
HUB # 18474 ELEV. 548.20
HUB # 18475 ELEV. 548.66
- BEARINGS SHOWN HEREON ARE BASED UPON A SOLAR OBSERVATION TAKEN ON MAY 22, 1990.
- ZONING: R.C. 2; TAX MAP 17, PARCEL 287
- PREPARED BY: KIDDE CONSULTANTS, INC.
13902 BALTIMORE AVENUE
SUITE 300
LAUREL, MARYLAND 20707
- 0.4 MILE BEFORE DILL PROPERTY ON MILLER ROAD FROM ROUTE 45, THERE ARE 4 DIFFERENT WIRE CROSSINGS BETWEEN 15.5' TO 18' HIGH. WIRE CROSSING ROAD AT ENTRANCE TO DILL PROPERTY 17' HIGH.
- THE PROPOSED FACILITIES CONSIST OF A NEW 160' SELF-SUPPORTING TOWER AND A 14' x 40' UNOCCUPIED MODULAR BUILDING, WHICH WILL HOUSE RAPID AND TELEPHONE EQUIPMENT FOR THE TRANSMISSION AND RECEPTION OF CELLULAR TELEPHONE COMMUNICATIONS.
- NO WATER OR SANITARY UTILITIES ARE REQUIRED FOR THE OPERATION OF THIS FACILITY.
- THE STRUCTURE SHALL BE ENCLOSED WITHIN A LOCKED CHAINLINK FENCE, OR COMPARABLE WALL OR STRUCTURE, AT LEAST 6' HIGH.
- A LANDSCAPE PLAN, DESIGNED TO MINIMIZE THE VISUAL IMPACT OF ACCESSORY BUILDINGS AND THE LOWER PORTION OF THE STRUCTURE SHALL BE SUBMITTED TO AND APPROVED BY THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING.
- ENVIRONMENTAL PROTECTION AGENCY STANDARDS AND GUIDELINES RELATING TO RADIATION EMISSIONS SHALL BE MET AT ALL TIMES.
- WHEN THE USE IS TERMINATED, THE STRUCTURE SHALL BE REMOVED.
- EVERY FIVE YEARS, OR SOONER IN THE EVENT OF SUBSTANTIAL DAMAGE, A CERTIFICATION BY A PROFESSIONAL ENGINEER REGISTERED IN MARYLAND A CERTIFICATION BY A MARYLAND REGISTERED PROFESSIONAL ENGINEER SHALL BE FILED WITH THE DEPARTMENT OF PERMITS AND LICENSES INDICATING THAT THE AFOREMENTIONED STRUCTURE MEETS ALL SAFETY REQUIREMENTS, ANY UPGRADING OR MAINTENANCE REQUIRED TO COMPLY WITH ANY CHANGES IN THE SAFETY REQUIREMENTS, OR TO MAINTAIN THE SAFETY THEREOF, SHALL BE PERFORMED PRIOR TO THE FILING OF SUCH CERTIFICATION.
- NO WHITE STROBOSCOPIC LIGHTS ARE PERMITTED.
- THE ZONING COMMISSIONER OR, IN THE EVENT OF AN APPEAL, THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY SHALL DETERMINE THAT THERE WILL NOT BE A SUBSTANTIAL ADVERSE IMPACT ON SURROUNDING PROPERTY VALUES, PARK LANDS OR OPEN SPACE.

1. I certify that this Final Landscape Plan meets all requirements (check where appropriate):

Baltimore County Landscape Manual
Office of Planning and Zoning ORS or Waiver No.
Special Exception/Variance No.
Resolving, Documented Site Plan No.

2. I certify that I have reviewed this Final Landscape Plan, that I am aware of the requirements contained in the Baltimore County Landscape Manual, and I agree to comply with these requirements and all applicable policy, guidelines and ordinances. I agree to implement this plan and comply to Baltimore County its interpretation, within one year of approval.

3. REVIEWED BY: _____

4. Permit No. 5105747 & 5105750 Control No. C-1757-91

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
LANDSCAPE PLAN APPROVED

SEP 25 1991

by *Cheryl Haule*
date 10-7-91

SCHEDULE OF REVISIONS

NO.	DATE	DESCRIPTION
1	9-23-91	ADD LANDSCAPE MATERIALS
2	9-23-91	AREA AND DISTANCES CHANGED AS PER REQUEST OF THE CLIENT
3	9-23-91	NOTES AND PROFILE OF TOWER ADDED

PLANT LIST

SYMBOL	BOTANICAL	COMMON	SIZE	QUANTITY
*	PAULS STROBUS	WHITE PINE	5'-6' HT.	11
*	TRIA OCCIDENTALIS	AMERICAN ARBOVITAE	5'-6' HT.	5

ALL PLANT MATERIAL TO CONFORM TO BALTIMORE COUNTY STANDARDS FOR SIZE AND TYPE.

ALL PLANT MATERIAL TO BE BALLED & WRAPPED.

ROBERT T. VOSS
PROFESSIONAL ENGINEER
MD LIC. NO. 14530

Signature: *Robert T. Voss*
Date: 9-23-91

Bell Atlantic
Mobile Systems

180 WASHINGTON VALLEY ROAD
BEDMINSTER, N.J. 07921

LANDSCAPE PLAN

PREPARED BY BELL ATLANTIC MOBILE SYSTEMS
180 WASHINGTON VALLEY RD., BEDMINSTER, N.J.

