



Baltimore County  
Department of Permits and  
Development Management

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

May 3, 2001

Ms. Timmy F. Ruppertsberger  
Venable, Baetjer and Howard, LLP  
210 Allegheny Avenue, P.O. Box 5517  
Towson, MD 21285-5517

Dear Ms. Ruppertsberger:

RE: 21133 Old York Road, Spirit and Intent Case No. 93-264-XA, 7th Election District

Your letter addressed to Mr. Jablon, dated May 1, 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.

Provided that the proposed replacement ground based equipment can be located within the five acre Special Exception Area and also within the 50 foot by 50 foot tower compound as granted in Zoning Case No. 93-264-XA and affirmed by the County Board of Appeals for Baltimore, the proposal is considered to be within the "spirit and intent" of the aforementioned case. You must sticky-back a copy of this letter on all plans submitted to Baltimore County for permit approval.

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. Moxley".

Lloyd T. Moxley  
Planner II  
Zoning Review

LTM:ltm





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Department of Permits and  
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Sincerely,

A handwritten signature in black ink, appearing to read "L. Moxley", with a stylized flourish at the end.

Lloyd T. Moxley  
Planner II  
Zoning Review

LTM:ltm



IN THE MATTER OF THE  
THE APPLICATION OF  
AAT COMMUNICATIONS CORP. /  
CONTRACT LESSEE, PETITIONER  
V. BALTIMORE COUNTY  
FOR A SPECIAL EXCEPTION AND  
VARIANCE ON PROPERTY LOCATED  
ON THE NORTHEAST SIDE OLD YORK  
ROAD (21133 OLD YORK ROAD)  
7TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 93-264-XA

#### OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner dated June 24, 1993 wherein the Petition for Special Exception for a wireless cellular telephone transmitting and receiving facility was granted, together with a variance request. The matter was appealed and was heard by this Board de novo on December 14, 1993 and June 14, 1994. The Petitioners were Steven Wilson, Property Owner, and AAT Communications Corporation, Inc., Contract Lessee. Francis X. Borgerding, Jr., Esquire, represented the Petitioners. The Protestants participating in the case were Dr. Richard McQuaid and the Maryland Line Area Association, Inc., and the Citizens Alliance of Northern Baltimore County, Inc. J. Carroll Holzer, Esquire, represented Dr. McQuaid and the community associations. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the proceedings.

A special exception is requested pursuant to Section 502.1 of Baltimore County Zoning Regulations (hereinafter "BCZR"). The Board is required to review and apply the criteria set forth in Section 502.1 of the BCZR as well as the additional criteria of Section 502.7 (created by Baltimore County Council Bill No. 64-86),

Case No. 93-264-XA AAT COMMUNICATIONS CORP./CONTRACT LESSEE 2  
permitting wireless transmitting and receiving facilities in the D.R., R.C. and R-O zones. The additional criteria of Section 502.7C are as follows:

- 1) petitioner shall have the burden of establishing that it has made a diligent search for a location within a business, office or industrial zone, or for mounting on any existing structure over fifty (50) feet in height and that, due to valid considerations, including but not limited to, location, economic, elevation, engineering or technologic feasibility, no appropriate location is available;
- 2) the setback of such structure from the nearest property line shall equal or exceed two (2) times its height above grade level;
- 3) the structure shall be located on a lot of at least five (5) acres;
- 4) the structure shall be enclosed within a locked, chain-link fence, or comparable wall or structure, at least 8 feet high;
- 5) a landscape plan, designed to minimize the visual impact of accessory buildings and the lower portion of the structure shall be submitted and approved by the Director of the Office of Planning and Zoning;
- 6) Environmental Protection Agency standards and guidelines relating to radiation emissions shall be met at all times;
- 7) when the use is terminated, the structure shall be removed;
- 8) every five years, or sooner in the event of substantial damage, a certification by a professional engineer registered in Maryland . . . 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;
- 9) no white stroboscopic lights are permitted;
- 10) in order to insure adverse effects on its surroundings, an environmental impact statement, as defined in section 101, shall be submitted to the Zoning Commissioner or, in the event of an appeal, to the County Board of Appeals of

Case No. 93-264-XA AAT COMMUNICATIONS CORP./CONTRACT LESSEE 3  
Baltimore County. Such environmental impact statements shall include information on emission levels and shall evaluate the impact of the proposed structure on the ecosystem; and based on such environmental impact statement and other evidence produced at the hearing, it must appear that the proposed structure will not have a substantial adverse impact on the environment; and

- 11) 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.

Also, a variance is requested from Section 502.7C.2 of the BCZR to permit a tower setback from the special exception area of 208 ft. in lieu of the required 500 ft., as more particularly described on Petitioners' site plan marked Petitioners' Exhibit 4.

Testimony establishes that the subject property, 21133 Old York Road, is a 38-acre site, more or less, zoned R.C. 2 and is improved with a single-family dwelling and accessory dairy farm. The special exception area requested consists of approximately 5 acres, also zoned R.C. 2, and is located approximately in the center of the 38-acre tract. The Property Owner has entered into a long-term lease agreement with AAT Communications Corporation, Inc., (AAT) to lease the 5-acre parcel. If granted the special exception, the Petitioners propose to develop the property with an antenna support structure for wireless transmitting and receiving facility. The structure will be approximately 3 ft. wide and 250 ft. in height.

Testimony further established that AAT presently leases an existing tower on the opposite side of Old York Road less than 1 ft. away on a site known as Maryland Blue Stone, Inc. AAT has operated from this site for a long period of time but was recently

Case No. 93-264-XA AAT COMMUNICATIONS CORP./CONTRACT LESSEE 4  
reduced from a yearly lease to a month-to-month lease. The property where the current tower is located was owned by George's Transfer and Rigging, and was recently purchased by Maryland Blue Stone, Inc. The property is in the process of being developed, and recently received County Review Group development approval. Concerned that they may lose their transmitting location, and by the fact that their lease was reduced to month-to-month, AAT sought to find an additional location to erect a transmitting tower.

The Petitioners offered the testimony of George Brennan, Special Project Manager for AAT. Mr. Brennan testified that AAT offered to purchase the already existing tower and the surrounding land, but was unsuccessful. He also testified that he was unable to obtain a long-term lease for the tower. After these developments, AAT conducted an extensive search of the area to locate land for the purpose of erecting a new tower. Mr. Brennan testified from the Baltimore County tax maps of the area as to those locations that were investigated for the purpose of determining their feasibility as a transmitting site. The subject site of these proceedings was determined to be the appropriate site by AAT, and a lease agreement was entered into with the Property Owner.

The Petitioner /Property Owner, Steven Wilson, appeared and testified on behalf of himself and his parents, who own the other half of the subject property for which the special exception is being requested. He informed the Board that he operates his property as a dairy farm. He testified that he entered into the 20-year lease agreement with AAT to enable him to continue farming

Case No. 93-264-XA AAT COMMUNICATIONS CORP./CONTRACT LESSEE 5  
his property, which has become more and more difficult to do due to economic conditions. In his opinion, he did not believe that he would be able to continue farming without having the economic assistance provided by the rental income under the 20-year lease agreement with AAT.

Mr. Wilson further testified that, without the requested variance of 208 ft. in lieu of the required 500 ft. setback, there would be a practical difficulty in that a longer driveway would have to be constructed, and, in his opinion, the 208 ft. setback would preserve more farmland. He further stated that he was not aware of any adverse effect that the construction of the tower would have to the surrounding area.

The Petitioners presented a second Special Project Manager with AAT, Mr. Mitchell Holmgren. Mr. Holmgren testified on the second hearing day and informed the Board that he took over the duties and responsibilities of Mr. Brennan, who testified in the proceedings earlier. Mr. Holmgren stated that as early as the day before he again physically searched the area for other properties that might be more suitable than the presently proposed location. He pointed out to the Board that several properties were undesirable because guy wires used with the tower are 80 percent of the height of the tower, and, in other site locations, this would result in the wires being in residential areas, and in one case in a cemetery. In his opinion, the proposed site was the most beneficial for AAT, as well as the community.

Next the Petitioners presented the testimony of Leo W. Rader, who qualified as an expert land surveyor. He stated that he was

Case No. 93-264-XA AAT COMMUNICATIONS CORP./CONTRACT LESSEE 6  
familiar with the zoning regulations for Baltimore County and the development process. In his opinion, the proposed tower would not have any adverse effect on the local community involved, and would not serve in any manner to be a disturbance to the area. He testified as to the criteria set out in Section 502.7C.2. He stated that, in his opinion, the variance of 208 ft. in lieu of the required 500 ft. should be granted on the basis that to require a 500 ft. setback would create a practical difficulty and/or an undue hardship. In his opinion, the granting of the variance was in keeping with the spirit and intent of the BCZR.

