

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/S Liberty Road, across from its
intersection w/St. Lukes Lane * ZONING COMMISSIONER
(6800 Liberty Road)
2nd Election District * OF BALTIMORE COUNTY
2nd Councilmanic District * Case No. 97-491-SPH
City Partners, Ltd., Legal Owners;
APC Realty & Equipment Company, Contract Lessee

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing for that property known as 6800 Liberty Road, located in the vicinity of St. Lukes Lane in Lochearn. The Petition was filed by the owner of the property, City Partners, Ltd., by Anne G. Andreas, a General Partner, and APC Realty and Equipment Company, Contract Lessee, by Margaret Ruggieri, Vice President, through their attorney, Christine K. McSherry, Esquire. The Petitioners seek approval of an amendment to the previously approved site plan in prior Case No. 96-54-X to permit the addition of six (6) pole-mounted panel antennae and related equipment cabinets. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Greg Sarro, Jonathan Reno, and Kevin Mason, all representatives of APC Realty and Equipment Company, Melanie Moser with Daft-McCune-Walker, Inc., who prepared the site plan for this property, and David K. Gildea, Esquire, who represented the Petitioners on behalf of Ms. McSherry. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 8.12 acres, more or less, zoned D.R. 16 and is

ORDER RECEIVED FOR FILING

Date

By

the site of the Balmoral Towers condominium and townhouse complex. As noted above, this property was the subject of prior Case No. 96-54-X in which a special exception for a wireless transmitting and receiving facility was granted the Petitioners on September 25, 1995. The Petitioners now come before me seeking approval of an amendment to the previously approved site plan in that case to permit the addition of six (6) pole-mounted panel antennae and related equipment cabinets to the existing tower. Ultimately, 18 antennae and 5 equipment cabinets will be installed on this facility. Testimony indicated that the relief requested is necessary to meet user demand and coverage in this area. The Petitioner has submitted an environmental impact statement which indicates that the additional antennae will not result in any detriment to the health, safety or general welfare of the surrounding locale.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

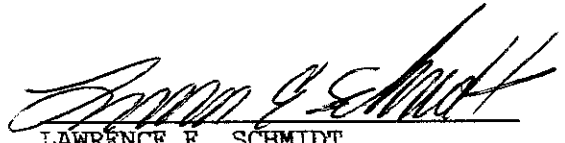
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of June, 1997 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in prior Case No. 96-54-X to permit the addition of six (6) pole-mounted

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DATE 6/16/97
BY [signature]

panel antennae and related equipment cabinets to the existing tower, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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 relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 7/16/99
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 16, 1997

David K. Gildea, Esquire
Christine K. McSherry, Esquire
210 W. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Liberty Road, across from its intersection w/St. Lukes Lane
(6800 Liberty Road)
2nd Election District - 2nd Councilmanic District
City Partners, Ltd., Legal Owners, and APC Realty & Equipment Co.,
Contract Lessee - Petitioners
Case No. 97-491-SPH

Dear Mr. Gildea and Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Fred Homan, Director of Finance

Ms. Margaret Ruggieri, Vice President, APC Realty & Equipment Co.
6905 Rockledge Drive, Suite 100, Bethesda Md. 20817

People's Counsel; Case Files

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
6800 Liberty Rd, N/S Liberty Rd at inter- * ZONING COMMISSIONER
section Liberty Rd and St. Lukes Lane *
2nd Election District, 2nd Councilmanic * OF BALTIMORE COUNTY
Legal Owner(s): City Partners, Ltd.
Contract Purchaser(s): American PCS, L.P. * CASE NO. 97-491-SPH
Petitioners

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Christine McSherry, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6800 Liberty Road

which is presently zoned DR-16

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve AMEND

Additions to a wireless transmitting and receiving facility authorized by Zoning Case No. 96-54-X.

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

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

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

Contract Purchaser/Lessee:

American PCS, L.P. - Margaret Ruggieri, V.P.

(Type or Print Name)

Signature

One Democracy Center
6905 Rockledge Drive, Suite 100

Address

Bethesda, MD 20817

City State Zipcode

Attorney for Petitioner:

Christine McSherry

(Type or Print Name)

Signature Christine K. McSherry

400 Court Towers
210 West Pennsylvania Ave. (410) 832-2000

Address Phone No.

Towson, MD 21204

City State Zipcode

Legal Owner(s):

City Partners, Ltd.

