



Baltimore County
Department of Permits and
Development Management

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

November 26, 1996

Supplemental
Case #94-317-A

Mr. Kevin L. Mason
Zoning Manager
Entel Technologies, Inc.
1110 North Glebe Road
Suite 850
Arlington, VA 22201

RE: Second Spirit and Intent Letter
American PCS, L.P. (APC)
Zoning Case #94-317-A
13th Election District

Dear Mr. Mason:

The staff approves this second change since the zoning hearing as being within the spirit and intent of the order and plan in zoning case #94-317-A (and will not require an additional zoning hearing), based on the fact that no protestants were present at the hearing nor was opposition to the variance noted in the zoning hearing file. This approval is subject to the following conditions:

1. The size and location of the following additions will not change:

Six (6) panel antennas measuring 48" in height x 6.1" in width x 2.8" in depth to be mounted along the middle rib of the tank.

Three (3) equipment cabinets measuring approximately 60" in height x 30" in width x 30" in depth placed on the ground at the base of the tank.
2. Include a copy of this response and latest approved plan, along with any future correspondence.
3. Everyone understands that should any party be aggrieved by this decision, they may request a zoning special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations.
4. Any future changes will require a zoning special hearing to amend the zoning case and plan.



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on Recycled Paper



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Department of Permits and
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Towson, Maryland 21204

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Printed with Soybean Ink
on Recycled Paper



November 22, 1996

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96-6031
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Mr. Arnold Jablon
Baltimore County
Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Re: Zoning Case No. 94-317-A
NBC - Good Shepherd School
American PCS, L.P. CBN008

Dear Mr. Jablon:

Enclosed are two (2) copies of a site plan for the Good Shepherd Water Tank in Halethorpe. This water tank was the subject of Zoning Case No. 94-317-A in which Nextel requested variances to permit a wireless transmitting and receiving structure in an ML Zone within 25 feet of a residential zone and to permit a front yard of 25 feet in lieu of the required 75 feet. The requested relief was granted by an order dated April 7, 1994, subject to the following restriction:

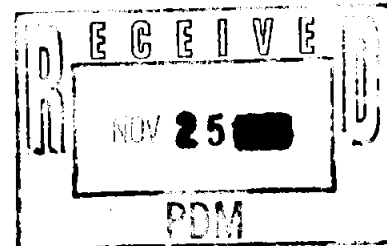
1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

On June 14, 1994 you received a letter from Michael T. Maguire of Daft-McCune-Walker, Inc. (DMW) indicating that the property owner had entered into a lease with a second wireless communications provider who also desired to place antennae on the water tank. Mr. Maguire requested a determination that the additional telecommunications facility (antennae and ground based equipment cabinets) were within the spirit and intent of the original zoning order granting the variances for the Nextel facility. A copy of the request letter with your response is enclosed herewith.

The second wireless communication provider, American PCS, L.P (APC), would now like to upgrade its existing telecommunication facility by adding the following equipment:

- Six (6) panel antennas measuring 48" in height x 6.1" in width x 2.8" in depth to be mounted along the middle rib of the tank.
- Three (3) equipment cabinets measuring approximately 60" in height x 30" in width x 30" in depth placed on the ground at the base of the tank.

1110 North Glebe Road, Suite 850 • Arlington, VA 22201
(703) 741-1300 • FAX (703) 812-8700

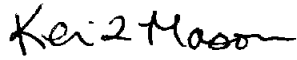


Mr. Arnold Jablon
Page 2
November 22, 1996

We respectfully request that you review the enclosed plan and confirm our opinion that the expansion of the existing APC facility at the Good Shepard Water tank falls within the spirit and intent of the original zoning order granting the variances for Nextel. Our check in the amount of \$40 is enclosed. (We have also applied to the Development Review Committee requesting a limited exemption from the Development Regulations.)

Thank you for your consideration. Should you have any questions or require further information regarding this matter, please call me at (703) 741-3887.

Sincerely,



Kevin L. Mason
Zoning Manager, Entel Technologies, Inc.
agent for American PCS, L.P.

