ORDER RECEIVED FOR FILING Date

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE

SW/S Dogwood Road, 1150' NW of

Wrights Mill Road * DEPUTY ZONING COMMISSIONER

(Parcel 369, Liber 5902, Folio 558)

2nd Election District * OF BALTIMORE COUNTY

1st Councilmanic District

* Case No. 97-526-X

George W. Hickey, Legal Owner; SBC Communications, Inc., d/b/a

Cellular One, Lessee

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by George W. Hickey, owner of the subject property, and SBC Communications, Inc., d/b/a Cellular One, the Contract Lessee, through their attorney, Karl J. Nelson, Esquire. The Petitioners request a special exception to construct a wireless transmitting and receiving facility on the subject property, located on the southwest side of Dogwood Road, approximately 1150' northwest of Wrights Mill Road, not far from Granite. 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 Karl J.

Nelson, Esquire, attorney for the Petitioners, and various representatives

of Cellular One. There were no Protestants or other interested persons

present.

Testimony and evidence offered revealed that the subject property consists of 4.0 acres, more or less, zoned R.C.2. Traversing the property are BGE electric transmission towers and power lines. The Petitioners are desirous of constructing a wireless transmitting and receiving facility on the subject property. The proposed improvements include the installation of antennae approximately 90 feet high on an existing tower and a 12' x 26'

equipment building surrounded by an 8' high fence. A 10' wide gravel access road will also be added. In order to proceed with the proposed improvements, a special exception is necessary.

It is clear that the B.C.Z.R. permits the use proposed in a 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.

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

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

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.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

ORIDER RECEIVED EN FILING



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

July 15, 1997

Karl J. Nelson, Esquire Kramon & Graham One South Street, Suite 2600 Baltimore, Maryland 21202-3201

RE: PETITION FOR SPECIAL EXCEPTION
SW/S Dogwood Road, 1150' NW of Wrights Mill Road
(Parcel 369, Liber 5902, Folio 558)
2nd Election District - 1st Councilmanic District
George W. Hickey, Legal Owner, and SBC Communications, Inc., d/b/a
Cellular One, Contract Lessee - Petitioners
Case No. 97-526-X

Dear Mr. Nelson:

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

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

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

buthy lotroco

for Baltimore County

TMK:bjs

cc: Mr. George W. Hickey 8630 Wrights Mill Road, Baltimore, Md. 21244

Mr. Michael Maus, Director of Real Estate, SBC Communications, Inc. 7150 Standard Drive, Hanoyer, Md. 21076

People's Counsel; Case Tiles

1/3

RE: PETITION FOR SPECIAL EXCEPTION *
SW/S Dogwood Road, 1150'+/- NW from c/l
Wrights Mill Road, 2nd Election District, *
1st Councilmanic
Legal Owner(s): George W. Hickey *

Contract Purchaser(s): SBC Communications,

Inc., d/b/a Cellular One *

Petitioners

* * * * * *

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 97-526-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned 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

People's Counsel for Baltimore County

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 \(\sum_{\text{day}} \) day of July, 1997, a copy of the foregoing Entry of Appearance was mailed to Karl J. Nelson, Esq., Kramon & Graham, 1 South Street, Baltimore, MD 21202, attorney for Petitioners.

PETER MAX ZIMMERMAN



Petition for Special E

to the Zoning Commissioner of Baltimore County

for the property located at Dogwood Road, approximately 1150 feet N.W.

97-526-X

Mill Road which is presently zoned

R.C.2

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 February under Section 500.7 of the Zoning Regulations of Baltimore County. to determine whether or not the Zoning Commissioner should approve

a Special Exception for the purpose of constructing a wireless transmitting and receiving facility. The facility shall include a 12' x 26' equipment building surrounded by an 8' high chainlink fence and an antenna array mounted approximately 90' high on an existing BGE transmission tower.