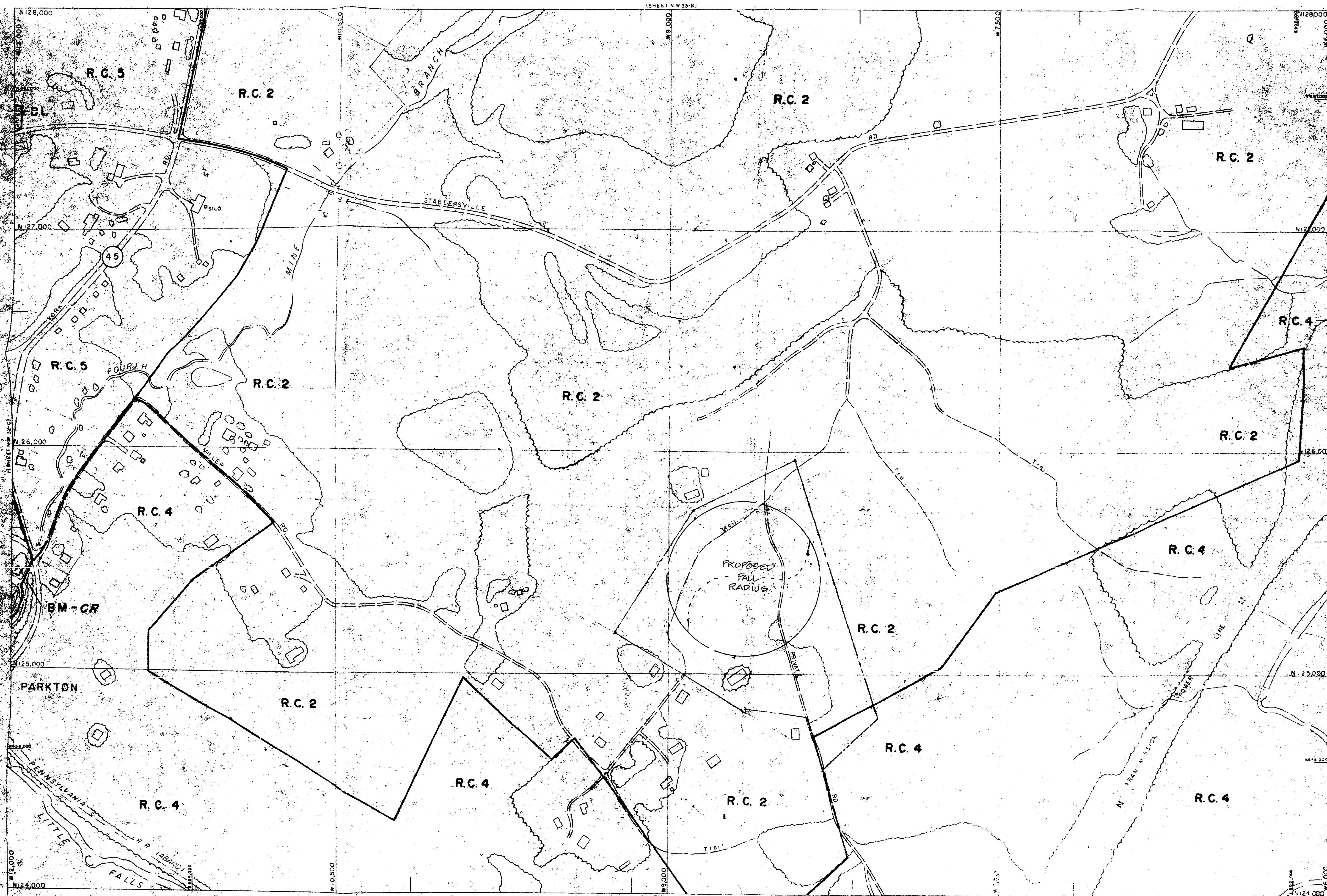
CELL SITE BLT 5

CELLULAR TELEPHONE ANTENNAE SITE
MILLER ROAD
SEVENTH (7TH) ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