Enclosures

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

No. 028509

DATE 11/26/96 ACCOUNT 001-6150

AMOUNT \$ 40.00 (WCR)

RECEIVED FROM: American Personal Communications

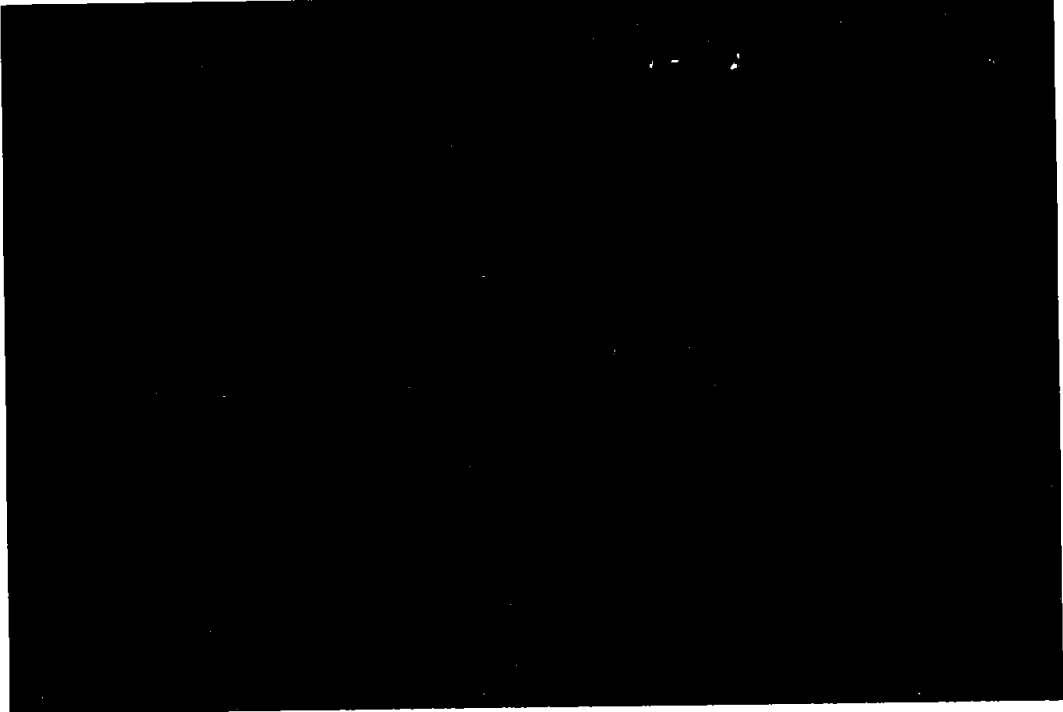
#710 - VERIFICATION

Good Shepherd School

FOR: Zoning Case #94-317-A

01ADD00325MICHRC \$40.00
BA 0009:22AM11-27-96

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER





November 22, 1996

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Mr. Arnold Jablon
Baltimore County
Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

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NBC - Good Shepherd School
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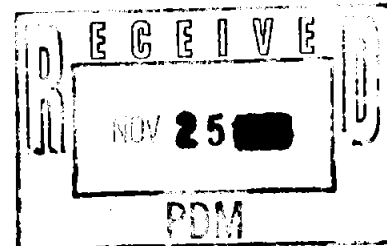
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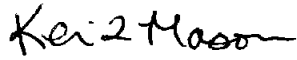


Mr. Arnold Jablon
Page 2
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Zoning Manager, Entel Technologies, Inc.
agent for American PCS, L.P.