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 restriction

3 - 3	more County adopted pursuant to the Zoning Law for Baltimore County.
Petitioner SBC Communications, Inc., d/b/a Cellular One (Type or Print Name)	We do solemnly declare and affirm, under the penalties of penury. That the are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): George W. Hickey
By: Michael Mans Frector of Real Estate Signature 7150 Standard Drive 410-712-7742	(Type or Print Names Signanire Signanire
Hanovor Manual - 3 03074	(Type or Print Name)
Hanover, Maryland 21076 City State Zuccom	Signature
-	8630 Wrights Mill David Reproses Refuses
Attorney for Petitioner:	Added (Added 1)
Karl J. Nelson, Esquire	Phone No.
(Type or Print Name) A	Baltimore, Maryland 21244
- ILAR	City State Zipcode Name, Address and phone number of representative to be contacted.
Kramon & Graham, P.A.	Karl J. Nelson, Esquire
One South Street, Suite 2600	Na Aramon & Graham, P.A.
Acidenes	One South Street, Suite 2600
Baltimore, Maryland 21202-3201	(410) 752-6030
(\$\frac{10}{10}\) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Admine	unavailable for Hearing
	the following dates Next Two Months
io 🔹	OTHEROTHER
	REVIEWED BY:
l	

526

CIVIL ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS

3909 National Drive, Suite 250 • Burtonsville Office Park • Burtonsville, MD 20866 (301) 421-4024

Metro (301) 989-2524 Fax (301) 421-4186 Balto. (410) 880-1820

David S. Weber, P.E. 1.2 David L. Little P.E. Carlton K. Gutschick, P.E. 97-526-X

ASSOCIATES Thomas C. O'Connor, Jr., P.E.²

May 9, 1997 Revised May 16, 1997

'Also in VA. & D.C. ²Also Protessional Land Surveyor

Description of

Part of the GEORGE W. HICKEY PROPERTY

Liber 5902 Page 558

For the Purpose of a CellularOne Easement Election District No. 2 Baltimore County, Maryland

Being all that piece, parcel or tract of land situate, lying and being in Election District No. 2, Baltimore County, Maryland being the same land described in a conveyance from Anna E. Talbert, et al, to George W. Hickey by deed dated June 20, 1978 and recorded among the Land Records of Baltimore County, Maryland in Liber 5902 at Page 558, said piece or parcel being more particularly described in Baltimore County D.P.W. Datum

Beginning for the same at an iron pipe found at the most westerly point of said conveyance to George W. Hickey and thence running with part of the outline as described in the aforesaid conveyance, the following course and distance

- North 70°57'40" East, 271.59 feet to a point; thence leaving 1. said outline and running in, through, over and across the aforementioned conveyance, parallel and offset 35 feet East of the easterly line of the BG&E Right-of-Way described in Liber 638 at Page 200
- 2. South 17°52'33" East, 211.64 feet to a point on the southwesterly line of the conveyance to George W. Hickey; thence running with part of said southwesterly line the following three (3) courses and distances
- 3. North 62°00'31" West, 83.65 feet to a point, thence
- North 75°30'31" West, 230.00 feet to a point, thence 4.
- 5. North 57°30'31" West, 29.81 feet to the place of beginning containing a computed area of 27,645 square feet or 0.6346 of an acre of land.

SUBJECT TO all easements and/or rights-of-way of record

PAP:M&B:97039.516

- 526

NOTICE OF HEARING

Case: #97-528-X SW/S Dogwood Road, 1150 H- NW Irom-c/I Wrights Mill

2nd Election District
2nd Election District
1st Councilmanic
Legal Owner(s)
George W. Hickey
Contact Purchiser(s)

SBC Communications inc. obta cellular the Special Application for the purpose of objection and receiving and receiving and receiving and re-

Zoning Commissions for Baltimore County NOTES: (1) Hearings are Handleapped Accessible; for special accommodations Please Call (410) 887-3353 (2) For Information Concerning the File and/or Hearing Please Call (410) 887-3381 LAWRENCE E BOHMIDT

6/087 June 5 0148643

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

published in THE JEFFERSONIAN, a weekly newspaper published THIS IS TO CERTIFY, that the annexed advertisement was

in Towson, Baltimore County, Md., once in each of \bot successive weeks, the first publication appearing on \bigcirc \bigcirc \bigcirc \bigcirc , \bigcirc ,

THE JEFFERSONIAN.