JAMES W. DILL, SR AND SHARON D. DILL

MICROFILMED



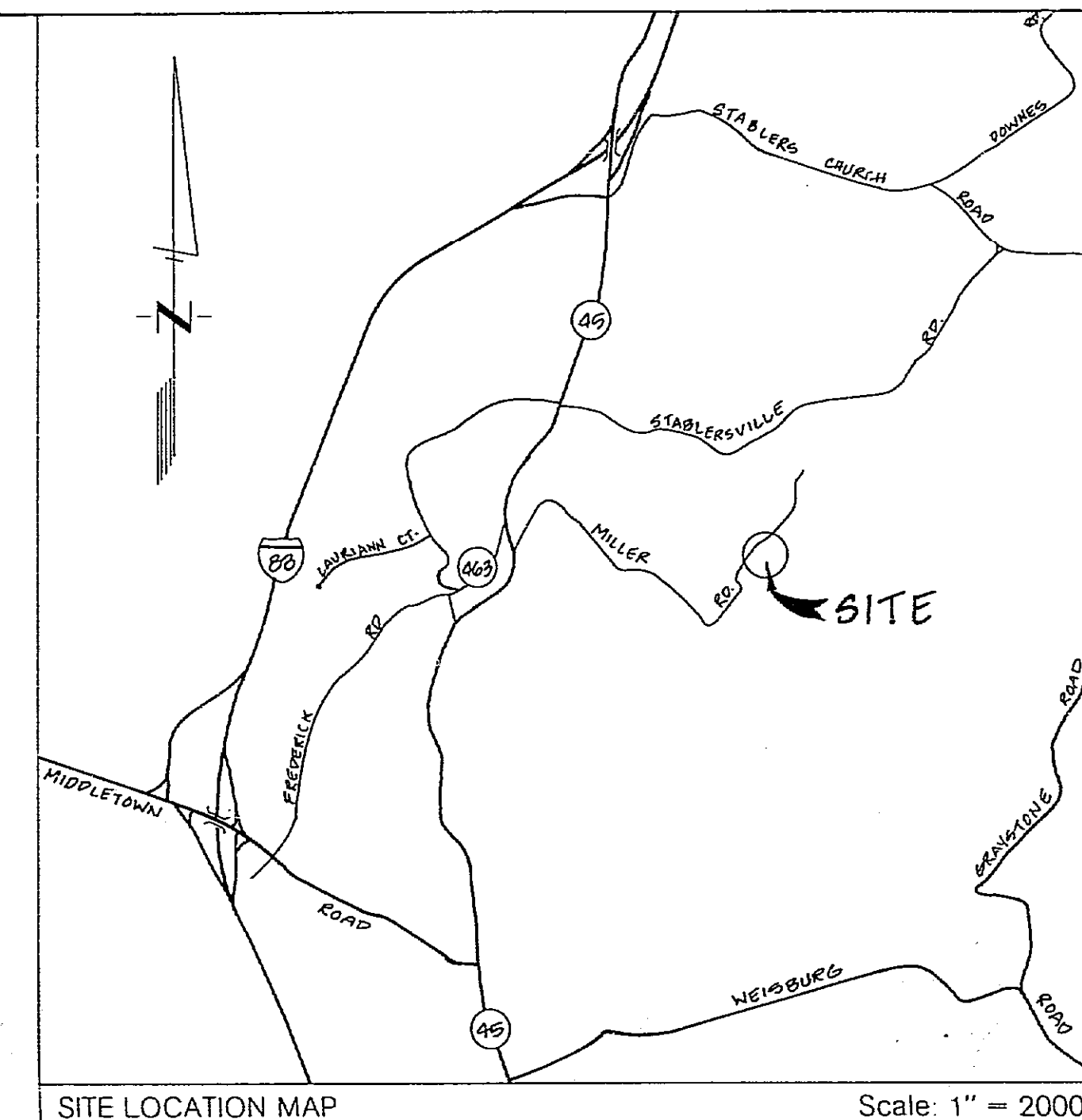
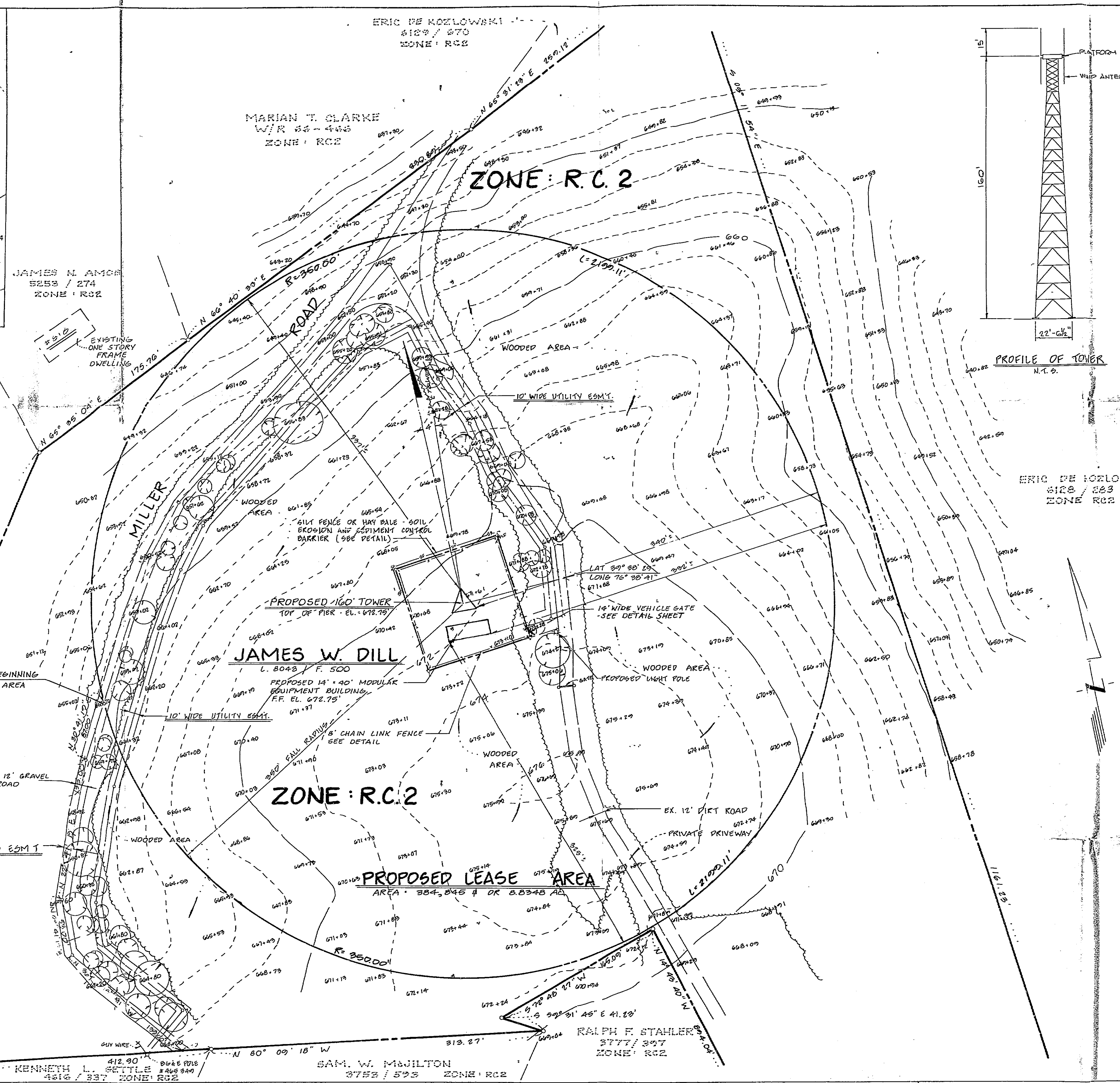
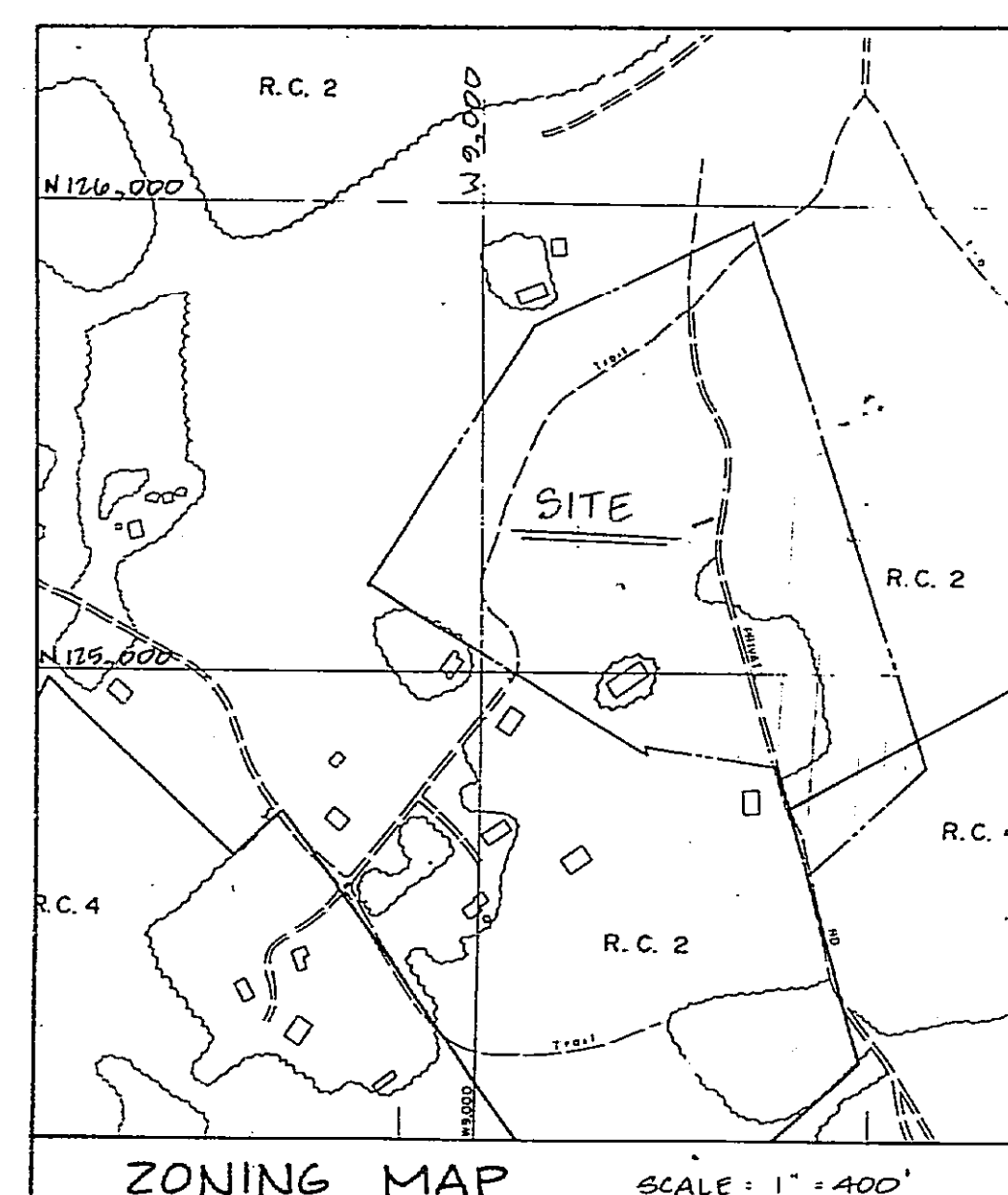