(Type or Print Name)

Signature

Anne G. Andreas, GENERAL PARTNER

(Type or Print Name)

Signature

6800 Liberty Road

(410) 944-8100

Address

Phone No.

Baltimore, MD 21207

City State Zipcode

Name, Address and phone number of representative to be contacted.

Christine McSherry

Name

210 W. Pennsylvania Avenue (410) 832-2000

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: [Signature] DATE 4-29-97

491

Zoning Administration
& Development Management

ORDER RECORDED FOR FILING

Date

By



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Description

To Accompany Petition for A

Special Hearing

8.12 Acre Parcel

Northeast Side of Liberty Road

Southeast of Brubar Court

Second Election District, Baltimore County, Maryland

Beginning for the same on the northeast side of Liberty Road (Maryland Route 26) at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Liberty Road with the centerline of St. Luke's Lane (1) North 63 degrees 23 minutes 50 seconds West 7 feet, more or less, and thence (2) North 26 degrees 36 minutes 10 seconds East 40 feet to the point of beginning, thence leaving said beginning point and binding on the northeast side of Liberty Road (1) North 63 degrees 48 minutes 20 seconds West 565.07 feet, thence leaving said northeast side of Liberty Road and running the eleven following courses and distances, viz: (2) North 17 degrees 04 minutes 00 seconds East 313.81 feet, thence (3) South 72 degrees 56 minutes 00 seconds East 225.00 feet, thence (4) North 17 degrees 04 minutes 00 seconds East 130.00 feet, thence (5) South 87 degrees 41 minutes 35 seconds East 249.34 feet, thence (6) South 29 degrees 13 minutes 05 seconds East 57.73 feet, thence (7) South 10 degrees 41 minutes 15 seconds East 276.78 feet, thence (8) North 79 degrees 18 minutes 45 seconds East 93.00 feet, thence (9) South 10 degrees 41 minutes 15 seconds East 146.06 feet, thence (10) North 79 degrees 18 minutes 45 seconds East 50.00 feet, thence (11) South 10 degrees 41 minutes 15 seconds East 78.94 feet, and thence (12) South 10 degrees 38 minutes 45 seconds West 170.52 feet to intersect the

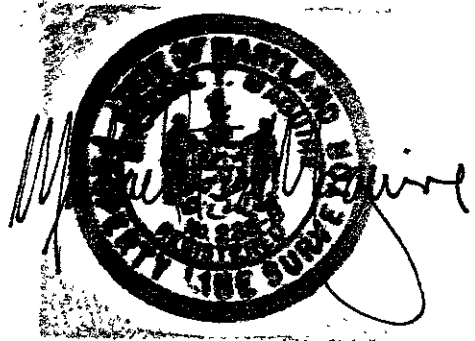
491

aforementioned northeast side of Liberty Road, thence binding thereon the three following courses and distances, viz: (13) North 61 degrees 54 minutes 10 seconds West 16.33 feet, thence (14) South 64 degrees 10 minutes 17 seconds West 82.01 feet, and thence (15) North 63 degrees 23 minutes 50 seconds West 107.29 feet, thence leaving said road and running the two following courses and distances, viz: (16) North 46 degrees 55 minutes 20 seconds West 119.40 feet, and thence (17) South 42 degrees 26 minutes 55 seconds West 35.20 feet to intersect the aforementioned northeast side of Liberty Road, thence binding thereon (18) North 63 degrees 23 minutes 50 seconds West 25.25 feet to the point of beginning; containing 8.12 acres of land, more or less.

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

April 22, 1997

Project No. 94161.M44 (L94161.M44)



491

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 following:

Case #97-491-8PH

6800 Liberty Road

NS Liberty Road at Intersec-

tion Liberty Road and St.

Lukes Lane

2nd Election District

2nd Councilmanic

Legal District(s)

City Partners, Ltd.

Contract Purchaser(s)

American POS, P.

American POS, P.

American POS, P.

American POS, P.

American POS, P.

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American POS, P.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/15, 1997

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 5/15, 1997.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Enrich

6/293 May 15 C143449

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

491

036526

PAID RECEIPT

06/19/97 03 6 UEM R 3083
Dept 5 513 Zoning Verification
CR 40. 036536

DATE 4-29-97 ACCOUNT R2016150

AMOUNT \$ 250.00

\$250.00 OK P-0-1-D
Baltimore County Maryland
Office Of Budget & Finance

RECEIVED
FROM:

American PCS 6800 Gateway Rd.

