

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SE/S Hooks Lane at Inters. with *
Hooks Lane & Park Heights Ave. * ZONING COMMISSIONER
1 Gristmill Court *
3rd Election District * OF BALTIMORE COUNTY
2nd Councilmanic District *
Legal Owner: Annen Woods No.5 * Case No. 98-11-SPH
Lessee: APC Realty & Equip.Co., LLC *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 1 Gristmill Court in Pikesville. The Petition was filed by the Council Unit Owners of Annen Woods Condominium No. 5, through Harold E. Resnick, President, property owner, and APC Realty and Equipment Company, LLC, Lessee. The Petition seeks approval to amend the previously granted special exception in case No. 93-461-X, by permitting the installation of additional wireless transmitting and receiving facility equipment on the subject site. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Special Hearing, marked into evidence as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this case were Gregory Sarro, Kevin Mason, Jonathan Reno and Ryan Conaway, all from American Personal Communications Realty Company, LLC, Co-Petitioner. Also present in support of the Petition was Bob Morelock from Daft-McCune-Walker. The Petitioner was represented by John P. Evans, Esquire. There were no Protestants or other interested persons present.

This is another in a series of cases filed by APC relating to the installation of this wireless transmitting and receiving network in Baltimore County. As has frequently been stated in written decisions by this office, APC and its competitors are installing a series of wireless transmitting and receiving facilities throughout Baltimore County. These

10/9/97
Date
By

facilities are installed to allow the company to provide mobile communications to its customers. APC specializes in providing these mobile communication services, including mobile phone, fax and data transmission.

The co-Petitioner, APC has selected the proposed site for the installation of its equipment in this locale. The subject site is approximately 3.23 acres in area zoned D.R.16. It is located on the corner of the intersection of Park Heights Avenue and Granary Drive, not far from the Baltimore Beltway (I-695). The property is improved with a six story condominium building. The site plan clearly shows the subject property, describes the building thereon and depicts the general neighborhood.

At the hearing, the Petitioner indicated that seven antennas would be installed on the roof of the building and five equipment cabinets in the basement thereof. This is a slight amendment to what was shown on the original site plan and this change was occasioned by APCs ongoing investigation as to the best method to use this site. Additional testimony and evidence offered at the hearing was that the installation of equipment at this site were to address APCs coverage and capacity concerns for this area. That is, the installation of the equipment at this site will allow the company to provide better service within the immediate locale and also serve more of its customers. Additionally, environmental impact statement (Petitioner's Exhibit No. 3) and specifications booklet (Petitioner's Exhibit No. 4) were submitted at the hearing.

It is to be noted that APC is not the first wireless transmitting and receiving company to install its equipment on this site. By opinion and Order issued in case No. 93-461-X, Deputy Commissioner, Timothy M. Kotroco, granted relief to permit a roof mounted wireless transmitting and receiving facility on the site for one of APCs competitors. Thus, the Petition for Special Hearing has been requested in this case seeking amendment of that site plan and approval granted in that case.

10/9/97
Date
By: M. Hark

Based on the testimony and evidence offered, all of which is uncontradicted, I am persuaded to grant the relief requested. Clearly, this is an appropriate location for the proposed facility. Moreover, utilization of this site is in keeping with the spirit and intent of the BCZR, which requires that APC construct its equipment on existing facilities and not erect new monopoles and towers. The installation of its equipment on the roof of the subject property will cause little impact on the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9th day of October 1997 that, pursuant to the Petition for Special Hearing, approval to amend the previously granted special exception in case No. 93-461-X, by permitting the installation of additional wireless transmitting and receiving facility equipment on the subject site, be and is hereby GRANTED.

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

LES:mmn


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning

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

October 8, 1997

John P. Evans, Esquire
Whiteford, Taylor and Preston, LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204

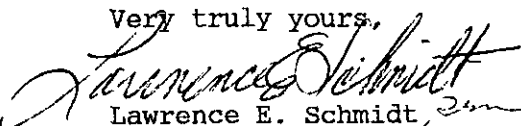
RE: Petition for Special Hearing
Case No. 98-11-SPH
Property: 1 Gristmill Court
APC Realty and Equipment Co., LLC, Petitioner

Dear Mr. Evans:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted with restriction.

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

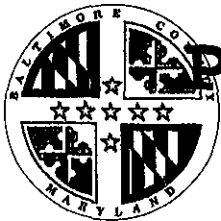
Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

c: Messrs. Sarro, Mason, Reno and Conaway
American Personal Communications
6905 Rockledge Drive, Suite 100
Bethesda, Maryland 20817





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1 Gristmill Court, Pikesville, MD 21208

97-11-SPH

which is presently zoned D.R.-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

To amend the previously granted special exception case no. 93-461-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.

Contract Purchaser/Lessee:

APC Realty and Equipment Company, L.L.C.
Margaret Ruggieri-V.P.

(Type or Print Name)

Signature

6905 Rockledge Drive, Suite 100

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

~~Jack Evans~~ John P. Evans

(Type or Print Name)

Signature

Whiteford Taylor & Preston

7 Saint Paul Street

(410) 347-8760

Address

Phone No.

Baltimore, MD 21202

City

State

Zipcode

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.