1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 13, 1988
 Ord. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
 THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY RICHARD HORN, INC. BALTIMORE, MD. 21218

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION PARKTON	SHEET NW 32-B
DATE OF PHOTOGRAPHY JANUARY 1986		

91-195-



- GENERAL NOTES**
- OWNER: JAMES W. DILL, SR. AND SHARON D. DILL
LIBER 8043 - FOLIO 500
 - VERTICAL CONTROL SHOWN HEREON IS BASED ON THE FOLLOWING U.S. COASTAL & GEODETIC SURVEY MONUMENTS:
HUB # 12424 - ELEV. 548.20'
HUB # 12425 - ELEV. 592.86'
 - BEARINGS SHOWN HEREON IS BASED UPON A SOLAR OBSERVATION TAKEN ON MAY 22, 1992.
 - ZONING: R.C. 2; TAX MAP 17; PARCEL 2B7
 - PREPARED BY: KIDDE CONSULTANTS, INC.
13902 BALTIMORE AVENUE
SUITE 300
LAUREL, MARYLAND 20707
 - 0.4 MILE BEFORE DILL PROPERTY ON MILLER ROAD FROM ROUTE 45, THERE ARE 4 DIFFERENT WIRE CROSSINGS BETWEEN 15.5' TO 18' HIGH. WIRE CROSSING ROAD AT ENTRANCE TO DILL PROPERTY - 17' HIGH.
 - THE PROPOSED FACILITIES CONSIST OF A NEW 160' SELF-SUPPORTING TOWER AND A 14' x 40' UNOCCUPIED MODULAR BUILDING, WHICH WILL HOUSE RADIO AND TELEPHONE EQUIPMENT FOR THE TRANSMISSION AND RECEPTION OF CELLULAR TELEPHONE COMMUNICATIONS.
 - NO WATER OR SANITARY UTILITIES ARE REQUIRED FOR THE OPERATION OF THIS FACILITY.
 - THE STRUCTURE SHALL BE ENCLOSED WITHIN A LOCKED CHAINLINK FENCE, OR COMPARABLE WALL OR STRUCTURE, AT LEAST 8' HIGH.
 - A LANDSCAPE PLAN, DESIGNED TO MINIMIZE THE VISUAL IMPACT OF ACCESSORY BUILDINGS AND THE LOWER PORTION OF THE STRUCTURE SHALL BE SUBMITTED TO AND APPROVED BY THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING.
 - ENVIRONMENTAL PROTECTION AGENCY STANDARDS AND GUIDELINES RELATING TO RADIATION EMISSIONS SHALL BE MET AT ALL TIMES.
 - WHEN THE USE IS TERMINATED, THE STRUCTURE SHALL BE REMOVED.
 - EVERY FIVE YEARS, OR SOONER IN THE EVENT OF SUBSTANTIAL DAMAGE, A CERTIFIED PROFESSIONAL ENGINEER, REGISTERED IN MARYLAND, A CERTIFICATION BY A MARYLAND REGISTERED PROFESSIONAL ENGINEER SHALL BE FILED WITH THE DEPARTMENT OF PERMITS AND LICENSES, INDICATING THAT THE AFOREMENTIONED STRUCTURE MEETS ALL SAFETY REQUIREMENTS. ANY UPGRADING OR MAINTENANCE REQUIRED TO COMPLY WITH ANY CHANGES IN THE SAFETY REQUIREMENTS, OR TO MAINTAIN THE SAFETY THEREOF, SHALL BE PERFORMED PRIOR TO THE FILING OF SUCH CERTIFICATION.
 - NO WHITE STROBOSCOPIC LIGHTS ARE PERMITTED.
 - THE ZONING COMMISSIONER OR, IN THE EVENT OF AN APPEAL, THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY SHALL DETERMINE THAT THERE WILL NOT BE A SUBSTANTIAL ADVERSE IMPACT ON SURROUNDING PROPERTY VALUES, PARK LANDS OR OPEN SPACE.