FOR:

SPH (0407)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 080727

DATE 6/21/00 ACCOUNT 001-6150

AMOUNT \$40.00 (1EA)

RECEIVED FROM:

Neuberg, Quinn

FOR:

6800 Liberty Rd

\$ 00-1799

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

MOVEMENT 6/21/00

TIME

6/22/2000 6:21:2800 15:27:05

REQ 0002 RECEIVED INCL 000 DECODED

DEPT 5 520 ZIMING RECEPTION

RECEIPT # 140073 10711

OP NO. 000727

PAID FOR

40.00 FR 40.00

Baltimore County, Maryland

CERTIFICATE POSTING

RE: Case No.: 97-491-SPH

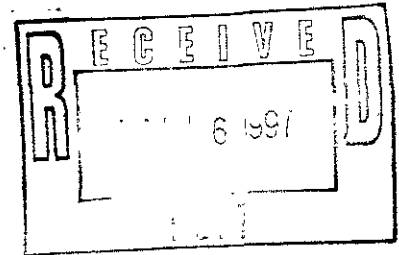
Petitioner/Developer: CITY PARTNERS

AMERICAN PCS, L.P.

Date of Hearing/Closing: JUNE 3, 1997
9:00 A.M.

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens



Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

6800 LIBERTY ROAD-

The sign(s) were posted on MAY 14, 1997
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

97-491-SPH

ZONING NOTICE
Case # 97-491-SPH

THE TOWSON ZONING COMMISSION
HAS SET A PUBLIC HEARING TO BE HELD BY
THE ZONING COMMISSIONER
ON JUNE 3, 1977 AT 9:00 A.M.
AT THE TOWSON TOWN HALL
401 BOSLEY AVE.
TOWSON, MD 21204
TO CONSIDER A REQUEST FOR A SPECIAL HEARING TO
AMEND ZONING CASE NO. 54X TO
PERMIT ADDITIONAL ANTENNAS ON
THE EXISTING WIRELESS
TRANSMITTING FACILITY
AT 401 BOSLEY AVE.
TOWSON, MD 21204
FOR MORE INFORMATION CONTACT THE ZONING COMMISSIONER
AT (410) 551-1234

ZONING NOTICE

Case # 97-491-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: 401 Bosley Ave., Towson, MD 21204
TIME & DATE: June 3, 1977 at 9:00 A.M.
REQUEST: A SPECIAL HEARING TO
AMEND ZONING CASE NO. 54X TO
PERMIT ADDITIONAL ANTENNAS ON
THE EXISTING WIRELESS
TRANSMITTING FACILITY

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-491-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING TO AMEND ZONING CASE
96-54-X TO PERMIT ~~THE~~ ADDITIONAL ANTENNAS
ON THE EXISTING ~~FACILITY~~. WIRELESS TRANS-
MITTING FACILITY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 491

Petitioner: American PCS

Location: 6800 LIBERTY RD.
~~2222 Pennsylvania Avenue SE, Washington, DC 20003~~

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Daff-McCune Walker, Inc. ATTN: Lisa Ferrari

ADDRESS: 200 East Pennsylvania Avenue

Towson, MD 21286

PHONE NUMBER: 296-3333

AJ:ggs

(Revised 09/24/96)

TO: PUTUMENT PUBLISHING COMPANY
MAY 15, 1997 Issue - Jeffersonian

Please forward billing to:

Lisa Ferrari
Daft McCune Walker
200 E. Pennsylvania Avenue
Towson, MD 21286
410-296-3333

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-491-SPH
6800 Liberty Road
N/S Liberty Road at intersection Liberty Road and St. Lukes Lane
2nd Election District - 2nd Councilmanic
Legal Owner(s): City Partners, Ltd.
Contract Purchaser(s): American PCS, L.P.

Special Hearing to approve/amend additions to a wireless transmitting and receiving facility authorized by zoning case number 96-54-X.

HEARING: TUESDAY, JUNE 3, 1997 at 9:00 a.m., 4th floor hearing room Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

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

May 9, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-491-SPH
6800 Liberty Road
N/S Liberty Road at intersection Liberty Road and St. Lukes Lane
2nd Election District - 2nd Councilmanic
Legal Owner(s): City Partners, Ltd.
Contract Purchaser(s): American PCS, L.P.

