

IN RE: PETITION FOR VARIANCE
SW/S Reisterstown Road, 800' SE
of the c/l of Delight Road
(11416 Reisterstown Road)
4th Election District
3rd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-560-A

John R. Jackson, et ux, Legal Owners;
and Bell Atlantic Nynex Mobile, *
Contract Lessees - Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, John R. and Carolyn Jackson, and the Contract Lessees, Bell Atlantic Nynex Mobile, by Maurice Thompson II, Real Estate Consultant. The Petitioners seek relief from Section 502.7.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a monopole, 120 feet in height, to be located within 10 feet of a residential zone boundary, in lieu of the required distance of 240 feet. The subject property, known as 11416 Reisterstown Road, is located in the vicinity of Sunset Road in Owings Mills, and is 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 Maurice Thompson, II, Spencer Ginder, and Kent Lutz, all representatives of Bell Atlantic Nynex Mobile, Don Mitten, a Professional Engineer with Morris & Ritchie Associates, Inc., who prepared the site plan for this property, and Robert A. Hoffman, Esquire, attorney for the Petitioners. Appearing as interested citizens were Gordon Masters and Richard Severe, who reside adjacent to the subject property.

Testimony and evidence offered revealed that the subject property consists of 2.048 acres, more or less, zoned B.M. and is presently unim-

ORDER RECEIVED FOR FILING

Date

By

proved. The Petitioners are desirous of erecting a cellular monopole upon which transmitting and receiving antennae will be installed. The use proposed is permitted as of right, however, given the proposed tower's location adjacent to D.R. 3.5 zoned land, the requested variance is necessary.

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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the

ORDER RECEIVED FOR FILING
Date: 8/14/97
By: [Signature]

public health, safety or general welfare, and meets 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of August, 1997 that the Petition for Variance seeking relief from Section 502.7.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a monopole, 120 feet in height, to be located within 10 feet of a residential zone boundary, in lieu of the required distance of 240 feet, 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 8/2/97

By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

August 4, 1997

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

RE: PETITION FOR VARIANCE
SW/S Reisterstown Road, 800' SE of the c/l of Delight Road
(11416 Reisterstown Road)
4th Election District - 3rd Councilmanic District
John R. Jackson, et ux, Legal Owners; and Bell Atlantic Nynex
Mobile, Contract Lessees - Petitioners
Case No. 97-560-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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 cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. John R. Jackson
106 Nob Hill Park Drive, Reisterstown, Md. 21136

Mr. Maurice Thompson, II, Bell Atlantic Nynex Mobile
9000 Junction Drive, Annapolis Junction, Md. 20701

Mr. Gordon Masters, 11418 Reisterstown Road, Owings Mills, Md. 21117
Mr. Richard Severe, 11418 Reisterstown Road, Owings Mills, Md. 21117

People's Counsel; Case Files



RE: PETITION FOR VARIANCE
11416 Reisterstown Road, SW/S Reisters-
town Road, 800' SE of SE/S Delight Road
4th Election District, 3rd Councilmanic

Legal Owner: John and Carolyn Jackson
Contract Purchaser: Bell Atlantic NYNEX

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NOS. 97-560-A

* * * * *

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 17th day of July, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 11416 Reisterstown Road
which is presently zoned BM

560

94-560-A

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 part of hereof, hereby petition for a Variance from Section(s)

Baltimore County Zoning Regulations Section 502.7.C.2 to permit a ^{120ft} ~~100 ft.~~ monopole within ^{10 ft of a residential zone boundary} ~~67 ft.~~ of the front property line in lieu of the required 200 ft.

240ft TMK

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

To be determined at hearing.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing 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:

Bell Atlantic NYNEX Mobile

(Type or Print Name)

By: Maurice Thompson II
Signature Maurice Thompson II, Real Estate Consultant

9000 Junction Drive

Address

Annapolis Junction

City

MD

State

20701

Zipcode

Legal Owner(s):

John R. Jackson

(Type or Print Name)

Signature

Carolyn Jackson

(Type or Print Name)

Signature

106 Nob Hill Park Drive

Address

410-833-5952

Phone No.

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No.

MD

State

21204

Zipcode

Reisterstown

City

MD

State

21136

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECORDED & FILED

Date

By

DROP OFF
NO REVIEW
6/13/97 WCR

Zoning Administration & Development Management

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



ZONING DESCRIPTION

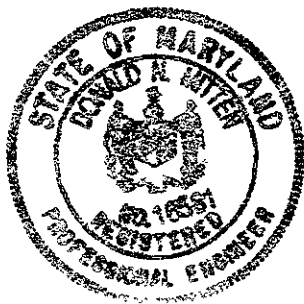
94-560-A

BEGINNING at a point distant 800 feet more or less measured southeasterly along the southwest side of Reisterstown Road (Md Rte. 140), 66 feet wide, from the intersection of the southwest side of Reisterstown Road and the east side of Delight Road, and South 52° 45'00" East 250.00 feet from the southwest side of Reisterstown Road. Thence the following courses and distances:

South 55° 11'48" West 23.17 feet, South 54° 05'00" West 395.08 feet,
North 33° 06'00" West 160.22 feet, North 44° 34'00" East 51.61 feet,
North 36° 56'00" East 373.65 feet, South 36° 25'00" East 279.20 feet,
to the place of beginning.

CONTAINING 2.048 Acres of land more or less.