Paul Lee also testified for the Petitioners as an expert in engineering and land planning. He testified that the granting of the special exception was in keeping with the spirit and intent of the BCZR, and that the requirements set out in Section 502.1 and Section 502.7 had been met. He further stated that the variance should be granted, and that without the requested variance there would be practical difficulty and undue hardship. He stated that a longer driveway would have to be constructed, and that the tower would be placed further back on the property, which would place it in a lower area. He concluded his testimony by stating that the granting of the special exception would in no way be detrimental to the health, public welfare or safety of the neighborhood.

The burden of proof is upon the Petitioners to establish that the requirements of Sections 502.1 and 502.7 of the BCZR have been met, and that practical difficulty or undue hardship be shown to support the request for the variance. The Petitioners have met

Case No. 93-264-XA AAT COMMUNICATIONS CORP./CONTRACT LESSEE 7  
this burden. Opinion testimony was given by each of the witnesses set out above. The Petitioners have established that the proposed use will be conducted without real detriment to the neighborhood, and will not adversely affect the public interest. The testimony as given by the experts in the Petitioners' case establishes that the proposed use at the particular location as set out in Petitioners' Exhibit 4 will not have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location in the zone. Schultz v. Pitts, 291 Md. 1, 432 A.2d 1319 (1981)

It is this Board's decision that the special exception should be granted since the requirements of Section 502.1 and Section 502.7 have been met, with certain restrictions to be imposed as more fully set out below. With regard to the requested variance, the law is well settled that variances may be freely granted and that the Petitioner is required to establish that the zoning regulations cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 216, 1973. To prove practical difficulty for the requested variance herein, Petitioner must establish 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.

Case No. 93-264-XA AAT COMMUNICATIONS CORP./CONTRACT LESSEE 8  
Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The testimony as given by the experts in the Petitioners' case, which is uncontradicted by any expert testimony offered by the Protestants, establishes that the granting of the variance will not be contrary to the spirit and intent of the BCZR, and will not result in any injury to the public good.

This Board is satisfied that practical difficulty or unreasonable hardship would result if the requested variance was not granted. The testimony discloses that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request. To not grant the variance would unduly restrict the use of the land due to the special conditions unique to this particular parcel.

For the reasons set out above, it is this Board's decision that the requests for special exception and variance are granted.

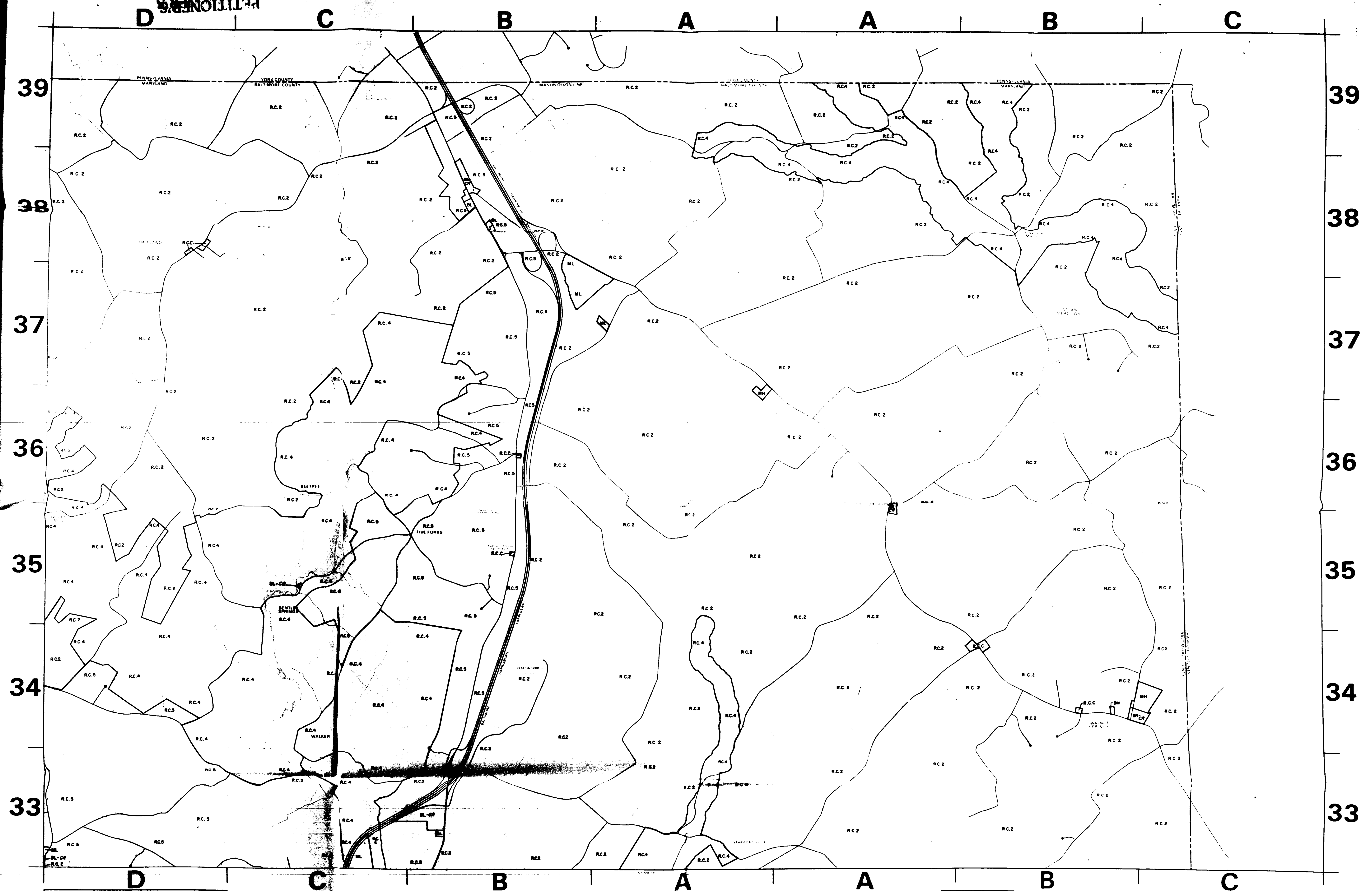
#### ORDER

THEREFORE, IT IS this 4th day of November, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception to permit a wireless transmitting and receiving facility on the subject property and Petition for Variance to permit a tower setback distance of 208 ft. in lieu of the minimum required 500 ft. be and the same are 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

EXHIBIT 1  
PETITIONERS



1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

*William A. Howard*  
Chairman, County Council

# Baltimore County, Maryland

|    |    |    |    |
|----|----|----|----|
| A1 | A2 |    |    |
| B1 | B2 |    |    |
| C1 | C2 | C3 |    |
| D1 | D2 | D3 | D4 |
| E1 | E2 | E3 | E4 |
| F1 | F  | 2  | P3 |
| G1 | G2 |    |    |

Revisions

Grid North

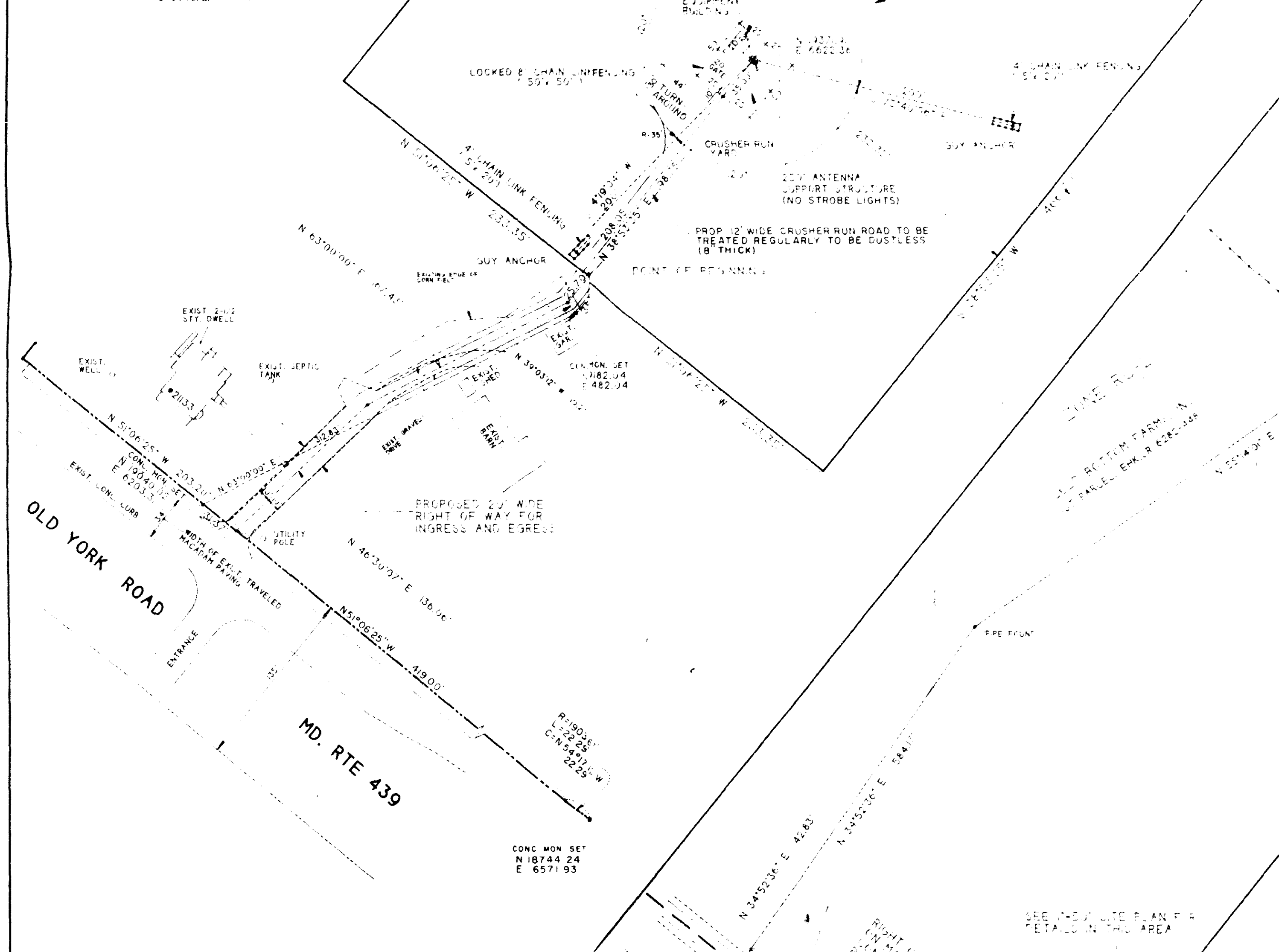
Scale: 1"=1000'