1. Handlan.

LEGAL AD.-TOWSON

TIBUTION E - CASHIER	RECEIVE FROM: FOR:	BALI Confidence 3(
TIB <u>UTION </u> E - CASHIER PINK - AGENCY YELLOW - CUSTON	PRECEIVED G. HICKEY FROM: OR: Sp. Ex. (050)	BALTIMORE COUNTY, MARYLAND 5 2 6 CFICE OF BUDGET & FINANCE SCELLANEOUS RECEIPT DATE 5-2/-97 ACCOUNT FEO/-6/55 UR 0. 038068
ICY YELLOW - CUSTOMER	AMOUNT \$	TY, MARYLAND FINANCE RECEIPT ACCOUNT
T		ID 25 %
CASHIER'S VALIDATION	Och wing Pa	5 2 6 No. 03
iliteration with the second se		038088 8088
CASHIER'S	\$300.00 CK Baltimore Coum ffice Of Budget	ONTO RECEIPT
CASHIER'S VALIDATION	ty Maryland & Finance	PAID RECEIPT OE, PLY7 01 5 JAR R 5594 OR 0. 038068

CERTIFICATE OF POSTING

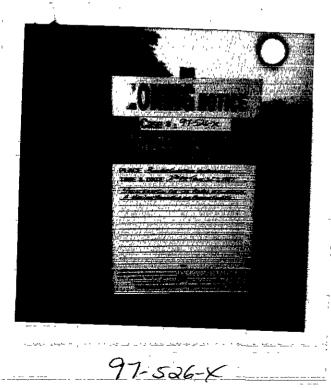
RE: Case # 97-526-X
Petitioner/Developer:
(Cellular One)
Date of Hearing/Clashre:
(July 3, 1997)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the per	nalties of perjury that the necessary sign(s) required by la	×
were posted conspicuously on the p	roperty located at	
SW/S Dogwood Road Baltimore	, Maryland 21244	
The sign(s) were posted on	Jun. 18, 1997	



Sincerely, Signature of Sign Boster & Date)
Thomas P. Ogle, Sr (Printed Name)
325 Nicholson Road(Address)
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

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 - 526 - xA PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:

DATE AND TIME:

REQUEST: A SPECIAL EXCEPTION TO APPROVE A

WIRELESS TRANSMITTING & RECEIVING 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

9/96 post_4.doc TO: PUTUXENT PUBLISHING COMPANY
May 30, 1997 Issue - Jeffersonian

Please foward billing to:

Karl J. Nelson, Esq.
Kramon & Graham, P.A.
1 South Street, #2600
Baltimore, MD 21202-3201
410-752-6030

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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-526-X

SW/S Dogwood Road, 1150'+/- NW from c/l Wrights Mill Road

2nd Election District - 1st Councilmanic

Legal Owner(s): George W. Hickey

Contract Purchaser(s): SBC Communications, Inc., d/b/a Cellular One

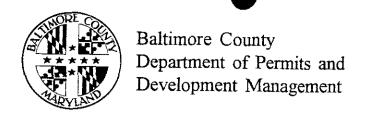
Special Exception for the purpose of constructing a wireless transmitting and receiving facility.

HEARING: THURSDAY, JULY, 3, 1997 at 2:30 p.m., Room 407 Courts Building, 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.



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

May 30, 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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-526-X

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Special Exception for the purpose of constructing a wireless transmitting and receiving facility.

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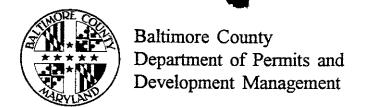
Arnold Jablon Director

cc: George W. Hickey

SBC Communications, Inc. Karl J. Nelson, Esq.

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

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



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

June 26, 1997

Karl J. Nelson, Esquire Kramon & Graham, P.A. One South Street, Suite 2600 Baltimore, MD 21202-3201

RE: Item No.: 526

Case No.: 97-526-X

Petitioner: George W. Hickey

Dear Mr. Nelson:

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 May 21, 1997.

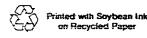
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are 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,

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

June 3, 1997

Annold Usclot, Director
Tortog Administration and Development Management
Salvimore County Office Building
Towset, MD 2:204
Mall STOP-1105

PE: Transact: Owner: PRESTIGE DEVELOPMENT CORP.

MCUNT DE SALES HIGH SCHOOL, INC.

GEORGE W. HICKEY

GRANITE MISSIONARY BAPTIST CHURCH

TEX TRANSPORTATION

Aucanion: CESTPIBUTION MEETING OF June 2. 1997

Iner in.: 5:2. 525. 526, 529. AND 531 Ioning Agenda:

urenti ement

Pursuant to your request, the referenced property has been all after by this Sureau and the comments below are applicable and required to be corrected or incorporated into the final plane for the interty.