BEING known as 11416 Reisterstown Road and located in the Fourth Election District of Baltimore County, Maryland, also being secondly described in Deed Liber 6657, Folio 584.



Donald N. Mitten

Donald N. Mitten, P.E.
Associate

GP:mak\al10405\delight.des

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☐ 110 WEST ROAD, SUITE 105
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9446 (301) 470-4470
FAX (410) 792-7395

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

6/26, 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 6/26, 1997.

THE JEFFERSONIAN,

A. Henickson
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 following proposed rezoning of property identified below:

Case: 97-5074

11416 Parkstone Road
S.W.S. Reseasstown, Md.
800' SE of SE/S Delight Road
4th Election District
3rd Councilmanic
Legal Owner(s):
John R. Jackson and Carolyn Jackson
Contract Purchaser(s):
Bell Atlantic NYNEX Mobile
Variance: to permit a 100 foot monopole within 67 feet of the front property line in lieu of the required 200 feet.
Hearing: Monday, July 28, 1997 at 11:00 a.m., Room 407 Courts Bldg., 481 Besley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing. Please Call (410) 887-3391.

6/408 June 26 C153917

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

97-560

No.

035876

DATE 6/13/97

ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Venable, Baetjer and Howard

FOR: #020 - VARIANCE
11416 Reisterstown Road

drop-off petition - no review
ITEM 560

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
6/13/1997 6/13/1997 14:13:41

REG MS06 CASHIER KNCH IOM DRAWER 6

5 MISCELLANEOUS CASH RECEIPT

Receipt # 001353

CR NO. 035876

OFLN

\$250.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

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. 97-560-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: VARIANCE TO PERMIT A 100 FT.
MONOPOLE WITHIN 67 FT. OF THE FRONT
PROPERTY LINE IN LIEU OF THE REQUIRED
200 FT.

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

TO: PUTTICKET PUBLISHING COMPANY

June 26, 1997 Issue - Jeffersonian

Please forward billing to:

Barbara Ormord
Venable Baetjer and Howard LLP
210 Allegheny Avenue
Towson MD 21204
410-494-6200

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: 97-560-A

11416 Reisterstown Road

SW/S Reisterstown Road, 800' SE of SE/S Delight Road

4th Election District - 3rd Councilmanic

Legal Owner(s): John R. Jackson and Carolyn Jackson

Contract Purchaser(s): Bell Atlantic NYNEX Mobile

Variance to permit a 100 foot monopole within 67 feet of the front property line inlieu of the required 200 feet.

HEARING: MONDAY, JULY 28, 1997 at 11:00 a.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.



Baltimore County
Department of Permits and
Development Management

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

June 23, 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: 97-560-A
11416 Reisterstown Road
SW/S Reisterstown Road, 800' SE of SE/S Delight Road
4th Election District - 3rd Councilmanic
Legal Owner(s): John R. Jackson and Carolyn Jackson
Contract Purchaser(s): Bell Atlantic NYNEX Mobile

Variance to permit a 100 foot monopole within 67 feet of the front property line inlieu of the required 200 feet.

HEARING: MONDAY, JULY 28, 1997 at 11:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: John and Carolyn Jackson
Bell Atlantic NYNEX Mobile
Robert A. Hoffman, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 13, 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

July 24, 1997

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 560
Case No.: 97-560-A
Petitioner: John Jackson, et ux

Dear Mr. Hoffman:

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 June 13, 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 black ink, reading "W. Carl Richards, Jr.", is written over a rectangular stamp that contains the same name in a bold, sans-serif font.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Maryland Department of Transportation
State Highway Administration

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

RE: Baltimore County 6-20-97
Item No. 560 WCR

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,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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



Baltimore County
Department of Permits and
Development Management

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

July 11, 1997

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

RE: Drop-Off Petition Review (Item #560)
11416 Reisterstown Road
4th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

Previous Commercial Permits: The permit number(s), control number(s) of work on the same property and the approximate date of the last improvement listed on the plat.

Zoning Hearings, CRG, Waivers: The case number(s), date of the order(s), what was granted or denied, and any restrictions must be listed and addressed on the plat of all prior zoning hearings. Note DRC number and date of approval and approval code. If the variance is in lieu of 200 feet, it should be 130 feet and 110 feet, as well as 67 feet.

Ownership: Add at least the north and south adjacent owners' information of parcel(s) and relation of parcel(s) to adjacent property including reference deed numbers, lot numbers and subdivision names.



Robert A. Hoffman, Esquire
July 11, 1997
Page 2

Streets, Widening, Right-of-Way, Easements: Include all existing public boundary streets with the existing right-of-way and paving width. Also include any right-of-way widening required either by Baltimore County Department of Public Works or the State Highway Administration. Include any existing or proposed easements or rights-of-ways and indicate if it is public or private.

Street Setbacks: And use of all permanent commercial buildings within 100 feet of each side property line to establish average street setback (see Section 303.2, BCZR, and Policy S-2.B).

Entrances: Show on plan location and width of existing and/or proposed entrances (traffic channelization) and their relation to entrances on adjacent properties and properties across the street. Indicate method - curbing, railroad ties. (For requirements, contact either Bureau of Traffic Engineering or State Highways.)