91-195-X
146
MICROFILMED

SCHEDULE OF REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD.
1	9-18-90	REVISED AS PER ATTORNEY'S COMMENTS S&K	S&K	J.L.A.
2	9-13-90	AREA AND DISTANCES CHANGED AS PER REQUEST OF THE CLIENT	S&K	J.L.A.
3	8-22-90	NOTES AND PROFILE OF TOWER ADDED	S&K	J.L.A.

Bell Atlantic
Mobile Systems
180 WASHINGTON VALLEY ROAD
BEDMINSTER, N.J. 07921

APPROVED BY: *[Signature]*
DIRECTOR/IMPLEMENTATION
DATE: *[Signature]*

DRAWING TITLE:
PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
PREPARED BY BELL ATLANTIC MOBILE SYSTEMS
180 WASHINGTON VALLEY RD., BEDMINSTER, N.J.
CELL SITE BLT 5

PROJECT:
CELLULAR TELEPHONE ANTENNAE SITE
MILLER ROAD
SEVENTH (7TH) ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

PROPERTY OWNER:
JAMES W. DILL, SR. AND SHARON D. DILL

DRAWING ISSUE STATUS CURRENTLY: **B**

ISSUE	DATE	BY	CHKD.
A - ISSUED FOR PRELIMINARY INFORMATION ONLY			
B - ISSUED FOR PRELIMINARY INFORMATION ONLY			
C - ISSUED FOR PRELIMINARY INFORMATION ONLY			
D - ISSUED FOR PRELIMINARY INFORMATION ONLY			
E - ISSUED FOR PRELIMINARY INFORMATION ONLY			

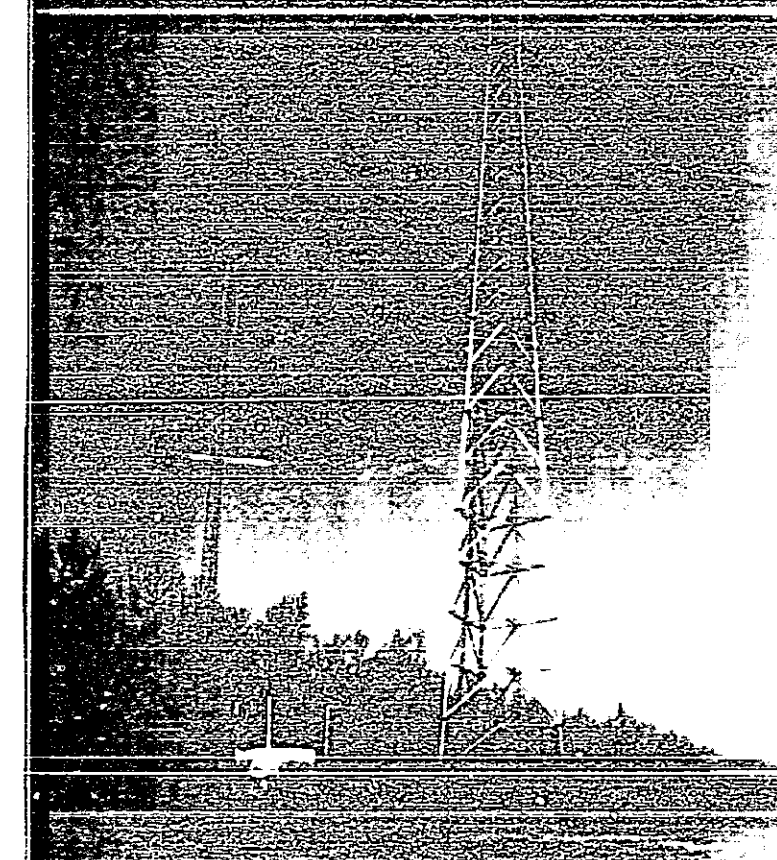
FIRST ISSUE: **A - 1**

DRAWING NO.: **A - 1**

SCALE: 1" = 50'

PROJECT NO: 162423-3-11

DOCUMENT NO:



ADCs 50 Mile Radius Map Of
WASHINGTON, D.C.

PETITIONER(S) EXHIBIT (2)