Special Hearing to approve/amend additions to a wireless transmitting and receiving facility authorized by zoning case number 96-54-X.

HEARING: TUESDAY, JUNE 3, 1997 at 9:00 a.m., 4th floor hearing room Courts Bldg., 401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

Arnold Jablon
Director

cc: American PCS, L.P.
Christine McSherry, Esq.
Daft McCune Walker

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 19, 1997.
(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 887-3391.





Baltimore County
Department of Permits and
Development Management

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

May 30, 1997

Christine McSherry, Esquire
400 Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Item No.: 491
Case No.: 97-491-SPH
Petitioner: City Partners, Ltd.

Dear Ms. McSherry:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 29, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

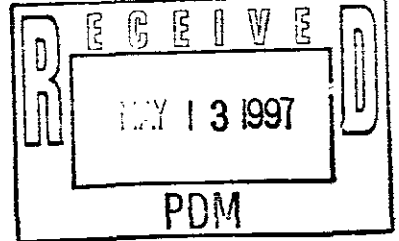
A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over a circular stamp that contains the same name in a serif font.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



Baltimore County Government
Fire Department



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

(410) 887-4500

May 12, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF May 12, 1997

Item No.: SEE BELOW

Zoning Agenda:

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.

6. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

480, 481, 490, 491, 492, 493, 494, 495, 496, 497, and 499

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



INTEROFFICE CORRESPONDENCE

Date: May 27, 1997

ZWB/DK

SUBJECT: Zoning Advisory Committee Meeting
for May 19, 1997
Item Nos. 488, 490, 491, 492,
493, and 497

RWB:HJO:jrb

ZONE519.NOC

Attention: Gwen

Gwen,

Please schedule the following ~~§~~ ~~§§§§~~.
Special hearings on the same day.
Item no. 473, 474, 475, 491 & 492 If you
have any questions I can be reached at
296-3333.

Thank You

Lise Ferrari

Daft-McCune-Walker, Inc.

491



Baltimore County
Department of Permits and
Development Management

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

June 27, 2000

Dime Saving Bank of New York, FSB
Attn: Denise DiCara
7535 Little River Turnpike, Suite 230
Annandale, Virginia 22003

97-491-SPH

and

Balmoral Investments LLC
c/o Residential Management Corp.
Attn: Labe Twerski
40 Exchange Place
New York, New York 10005-2701

Dear Mr. Rife:

RE: Zoning Verification, 6800 Liberty Rd., Balmoral Towers and Townhouses,
2nd Election District

The current property is zoned DR-16 (Residential Density: 16 Density Units per Acre). Because these are apartment the number of living units per density unit should be determined according to the following chart:

DENSITY UNIT - An expression of extent or density of dwelling use as related to number of rooms in, or type of, dwelling unit, so that:

Each efficiency apartment is equivalent to 0.50 density unit;

Each one-bedroom dwelling unit is equivalent to 0.75 density unit;

Each two-bedroom dwelling unit is equivalent to 1.00 density unit; and

Each dwelling unit with 3 or more bedrooms is equivalent to 1.50 density units [Bill No. 100-1970]

Parking as well must be calculated according to Section 409.6.A.1 for townhouses and apartment buildings:



Mr. Britt G. Rife
June 27, 2000
Page

1.25 parking spaces per apartment with no separate bedroom, 1.5 per apartment with 1 or 2 bedrooms, and 2 per apartment with 3 or more separate bedrooms.

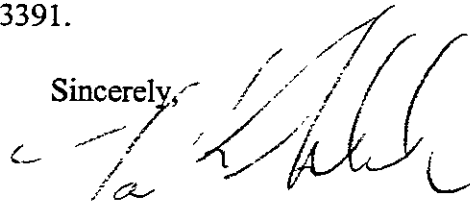
There have been 2 recent zoning hearings. To permit a wireless transmitting and receiving facility and a subsequent expansion; cases 96-54-X and 97-491-SPH. Both were granted. I have enclosed the zoning order for both.

There is currently an outstanding violation on the site for apartment 809. Repairs are required for a defective balcony rail and replacement of a window. A Baltimore County building inspection will return to the site on July 6th to determine if repairs have been satisfactorily completed. When the inspector approves the repairs, a certificate of occupancy may be issued upon application.

Please note that a portion of the parking area and driveway encroaches on adjacent property. The may effect on site parking calculations. A long term lease of the spaces that are partially on entirely on the adjacent property would allow them to be counted toward parking for this facility and access to the ramp/driveway should be similarly arranged.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'John R. Alexander', is written over a diagonal line that extends from the 'Sincerely,' text.