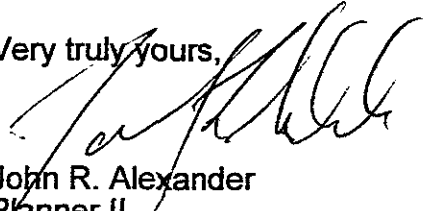
Signs: All existing and proposed, indicating location, height, square footage, illumination, and single or double-faced. Include elevation drawing(s) to scale, if free-standing, and show placement of sign on the building wall, if wall-mounted, and dimensions of the wall.

Fire Hydrants: Location of fire hydrants and distance to the subject property.

Required Off-Street Parking and Calculations: Show access and parking on the site plan for all uses on the property pursuant to Section 409 (BCZR).

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,



John R. Alexander
Planner II
Zoning Review

JRA:scj

Enclosure (receipt)

c: Zoning Commissioner



Baltimore County
Department of Permits and
Development Management

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

June 13, 1997

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

RE: Drop-Off Petitions
309 International Circle (Item 559)
11416 Reisterstown Road (Item 560)

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petitions were accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper forms pertaining to this. There is a form indicating the posting standards required by Baltimore County, as well as a list of vendors serving the Baltimore County area. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to Gwendolyn Stephens.

If you have any questions regarding the sign posting, please do not hesitate to contact Gwendolyn Stephens at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Jan 25, 97

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: June 23, 97

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

Item #'s: 556 559
554 560
555 561
556
558

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Date: July 1, 1997
Department of Permits & Development
Management

FROM: Robert W. Bowling, Chief ~~Robert W. Bowling~~
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 30, 1997
Item Nos. 550, 551, 552, 554, 555,
556, 557, 558, 559, 560, & 562

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: June 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. 548, 559 and 560

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.

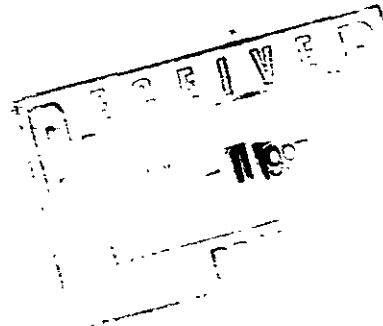
Prepared by:

Jeffrey W. Long

Division Chief:

Arnold F. Keller

AFK/JL



VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

97-2743

OFFICES IN

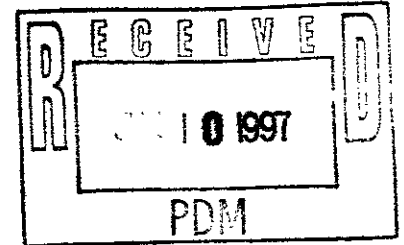
MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
410-494-6201

June 10, 1997

Hand Delivery

Mr. Carl Richards
Department of Permits
and Development Management
County Courts Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Re: Property Owners: John and Carolyn Jackson
Petitioner: Bell Atlantic NYNEX Mobile
Location: 11416 Reisterstown Road
Petition for Zoning Variance

Dear Mr. Richards:

I am hereby drop filing the enclosed Petition for Zoning Variance with regard to the above captioned property. The petitioner proposes to use the site as a wireless transmitting and receiving facility. This request has not been previously reviewed by your office. Pursuant to Jim Thompson of Zoning Enforcement, this property is not in violation of any zoning laws. Enclosed are the following documents:

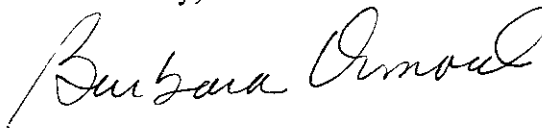
1. Petition for Zoning Variance (3);
2. Zoning description (3);
3. 200' scale zoning map (1);
4. Site Plans (12); and
6. Check in the amount of \$250.00

560

Mr. Carl Richards
June 10, 1997
Page 2

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in cursive script, reading "Barbara Ormord".

Barbara W. Ormord
Legal Assistant

bw

cc: Robert A. Hoffman, Esquire

May 13, 2004

Mr. Jack Andrews
WFI
1840 Michael Faraday Dr.
Suite 200
Reston, VA 20190

Dear Mr. Andrews:

RE: Spirit & Intent Case No. 97-560-A, 11416 Reisterstown Road, 3rd Election District

Your Spirit and Intent letter has been referred to me for reply. Based upon a review of the plan which accompanied the letter and a research of the zoning records the following has been determined.

The plan submitted with your letter does not match "petitioners exhibit no. 1" in the above referenced case. This plan is available at our office. Please prepare and submit to this office an amended version of the site plan submitted in Zoning Case No. 97-560-A **clearly showing the additional tower height and any other collateral changes.** Include a signature block titled:

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE
PLAN AND ORDER IN ZONING CASE No. 97-560-A

Signed By

Date

This amended plan, if approved, will be included in the existing zoning case file. Further, provide to this office photographic facsimiles of how the extended tower may appear.

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

Sincerely,

Lloyd T. Moxley
Planner II
Zoning Review

LTM

June 11, 2004

Mr. Jack Andrews
WFI
1840 Michael Faraday Dr.
Suite 200
Reston, VA 20190

Dear Mr. Andrews:

RE: Spirit & Intent Case No. 97-560-A, 11416 Reisterstown Road, 3rd Election District
2nd Review

Pursuant to a review of the red-lined plan submitted for review subsequent to my letter dated May 13, 2004 and discussions with the Director the following has been determined.