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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

~~Jack Evans~~ John P. Evans

Name

7 St. Paul Street

(410) 347-8760

Address

Baltimore, MD 21202

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: JRF

DATE

7-7-97

Zoning Administration
& Development Management

11

98-11-SPH

Description
To Accompany Petition for a Special Hearing
3.23 Acre Parcel
Section One, The Village
Southeast Side of Hooks Lane
Southwest Side of Park Heights Avenue
Third Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at a point on the southeast side of Hooks Lane 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 Hooks Lane with the centerline of Park Heights Avenue (120 feet wide) (1) Southwesterly along said centerline of Hooks Lane, 90 feet more or less, and thence (2) Southeasterly 20 feet more or less to the point of beginning, thence leaving said beginning point and binding on the southeast side of Hooks Lane (1) South 69 degrees 53 minutes 49 seconds East 21.21 feet, thence binding on the southeast side of Park Heights Avenue the four following courses and distances, viz: (2) South 24 degrees 53 minutes 49 seconds East 330.34 feet, thence (3) Southeasterly by a line curving to the left with a radius of 7719.44 feet for a distance of 223.65 feet (the arc of said curve being subtended by a chord bearing South 25 degrees 43 minutes 37 seconds East 223.64 feet and having a beginning tangent bearing of South 24 degrees 53 minutes 49 seconds East and a departing tangent bearing of South 26 degrees 33 minutes 25 seconds East), thence (4) South 21 degrees 14 minutes 07 seconds East 101.28 feet, and thence (5) South 17 degrees 54 minutes 33 seconds West 84.85 feet to the northwest side of the Baltimore Beltway (I-695) thence binding thereon the seven following courses and distances, viz: (6) South 62 degrees 54 minutes 31 seconds West 50.00 feet, thence (7)

98-11-SPH

Southwesterly by a line curving to the left with a radius of 1974.86 feet for a distance of 148.42 feet (the arc of said curve being subtended by a chord bearing South 60 degrees 45 minutes 20 seconds West 148.39 feet and having a beginning tangent bearing of South 62 degrees 54 minutes 31 seconds West and a departing tangent bearing of South 58 degrees 36 minutes 09 seconds West), thence (8) South 58 degrees 36 minutes 09 seconds West 15.82 feet, thence (9) North 27 degrees 30 minutes 12 seconds West 25.59 feet, thence (10) Northwesterly by a line curving to the left with a radius of 10.00 feet for a distance of 15.71 feet (the arc of said curve being subtended by a chord bearing North 72 degrees 30 minutes 12 seconds West 14.14 feet and having a beginning tangent bearing of North 27 degrees 30 minutes 12 seconds West and a departing tangent bearing of South 62 degrees 29 minutes 48 seconds West), thence (11) Southwesterly by a line curving to the right with a radius of 45.00 feet for a distance of 18.79 feet (the arc of said curve being subtended by a chord bearing South 74 degrees 28 minutes 15 seconds West 18.66 feet and having a beginning tangent bearing of South 62 degrees 29 minutes 48 seconds West and a departing tangent bearing of South 86 degrees 26 minutes 11 seconds West), and thence (12) Southwesterly by a line curving to the left with a radius of 25.00 feet for a distance of 27.49 feet (the arc of said curve being subtended by a chord bearing South 54 degrees 55 minutes 57 seconds West 26.13 feet and having a beginning tangent bearing of South 86 degrees 26 minutes 11 seconds West and a departing tangent bearing of South 35 degrees 25 minutes 43 seconds West) to the northeast side of Granary Drive, thence binding thereon the two following courses and distances, viz: (13) Northwesterly by a line curving to the left with a radius of 162.00 feet for a distance of 136.61 feet (the arc of said curve being subtended by a chord bearing North 00 degrees 44 minutes 22 seconds West 132.60 feet and having a beginning

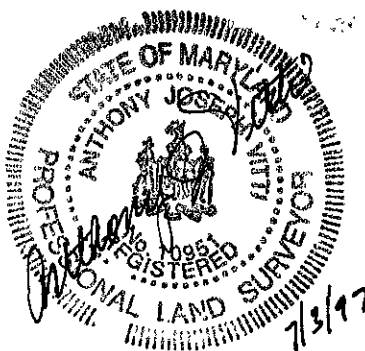
98-11-584

tangent bearing of North 86 degrees 26 minutes 11 seconds East and a departing tangent bearing of North 24 degrees 53 minutes 49 seconds West), thence (14) North 24 degrees 53 minutes 49 seconds West 298.00, thence leaving the said northeast side of Granary Drive the two following courses and distances, viz: (15) North 65 degrees 06 minutes 11 seconds East 204.19 feet, thence (16) North 21 degrees 30 minutes 00 seconds West 296.42 feet to the southeast side of Hooks Lane, thence binding thereon (17) Northeasterly by a line curving to the left with a radius of 662.21 feet for a distance of 39.26 feet (the arc of said curve being subtended by a chord bearing North 66 degrees 48 minutes 06 seconds East 39.26 feet and having a beginning tangent bearing of North 65 degrees 06 minutes 11 seconds East and a departing tangent bearing of North 65 degrees 33 minutes 06 seconds East) to the point of beginning, containing 3.23 acres of land, more or less.

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

June 24, 1997

Project No. 94123.94 (L94123.94)



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: #98-11-SPH
1 Gilmour Court
SE/S Hooks Lane at intersection Hooks Lane and Park Heights Avenue

3rd Election District
2nd Circuit
Legal District
Annexed
Contract
ABC Realty and Equipment Company, LLC

Special Hearing: to amend the previously granted special exception case no. 93-461-X
Hearing: Wednesday, August 27, 1997, at 10:00 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 (410) 887-3353.
(2) For information concerning the File and/or Hearing Please Call (410) 887-3391.

7/452 July 31 C162229

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/31, 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 7/31, 1997.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

041020

DATE 7-7-97 ACCOUNT R-001-615-000

AMOUNT \$ 250.00

RECEIVED FROM: AFG Realty & Equipment Co., LLC.