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FOR: Zoning Case #94-317-A

01ADD00325MICHRC

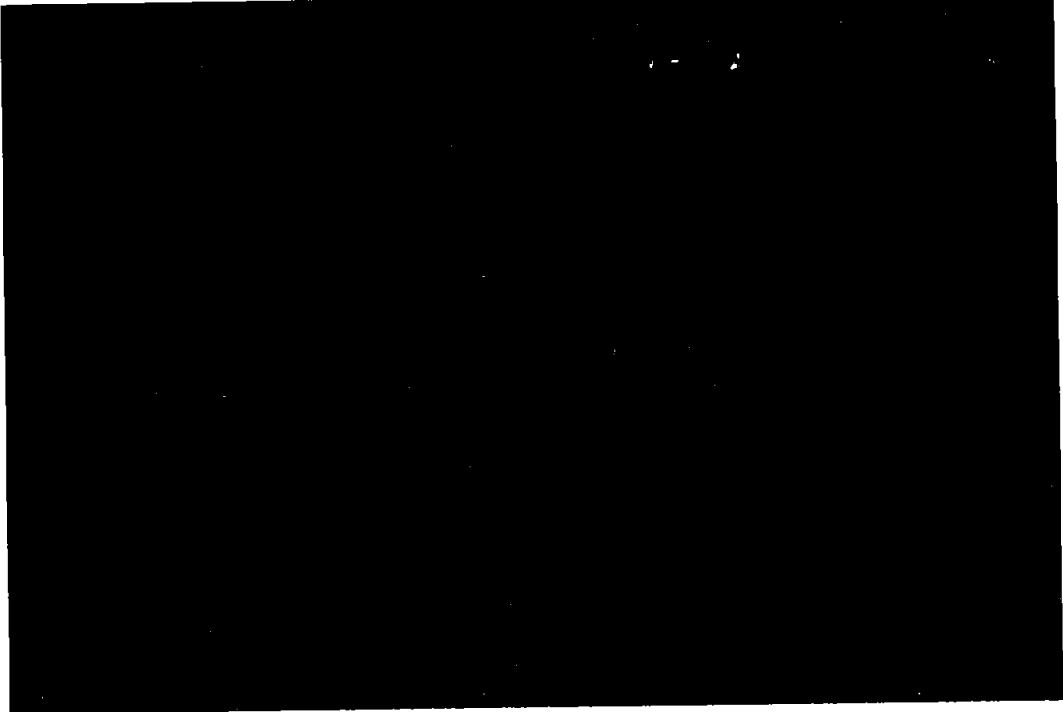
\$40.00

BA 0009:22AM11-27-96

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER



cc: _____ Signed Bob M...

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: 3/6/94

Posted for: Kennice

Petitioner: Angela Shepherd School - Nextel Communications

Location of property: 4100 Maple Ave. N. 1st & 2nd - Subj. Suburban R.R.

Location of Sign: Posting - 2nd St. at property - 4100 Maple Ave.
Behind entrance at end of Maple Ave.

Remarks:

Posted by: Matthew Date of return: 3/1/94

Number of Signs: 1

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6188
Number: 319

Date: 10-15-94

NEXTEL COMMUNICATIONS
4100 MAPLE AVE. BALTO MD, 21227

020 - VARIANCE - \$ 285.00
050 - POSTING - \$ 35.00
TOTAL - \$ 320.00

94-317-A

Cashier Validation

30403M0033MICARC \$285.00
30402152PM02-15-94

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

94-317-A

(410) 887-3353

DUE DATE: CLOSING DATE or HEARING DATE

INVOICE

G. Scott Barhight, Esq.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

CASE NUMBER/PROJECT NAME: 94-317-A

(1) Zoning Notice Sign and Post Set(s) @ \$60.00/set = \$60.00 Due*

(In lieu of payment, we ask that you make use of the following waiver)

INVOICE WAIVER

CASE NUMBER/PROJECT NAME: 94-317-A

Returned _____ Zoning Notice Sign and Post Set(s).

DATE _____ for ZADM

*Amount Due waived upon return of the COMPLETE sign and post set(s).
When you return same, bring this form with you.

Printed with Soy-based Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

94-317-A

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors/property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl J. Jaron
ARNOLD JARON, DIRECTOR

For newspaper advertising:

Item No.: 319

Petitioner: Nextel Communications of the Mid Atlantic

Location: Halethorpe: Good Shepherd School, 4100 Maple Avenue, Baltimore, MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

NAME: G. Scott Barhight

ADDRESS: 210 West Pennsylvania Ave
TOWSON, MD 21204

PHONE NUMBER: 632-2000

AJ:ggg (Revised 04/09/93)

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 3, 1994

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 March 3, 1994.

THE JEFFERSONIAN,
G. H. HENNINGSON
LEGAL AD. - TOWSON

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 identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE: 94-317-A
Date: March 15, 1994
Time: 2:00 p.m.
Location: Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

Subject: Nextel Communications of the Mid-Atlantic, Inc.
Request: House of the Good Shepherd of the City of Baltimore Contract Purchase(s): Nextel Communications of the Mid-Atlantic, Inc.

NOTES: (1) Hearings are held on Wednesdays at 2:00 p.m. in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204. (2) Petitioners are requested to bring three copies of their petition to the hearing. (3) Petitioners are requested to bring three copies of their petition to the hearing. (4) Petitioners are requested to bring three copies of their petition to the hearing.

Item Number: 319
Planner: RT
Date Filed: 2-15-94

PETITION PROCESSING FLAG

94-317-A

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney _____

The following information is missing:

- ☒ Descriptions, including accurate beginning point
- ☐ Actual address of property
- ☐ Zoning
- ☐ Acreage
- ☐ Plats (need 12, only 1 submitted)
- ☐ 200 scale zoning map with property outlined
- ☐ Election district
- ☐ Councilmanic district
- ☐ BCZR section information and/or wording
- ☐ Hardship/practical difficulty information
- ☒ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☐ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- ☒ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- ☐ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- ☐ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☐ Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (XTXSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

94-317-A

(410) 887-3353

FEBRUARY 28, 1994

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 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-317-A (Item 319)
4100 Maple Avenue -- The Good Shepherd School
80/8 Washington Boulevard, 80/8 Sulphur Spring Road
13th Election District - 1st Councilmanic
Legal Owner(s): House of the Good Shepherd of the City of Baltimore
Contract Purchase(s): Nextel Communications of the Mid-Atlantic, Inc.
HEARING: THURSDAY, MARCH 24, 1994 at 2:00 p.m., Rm. 118, Old Courthouse.