The Deputy Zoning Commissioner in considering testimony offered in the original above referenced case fixed the a height of the tower at 120 feet. The tower height was integral to the requested variance that was granted. Your proposal to extend the tower height 12 feet in order to place additional antenna arrays is considered to be **beyond** the "Spirit and Intent" of the Decision and Order contained in said zoning case no. 97-560-A. A Special Hearing will be required in order to amend the tower height as approved in the aforementioned case.

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

Sincerely,

Lloyd T. Moxley
Planner II
Zoning Review

LTM

AND INTENT OF THE PLAN
560-A.

DATE:

OMNIPPOINT ANTENNAS
AND FRAME BY OWNERS
(TYP). SEE A3 FOR
ANTENNA DETAILS

TOP OF EXISTING
MONOPOLE
EL. 78.5'

12'-0"
EXTENSION

EXISTING
SPRINT
ANTENNAS

EXISTING
VERIZON
WIRELESS
ANTENNAS

EXISTING
AT&T
ANTENNAS

OMNIPPOINT ANTENNAS: PROVIDE SUPPORTING PLATFORM AND
STRUCTURE AS SUPPLIED BY TOWER MANUFACTURER.
DESIGNED IN ACCORDANCE WITH EIA/TIA STRUCTURAL
STANDARDS FOR STEEL ANTENNA TOWERS & ANTENNA
SUPPORTING STRUCTURES, EIA/TIA-222-G, AND BOCA
NATIONAL BUILDING CODE, 1999, WITH
MARYLAND STATE BUILDING CODE REQUIREMENTS
(WIND VELOCITY = 110 MPH) CONNECT ANTENNA SUPPORTS
TO TOWER AS DETAILED BY MANUFACTURER. TOWER
MANUFACTURER AND OWNER TO VERIFY THAT NEW ANTENNAS
AND SUPPORTS ARE IN ACCORDANCE WITH ORIGINAL
TOWER AND FOUNDATION DESIGNS, RESPECTIVELY.

120'-0"
EXISTING MONOPOLE HEIGHT

132'-0"
RAD CENTER SECTORS A, B, AND C

RUN OMNIPPOINT COAXIAL
CABLES ON OUTSIDE OF
MONOPOLE

EXISTING MONOPOLE

OMNIPPOINT RBS
2106 CABINETS
(TYP. OF 2)

OMNIPPOINT
ICEBRIDGE
14' AGL

EXISTING
FENCE
COMPOUND

CENTER OF
EXISTING MONOPOLE
EL. 658.5' AMSL

OMNIPPOINT
CONCRETE
PAD

ELEVATION
NOT TO SCALE

NOTE:
EXISTING EQUIPMENT AND SHELTERS NOT SHOWN FOR CLARITY.

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12050 BALTIMORE AVENUE
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(240) 264-8600 OFFICE
(240) 264-8610 FAX

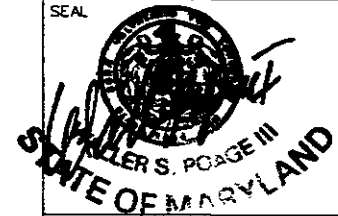
SCE Inc.

8328 TRAFORD LANE
UNIT C
SPRINGFIELD, VIRGINIA
22152

PH: (703) 569-6600
FAX: (703) 569-2550

BOARD OF ARCHITECTS
9138
FILE NO. 040088

SEAL



BAN094A

CROWN - OWINGS MILLS

COLLOCATION - EXISTING MONOPOLE

11416 REISTERSTOWN ROAD
OWINGS MILLS, MARYLAND 21117

NO.	DATE	REVISIONS	BY	CHK	APPD
3	06-07-04	REV. CONSTRUCTION FINAL	KW	NM	
2	04-29-04	FOR CONSTRUCTION FINAL	KW	NM	
1	04-20-04	FOR CONSTRUCTION REVIEW	KW	NM	

SCALE: AS SHOWN

DRAWING TITLE

**ELEVATION AND
COMPOUND PLAN**

DRAWING NUMBER

A1

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

April 26, 2005

Mr. Robert W. Cannon
Saul Ewing
100 South Charles Street
Baltimore MD 21201

Dear Mr. Cannon:

RE: "Spirit and Intent" Case No. 97-560-A, 11416 Reisterstown Road, 3rd Election District
2nd Review

Pursuant to a review of the materials submitted accompanying your April 19, 2005 letter, and subsequent to discussions with the Director of Permits and Development Management the following position of the Baltimore County Office of Zoning Review is offered.

Your "spirit and intent" request to this office does not propose to decrease the tower setback of 10' to a residential zone boundary as granted in the above referenced zoning case. Further, an increase in the overall tower height of 12' for a total of 132' is below the maximum tower height of 200' established in Section 426.1 of the Baltimore County Zoning Regulations (BCZR). Therefore in this particular instance and at this specific site alone the following has been determined.

Provided that the increase in the height of the tower is limited to a maximum of 12' and that any and all proposed ground based equipment be located within the fenced compound area as shown on the "Elevation and Compound Plan" dated 6/07/04 as provided to this office, the proposal is considered to be **within** the "spirit and intent" of zoning case No. 97-560-A. You must present a copy of this letter at the time of building permit application.