040 - SP# Item # 11
FOR: 1 Gristmill Ct. Taken by: JBF

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
7/07/1997 7/07/1997 10:57:10
PES MSVS CASHIER STTY BMT DEWEP
: HOFFLANDS CASH RECEIPT
Receipt # 013217
OR NO. 041020

250.00 CHECK: FR
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-11-SPH

Petitioner/Developer: _____

Date of Hearing/Closing: 8-27-97

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 _____

1 GRISTMILL COURT

The sign(s) were posted on 8-13-97
(Month, Day, Year)

Sincerely,

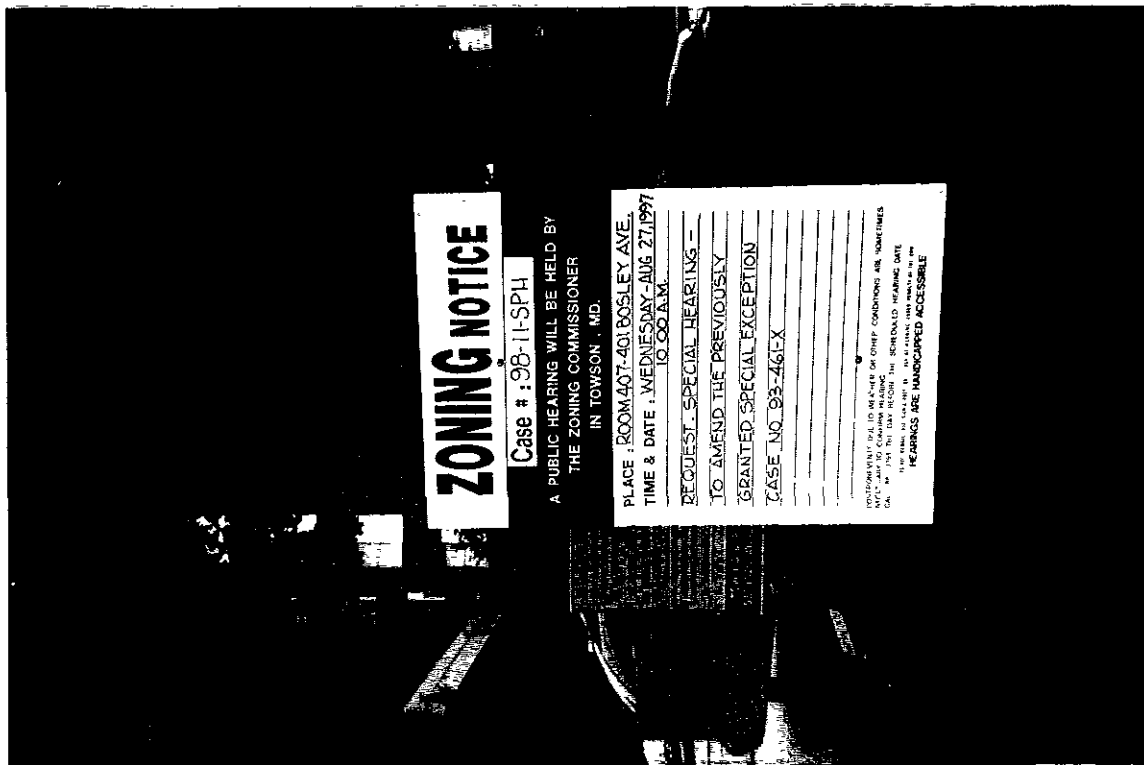
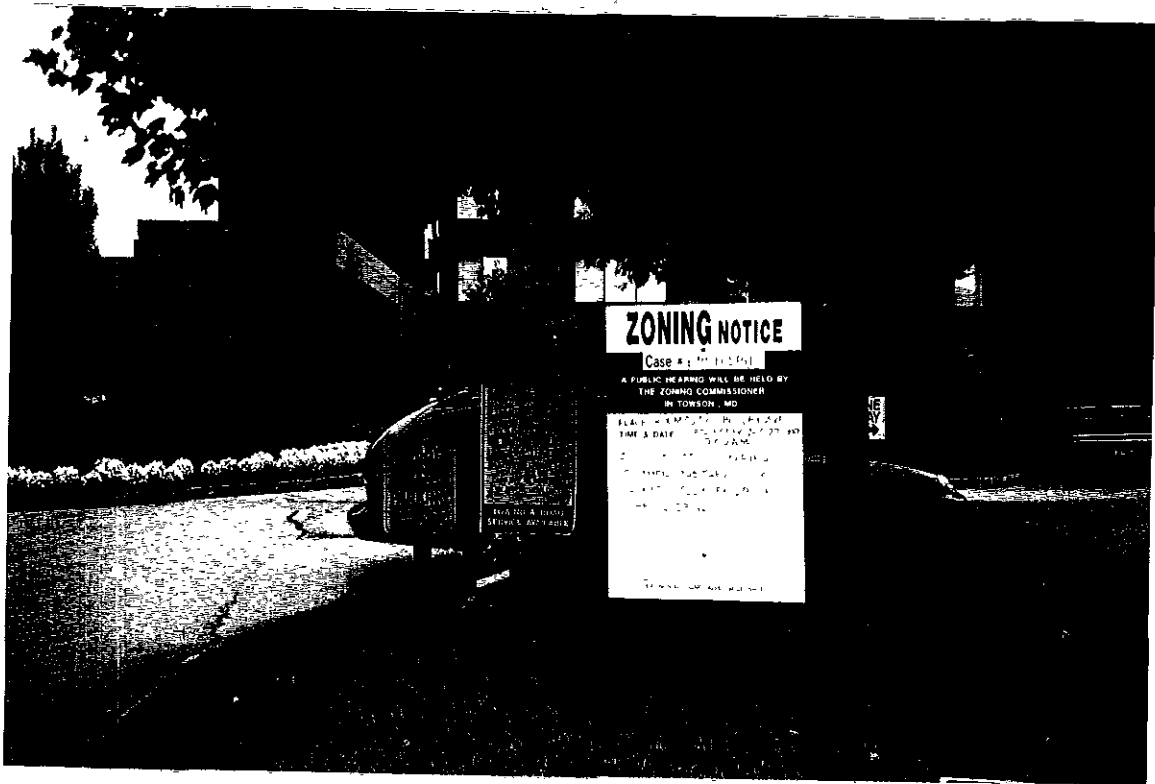
Garland E. Moore
(Signature of Sign Poster and Date)