- 4. The sits shall be made to comply with all applicable parts of the fire Prevention Code prior to occupancy or beginning to operation.
- The buildings and structures existing or proposed on the sive shall comply with all applicable requirements of the Mational Fire Protection Association Standard No. 101 "Life Gafety Code", 1991 edition prior to occupancy.

5 897

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office. PHONE (410) 887-4881, MS-1102F



Printed on Recycled Pager

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: June 13, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for June 9, 1997 Item No. 526

The Development Plans Review Division has reviewed the subject zoning item. The location for the driveway and fence should be revised in order to save the existing trees. This proposal is subject to the Baltimore County Landscape Manual. A Schematic Landscape Plan must be submitted.

RWB:HJO:jrb

cc: File



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County 5. 3. 57 RE:

Item No. 526

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

R. Bruce Seeley.

Permits and Development Review

Meeting Date:

SUBJECT: Zoning Advisory Committee
Meeting Date:

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

529 530 531

RBS:sp

BRUCE2/DEPRM/TXTSBP

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits and Development Management DATE: May 30, 1997

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 524, 526

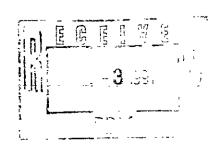
528 and 531

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: JEFF Lowé

Division Chief: Gary L-Keins

AFK/JL



91-2642

LAW OFFICES

KRAMON & GRAHAM, P. A.

COMMERCE PLACE

ONE SOUTH STREET, SUITE 2600

BALTIMORE, MARYLAND 21202-3201

(410) 752-6030

KARLJ NELSON (4(0) 347-7434 10 bs A ple FACSIMILE (410) 539-1266

June 5, 1997

VIA HAND DELIVERY

Arnold Jablon, Director
Baltimore County Department of Permits
and Development Management
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: SBC Communications, Inc., d/b/a/ Cellular One

Zoning Case Number 97-526-X

Dear Mr. Jablon:

In accordance with the requirements of Section 502.7 of the Baltimore County Zoning Manual, enclosed is the Environmental Impact Statement for the referenced Zoning Case.

Please call if you have any questions.

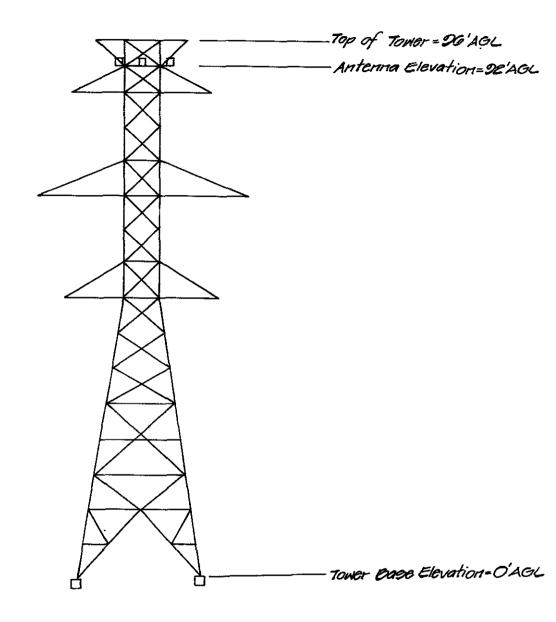
Sincerely,

Karl J. Nelson

Karl G. Nelson Kelson

KJN:rzb Enclosure

F:\USERS\RZB\Ceil One-Kraft Corner\jablon 6-04.wpd



Notes:
1. There will be nine (0) Paneltype Antennas mounted in groups of three (3).
2. The Antennas are typically 27 inches high and 13 inches wide.

Tower Detail
Not to Scale

97-526-X

Exploration Research, Inc.

Environmental Consultants



C-1 @ KRAFT CORNER SITE NO. 866 GEORGE W. HICKEY PROPERTY BALTIMORE COUNTY, MARYLAND

LIMITED ENVIRONMENTAL IMPACT STATEMENT

Prepared for:

CELLULARONE 7150 Standard Drive Hanover, MD 21076

and

GUTSCHICK LITTLE & WEBER, P.A.

3909 National Drive, Suite 250 Burtonsville Office Park Burtonsville, MD 20866

Prepared by:

EXPLORATION RESEARCH, INC. 8318 Forrest Street Historic Ellicott City, Maryland 21043

May 23, 1997