3,000 4,000 5,000

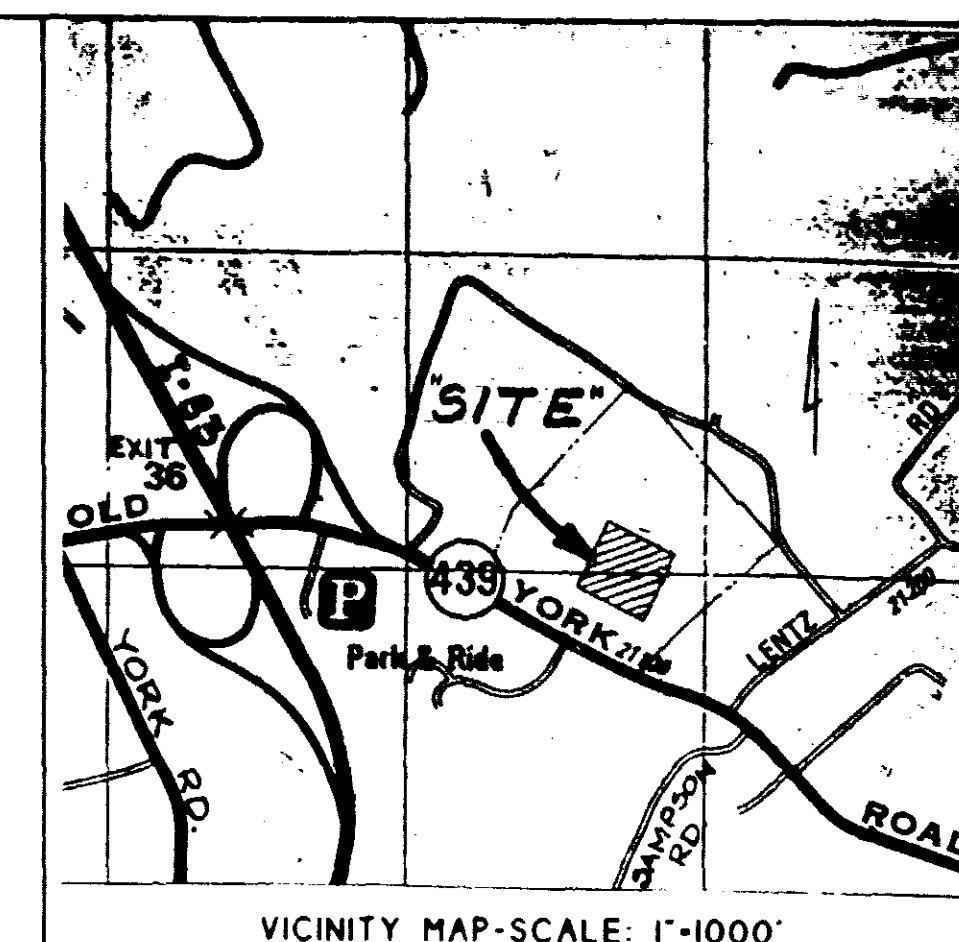
SHEET  
**A-2**

# PROPOSED SITE PLAN

SCALE: 1"=50'



NOTE: THE PETITIONER HAS COMPLIED WITH OR WILL COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS 502.7C1 THRU 1



## PLAN TO ACCOMPANY A HEARING FOR A SPECIAL EXCEPTION AND VARIANCE

### AAT COMMUNICATIONS CORPORATION

WIRELESS TRANSMITTING AND RECEIVING FACILITY

FOR THE FOLLOWING REASONS:  
IA01.2.C.23 TO PERMIT A WIRELESS TRANSMITTING AND RECEIVING FACILITY IN AN RC-2 ZONE.  
502.7.C.2 TO PERMIT A TOWER SETBACK OF 208' IN LIEU OF THE REQ'D. 500'

7TH ELECTION DIST. BALTO. CO., MD.  
3RD COUNCILMANIC DISTRICT

SCALE: 1"=100' AUG. 18, 1992  
AMENDED: OCT. 9, 1992  
AMENDED: DEC. 15, 1992

#### GENERAL NOTES

1. THE BEARINGS SHOWN HEREON ARE REFERRED TO THE MAGNETIC MERIDIAN OF AUGUST 1992.
2. FOR DEED TO SITE, SEE 2ND PARCEL, EHK, JR. 6139-78.
3. ZONING MAPS: NW 37-A  
NW 37-B  
NW 38-A  
NW 38-B
4. THE COORDINATES SHOWN HEREON ARE REFERRED TO AN ASSUMED DATUM.
5. SITE ZONING RC-2
6. SITE AREA FOR SPECIAL EXCEPTION: 5.000 ACRES
7. NO PUBLIC FACILITIES
8. THE STATION IS UNMANNED.
9. IT IS INTENDED THAT THE 5 ACRES SPECIAL EXCEPTION AREA MAY BE UTILIZED FOR CROPS.
10. PROPERTY OWNER NAME:  
F. LINDSAY WILSON, ET AL  
21128 LENTZ ROAD  
PARKTON, MD 21120

GEORGE TRANSFER AND RIGGING COMPANY, INC.  
RRG 4476-484

PETITIONER'S  
EXHIBIT

SPECIAL EXCEPTION AREA  
5.000 ACRES  
(SEE 1"=50' DETAIL)

LEO W. RADER  
REGISTERED LAND SURVEYOR  
21128 LENTZ ROAD  
PARKTON, MD 21120

89 2



NEW FREEDOM QUADRANGLE  
MARYLAND, PENNSYLVANIA  
7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS

UNITED STATES  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS

Before the  
Federal Communications Commission  
Washington, D.C. 20554

GEN. Docket No. 88-387

In the Matter of  
Amendment of Environmental Rules

FIRST REPORT AND ORDER

Adopted: April 6, 1990; Released: May 9, 1990

By the Commission:

INTRODUCTION

1. In this Report and Order, the Commission adopts the rule amendments proposed in the Notice of Proposed Rule Making in this proceeding. Specifically, the Commission amends section 1.1312 of its rules 47 C.F.R. § 1.1312 to require that in situations where construction of a Commission-regulated radio communications facility is permitted without prior Commission authorization, the licensee or applicant must determine prior to construction whether the facility may have a significant environmental effect as defined in section 1.1307 of the rules, 47 C.F.R. § 1.1307. If the proposed facility may have a significant effect on the environment, the applicant must file an Environmental Assessment (EA) and may not commence construction prior to Commission authorization. In addition, we are adopting AT&T's proposal, discussed in ¶ 13 infra, that requires licensees and applicants to cease construction, submit an EA and undergo environmental review upon newly discovered information that construction may have a significant impact upon the environment. Finally, we are making certain conforming changes to other sections of our rules and amending section 1.1303, 47 C.F.R. § 1.1303, to make clear that the environmental rules in Part 1 govern over any possibly inconsistent provisions elsewhere in the rules.

BACKGROUND

2. The Commission's environmental rules generally require applicants and licensees to determine whether Commission grants of their applications may significantly affect the environment, and, if so, to submit EAs with their applications. The processing Bureau or the Commission or Bureau then determines whether to approve the EA and any information furnished by appropriate governmental agencies and interested persons. The Commission or Bureau then determines whether to approve the EA and any information furnished by appropriate governmental agencies and interested persons. The Commission or Bureau then determines whether to approve the EA and any information furnished by appropriate governmental agencies and interested persons.

that any required submission of EA and any required Commission environmental review take place at the licensing stage rather than prior to construction. Applicants who have already constructed their facilities may subsequently be denied licenses on environmental grounds. 4. The Commission initiated this rule-making proceeding to ensure that the Commission fully complies with Federal environmental laws in connection with facilities that do not require pre-construction authorization. The Commission's current rules, which allow construction to proceed without prior environmental review, may result in substantial, irreparable damage to the environment. The Commission therefore proposed to amend its rules to require environmental review before any applicant proceeds with construction.