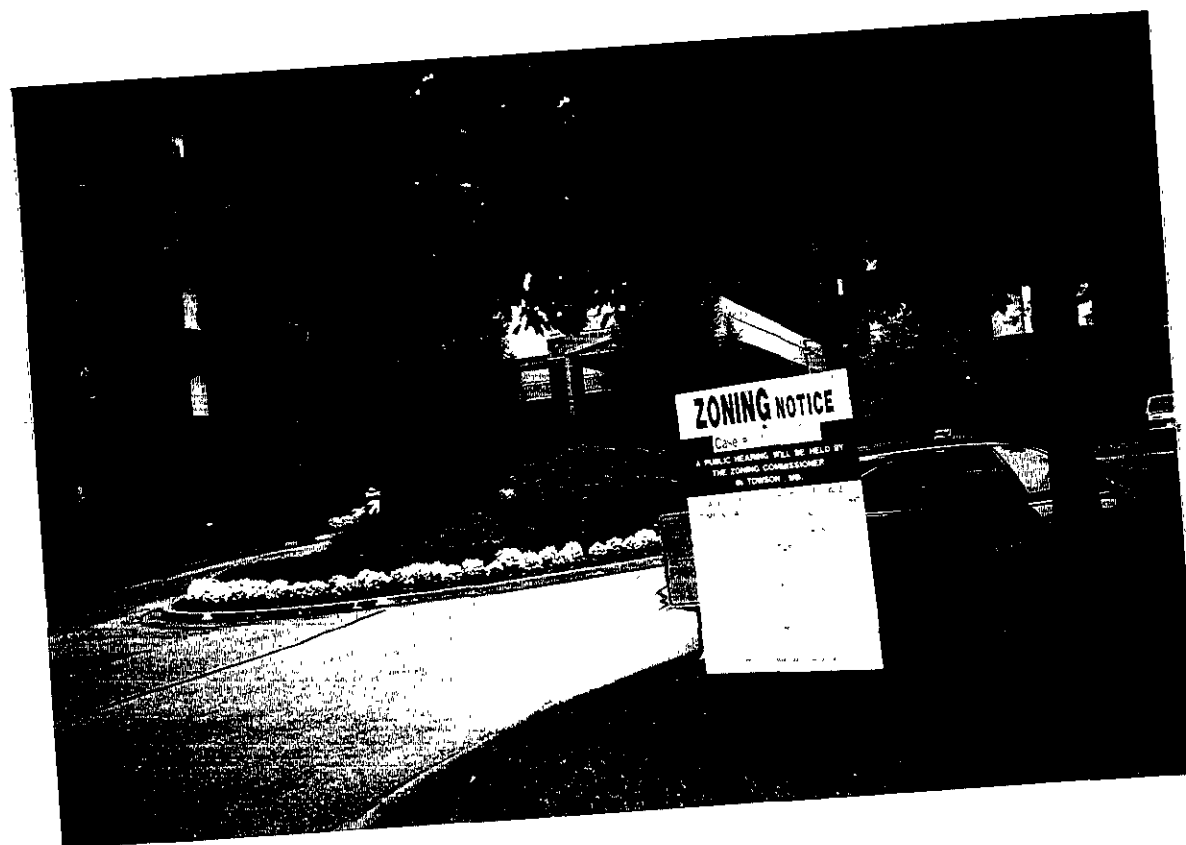
GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

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

(410) 242-4263
(Telephone Number)







Petition for Special Hearing

98-11-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 1 Grismill Court, Pikesville, MD 21208

which is presently zoned D.R.-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

To amend the previously granted special exception case no. 93-461-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.

Contract Purchaser/Lessee:

APC Realty and Equipment Company, L.L.C.
Margaret Ruggieri-V.P.

(Type or Print Name)

Margaret Ruggieri

Signature

6905 Rockledge Drive, Suite 100

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

~~Jack Evans~~ John P. Evans

(Type or Print Name)

John P. Evans

Signature Whiteford Taylor & Preston

7 Saint Paul Street (410) 347-8760

Address

Phone No.

Baltimore, MD 21202

City

State

Zipcode

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.

Legal Owner(s):

ANNEN WOODS #5
HAROLD E. RESNICK, PRES

(Type or Print Name)

Harold E. Resnick

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted

~~Jack Evans~~ John P. Evans
7 St. Paul Street (410) 347-8760

Address

Baltimore, MD 21202

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JRF DATE 7-7-97

Zoning Administration
& Development Management

#11

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.: 98-11-SPH

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

PLACE: *

DATE AND TIME: *

REQUEST: SPECIAL HEARING - To amend the
previously granted special exception case
no. 93-461-X

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 and placement of a notice in at least one newspaper of general circulation in the County.

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 2011 Petitioner: ARC Realty & Equipment Comp.
Location: 1 Aristmill Court, Pikesville MD 21088

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ARC Realty & Equipment Company
ADDRESS: 6905 Rockledge Drive Suite 100
Bethesda, MD 20817
PHONE NUMBER: 301-214-9293



TO: PUTTIXENT PUBLISHING COMPANY
July 31, 1997 Issue - Jeffersonian

Please forward billing to:

/APC Realty and Equipment Company, LLC
6905 Rockledge Drive #100
Bethesda, MD 20817
301-214-9293

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: 98-11-SPH
1 Gristmill Court
SE/S Hooks Lane at intersection Hooks Lane and Park Heights Avenue
3rd Election District - 2nd Councilmanic
Legal Owner(s): Annen Woods #5
Contract Purchaser(s): APC Realty and Equipment Company, LLC

Special Hearing to amend the previously granted special exception case no. 93-461-X.

HEARING: WEDNESDAY, AUGUST 27, 1997 at 10:00 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

July 25, 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: 98-11-SPH

1 Gristmill Court

SE/S Hooks Lane at intersection Hooks Lane and Park Heights Avenue

3rd Election District - 2nd Councilmanic

Legal Owner(s): Annen Woods #5

Contract Purchaer(s): APC Realty and Equipment Company, LLC

Special Hearing to amend the previously granted special exception cae no. 93-461-X.

HEARING: WEDNESDAY, AUGUST 27, 1997 at 10:00 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 P. Evans, Esq.
APC Realty and Equipment Company, LLC

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 12, 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.