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

Sincerely,

A handwritten signature in black ink, appearing to be "Lloyd T. Moxley", is written over the typed name and title.
Lloyd T. Moxley
Planner II
Zoning Review

LTM

Visit the County's Website at www.baltimorecountyonline.info



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

GORDON MASTERS

11418 REISTERSTOWN RD OWINGS MILLS, MD 21117

RICHARD SEVERE

12

21



PETITIONER(S) SIGN-IN SHEET

NAME _____

ADDRESS

110 WEST RD SUITE 105 21204

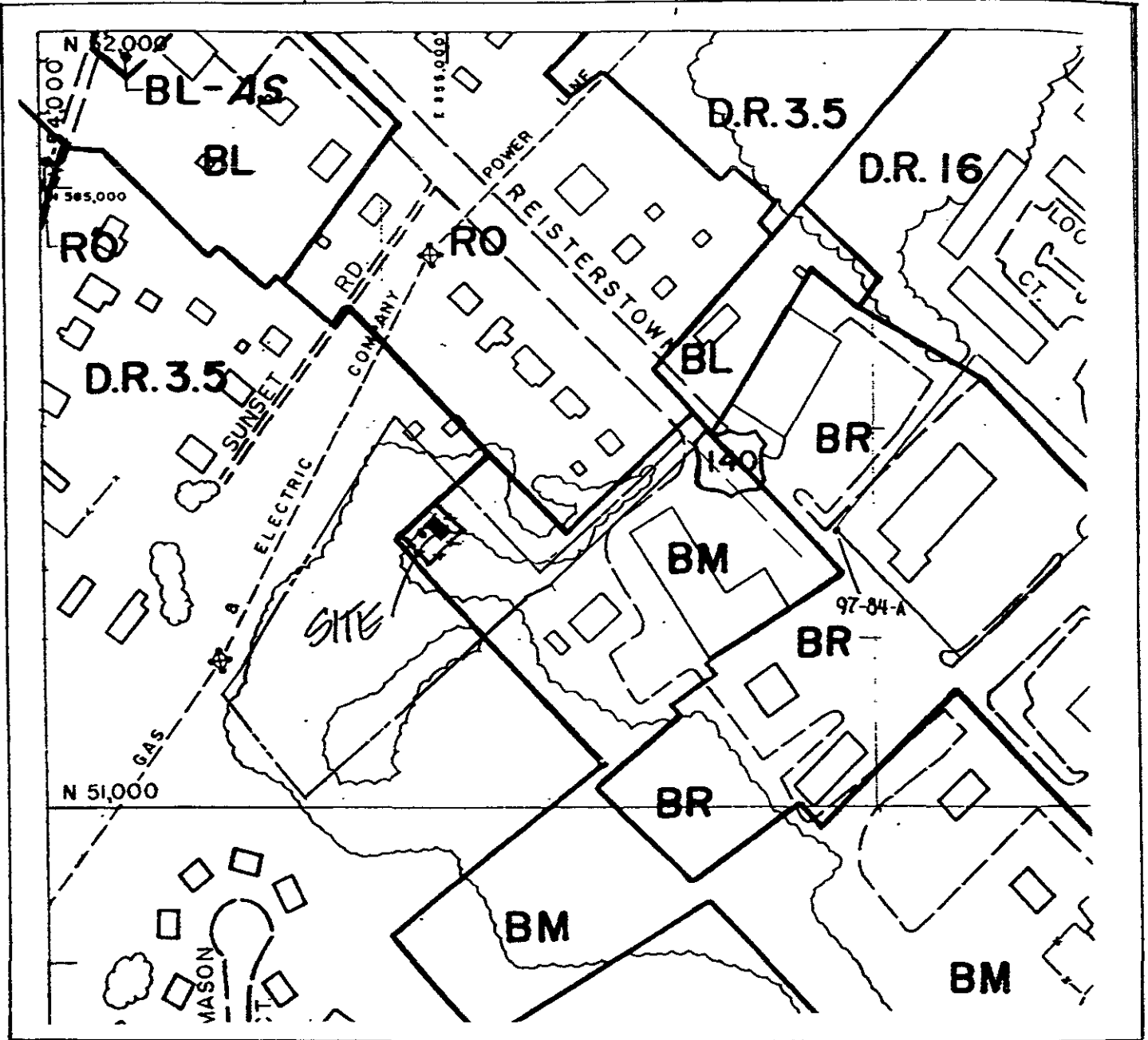
9000 Junction Dr. Annapolis Junction Md.