COMMENTS

3. Comments were filed in this proceeding by the Advisory Council for Historic Preservation (Advisory Council), the National Trust for Historic Preservation (National Trust), American Telephone and Telegraph Company (AT&T), the National Association of Broadcasters (NAB), and the National Telecommunications Council (NTC). The National Trust and the Advisory Council support the proposed amendments. The National Trust states that the "after-the-fact environmental review that occurs now neither makes sense nor carries out the amendment will 'help resolve a major problem in the Commission's compliance with Section 106 of the National Historic Preservation Act and the Council's regulations (36 C.F.R. Part 800), by reducing the potential for licensees and applicants to undertake actions damaging to historic properties without the Commission's review'."

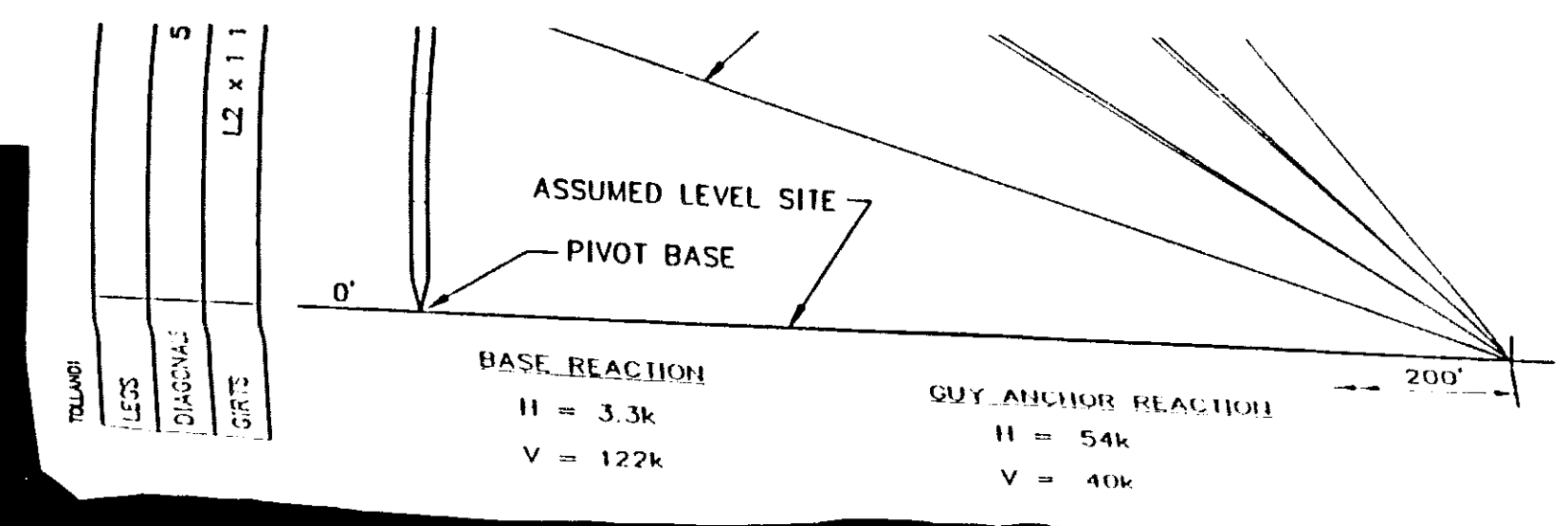
6. AT&T also supports the proposed amendments. It states that generally "the proposed rule performs the advisory purpose of assuring that any necessary environmental review will occur prior to licensing." AT&T asserts that, in general, licensees and applicants can resolve certain which proposals are subject to the Commission's environmental rules. In light of an alleged difficulty in identifying new sites eligible for listing on the National Register of Historic Sites, however, AT&T suggests that a new subsection 1.1312(c) be adopted to require that any construction that does proceed under the new rules will cease upon discovery that there may be a significant environmental effect. Finally, AT&T contends that the proposed language of section 1.1312 "facilities for which no Commission authorization prior to construction is required" is broad enough, and should be construed, to govern non-dominant common carriers' construction of cable transmission lines.

7. NAB suggests three modifications to the Commission's proposal. Specifically, NAB contends that the Commission: a) should not change the categorical exclusion from the environmental rules afforded to broadcast auxiliary facilities in connection with radiofrequency (RF) radiation; see 47 C.F.R. § 1.1307(h) Note; b) should not subject to the new rules certain broadcast minor modifications, permissible without prior Commission approval under 47 C.F.R. §§ 73.1690, 74.151 and 74.251; and c) should address and comprehensively revise its licensing rules to conform to the amended environmental rules. NAB concludes that its "suggested modifications would thwart neither the intent nor the substance of the proposed rule."

AAT COMMUNICATIONS CORPORATION  
ON  
PROPOSED TRANSMITTER RELOCATION  
PROPOSED ANTENNA SUPPORT STRUCTURE  
Located at  
WILSON'S FARM  
ROUTE 439 (Old York Road)  
PARKTON, MARYLAND

For Submission to:  
BALTIMORE COUNTY ZONING COMMISSION

PETITIONER'S  
EXHIBIT



**AWT, Inc.**  
Communication Shelter

| TABLE OF CONTENTS |                            |
|-------------------|----------------------------|
| No.               | Description                |
| 1                 | AWT COMMUNICATIONS SHELTER |
| 2                 | AWT COMMUNICATIONS SHELTER |
| 3                 | AWT COMMUNICATIONS SHELTER |
| 4                 | AWT COMMUNICATIONS SHELTER |
| 5                 | AWT COMMUNICATIONS SHELTER |
| 6                 | AWT COMMUNICATIONS SHELTER |
| 7                 | AWT COMMUNICATIONS SHELTER |
| 8                 | AWT COMMUNICATIONS SHELTER |
| 9                 | AWT COMMUNICATIONS SHELTER |
| 10                | AWT COMMUNICATIONS SHELTER |

PETITIONER'S  
EXHIBIT 2

ROAD CLASSIFICATION  
Medium duty Light duty  
U.S. Route Unimproved det  
State Route

NEW FREEDOM, MD. PA

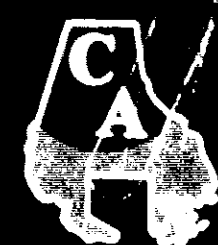
1958  
PHOTOREVISED 1974  
AMS 5603 H NW SERIES V833

N66

N66

# PETITIONER'S EXHIBIT 5

**SCINETICS**  
CORPORATION



CITIZENS' ALLIANCE OF NORTHERN BALTIMORE COUNTY, INC.  
PARKTON, MARYLAND 21120

MAY 6, 1993

Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

RE: Case Number: 93-264-XA (Item 274)  
Steven Wilson, Owner  
RAY Communications Corp., Contract Purchaser

The Citizens' Alliance of Northern Baltimore County in a duly constituted meeting of its Board of Directors voted to go on record as opposing the granting of a Special Exception to permit a wireless transmitting and receiving facility, a Variance to permit a tower setback of 208 feet in lieu of the required 500 feet.

Our organization considers such action as inappropriate use of land. The site in question is RC2 farmland of prime and productive soils and currently in use as such. The County's own Master Plan and current practice of the County's Office of Planning and Zoning strongly uphold the principle of reserving and preserving such an area for its designated use. Further no evidence has been presented of a thorough and diligent search for another site which already meets the needs of the contract purchaser.

Aesthetic considerations constitute strong reasons to oppose such short-sighted treatment of the issue. The placement of towers in our area is not a new issue. Our rural landscape and way of life is already polluted with five of these structures, two very near the proposed site. The proposed 250' tower considerably surpasses not only the height of the existing towers but would also be one of the highest, if not the highest structure in the area. That 5 acres are needed for devices to support and restrict access to the tower is a clear message that the project is inappropriate in a rural setting.

Additionally, concerns for the safety and health of residents and their livestock are reasons for opposition. Environmental health experts are still investigating the effect of microwaves, such as this facility would use, on humans and other animals. Our lives and the lives of animals which produce the livelihood of many of the area residents should not be placed in danger or even potential danger.

For all of the above reasons, we strongly urge you to reject the petition for a Special Exception.

Respectfully,

*Lucille B. Ikeler*

Lucille B. Ikeler, President  
Citizens' Alliance of  
Northern Baltimore County

**PROTESTANT'S  
EXHIBIT NO. 1**

# PROTESTANT'S EXHIBIT NO. 2

May 1993  
Dear Mr. Schmidt,

I am writing in protest of case # 93-264-XA. Mr. Steve Wilson is requesting permission to put a Radio Communication Tower for Cellular Telephones on his farm property. As a member of the Maryland Line Homeowners Assoc., as well as a neighbor, I have serious concerns about your granting permission for this tower at this time.