24

23

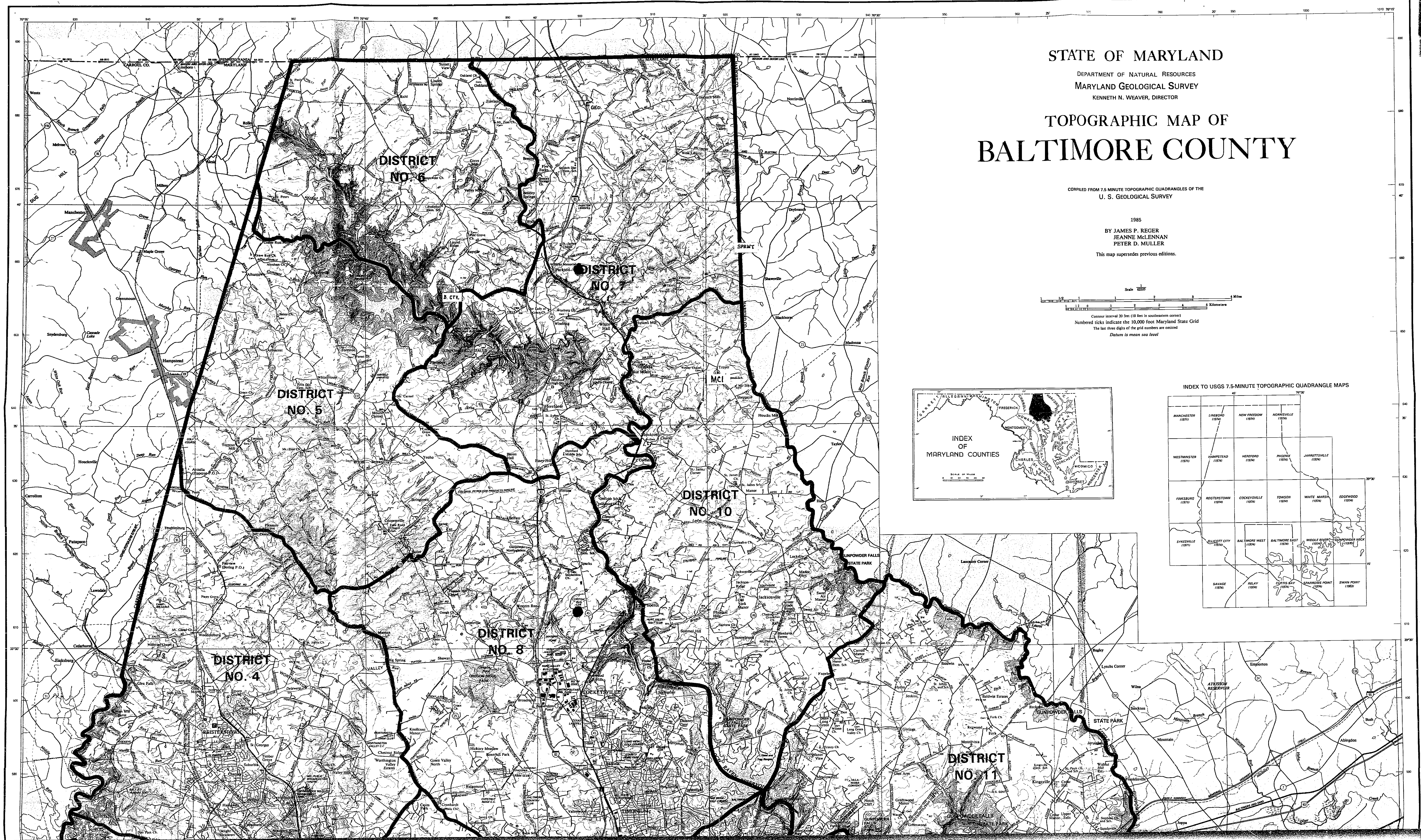
MOBILE

COVERS OVER 10,000 SQUARE MILES

Petitions Ex 10.