9000 JUNCTION DR. ANNAPOLIS Junction

9000 Junction Dr. Annapolis Junction MD

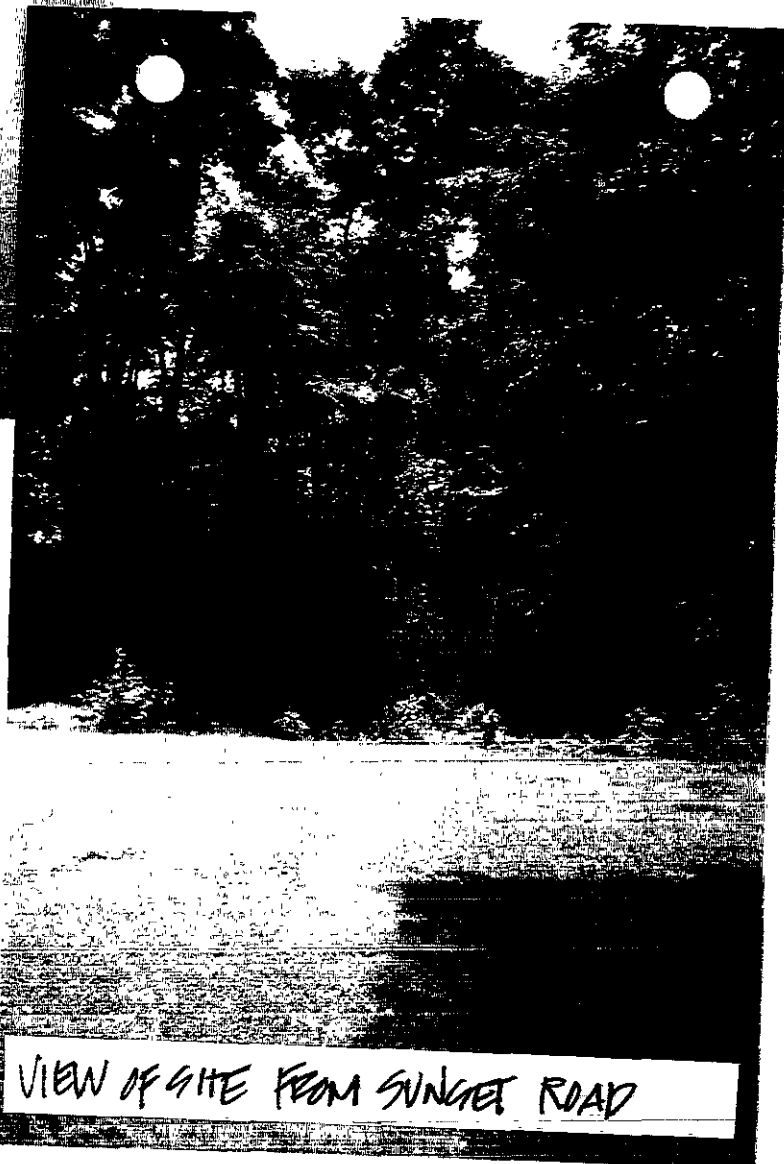


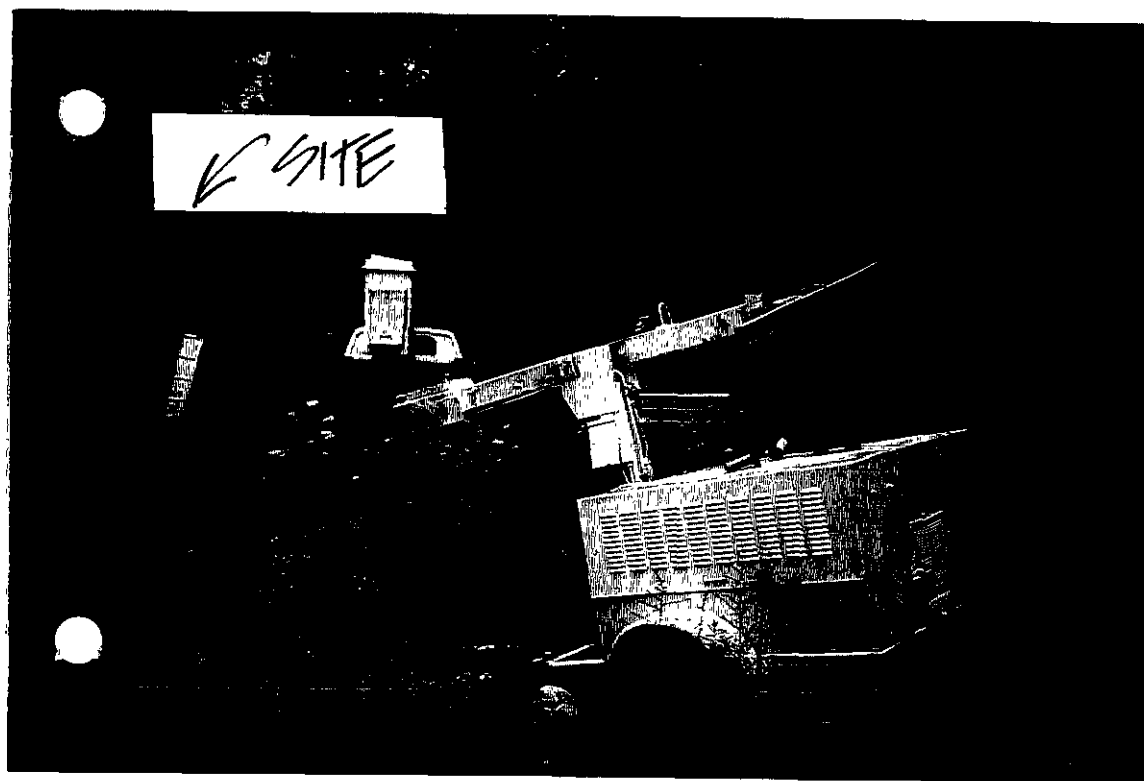
97 560-A



ZONING MAP
SCALE: 1" = 200'