I have spoken to Mr. Steve Beebe in Balto. Co. (Air Quality Control) and Mr. Randy Pack at the State level to discuss the possible after effects of living less than a

# PROTESTANT'S EXHIBIT NO. 3

MARYLAND LINE AREA ASSOCIATION, INC.  
1501 Harris Mill Road  
Parkton, Maryland 21120  
(410) 343-1089

April 5, 1993

Zoning Commissioner  
Baltimore County  
County Office Building  
Towson, Md. 21204

Re: Zoning Case #93-264-XA--Radio Transmitting and Receiving Tower

We would like to submit the following information for your consideration in this case.

\*\*\*\*\*

## CANCER DEATHS WITHIN A 1 MILE RADIUS OF PRESENT LOCATION OF RADIO TOWER 1990-present

|                                                             |                                                            |
|-------------------------------------------------------------|------------------------------------------------------------|
| Mrs. James E. Brown<br>20012 York Rd.<br>Parkton, Md. 21120 | Mr. Victor Almony<br>21346 Lentz Rd.<br>Parkton, Md. 21120 |
| Mrs. Jerry Cale<br>20017 York Rd.<br>Parkton, Md. 21120     | Mr. Horace Koller<br>Sampson Rd.<br>Parkton, Md. 21120     |
| Mr. Gamber<br>20005 York Rd.<br>Parkton, Md. 21120          | Mrs. Margaret Dorsey<br>Lentz Rd.<br>Parkton, Md. 21120    |

\*\*\*\*\*

This represents 17% of the thirty-five homes in the one mile radius. There may be more, but these are the cases that are known to us at the present time. This is above the average rate of cancer deaths. We feel that an epidemiological study by the Center for Disease Control should be made before construction of a second radio tower is approved.

Very truly yours,  
*Richard W. McQuaid*  
Dr. Richard W. McQuaid  
President

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. The special exception relief granted herein is limited to that 5,000-acre parcel more specifically identified on Petitioners' Exhibit 4.

3. Prior to the issuance of any building permits, the Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County.

4. In the event the subject tower is no longer in use, it shall be the responsibility of AAT or this property owner to remove said structure.

5. Compliance with all requirements and conditions set forth in Section 502.7C.1 through 11, inclusive.

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

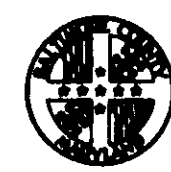
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*Michael B. Sauer*  
Michael B. Sauer, Acting Chairman

*Robert O. Schuetz*  
Robert O. Schuetz

*Harry E. Buchheister, Jr.*  
Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

November 4, 1994

J. Carroll Holzer, P.A.  
HOLZER and LEE  
305 Washington Avenue, Suite 502  
Towson, MD 21204

RE: Case No. 93-264-XA  
AAT Communications Corp., Inc.

Dear Mr. Holzer:

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.

Very truly yours,  
*Charlotte E. Reddy*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: J. Carroll Holzer, Esquire  
Francis X. Borgerding, Jr., Esquire  
Mr. George Brennan /  
AAT Communications Corp., Inc.  
Mr. Steven Wilson  
Dr. & Mrs. Richard W. McQuaid  
Ms. Martha S. Hackett  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Printed with Soybean Ink  
on Recycled Paper

IN THE MATTER OF THE  
THE APPLICATION OF  
AAT COMMUNICATIONS CORP. /  
CONTRACT LESSEE, STEVEN  
WILSON, LEGAL OWNER  
FOR A SPECIAL EXCEPTION AND  
VARIANCE ON PROPERTY LOCATED  
ON THE NORTHEAST SIDE OLD YORK  
ROAD (21133 OLD YORK ROAD)  
7TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 93-264-XA

AMENDED OPINION AND ORDER

On November 4, 1994, this Board issued an Opinion and Order in the above-captioned matter. The Board, on its own initiative, pursuant to Rule 10, has reviewed its Opinion and Order issued in the proceedings and finds that two clerical errors exist within that Opinion and Order. Specifically, page 3 of the Board's Opinion, last paragraph, first sentence, shall be corrected to read as follows (underscore indicates correction):

"Testimony further established that AAT presently leases an existing tower on the opposite side of Old York Road less than 1000 ft. away on a site known as Maryland Blue Stone, Inc...."

Additionally, Restriction No. 2 of the Board's Order shall be corrected to read as follows (underscore indicates correction):

2. The special exception relief granted herein is limited to that 5-acre parcel more specifically identified on Petitioners' Exhibit 4.

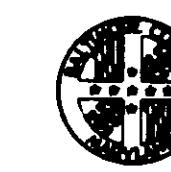
COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*Michael B. Sauer*  
Michael B. Sauer, Acting Chairman

*Robert O. Schuetz*  
Robert O. Schuetz

*Harry E. Buchheister, Jr.*  
Harry E. Buchheister, Jr.

DATE: November 15, 1994



County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

November 15, 1994

J. Carroll Holzer, P.A.  
HOLZER and LEE  
305 Washington Avenue, Suite 502  
Towson, MD 21204

RE: Case No. 93-264-XA  
AAT Communications Corp., Inc.

Dear Mr. Holzer:

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

Very truly yours,  
*Charlotte E. Reddy*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Francis X. Borgerding, Jr., Esquire  
Mr. George Brennan /  
AAT Communications Corp., Inc.  
Mr. Steven Wilson  
Dr. & Mrs. Richard W. McQuaid  
Ms. Martha S. Hackett  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

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on Recycled Paper

IN THE MATTER OF \* BEFORE THE  
AAT Communications Corp. \* COUNTY BOARD OF APPEALS  
Steve Wilson, Legal Owner \* BALTIMORE COUNTY  
21133 Old York Rd. \* CASE NO. 93-264-XA

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, Dec. 14, at 10:00 a.m. at Room 48, Basement, Old Courthouse, 400 Washington Ave., Towson, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Richard Weller  
Address: 3833 York Rd., Balto., Co. Fire Dept. #17  
Cockeysville, Md. 21030

Name: J. Carroll Holzer  
Firm: Holzer & Lee  
Address: 305 Washington Ave. #502  
Towson, Md. 21204 825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

*Charlotte E. Reddy*  
County Board of Appeals  
Baltimore County

Cost: \$ \_\_\_\_\_  
Summoned: \_\_\_\_\_, 19 \_\_\_\_  
Not served: \_\_\_\_\_, 19 \_\_\_\_  
Sheriff of Baltimore County

COUNTY BOARD OF APPEALS  
93 DEC -2 PM 1:07

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE DEPUTY  
AND VARIANCE - NE/S Old York Rd., \* ZONING COMMISSIONER  
NW of Lentz Rd. (21122 Old York Rd.) \* OF BALTIMORE COUNTY  
7TH Election District \* CASE NO. 93-264-XA  
3rd Councilmanic District

Steven Wilson, Petitioner

NOTICE OF APPEAL  
TO COUNTY BOARD OF APPEALS

Protestants in the above-captioned matter, Citizens Alliance of Northern Baltimore County, Inc. and the Maryland Line Area Association, Inc., by and through their attorney, J. Carroll Holzer and Holzer, Maher, DeMilio & Lee, hereby note an Appeal to the County Board of Appeals from the decision rendered by the Deputy Zoning Commissioner in the above matter on June 24, 1993 granting the Petition for Special Exception.

*J. Carroll Holzer*  
J. CARROLL HOLZER, P.A.  
305 W. Chesapeake Avenue  
Suite 105  
Towson, Maryland 21204  
(410) 825-6961  
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of July, 1993, a copy of the foregoing Notice of Appeal was sent, postage prepaid, to Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, Maryland 21204 and Baltimore County Board of Appeals, Basement, Old Courthouse, Towson, Maryland 21204.

appeals-2/canbo.jch

LAW OFFICES  
HOLZER, MAHER, DEMILIO & LEE  
305 W. CHESAPEAKE AVENUE  
SUITE 105  
TOWSON, MARYLAND  
21204  
(410) 825-6960  
FAX (410) 825-6964

JUL 26 1993

ZADM

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND VARIANCE - NE/S Old York Rd., \* DEPUTY ZONING COMMISSIONER  
1128' NW of Lentz Road \* OF BALTIMORE COUNTY  
(21133 Old York Road) \* CASE NO. 93-264-XA  
7th Election District  
3rd Councilmanic District

Steven Wilson  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception and a Petition for Variance filed by the owner of the subject property, Steven Wilson, and the Contract Lessee, AAT Communications Corporation, by George Brennan, Special Project Manager. The Petitioners were represented by Francis X. Borgerding, Jr., Esquire. The Petitioners request a special exception to permit a wireless transmitting and receiving facility on the subject property, zoned R.C. 2, pursuant to Section 1A01.2.C.23 of the Baltimore County Zoning Regulations (B.C.Z.R.), and a variance from Section 502.7.C.2 of the B.C.Z.R. to permit a tower setback from the special exception area of 208 feet in lieu of the required 500 feet, all as more particularly described on Petitioner's Exhibit 3.