Jules Cohen, P.E.
Consulting Engineer

PETITIONER'S
EXHIBIT Nov

**ENGINEERING STATEMENT
RADIO-FREQUENCY EXPOSURE ANALYSIS
AMERICAN PERSONAL COMMUNICATIONS/SPRINT SPECTRUM
CELL SITE CBN132, ANNEN WOODS CONDOMINIUM**

Pursuant to a request from American Personal Communications/Sprint Spectrum ("APC"), an analysis has been made of the radio-frequency (RF) exposure within the building and in the vicinity of the proposed cell site CBN132 at Annen Woods Condominium, One Gristmill Court, Pikesville, Maryland. This engineering statement describes the results of the analysis and the methodology employed.

Personal Communications Service ("PCS") radio installations, such as that proposed by APC, are environmentally benign. They are compliant with the RF exposure standards adopted by the Federal Communications Commission and do not constitute a health hazard. They are not a potential source of interference to broadcast station reception or to electrical or electronic devices. They are neither a noise source nor a generator of traffic, nor do they emit noxious fumes.

In brief, the analysis shows that the RF exposure within the building will not be increased measurably over that presently existing and that the maximum RF exposure in the vicinity of the site would be less than 0.2 percent of the permissible exposure established by the FCC for uncontrolled (general population) environments.

Seven PCS antennas and one GPS receiving antenna are proposed to be mounted on the building chimney or penthouse, but only six PCS antennas are for transmission. The remaining PCS antenna is receive only and makes no contribution to the expected

Statement

**PETITIONER'S
EXHIBIT No. 3**

Baltimore County, Maryland

DMW Project No. 94123.94
June 1997

Prepared for:
APC Realty & Equipment Co., L.L.C.
One Democracy Center
Suite 100
6905 Rockledge Drive
Bethesda, MD 20812

Prepared by:
Dart-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
(410) 296-4705 Fax
dmw@dmw.com





**American Personal
Communications**

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

**Special Hearing
Case No: 98-11-SPH**

**APC REALTY AND EQUIPMENT COMPANY
SPECIAL HEARING
AUGUST 27, 1997**

TABLE OF CONTENTS

1. Site Photograph
2. Equipment Specifications
- 3.. FCC License
4. Radio Frequency Statement- Jules Cohen
5. FCC Statement on PCS-Creating Significant Benefits for Consumers and Business
6. FCC's Chairman, Reed Hundt, Speech Excerpts

**PETITIONER'S
EXHIBIT No 4**

Sprint SpectrumSM

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



Baltimore County
Department of Permits and
Development Management

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

August 22, 1997

John P. Evans, Esquire
Whiteford Taylor & Preston
7 Saint Paul Street
Baltimore, MD 21202

RE: Item No.: 11
Case No.: 97-11-SPH
Petitioner: Annen Woods #5

Dear Mr. Evans:

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 July 7, 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, appearing to read "W. Carl Richards, Jr.", is written over a faint, stamped version of the same name.

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 7.25.97
Item No. 011 JRF

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,

P. J. Gredlein
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, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 29, 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. 10, 11, 12, 13, 16, and 19

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.

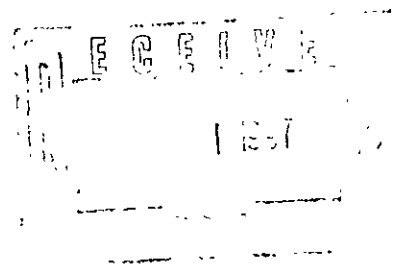
Prepared by:

Jeffrey Long

Division Chief:

Pat Keller

AFK/JL



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 7/31/97

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

SUBJECT: Zoning Advisory Committee
Meeting Date: 7/28/97

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

Item #'s:

#

11

13

14

17

RBS:sp

BRUCE2/DEPRM/TXTS8P

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: August 4, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
 for August 4, 1997
 Item Nos. 010, 011, 016, 017, 018,
 & 019

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

August 6, 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 28, 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.

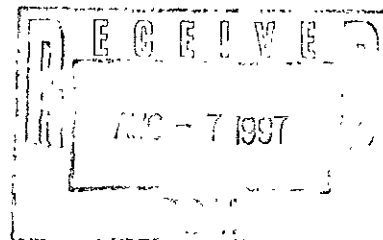
9. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMRERS:

011, 012, 014, 016, 018, and 019

REVIEWER: LT. ROBERT P. SAUERWALD

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

cc: File



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1 Gristmill Court, SE/S Hooks Lane at * ZONING COMMISSIONER
intersection Hooks Lane and Park Hgts Ave * OF BALTIMORE COUNTY
3rd Election District, 2nd Councilmanic *
Legal Owner(s): Annen Woods #5
Contract Purchaer(s): APC Realty and Equip.
Petitioner * CASE NO. 98-11-SPH

* * * * *

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 6th day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to John P. Evans, Esq., Whiteford, Taylor & Preston, 7 St. Paul Street, Baltimore, MD 21202, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JOHN P. EVANS

WHITEFORD, TAYLOR & PRESTON LLP
210 W. PENNSYLVANIA AVE TOWSON 21204

Greg Sorro

American Personal Communications
6905 Rockledge Dr., Ste. 100
Bethesda MD 20817

Kevin Mason

" "

Johnathan Rens

" "