MICROFILMED

BALTIMORE COUNTY



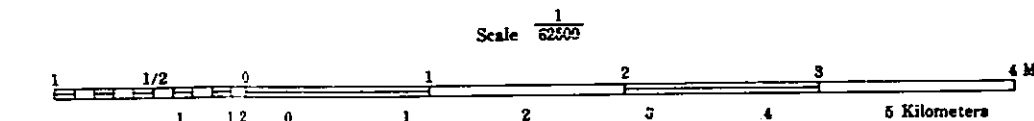
STATE OF MARYLAND

DEPARTMENT OF NATURAL RESOURCES
MARYLAND GEOLOGICAL SURVEY
KENNETH N. WEAVER, DIRECTOR

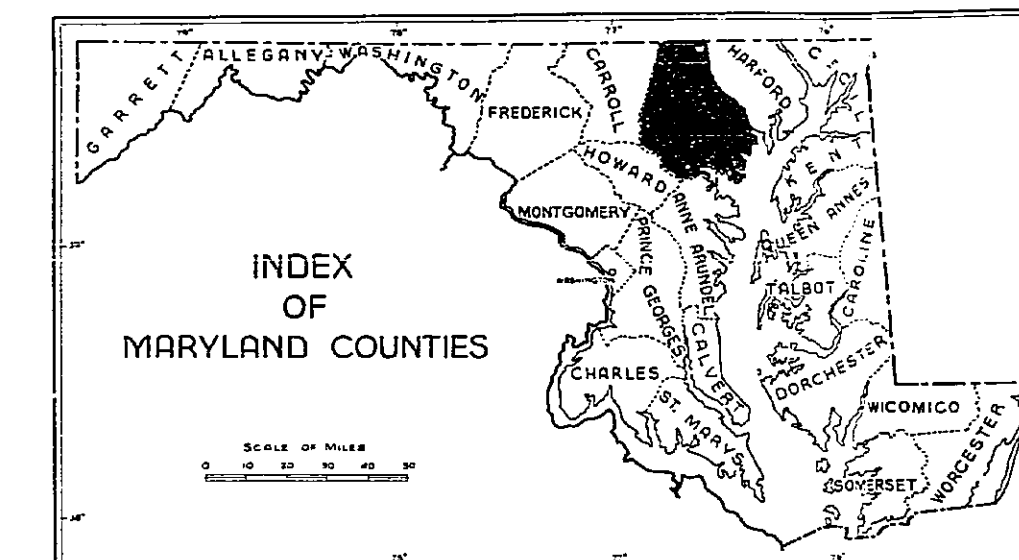
TOPOGRAPHIC MAP OF BALTIMORE COUNTY

COMPILED FROM 7.5 MINUTE TOPOGRAPHIC QUADRANGLES OF THE
U. S. GEOLOGICAL SURVEY

1985
BY JAMES P. REGER
JEANNE McLENNAN
PETER D. MULLER
This map supersedes previous editions.

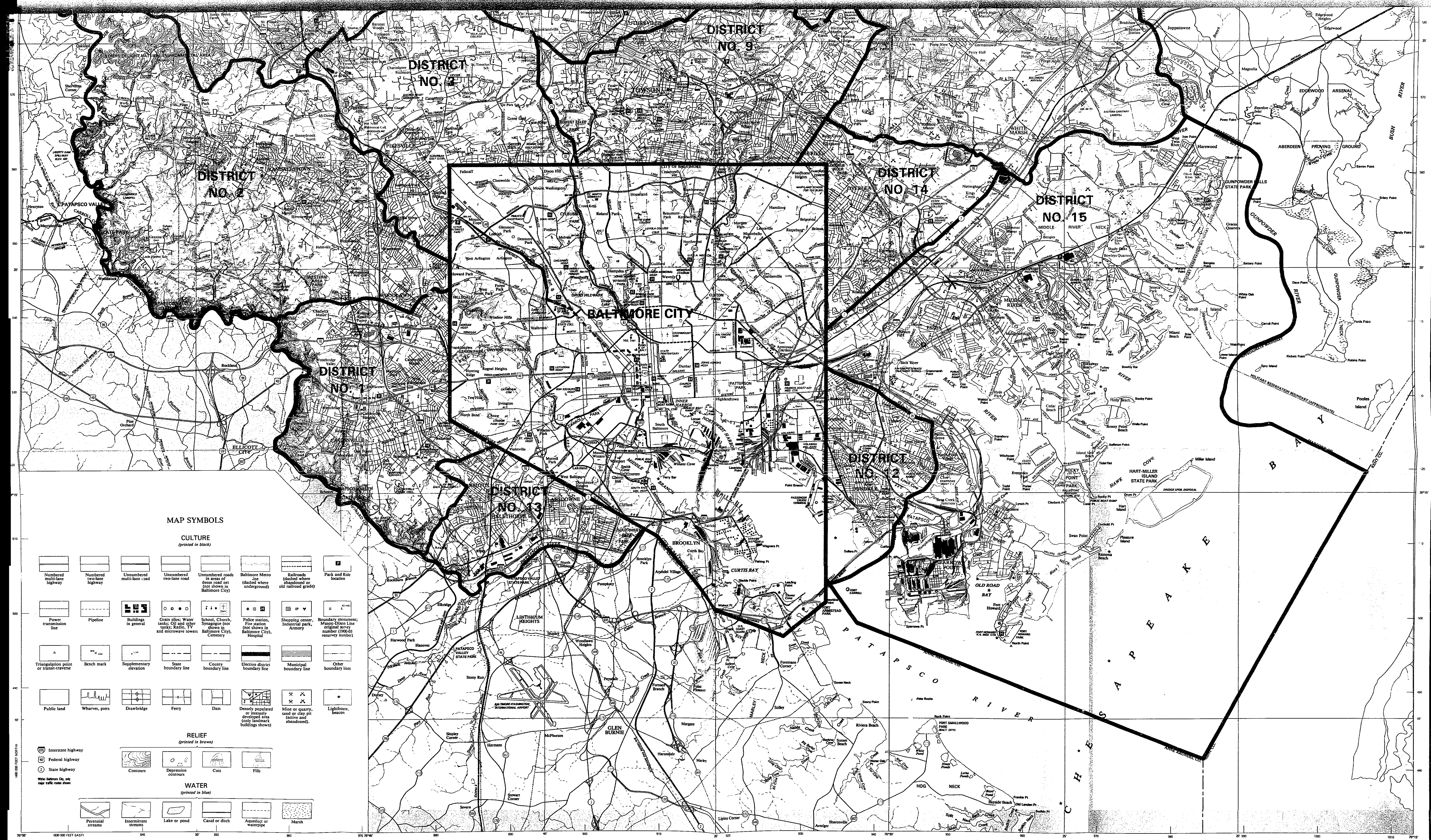


Contour interval 20 feet (10 feet in southeastern corner)
Numbered ticks indicate the 10,000 foot Maryland State Grid
The last three digits of the grid numbers are omitted
Datum is mean sea level



INDEX TO USGS 7.5-MINUTE TOPOGRAPHIC QUADRANGLE MAPS

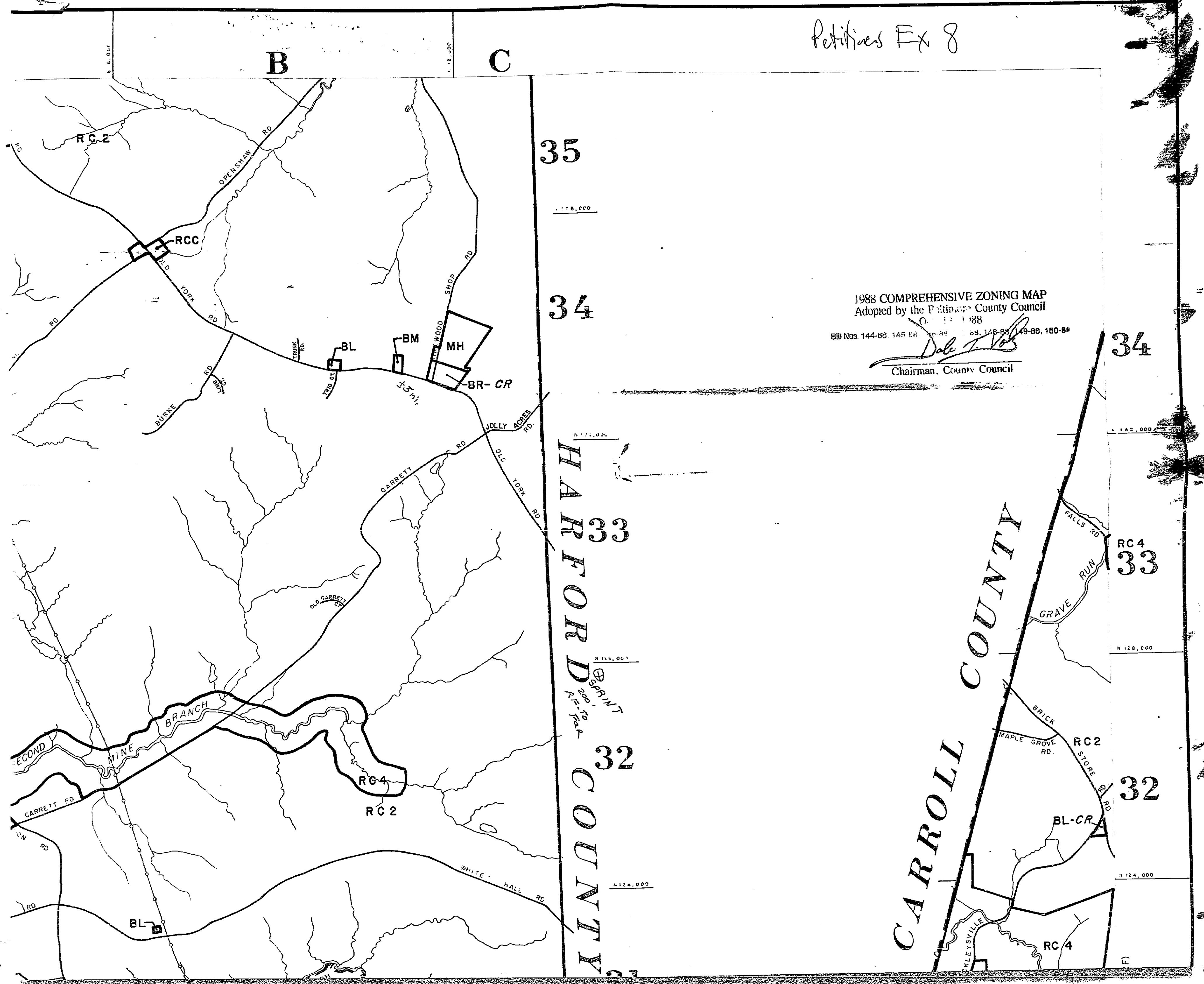
MANCHESTER (1971)	LIBERTY (1974)	NEW FREEDOM (1974)	ROCKVILLE (1974)	
WESTMINSTER (1971)	HAMPSTEAD (1974)	HOPKINS (1974)	PRINCE (1974)	JARRISTVILLE (1974)
FAIRFAX (1971)	HUNTERSTOWN (1974)	COCKEYVILLE (1974)	TOWSON (1974)	WHITE MARSH (1974)
SPRINGVILLE (1971)	ELLSWORTH CITY (1974)	BALTIMORE WEST (1974)	BALTIMORE EAST (1974)	MIDDLE RIVER (1974)
	SAVAGE (1974)	RELY (1974)	CURTIS BAY (1974)	SWAN POINT (1980)