Appearing on behalf of the Petition were Steve Wilson, property owner, George Brennan, Special Project Manager for AAT Communications Corporation, the Contract Lessee, and Leo Rader, Registered Land Surveyor. The Petitioners were represented by Francis X. Borgerding, Jr., Esquire. Appearing as Protestants in the matter were Dr. and Mrs. Richard W. McQuaid of the Maryland Line Area Association, Inc., and Martha S. Hackett of the Citizens' Alliance of Northern Baltimore County, Inc.

ORDER RECEIVED FOR FILING  
Date \_\_\_\_\_  
By \_\_\_\_\_

Testimony indicated that the subject property, known as 21133 Old York Road, consists of 38.739 acres, more or less, zoned R.C. 2, and is improved with a single family dwelling and accessory dairy farm. Said property is part of a larger tract of land which has been in the Petitioner's family for many years. The area for which the special exception use has been requested consists of 5.000 acres, zoned R.C. 2 and is located in approximately the center of the 38.739 acre tract. The Petitioner has entered into a 20-year lease agreement with AAT Communications Corporation, Inc., the Contract Lessee, to lease the subject 5.000 parcel. The Petitioners propose to develop the property with an antenna support structure for a wireless transmitting and receiving facility in accordance with Petitioner's Exhibit 3, a site plan of the property.

Mr. George Brennan testified on behalf of AAT Communications Corporation. He testified that he is employed by AAT and is responsible for locating radio transmitters. Mr. Brennan testified that AAT is in the business of providing paging and voice and data communications. He testified that the pagers that will be serviced by the proposed radio tower are the type that doctors wear at various hospitals located in and around Baltimore. Mr. Brennan testified that the current tower from which his company operates is located on nearby property owned by George's Transfer and Rigging. He testified that that property is proposed for development which would in all probability eliminate the tower. He further testified that that tower is approximately 30 years old and is in need of maintenance and repair. Mr. Brennan testified that AAT tried to purchase that tower and the surrounding land but were unsuccessful. He testified that after an exhaustive search of the surrounding area, he was able to locate the subject 5.00 acre parcel.

ORDER RECEIVED FOR FILING  
Date \_\_\_\_\_  
By \_\_\_\_\_

Mr. Steve Wilson appeared and testified on behalf of himself and his family. Mr. Wilson testified that he is on the Board of Directors for the Maryland Line Area Association, Inc. He stated that he has operated a dairy farm on the subject site for many years and that he also farms the surrounding land. Testimony indicated that Mr. Wilson reached an agreement with AAT to continue farming the 5.00 acres which are the subject of this special exception request. Mr. Wilson testified that due to the current economic climate, the 20-year lease agreement he has entered into with AAT will in effect save his farm and allow him to continue farming the subject property. He testified that without this 20-year lease, he would probably lose the farm which has been in his family for many years.

Appearing and testifying in opposition to the Petitioner's request was Martha Hackett. Ms. Hackett is associated with the Citizens' Alliance of Northern Baltimore County, Inc. She testified that she is opposed to the granting of the special exception and variance request because she believes that there are already too many towers in the northern part of the County. She also believes that the tower will have an adverse effect on animals and people. Although she could offer no direct proof of any health problems associated with these towers, she believes that there is a high rate of cancer associated with them. She also testified that this land should continue to be used as farm land.

Dr. Richard McQuaid appeared and testified in opposition to the Petitioners' request. Dr. McQuaid testified that he is concerned about vandalism on this particular tower or that someone might cut one of the guy wires that support this structure. He also believes that the radio emissions create a health hazard to animals and people who live nearby.

- 3 -

He testified that there is a high rate of cancer in this particular area of Baltimore County.

As part of the testimony offered by the Petitioners, Mr. Brennan submitted as Petitioner's Exhibit 5, an environmental study performed by the Scinetics Corporation. Mr. Brennan testified that this study has determined that there will be no adverse health consequences as a result of the proposed radio tower.

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 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 adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

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

- 4 -

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.

In addition to satisfying the requirements of Section 502.1 of the B.C.Z.R., the Petitioner has the additional burden of satisfying the requirements of Section 502.7.C.1 through 11. I find that the Petitioner has satisfied the requirements set forth therein.

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, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or struc-

- 5 -

ture which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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 and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24<sup>th</sup> day of June, 1993 that the Petition for Special Exception to permit a wireless transmitting and receiving facility on the subject property, zoned R.C. 2, pursuant to Section 1A01.2.C.23 of the Baltimore County Zoning Regulations (B.C.Z.R.), and a variance from Section 502.7.C.2 of the B.C.Z.R. to permit a tower setback distance of 208 feet from the special exception area in lieu of the minimum required 500 feet, in accordance with Petitioner's Exhibit 1, 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) The special exception relief granted herein is limited to that 5,000 acre parcel more specifically identified on Petitioner's Exhibit 3.
- 3) Prior to the issuance of any building permits, the Petitioners shall submit a landscape plan for

- 6 -

review and approval by the Landscape Architect for Baltimore County.

- 4) In the event the subject tower is no longer in use, it shall be the responsibility of AAT or this property owner to remove said structure.
- 5) Compliance with all requirements and conditions set forth in Section 502.7.C.1 through 11, inclusive.
- 6) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TNK:bjs

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 24, 1993

(410) 887-4386

Francis X. Borgerding, Jr., Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
NE/S Old York Road, 1128' NW of Lentz Road  
(21133 Old York Road)  
7th Election District - 3rd Councilmanic District  
Steven Wilson, Legal Owner and  
AAT Communications Corp., Contract Lessee - Petitioners  
Case No. 93-264-XA

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TNK:bjs

cc: Dr. & Mrs. Richard W. McQuaid  
1501 Harris Mill Road, Parkton, Md. 21120

Ms. Martha S. Hackett  
20815 West Liberty Road, White Hall, Md. 21161

People's Counsel

File

- 7 -



## Petition for Special Exception

93-264-XA  
to the Zoning Commissioner of Baltimore County

for the property located at 21133 Old York Road, Parkton, MD 21120  
which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 Regulations of Baltimore County, to use the herein described property for special exception under Section 1A01.2.C.23 to permit a wireless transmitting and receiving facility in an RC-2 zone.

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.

Contract Purchaser/Lessee

AAT Communications Corporation

(Type or Print Name)

By: *George Brennan*

Signature: *George Brennan*

Special Project Manager

30 Campus Plaza

Edison New Jersey 08837

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode



## Petition for Variance

93-264-XA  
to the Zoning Commissioner of Baltimore County

for the property located at 21133 Old York Road, Parkton, MD 21120  
which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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(s) 502.7.C.2 to permit a tower setback of 208' in lieu of the required 500'. (Variance distance is from end of EAB, not required special exception area not property line. Distance to property line meets required requirements)

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

1. Variance distance is from end of requested special exception area not property line. Distance to property line meets regulation requirements and as such request is in conformance with the spirit and intent of the Zoning Regulations;
2. Shape and configuration of property;
3. Such other and further reasons to be presented at hearing.

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.

Contract Purchaser/Lessee

AAT Communications Corporation

(Type or Print Name)

By: *George Brennan*

Signature: *George Brennan*

Special Project Manager

30 Campus Plaza

Edison New Jersey 08837

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

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.

Contract Purchaser/Lessee

AAT Communications Corporation

(Type or Print Name)

By: *George Brennan*

Signature: *George Brennan*

Special Project Manager

30 Campus Plaza

Edison New Jersey 08837

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

Address

City State Zipcode

274  
LEO W. RADER 93-264-XA  
REGISTERED PROFESSIONAL SURVEYOR  
HYDROGRAPHY TOPOGRAPHY SUBDIVISION ENGINEERING  
GEODESY TITLE SURVEYS LAND PLANNING  
38 Belfast Road - Timonium, Maryland 21093 Phone: (410) 252-2920  
ZONING DESCRIPTION January 11, 1993  
AAT COMMUNICATIONS CORPORATION  
BEGINNING for the same on the southwest side of a square parcel of land containing 5.000 acres and in the centerline of the northeast end of a proposed 20 foot wide Right of Way for ingress and egress, said place of beginning being located by the four following lines respectively, viz: 1128 feet more or less measured along the northeast side of Old York Road from the centerline of Lentz Road to the centerline of an existing driveway, binding on the centerline of said 20 foot wide Right of Way North 46 degrees 30 minutes 07 seconds East 136.06 feet, North 63 degrees 00 minutes 00 seconds East 167.43 feet and North 38 degrees 53 minutes 35 seconds East 25.70 feet; thence binding on the outlines of the abovementioned 5.000 acres North 51 degrees 06 minutes 25 seconds West 233.35 feet, North 38 degrees 53 minutes 35 seconds East 466.70 feet, South 51 degrees 06 minutes 25 seconds East 466.70 feet, South 38 degrees 53 minutes 35 seconds West 466.70 feet and North 51 degrees 06 minutes 25 seconds West 233.35 feet to the place of beginning.  
CONTAINING 5.000 acres.



CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland  
District: 7th  
Date of Posting: 7/24/93  
Posted for: Appeal  
Petitioner: Steven Wilson - AAT Communications Corp.  
Location of property: NE/4 Old York Rd., (2112)  
Location of Sign: Facing roadway at entrance to area to be appealed.  
Remarks: *Nothing*  
Posted by: *Nothing*  
Date of return: 8/6/93  
Number of Signs: 1

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland  
District: 7th  
Date of Posting: 7/24/93  
Posted for: Special Exception Variance  
Petitioner: Steven Wilson - AAT Communications Corp.  
Location of property: NE/4 Old York Rd., 1128' NW of Lentz Rd.  
21123 Old York Rd.  
Location of Sign: Facing roadway at property of Petitioner.  
Remarks: *Nothing*  
Posted by: *Nothing*  
Date of return: 7/24/93  
Number of Signs: 2

# CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/18 1993  
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 7/18 1993

THE JEFFERSONIAN,

S. Zeke Orlov  
Publisher

receipt  
Baltimore County  
Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Date: 2/05/93  
Account: R-001-6150  
Number: H7300274  
PUBLIC HEARING FEES QTY PRICE  
NEW ZONING VARIANCE (OTHER) 1 X \$250.00  
SPECIAL EXCEPTION 1 X \$300.00  
TOTAL: \$550.00  
LAST NAME OF OWNER: WILSON  
04A04#0070MICHRC \$550.00  
BA C010:12AM02-05-93  
Please Make Checks Payable To: Baltimore County  
Cashier Validation

BALTIMORE COUNTY, MARYLAND  
OFFICE OF REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
8360  
DATE: 7/20/93  
ACCOUNT: R-001-6150  
AMOUNT: \$ 550.00  
RECEIVED FROM: CITIZEN ALLIANCE OF BALTIMORE CO. INC.  
FOR: Balance Due - 7/20/93  
21123 Old York Rd.  
04A04#0070MICHRC \$250.00  
BA C010:12AM02-05-93  
VALIDATION OF SIGNATURE OF CASHIER  
CASHIER: FEE: AMOUNT: YELLOW: OTHER:

receipt  
Baltimore County  
Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Date: 7/24/93  
Account: R-001-6150  
Number: H7300274  
PUBLIC HEARING FEES QTY PRICE  
NEW ZONING VARIANCE (OTHER) 1 X \$250.00  
SPECIAL EXCEPTION 1 X \$300.00  
TOTAL: \$550.00  
LAST NAME OF OWNER: WILSON  
04A04#0070MICHRC \$550.00  
BA C010:12AM02-05-93  
Please Make Checks Payable To: Baltimore County  
Cashier Validation

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DATE: 2-19-93

AAT Communications Corporation  
30 Campus Place  
Edison, New Jersey 08837  
ATTN: GEORGE BRENNAN

RE: CASE NUMBER: 93-264-XA (Item 274)  
NE/4 Old York Road, 1128' NW of Lentz Road  
21133 Old York Road  
7th Election District - 3rd Councilmanic  
Legal Owner(s): Steven Wilson  
Contract Purchaser(s): AAT Communications Corporation  
HEARING: THURSDAY, MARCH 11, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 60.27 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL BE FORFEIT. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via registered mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON  
DIRECTOR

cc: Francis X. Borgerding, Jr.

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

FEBRUARY 10, 1993

## 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-264-XA (Item 274)  
NE/4 Old York Road, 1128' NW of Lentz Road  
21133 Old York Road  
7th Election District - 3rd Councilmanic  
Legal Owner(s): Steven Wilson  
Contract Purchaser(s): AAT Communications Corporation  
HEARING: THURSDAY, MARCH 11, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception to permit a wireless transmitting and receiving facility.  
Variance to permit a tower setback of 208 feet in lieu of the required 500 feet.

Arnold Jablon  
Director

cc: Steven Wilson  
AAT Communications Corporation  
Francis X. Borgerding, Jr.

NOTE: HEARINGS ARE INDICATED BY ACRONYM; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

March 19, 1993

## NOTICE OF REASSIGNMENT

CASE NUMBER(S): 93-264-XA  
LEGAL OWNER: Steven Wilson  
PETITIONER: AAT Communications Corporation  
LOCATION: 21133 Old York Road

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

WEDNESDAY, APRIL 21, 1993 at 10:00 a.m.

IN THE BALTIMORE COUNTY COURTHOUSE, ROOM 118, 400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

Arnold Jablon  
DIRECTOR

cc: Steven Wilson  
AAT Communications Corporation  
Francis X. Borgerding, Jr.

\*P.S.: Frank, Enclosed please find a new date sticker to be placed on the zoning notice sign. It must be placed on the sign on or before April 6, 1993.

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

APRIL 5, 1993

## NOTICE OF REASSIGNMENT

Rescheduled from March 11, 1993 and April 21, 1993  
CASE NUMBER: 93-264-XA (Item 274)  
NE/4 Old York Road, 1128' NW of Lentz Road  
21133 Old York Road  
7th Election District - 3rd Councilmanic  
Legal Owner(s): Steven Wilson  
Contract Purchaser(s): AAT Communications Corporation

Special Exception to permit a wireless transmitting and receiving facility.  
Variance to permit a tower setback of 208 feet in lieu of the required 500 feet.

HEARING: THURSDAY, MAY 6, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Arnold Jablon  
DIRECTOR

cc: Steven Wilson  
AAT Communications Corporation  
Francis X. Borgerding, Jr., Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 3, 1993

Francis X. Borgerding, Jr., Esquire  
409 Washington Avenue STE 600  
Towson, MD 21204

RE: Case No. 93-264-XA, Item No. 274  
Petitioner: Steven Wilson, et al  
Petition for Special Exception and Variance

Dear Mr. Borgerding:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on February 9, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

2-18-93

Re: Baltimore County  
Item No. + 274 (JLL)

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small  
for John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: February 18, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 265, 270, 271, 272, 273, 274, 277, and 278.

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 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

265.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: Feb. 18, 1993

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: Feb. 16, 1993

There are no comments on item numbers 265, 266, 269,  
270, 271, 272, 273, 274, 277 and 278.

Rahee J. Famili  
Traffic Engineer II

RJF/lvd

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

FEBRUARY 19, 1993

(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: STEVEN WILSON

Location: #21133 OLD YORK ROAD

Item No.: +274 (JLL) Zoning Agenda: FEBRUARY 16, 1993

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.

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: Carl J. Jaffer  
Planning Group  
Special Inspection Division

JP/KEH

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

July 28, 1993

(410) 887-3353

Francis X. Borgerding, Jr., Esquire  
409 Washington Avenue, Suite 600  
Towson, MD 21204

RE: Petition for Special Exception (\*\*only)  
NE/S Old York Road  
(21133 Old York Road)  
7th Election District  
3rd Councilmanic District  
Steven Wilson, Legal Owners and AAT  
Communications Corp., Contract Lessee-Petitioner  
Case No. 93-264-XA

Dear Mr. Borgerding:

Please be advised that an appeal for the Special Exception portion of the above-referenced case was filed in this office on July 26, 1993 by J. Carroll Holzer, Esquire. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

Carl J. Jaffer  
ARNOLD JABLON  
Director

AJ:jaw

c: J. Carroll Holzer, Esquire  
Dr. & Mrs. Richard W. McQuaid  
Ms. Martha S. Hackett  
People's Counsel

APPEAL

Petition for Special Exception (\*\*only)  
NE/S Old York Road  
(21133 Old York Road)  
7th Election District - 3rd Councilmanic District  
Steven Wilson, Legal Owners and  
AAT Communications Corp., Contract Lessee-PETITIONER  
Case No. 93-264-XA

Petition(s) for Special Exception (\*\*appealed only)

Petitions(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Zoning Map A-2

2 - Geological Survey Map

3 - Plat to Accompany Special Exception  
and Variance

4 - Proposed Transmitter Relocation  
and Photographs

5 - Evaluation of Radio Emissions

Protestant's Exhibits: 1 - Letter dated May 6, 1993

2 - Protest letter dated May 4, 1993

3 - Letter dated April 5, 1993

Deputy Zoning Commissioner's Order dated June 24, 1993 (granted)

Notice of Appeal received on July 26, 1993 from J. Carroll Holzer

c: J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Suite 105,  
Towson, MD 21204  
Dr. & Mrs. Richard W. McQuaid, 1501 Harris Mill Road,  
Parkton, MD 21120  
Ms. Martha S. Hackett, 20815 West Liberty Road,  
White Hall, MD 21161  
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  
Timothy M. Kotroco, Deputy Zoning Commissioner  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Director of ZADM

7/23/93 -Notice of Assignment for hearing scheduled for Tuesday,  
December 14, 1993 at 10:00 a.m. sent to following:

J. Carroll Holzer, Esquire  
Francis X. Borgerding, Jr., Esq.  
George Brennan -AAT  
Communications Corp.  
Steven Wilson  
Dr. & Mrs. Richard W. McQuaid  
Ms. Martha S. Hackett  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

12/14/93 -Hearing begun before the Board; continued for additional dates as agreed  
by parties as to availability, etc. Notices to be sent.