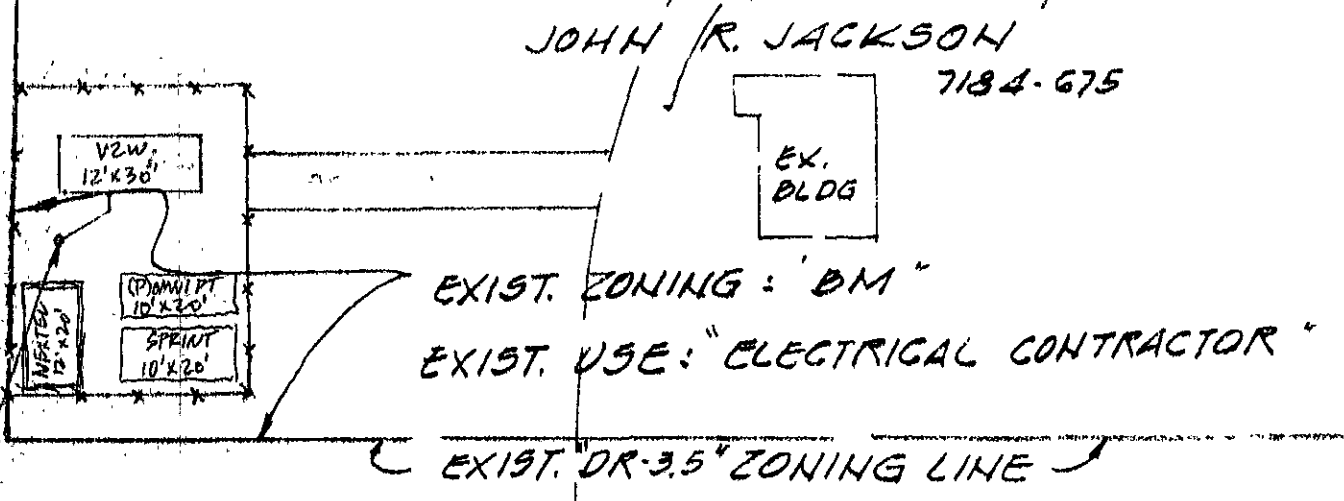
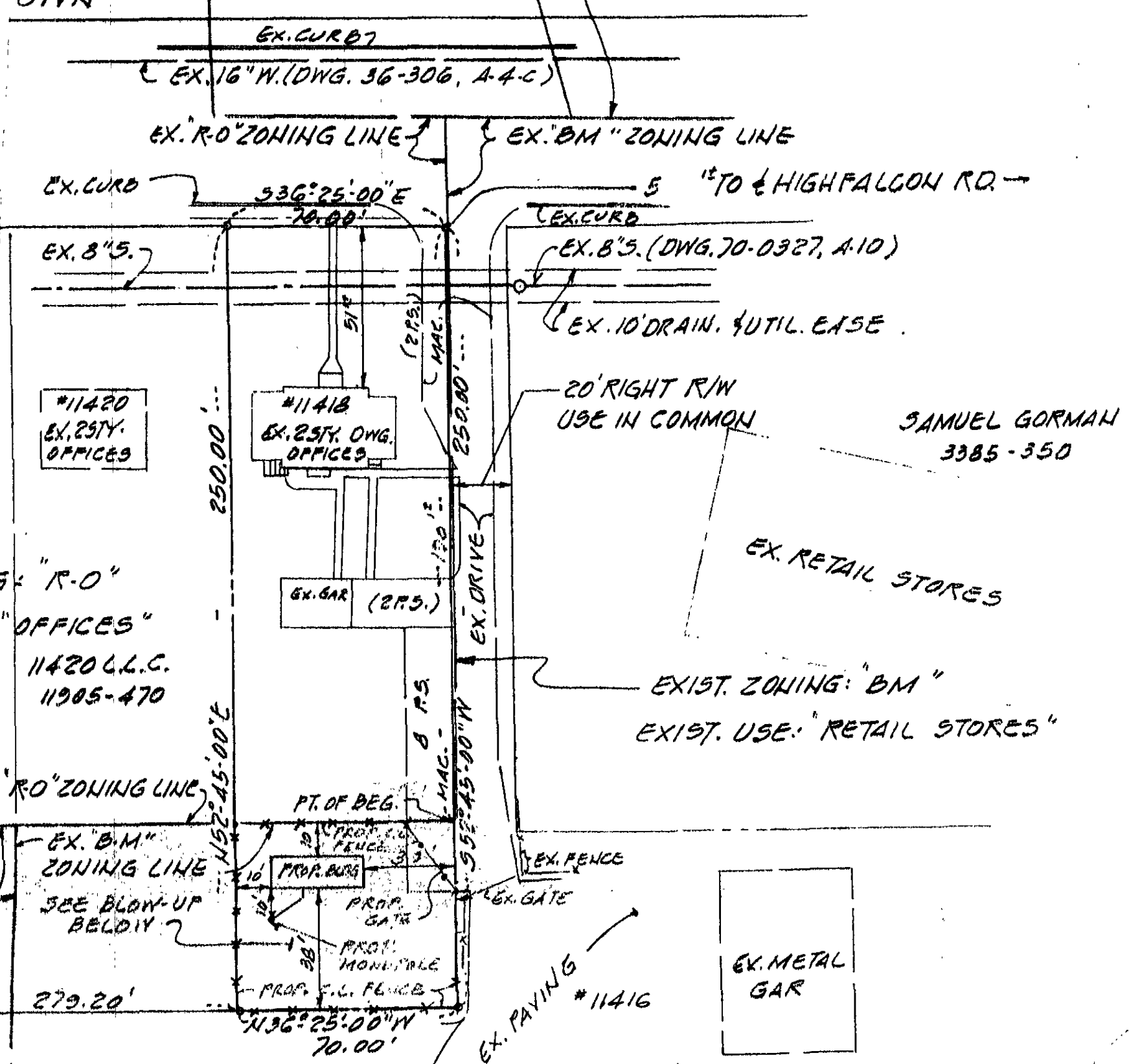
Map N.W.
13-1