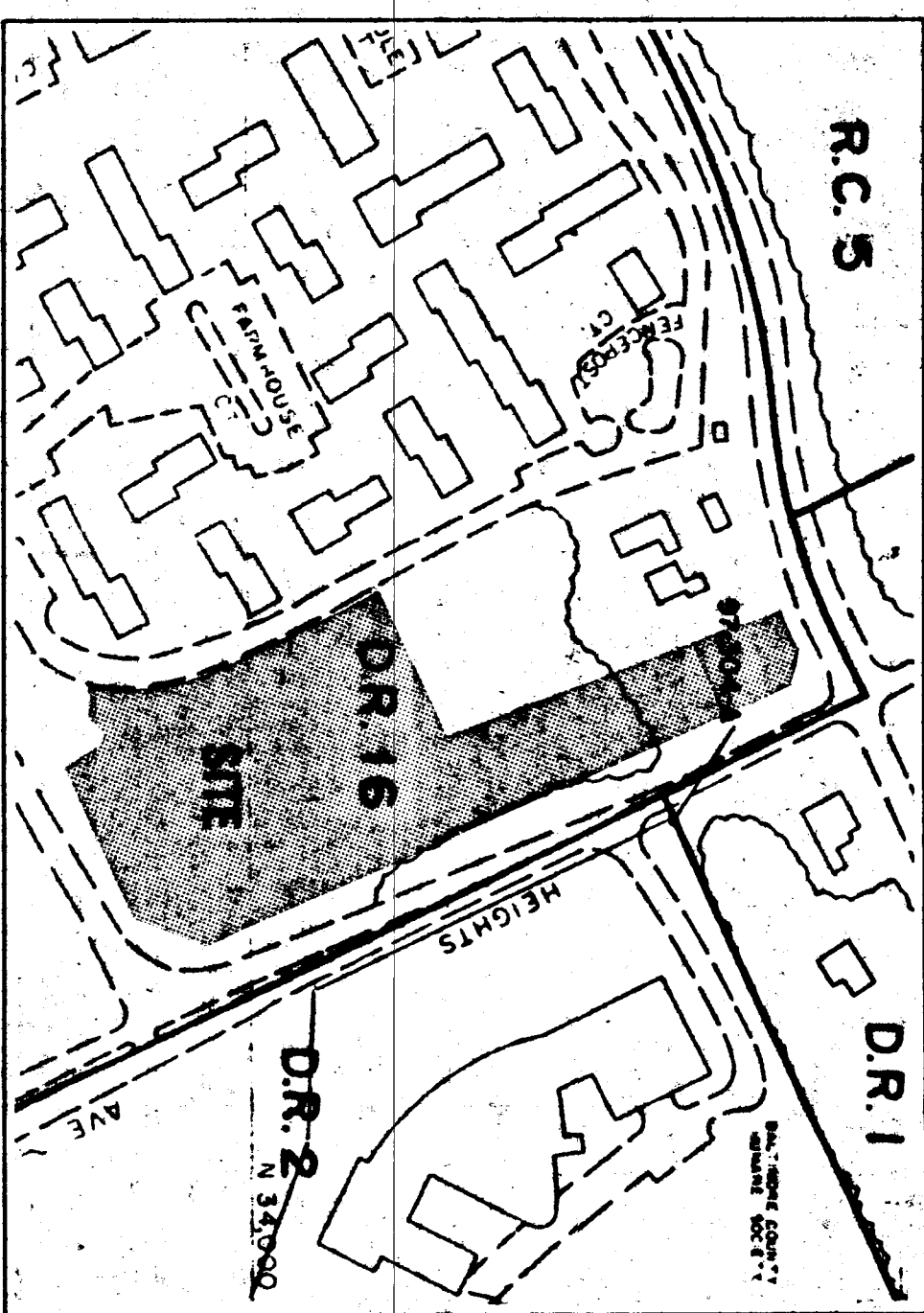
Ryan Conway

" "