12/15/93 -Notice of Assignment sent to above parties; hearing continued for Day #2  
to Tuesday, March 15, 1994 at 9:00 a.m. for a full day and to Wednesday,  
March 16, 1994 at 10:00 a.m. for one-half day only to be used if needed.  
Copy of notice also sent to panel members.

3/14/94 -I/C from Frank Borgerding, Jr., Esquire -to alert Board to current status  
of this case; due to circumstances may be requesting postponement on  
record for 3/15/94 and 3/16/94 dates; is in process of contacting  
Counsel for Appellants/Protestants (Carroll Holzer) and People's Counsel.

3/14/94 -T/C and letter from Frank Borgerding --no objection to postponement by  
either Holzer or Zimmerman; needs additional time to possibly resolve  
issue re location of tower which, if worked out, would resolve entire  
matter and negate necessity of hearing before Board.  
- Confirmed same with Carroll Holzer and Pete Zimmerman; contacted M. Sauer,  
Acting Chairman; will be granted on record 3/15/94 (Borgerding to appear  
to make request; Zimmerman also will attend; Carroll Holzer will not);  
also contacted R. Schuetz and H. Buchheister to bring them up to date on  
case status; postponement to be granted on record at 9:00 a.m. on  
3/15/94, at request of Counsel for Petitioner and without objection by  
Protestants or People's Counsel.

3/15/94 -Postponed on the record by request of Counsel for Petitioner. Case reset  
to June 14, 1994. Notices to be sent to parties.

- Notice of Assignment /Postponed Hearing sent to parties; case reset to  
Tuesday, June 14, 1994 at 10:00 a.m.

6/14/94 -Hearing concluded; closing argument received by Board; to be deliberated  
on Tuesday, June 28, 1994 at 9:00 a.m. (SRB); notice of deliberation to  
be sent to parties. Notice of Deliberation sent to parties and Board.

6/28/94 -Deliberated publicly; Petition for SE and VAR to be GRANTED. Opinion to be  
issued; appellate period to run from date of written order.



Letter m for ~~the~~ exemption status  
2/5/93 (filing date)  
Probably exempt but not verified until  
A.J. responds.

LETTER OF TRANSMITTAL

DATE: 1-12-93 JOB NO. 1000-1001

TO: John Lewis

FROM: Dinenna and Breschi

SUBJECT: Wireless transmitting and receiving facility in an R.C. 2 zone

WE ARE PROVIDING YOU the following items:

☐ Blueprints ☐ Photo ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐

REMARKS: 12 Plans, 2 descriptions, zoning plat

END CALL TO DICK RADER 1/21/93. STILL NO CONTACT FROM R.T. NEWELL TELL LEO. THIS REG. IS INCOMPLETE. LATE NO PAYMENT OF PETITIONS. WHICH WAS WHAT LEO INTENDED WHEN HE REQUESTED I WOULD THEM FOR THE PET. REF. FILING APPT. 1/21/93. RADER TO BE SCHEDULED FOR 1/21/93. RADER TO BE SCHEDULED FOR 1/21/93. RADER TO BE SCHEDULED FOR 1/21/93.

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit ☐ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit ☐ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return ☐ corrected prints

☐ For review and comment ☐

☐ FOR BIDS DUE 19 ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS: Above package to be left in care of John Lewis.

FOR FILING BY George Brennan -

AAT Communications Corporation.

Appointment to be made promptly by George Brennan.

COPY TO: LEO W. RADER

DINENNA AND BRESCHI

ATTORNEYS AT LAW

GEORGE A. BRESCHI

FRANCIS X. BORGERDING, JR.

ROBERT A. BRESCHI

MERCANTILE BLDG., SUITE 800

400 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(410) 252-2920

FAX (410) 252-2920

RECEIVED

MAR 4 1993

ZONING OFFICE

RECEIVED

MAR 2 - 1993

ZONING COMMISSIONER

March 2, 1993

The Honorable Lawrence Schmidt

Zoning Commissioner for Baltimore County

Old Court House

400 Washington Avenue

Towson, Maryland 21204

RE: Case No.: 93-264-XA (Item 274)

21133 Old York Road

Seventh Election District-3rd

Councilmanic District

Legal Owner: Steven Wilson

Contract Purchaser: AAT Com-

munications Corporation

Hearing: Thursday, March 11, 1993

at 9:00 A.M.

Dear Mr. Commissioner:

I am writing this correspondence to request a postponement of the above-referenced hearing on behalf of my clients, AAT Communications Corporation. The reason for the request for postponement is that I am scheduled to appear on March 11, 1993 at 9:00 A.M. in the District Court of Maryland for Baltimore County sitting in Dundalk in regard to the case of Evelyn Bailey v. Adele Lombardi, Case Number 20540-92. At this time, my client is not aware of any protests concerning this matter but my client will attempt to notify anyone who may be interested in this proceeding of its request for postponement concerning this matter.

If a postponement is granted, my client would request this matter be set in as soon as your schedule permits. Thank you very much for your cooperation concerning this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk

cc: AAT Communications Corporation

3/8/93 - PP granted. I think the stickers for sign looking for A.J.

DINENNA AND BRESCHI

ATTORNEYS AT LAW

GEORGE A. BRESCHI

FRANCIS X. BORGERDING, JR.

ROBERT A. BRESCHI

MERCANTILE BLDG., SUITE 800

400 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(410) 252-2920

FAX (410) 252-2920

RECEIVED

MAR 23 1993

ZADM

March 26, 1993

Mr. Arnold Jablon

Director

Baltimore County Government

Office of Zoning Administration

and Development Management

111 W. Chesapeake Avenue

Towson, Maryland 21204

RE: Case No. 93-297-A

Petitioner: Myers Brothers Realty Co., Inc.

Hearing Date: Wednesday, April 21, 1993

at 9:00 a.m.

Case No. 93-264-XA

Petitioner: AAT Communications Corporation

Hearing Date: Wednesday, April 21, 1993

at 10:00 a.m.

Dear Mr. Jablon:

Pursuant to my conversation of today with Gwen Stevens, I am writing to request a postponement of both of the above-referenced matters. Reference is made to my March 25, 1993 correspondence requesting a postponement of Case No. 93-297-A due to the scheduling of the above-referenced hearings back to back. I failed to realize, due to my own inadvertence at the time that the above-referenced request was forwarded, that on April 21, 1993 I will be in Dallas, Texas in preparation for my wedding which is scheduled to occur in Dallas on April 24, 1993. I did not realize my mistake until reviewing my calendar last night. Accordingly, I am requesting that both of the above-referenced matters be postponed.

I apologize for any inconvenience that this request will cause your office; however, under the circumstances, I must respectfully submit this request. If these matters are postponed, I will have my clients contact all persons known to be interested

DINENNA AND BRESCHI

ATTORNEYS AT LAW

GEORGE A. BRESCHI

FRANCIS X. BORGERDING, JR.

ROBERT A. BRESCHI

MERCANTILE BLDG., SUITE 800

400 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(410) 252-2920

FAX (410) 252-2920

OF COUNSEL

JENKINS & AWALT

March 14, 1994

County Board of Appeals

of Baltimore County

Room 48

Court House

400 Washington Avenue

Towson, Maryland 21204

RE: Case Number: 93-264-XA

Hearing Date: March 15, 1994 @ 9:00 A.M.

Gentlemen/Ladies:

The purpose of this correspondence is to request a postponement of the above-referenced matter which is scheduled for hearing tomorrow, March 15, 1994. The reason for the request for postponement is that my client, AAT Communications Corporation, recently received correspondence from Doug Robison, President of Maryland Blue Stone, Inc., indicating that Maryland Blue Stone may now be willing to negotiate to allow AAT to continue to operate from a proposed relocated tower on the property Maryland Blue Stone purchased from George's Transfer and Rigging Company.

Despite its best efforts, as testified to by George Brennan, of AAT Communications, on December 14, 1993, AAT was unable to have Maryland Blue Stone commit to allow AAT to continue to operate from its present site. This has left AAT in a month to month tenancy.

AAT is requesting a postponement to allow additional time to attempt to negotiate in good faith with Maryland Blue Stone to see if AAT can continue to operate from its present site. With the additional time requested, it is possible that a solution acceptable to all parties in this action may be found.

Under the circumstances, Protestants' counsel, J. Carroll Holzer, Esquire and People's Counsel, Peter Zimmerman, Esquire, do not oppose a postponement of this matter. My apologies for any inconvenience this late request may cause the Board.

94 MAR 14 PM 12:55

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

Case No. 93-264-XA

NAME ADDRESS

Dr. Richard W. McDougal 1501 Morris Hill Rd. Parkton, MD

Maryland Line Area Association, Inc. 20215 West Liberty Rd. White Hall, MD

Blasie, J. J. 1501 Morris Hill Rd. Parkton, MD

nd. son the case, Inc. 21204