John R. Alexander
Planner II
Zoning Review

JRA:kew

#00-1799

WCF

LAW OFFICES
NEUBERGER, QUINN, GIELEN, RUBIN & GIBBER, P.A.

27TH FLOOR
ONE SOUTH STREET
BALTIMORE, MARYLAND 21202-3282
(410) 332-8550

BRITT G. RIFE
(410) 332-8513

To: JRA
6/21/00
WCF
A Cashier

FAX NO. (410) 951-6034
BR@NQGRG.COM

May 31, 2000

VIA FEDERAL EXPRESS

Mr. Arnold Jablon
Zoning Enforcement Office
111 W. Chesapeake, Room 111
Towson, Maryland 21204

Re: **6800 Liberty Road**

Dear Mr. Jablon:

This firm represents Balmoral Investments LLC, the owner of certain property located at 6800 Liberty Road (the "**Property**") in the Second Election District of Baltimore County and known as Balmoral Towers. The tax identification number for the Property is 02-1600003581.

In connection with our client's refinancing of the Property, its lender has required that we obtain a letter from your office stating the following with respect to the Property:

- (i) that the Zoning Enforcement Office of Baltimore County is responsible for
(a) enforcement of building codes, zoning ordinances and similar codes or ordinances related to commercial development in Baltimore County and
(b) responsible for the issuance of certificates of occupancy Baltimore County;
- (ii) that certificates of occupancy have been issued and are in effect for the building presently located on the Property and whether your office is aware of any circumstances which would render the certificates of occupancy invalid or cause it to be revoked (we would like a copy of the certificates of occupancy to be attached to your letter to them).
- (iii) that the Property's current zoning as D.R. 16 under the laws and ordinances of Baltimore County is proper for the use of the property for a

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residential apartment complex and accordingly the use of the Property is a conforming use;

- (iv) that as a condition to the issuance of a certificate of occupancy in Baltimore County, the building must comply with all applicable codes and ordinances including, but not limited to, building and occupancy codes, any regulations pertaining to an entry sign board, fire department codes and regulations, applicable zoning and use laws, landscaping and parking requirements, obtaining appropriate curb cut permits and provisions for applicable sanitary sewer, water, storm drainage and other facilities;
- (v) that a current search of Baltimore County's applicable records indicates that there are no pending violations of any applicable laws, codes, rules, regulations or ordinances described in paragraph (iv) above and that there are no pending rezoning applications, hearings, cases, appeals or other proceedings which could affect the zoning classification of the Property.

I have enclosed a check for \$40 to cover the processing fee. As this loan is scheduled to close in the coming weeks, we would greatly appreciate it if we could have your response as soon as possible.

Your letter should be addressed as follows, although your letter should be returned directly to me so that I may forward it to our lender after I have reviewed it:

Dime Savings Bank of New York, FSB
Attn: Denise DiCara
7535 Little River Turnpike, Suite 230
Annandale, Virginia 22003

and

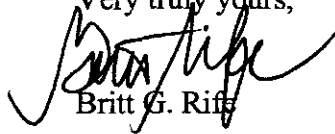
Balmoral Investments LLC
c/o Residential Management Corp.
Attn: Labe Twerski
40 Exchange Place
New York, New York 10005-2701

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As soon as your letter is prepared, I would greatly appreciate it if you would fax a copy of your letter to me at 410-951-6034. Should you have any questions, please contact me. I am

Very truly yours,



Britt G. Rife

cc: Labe Twerski
Richard Rubin, Esq.



**American Personal
Communications**

6905 Rockledge Drive, Suite 100 • Bethesda, MD 20817
Tel. 301-214-9200 Fax. 301-214-9402

SPECIAL HEARING
CASE NO. 97-491-SPH

AMERICAN PERSONAL COMMUNICATIONS (APC)
SPECIAL HEARING
JUNE 3, 1997

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Ad No 3

Sprint SpectrumSM

The all-in-one Personal Communications System that goes with you.

Environmental Impact Statement

Lochearn Site CBN 73 APC Site

DMW Project No. 94161.44
May 1997

Prepared for:
APC Realty & Equipment Co., L.L.C.
One Democracy Center
Suite 100
6905 Rockledge Drive
Bethesda, MD 20817

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DMW