DOR MORELOCK

DMW, 200 E. PENNA. AVE. TOWSON

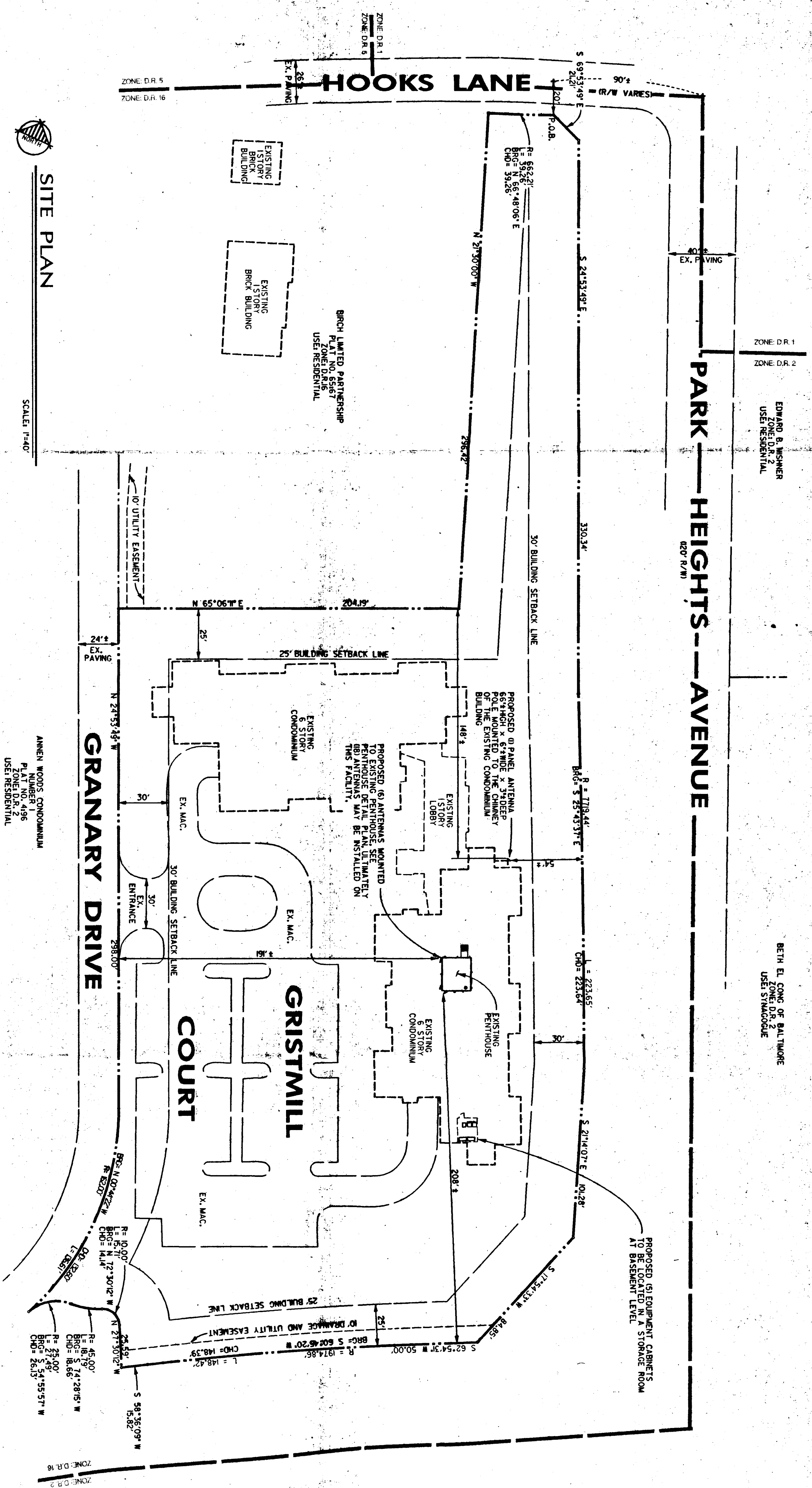




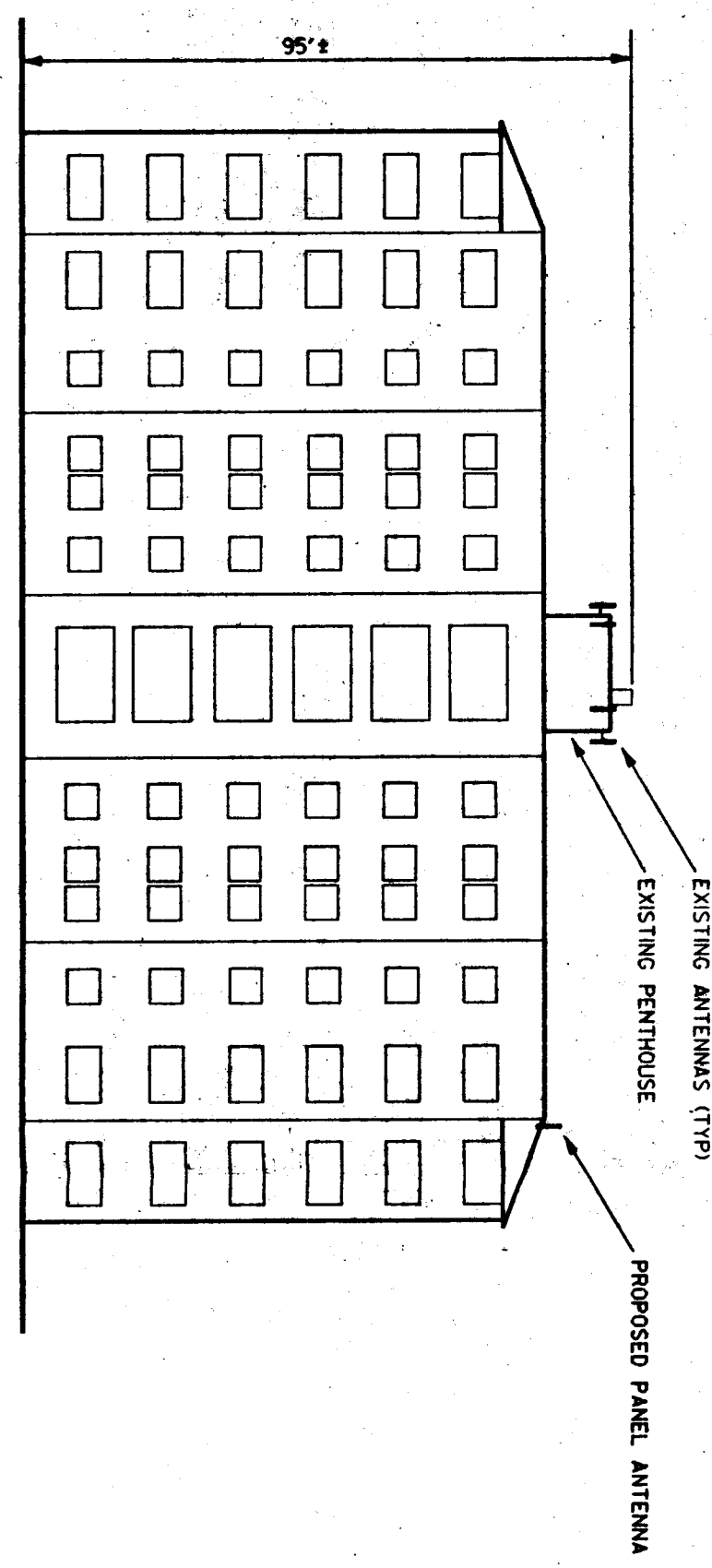
BALTIMORE COUNTY
ZONING MAP NW-9F
SCALE: 1"=200'

SITE PLAN

SCALE: 1"=40'