Variance to permit a wireless transmitting and receiving structure in a R.L. zone within 25 feet of a residential zone in lieu of the required 200 feet; and to permit a front yard of 25 feet in lieu of the required 75 feet.

Carl J. Jaron
Arnold Jaron
Director

cc: House of the Good Shepherd of the City of Baltimore
Nextel Communications of the Mid-Atlantic, Inc.
G. Scott Barhight, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE OF THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

March 16, 1994

(410) 887-3353

G. Scott Barhight, Esquire
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-317-A, Item No. 319
Petitioner: House of the Good Shepherd of the City of Baltimore, et al.
Petition for Variance

Dear Mr. Barhight:

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 15, 1994, 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 w/o 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

3-1-94

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

Re: Baltimore County
Item No: 4319(ET)

Dear Ms. Minton:

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 project.

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 **DAVID H. KANSEY, ACTING CHIEF**
John Conestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NW/S Washington Blvd., SW/S ZONING COMMISSIONER
Sulphur Spring Road *
4100 Maple Avenue * OF BALTIMORE COUNTY
13th Election District *
1st Councilmanic District * Case No. 94-317-A
Legal Owner: House of the Good Shepherd of the City of Balto.
Lessee: Nextel Communications *
of the Mid-Atlantic, Inc. * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 4100 Maple Avenue in the Halethorpe section of Baltimore County. The Petition is filed by the owner of the subject property, House of Good Shepherd of the City of Baltimore and their Lessee, Nextel Communications of the Mid-Atlantic, Inc. Variance relief is requested from Section 426.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a wireless transmitting and receiving structure in an M.L. zone within 25 ft. of a residential zone, in lieu of the required 200 ft. Also, a variance is sought from Section 243.1 of the B.C.Z.R. to permit a front yard setback of 25 ft. in lieu of the required 75 ft. The subject property and relief requested is more particularly shown on the site plan marked as Petitioner's Exhibit No. 1.

Appearing at the public hearing held for this case was Joseph Joyce, Robert Kuhn and Matt Foosaner, all on behalf of Nextel Communications of the Mid-Atlantic, Inc. Also present was Michael Maguire, a Registered Surveyor, who prepared the plan. The Petitioner/Lessee was represented by G. Scott Barhight, Esquire. There were no Protestants present.

Proffered testimony offered by the Petitioner/Lessee and its counsel was that Nextel Communications is a new entrant in the cellular communications industry in the Baltimore County area. As is the case with Cellular One and Bell Atlantic, Nextel will provide mobile communications in the

Mid-Atlantic region. It was noted, however, that Nextel offers digital communications, wireless facilities and data transmission services, unlike its competitors. As is the case with these providers, Nextel requires sites throughout the County on which to erect its transmitting and receiving antennas and related service buildings. In this case, testimony and evidence offered was that the Petitioner had undertaken a site search to locate its antenna facilities in the southwestern area of Baltimore County. After study, it was determined that the subject property was appropriate. This site is a 74.27 acre parcel which is split zoned M.L. and B.R. As noted above, the site is owned by the House of the Good Shepherd of the City of Baltimore and presently houses an existing school building and related facilities. One of the structures on the subject property is a water tower which serves this region. The Petitioner proposes placing three antennas on top of the 110 ft. high water tower tank in addition to a 10 ft. x 20 ft. x 10 ft. high unmanned modular building for telephone equipment. The building will be at the foot of the tower and will be an unmanned facility, needing only periodic service calls.

Testimony offered from Mr. Kuhn also related to the search for a proper site and the selection of this property. Mr. Kuhn indicated that the Petitioner seeks existing structures on which to place its antenna facilities so as to avoid the necessity of additional poles and increased visual pollution. Moreover, Mr. Kuhn discussed in some detail the effects of the tower on the surrounding population. An environmental impact statement was submitted by the Petitioner addressing these concerns and is marked as Petitioner's Exhibit No. 2. This impact statement which was submitted and approved by the Bureau of Air Quality and Waste Management within the Department of Environmental Protection and Resource Management

-2-

(DEPRM) discloses that the proposed use will not threaten the health, safety or general welfare of this community.