TOWER H
HEIGHT
TYPE OF
TYPE OF
OPERATING
TOTAL NO
EFFECTIV



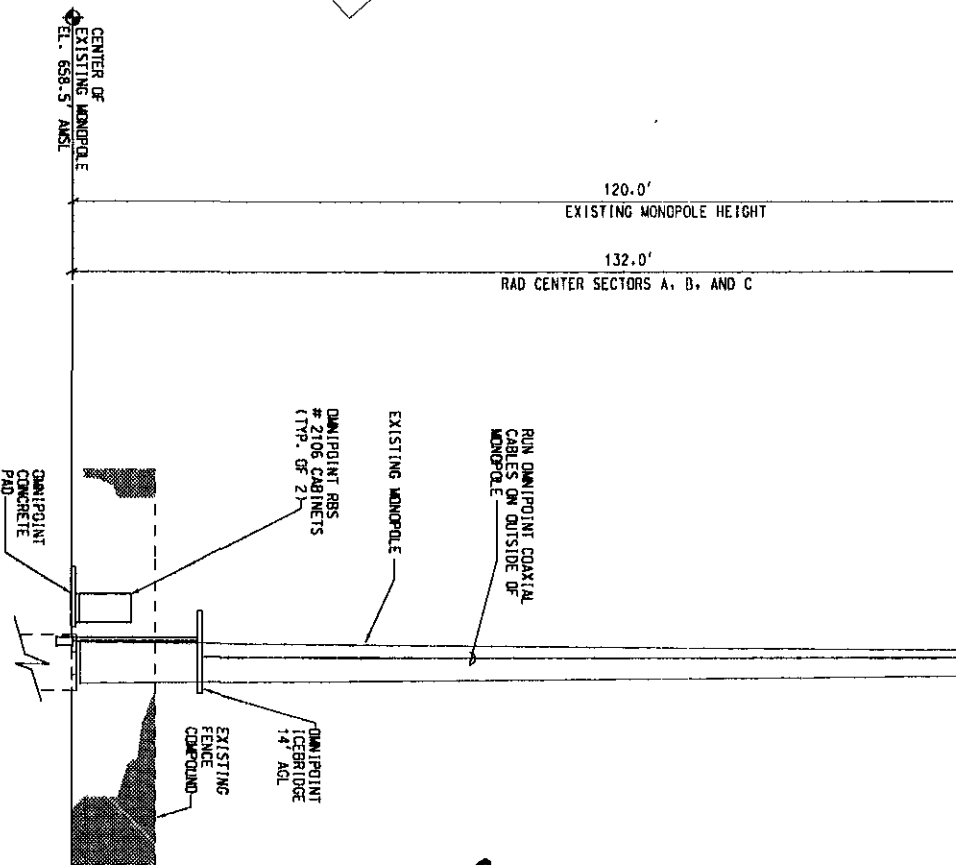
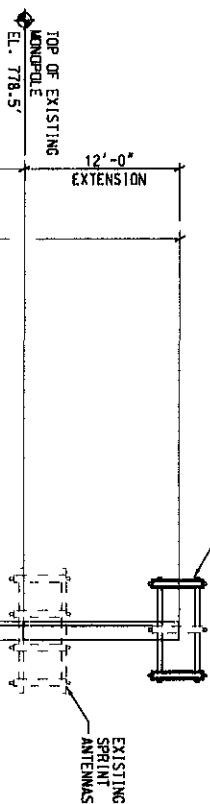
EX. R-O ZONING LINE
EX. BM ZONING LINE

PROT MONOPOLE
SEE ZONING CASE "97-560-A)
Petitioner:

APPROVED AS BEING WITHIN THE SPRINT AND INTENT OF THE PLAN
AND ORDER IN ZONING CASE NUMBER 57-560-A.
SIGNED BY: DATE:

OMNIPPOINT ANTENNAS: PROVIDE SUPPORTING PLATFORM AND
DESIGNED IN ACCORDANCE WITH ALL APPLICABLE STRUCTURAL
STANDARDS FOR STEEL ANTENNA TOWERS & ANTENNA
NATIONAL BUILDING CODE, 1999, WITH
MATERIAL AND STATE BUILDING CODE REQUIREMENTS. SUPPORTS
TO BE DETAIL BY MANUFACTURER ANTENNA SUPPORTS
MANUFACTURER AND OWNER TO VERIFY THAT NEW ANTENNAS
AND SUPPORTS ARE IN ACCORDANCE WITH ORIGINAL
TOWER AND FOUNDATION DESIGNS, RESPECTIVELY.

OMNIPPOINT ANTENNAS
AND RAILS SYSTEMS
(TYP.) SEE 3 FOR
ANTENNA DETAILS



ELEVATION

NOTE:
NOT TO SCALE
EXISTING EQUIPMENT AND SHELTERS NOT SHOWN FOR CLARITY.

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BOARD OF ARCHITECTS

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DATE NO. 040088
3138

STATE OF MARYLAND
S. POSEY III

BAN094A

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NO.	DATE	REVISIONS	BY	CHK
			AW	MM

SCALE: AS SHOWN

DRAWING TITLE

ELEVATION AND
COMPOUND PLAN

DRAWING NUMBER

A1

COMPOUND PLAN

SCALE: 1" = 10'-0"