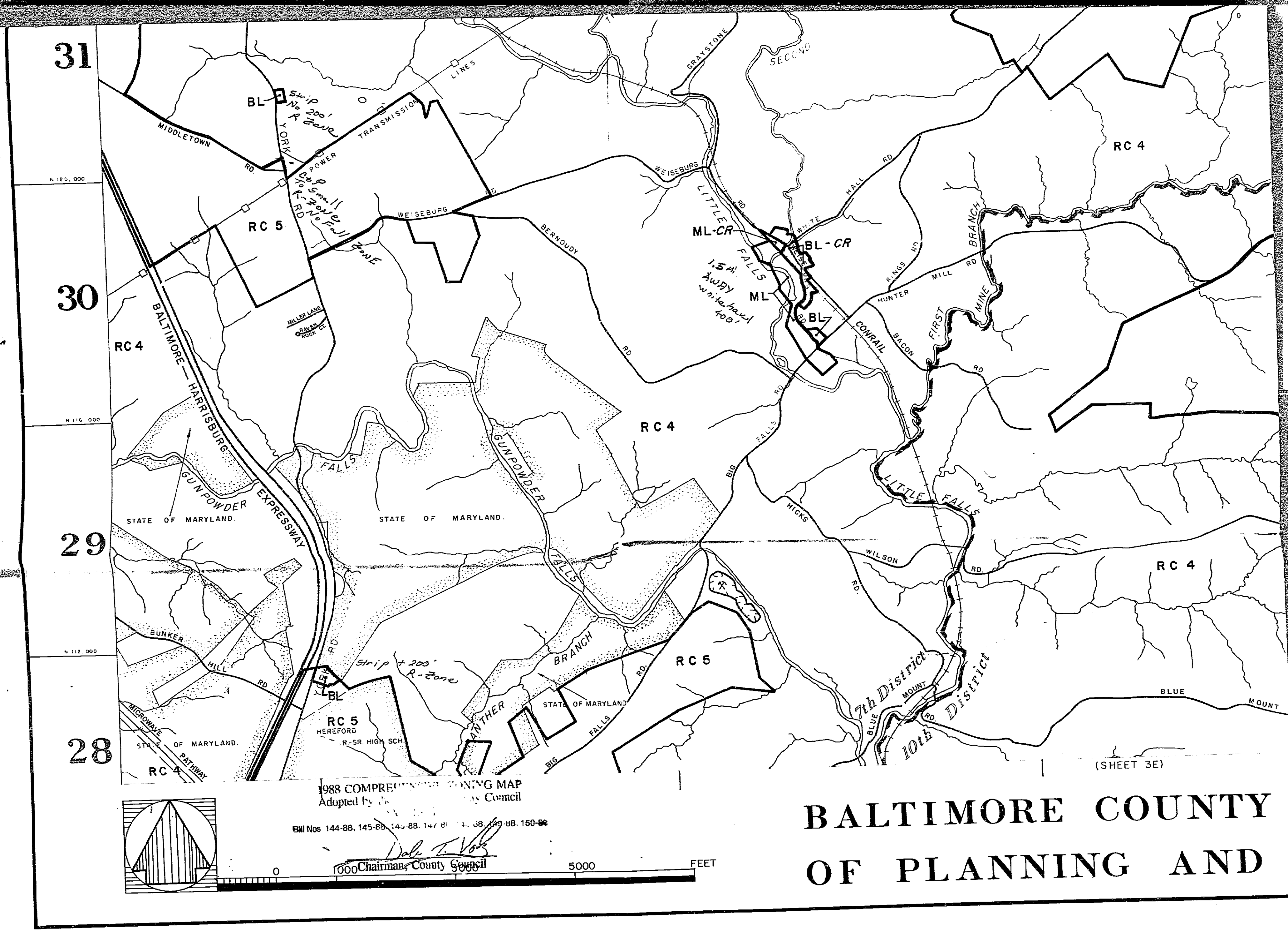




6

Petition Ex 8





BALTIMORE COUNTY OF PLANNING AND

1988 COMPREHENSIVE ZONING MAP
Adopted by the Board of County Commissioners
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
1000 Chairman County Council