Lastly, testimony was received from Michael Maguire, the surveyor who prepared the plan. He described the subject property and surrounding locale. He also addressed the subject variances including the necessary setback variances. As he noted, the variances are internal to this site and are not measured from any property line. That is, the variances are calculated pursuant to the relevant portions of the B.C.Z.R. as they relate to the zoning line which bisects this property.

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 variances are 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 a practical difficulty or unreasonable hardship will result

-3-

if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, 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 variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be 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 should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of April, 1994 that a variance from Section 426.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a wireless transmitting and receiving structure in an M.L. zone within 25 ft. of a residential zone, in lieu of the required 200 ft., be and is hereby GRANTED; and:

IT IS FURTHER ORDERED that a variance from Section 243.1 of the B.C.Z.R. to permit a front yard setback of 25 ft., in lieu of the required 75 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

-4-

ORDER RECEIVED FOR FILING

Date 4/19/94
By [Signature]

ORDER RECEIVED FOR FILING

Date 4/19/94
By [Signature]

ORDER RECEIVED FOR FILING

Date 4/19/94
By [Signature]

ORDER RECEIVED FOR FILING

Date 4/19/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 5, 1994

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue
Towson Maryland 21204

RE: Petition for Zoning Variance
Lessee: Nextel Communications of the Mid-Atlantic, Inc.
Legal Owner: House of the Good Shepherd of the City of Balto.
Case No. 94-317-A

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above captioned cases. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

[Signature]
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.
cc: Messrs. Joseph Joyce, Robert Kuhn and Matt Foosaner
Nextel Communications of the Mid-Atlantic, Inc.



Petition for Variance 94-317-A to the Zoning Commissioner of Baltimore County

for the property located at 4100 Maple Avenue, Baltimore, MD 21227

which is presently zoned PR 5.5, BR, BR-CS-1, & ML

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)

See attached.

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

The proposed variances are necessary to allow this FAA mandated use and to alleviate hardship and/or practical difficulty upon the owner and the applicant. It should be noted that the boundaries giving rise to both variances are straddled on each side by applicant's property.

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.

Contact Purchaser/Lessee:

Nextel Communications of the
Mid-Atlantic, Inc.

[Signature]
9145 Guilford Road, Suite 200

Columbia, MD 21046

City State Zip

Agency for Petitioner:

G. Scott Barhight

[Signature]
210 W. Pennsylvania Avenue

Towson, MD 21204

City State Zip

Legal Owner(s):

House of the Good Shepherd of the
City of Baltimore

[Signature]
4100 Maple Avenue

Baltimore, MD 21227

City State Zip

Address and phone number of legal owner, contact partner or representative to be contacted.

G. Scott Barhight

210 W. Pennsylvania Avenue,

Towson, MD 21204

City State Zip

ESTIMATED LENGTH OF HEARING

On the following date: 3-15-94

At: 2:00 PM

HEARD BY: RJC

ITEM # 319

Petition for Variance
4100 Maple Avenue
Baltimore Maryland 21227

Requested Variances:

Variance from §426.1.B to permit a wireless transmitting and receiving structure in an ML zone within 25 feet of a Residential Zone in lieu of the required 200 feet.

Variance from §243.1 to permit a front yard of 25 feet in lieu of the required 75 feet.

DMW

Dick W. Cline, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21206

410 296 3333

Fax 296 4703

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Description

To Accompany Petition for Zoning Variances

0.449 Acre Parcel, Part of the Land

of the House of the Good Shepherd of

the City of Baltimore Property,

Northwest of Washington Boulevard,

Southwest of Sulphur Spring Road,

Thirteenth Election District, Baltimore County, Maryland

Beginning for the same at a point Northwesterly 815 feet, more or less, from a point on the centerline of Washington Boulevard, said last mentioned point being distant 660 feet, more or less, as measured Southwesterly along said centerline from its intersection with the centerline of Sulphur Spring Road, running from the aforementioned point of beginning four courses: (1) North 63 degrees 45 minutes West 167 feet, thence (2) North 26 degrees 15 minutes East 117 feet, thence (3) South 63 degrees 45 minutes East 167 feet, and thence (4) South 26 degrees 15 minutes West 117 feet to the point of beginning; containing 19,539 square feet or 0.449 of an acre of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

Project No. 93072 (L93072)

January 10, 1994



Page 1 of 1

ITEM # 319

ITEM # 319

cc: _____ Signed Bob Moe

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: 3/6/94

Posted for: Kennice

Petitioner: Angela Shepherd School - Nextel Communications

Location of property: 4100 Maple Ave. N. 1st & 2nd - Subj. Suburban R.R.

Location of Sign: Posting - 2nd St. at property - 4100 Maple Ave.
Behind entrance at end of Maple Ave.

Remarks:

Posted by: Matthew Date of return: 3/1/94

Number of Signs: 1

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6188
Number: 319

Date: 10-15-94

NEXTEL COMMUNICATIONS
4100 MAPLE AVE. BALTO MD, 21227

020 - VARIANCE - \$ 250.00
050 - POSTING - \$ 350.00
TOTAL - \$ 600.00

94-317-A

Cashier Validation

30403M0033MICARC \$285.00
30402152PM02-15-94

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

94-317-A

(410) 887-3353

DUE DATE: CLOSING DATE or HEARING DATE

INVOICE

G. Scott Barhight, Esq.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

CASE NUMBER/PROJECT NAME: 94-317-A

(1) Zoning Notice Sign and Post Set(s) @ \$60.00/set = \$60.00 Due*

(In lieu of payment, we ask that you make use of the following waiver)

INVOICE WAIVER

CASE NUMBER/PROJECT NAME: 94-317-A

Returned _____ Zoning Notice Sign and Post Set(s).

DATE _____ for ZADM

*Amount Due waived upon return of the COMPLETE sign and post set(s).
When you return same, bring this form with you.

Printed with Soy-based Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

94-317-A

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors/property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl J. Jaron
ARNOLD JARON, DIRECTOR

For newspaper advertising:

Item No.: 319

Petitioner: Nextel Communications of the Mid Atlantic

Location: Halethorpe: Good Shepherd School, 4100 Maple Ave., Baltimore, MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

NAME: G. Scott Barhight

ADDRESS: 210 West Pennsylvania Ave
TOWSON, MD 21204

PHONE NUMBER: 632-2000

AJ:ggg (Revised 04/09/93)

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 3, 1994

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 March 3, 1994.

THE JEFFERSONIAN,
G. H. HENNINGSON
LEGAL AD. - TOWSON

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 identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE: 94-317-A
Date: March 15, 1994
Time: 2:00 p.m.
Location: Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

Subject: Nextel Communications of the Mid-Atlantic, Inc.
Request: House of the Good Shepherd of the City of Baltimore Contract Purchase(s): Nextel Communications of the Mid-Atlantic, Inc.

NOTES: (1) Hearings are held on Wednesdays at 2:00 p.m. in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204. (2) Petitioners are requested to bring three copies of their petition to the hearing. (3) If the petitioner fails to appear at the hearing, the petition will be considered withdrawn. (4) If the petitioner wishes to appeal the decision of the Zoning Commission, the appeal must be filed with the Circuit Court of Baltimore County within 30 days of the date of the hearing. (5) If the petitioner wishes to appeal the decision of the Circuit Court, the appeal must be filed with the Court of Appeals within 30 days of the date of the Circuit Court decision. (6) If the petitioner wishes to appeal the decision of the Court of Appeals, the appeal must be filed with the Supreme Court of Maryland within 30 days of the date of the Court of Appeals decision. (7) If the petitioner wishes to appeal the decision of the Supreme Court, the appeal must be filed with the United States Supreme Court within 30 days of the date of the Supreme Court decision. (8) If the petitioner wishes to appeal the decision of the United States Supreme Court, the appeal must be filed with the Supreme Court of the United States within 30 days of the date of the United States Supreme Court decision. (9) If the petitioner wishes to appeal the decision of the Supreme Court of the United States, the appeal must be filed with the Supreme Court of the United States within 30 days of the date of the Supreme Court of the United States decision. (10) If the petitioner wishes to appeal the decision of the Supreme Court of the United States, the appeal must be filed with the Supreme Court of the United States within 30 days of the date of the Supreme Court of the United States decision.

Item Number: 319
Planner: RT
Date Filed: 2-15-94

PETITION PROCESSING FLAG

94-317-A

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney _____

The following information is missing:

- ☐ Descriptions, including accurate beginning point
- ☐ Actual address of property
- ☐ Zoning
- ☐ Acreage
- ☐ Plats (need 12, only 1 submitted)
- ☐ 200 scale zoning map with property outlined
- ☐ Election district
- ☐ Councilmanic district
- ☐ BCZR section information and/or wording
- ☐ Hardship/practical difficulty information
- ☒ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☐ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- ☒ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- ☐ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- ☐ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☐ Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (XTXSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

94-317-A

(410) 887-3353

FEBRUARY 28, 1994

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 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-317-A (Item 319)
4100 Maple Avenue -- The Good Shepherd School
80/8 Washington Boulevard, 80/8 Sulphur Spring Road
13th Election District - 1st Councilmanic
Legal Owner(s): House of the Good Shepherd of the City of Baltimore
Contract Purchase(s): Nextel Communications of the Mid-Atlantic, Inc.
HEARING: THURSDAY, MARCH 24, 1994 at 2:00 p.m., Rm. 118, Old Courthouse.

Variance to permit a wireless transmitting and receiving structure in a R.L. zone within 25 feet of a residential zone in lieu of the required 200 feet; and to permit a front yard of 25 feet in lieu of the required 75 feet.

Carl J. Jaron
Arnold Jaron
Director

cc: House of the Good Shepherd of the City of Baltimore
Nextel Communications of the Mid-Atlantic, Inc.
G. Scott Barhight, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE OF THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Printed with Soy-based Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

March 16, 1994

(410) 887-3353

G. Scott Barhight, Esquire
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-317-A, Item No. 319
Petitioner: House of the Good Shepherd of the City of Baltimore, et al.
Petition for Variance

Dear Mr. Barhight:

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 15, 1994, 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 w/o 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

3-1-94

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

Re: Baltimore County
Item No: 4319(ET)

Dear Ms. Minton:

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 project.

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 **DAVID H. KANSEY, ACTING CHIEF**
John C. Cawston, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NW/S Washington Blvd., SW/S ZONING COMMISSIONER
Sulphur Spring Road *
4100 Maple Avenue * OF BALTIMORE COUNTY
13th Election District
1st Councilmanic District Case No. 94-317-A
Legal Owner: House of the Good Shepherd of the City of Balto.
Lessee: Nextel Communications *
of the Mid-Atlantic, Inc. * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 4100 Maple Avenue in the Halethorpe section of Baltimore County. The Petition is filed by the owner of the subject property, House of Good Shepherd of the City of Baltimore and their Lessee, Nextel Communications of the Mid-Atlantic, Inc. Variance relief is requested from Section 426.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a wireless transmitting and receiving structure in an M.L. zone within 25 ft. of a residential zone, in lieu of the required 200 ft. Also, a variance is sought from Section 243.1 of the B.C.Z.R. to permit a front yard setback of 25 ft. in lieu of the required 75 ft. The subject property and relief requested is more particularly shown on the site plan marked as Petitioner's Exhibit No. 1.

Appearing at the public hearing held for this case was Joseph Joyce, Robert Kuhn and Matt Foosaner, all on behalf of Nextel Communications of the Mid-Atlantic, Inc. Also present was Michael Maguire, a Registered Surveyor, who prepared the plan. The Petitioner/Lessee was represented by G. Scott Barhight, Esquire. There were no Protestants present.

Proffered testimony offered by the Petitioner/Lessee and its counsel was that Nextel Communications is a new entrant in the cellular communications industry in the Baltimore County area. As is the case with Cellular One and Bell Atlantic, Nextel will provide mobile communications in the

Mid-Atlantic region. It was noted, however, that Nextel offers digital communications, wireless facilities and data transmission services, unlike its competitors. As is the case with these providers, Nextel requires sites throughout the County on which to erect its transmitting and receiving antennas and related service buildings. In this case, testimony and evidence offered was that the Petitioner had undertaken a site search to locate its antenna facilities in the southwestern area of Baltimore County. After study, it was determined that the subject property was appropriate. This site is a 74.27 acre parcel which is split zoned M.L. and B.R. As noted above, the site is owned by the House of the Good Shepherd of the City of Baltimore and presently houses an existing school building and related facilities. One of the structures on the subject property is a water tower which serves this region. The Petitioner proposes placing three antennas on top of the 110 ft. high water tower tank in addition to a 10 ft. x 20 ft. x 10 ft. high unmanned modular building for telephone equipment. The building will be at the foot of the tower and will be an unmanned facility, needing only periodic service calls.

Testimony offered from Mr. Kuhn also related to the search for a proper site and the selection of this property. Mr. Kuhn indicated that the Petitioner seeks existing structures on which to place its antenna facilities so as to avoid the necessity of additional poles and increased visual pollution. Moreover, Mr. Kuhn discussed in some detail the effects of the tower on the surrounding population. An environmental impact statement was submitted by the Petitioner addressing these concerns and is marked as Petitioner's Exhibit No. 2. This impact statement which was submitted and approved by the Bureau of Air Quality and Waste Management within the Department of Environmental Protection and Resource Management

-2-

(DEPRM) discloses that the proposed use will not threaten the health, safety or general welfare of this community.

Lastly, testimony was received from Michael Maguire, the surveyor who prepared the plan. He described the subject property and surrounding locale. He also addressed the subject variances including the necessary setback variances. As he noted, the variances are internal to this site and are not measured from any property line. That is, the variances are calculated pursuant to the relevant portions of the B.C.Z.R. as they relate to the zoning line which bisects this property.

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 variances are 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 a practical difficulty or unreasonable hardship will result

-3-

if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, 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 variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be 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 should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of April, 1994 that a variance from Section 426.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a wireless transmitting and receiving structure in an M.L. zone within 25 ft. of a residential zone, in lieu of the required 200 ft., be and is hereby GRANTED; and:

IT IS FURTHER ORDERED that a variance from Section 243.1 of the B.C.Z.R. to permit a front yard setback of 25 ft., in lieu of the required 75 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

-4-

ORDER RECEIVED FOR FILING

Date 4/19/94
By Ch. Barhight

ORDER RECEIVED FOR FILING

Date 4/19/94
By Ch. Barhight

ORDER RECEIVED FOR FILING

Date 4/19/94
By Ch. Barhight

ORDER RECEIVED FOR FILING

Date 4/19/94
By Ch. Barhight

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 5, 1994

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue
Towson Maryland 21204

RE: Petition for Zoning Variance
Lessee: Nextel Communications of the Mid-Atlantic, Inc.
Legal Owner: House of the Good Shepherd of the City of Balto.
Case No. 94-317-A

Dear Mr. Barhight:

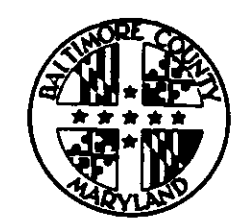
Enclosed please find the decision rendered in the above captioned cases. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.
cc: Messrs. Joseph Joyce, Robert Kuhn and Matt Foosaner
Nextel Communications of the Mid-Atlantic, Inc.



Petition for Variance 94-317-A to the Zoning Commissioner of Baltimore County

for the property located at 4100 Maple Avenue, Baltimore, MD 21227

which is presently zoned PR 5.5, BR,

This Petition shall be filed with the Office of Zoning Administration & Development Management, BR-CS-1, & ML. 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)

See attached.

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

The proposed variances are necessary to allow this FAA mandated use and to alleviate hardship and/or practical difficulty upon the owner and the applicant. It should be noted that the boundaries giving rise to both variances are straddled on each side by applicant's property.

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.

Contact Purchaser/Lessee:

Nextel Communications of the
Mid-Atlantic, Inc.

9145 Guilford Road, Suite 200
Columbia, MD 21046

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

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City State Zip

City State Zip

1994 is exclusively section and JFF A, under the provisions of property, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

House of the Good Shepherd of the

City of Baltimore

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

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Signature

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Signature

Petition for Variance
4100 Maple Avenue
Baltimore Maryland 21227

Requested Variances:

Variance from §426.1.B to permit a wireless transmitting and receiving structure in an ML zone within 25 feet of a Residential Zone in lieu of the required 200 feet.

Variance from §243.1 to permit a front yard of 25 feet in lieu of the required 75 feet.

DMW

Dick W. Cline, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21206

410 296 3333

Fax 296 4703

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Description

To Accompany Petition for Zoning Variances

0.449 Acre Parcel, Part of the Land

of the House of the Good Shepherd of

the City of Baltimore Property,

Northwest of Washington Boulevard,

Southwest of Sulphur Spring Road,

Thirteenth Election District, Baltimore County, Maryland

Beginning for the same at a point Northwesterly 815 feet, more or less, from a point on the centerline of Washington Boulevard, said last mentioned point being distant 660 feet, more or less, as measured Southwesterly along said centerline from its intersection with the centerline of Sulphur Spring Road, running from the aforementioned point of beginning four courses: (1) North 63 degrees 45 minutes West 167 feet, thence (2) North 26 degrees 15 minutes East 117 feet, thence (3) South 63 degrees 45 minutes East 167 feet, and thence (4) South 26 degrees 15 minutes West 117 feet to the point of beginning; containing 19,539 square feet or 0.449 of an acre of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

Project No. 93072 (L93072)

January 10, 1994



Page 1 of 1

ITEM # 319

ITEM # 319