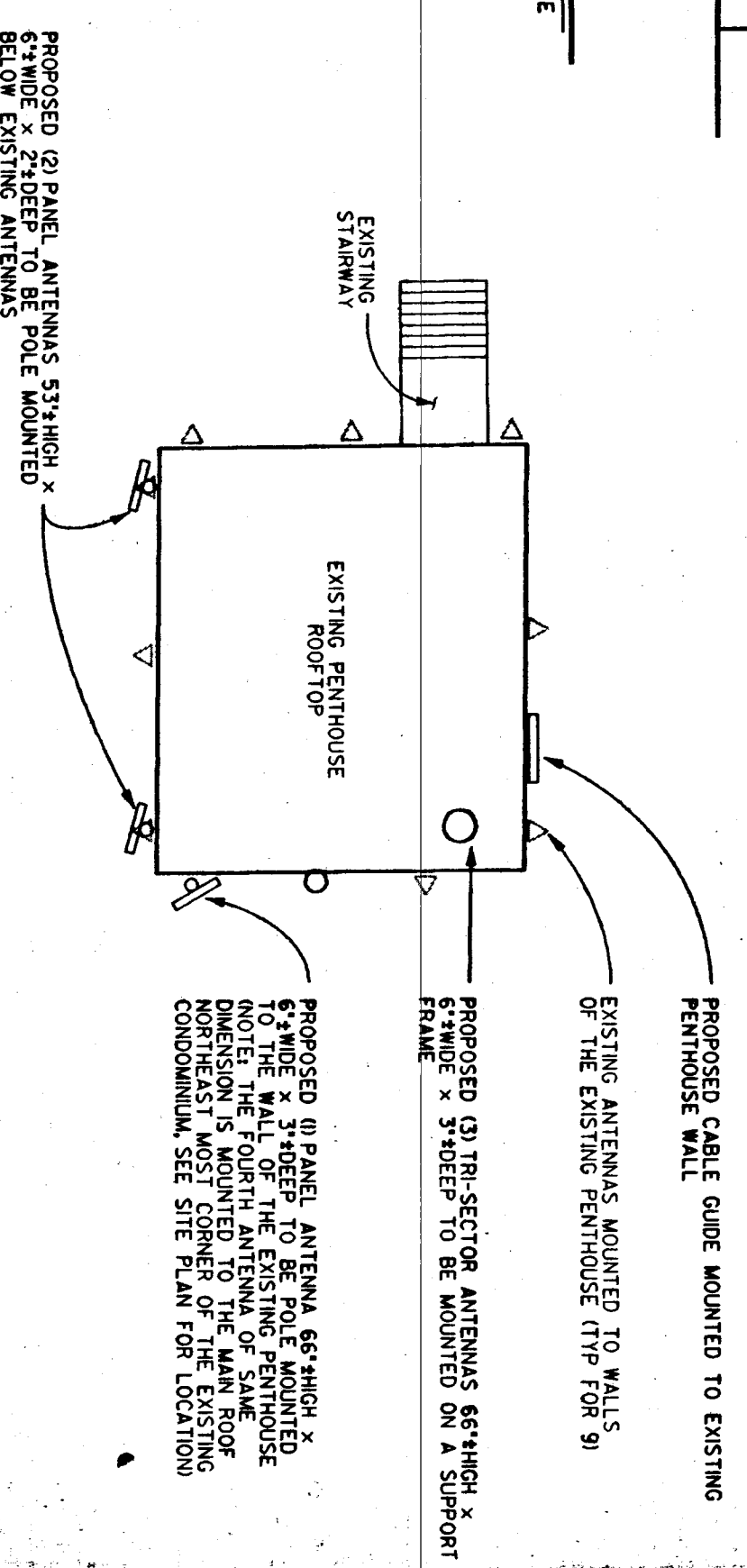


ANNEN WOODS CONDOMINIUM
PLAN NO. A-158
USE: RESIDENTIAL



EAST SIDE ELEVATION DETAIL

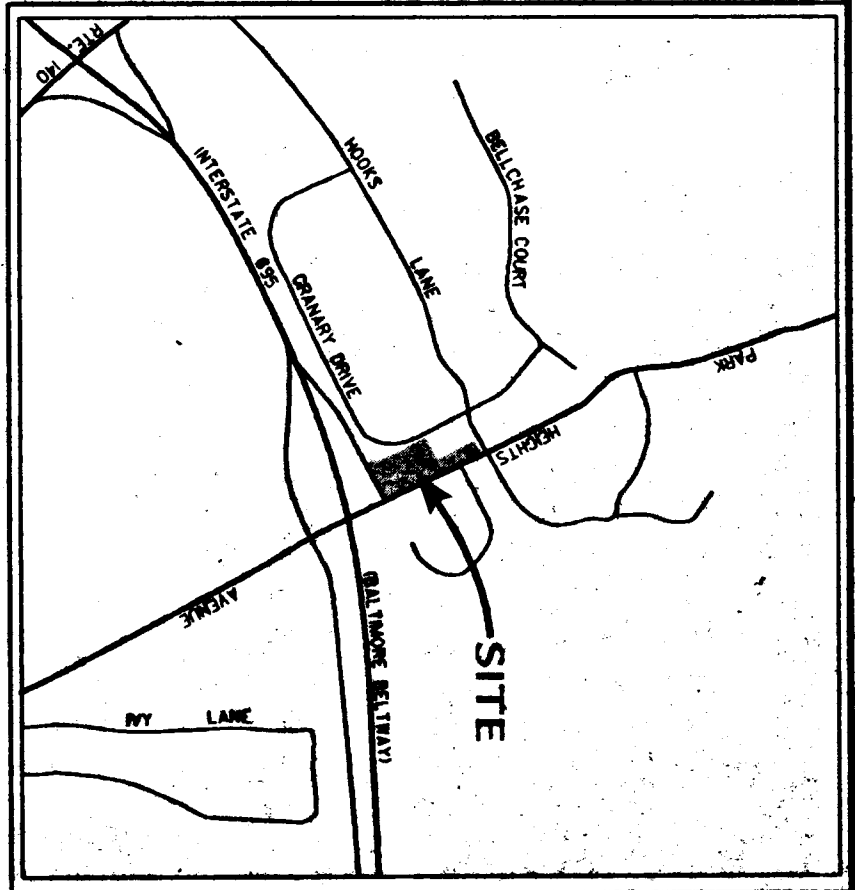
NOT TO SCALE



PENTHOUSE DETAIL PLAN

NOT TO SCALE

PETITIONER'S EXHIBIT No. 1



VICINITY MAP

SCALE: 1"=400'

Notes:

1. Current owner: Council of Unit Owners of Annen Woods Condominium No. 5, P.O. Box 2208, Pikesville, MD 21093.
2. Contract: Hesse, R. & R. Realty & Equipment Company, LLC, 10000 York Road, Suite 100, Baltimore, MD 21207.
3. Site area: 3.23 Ac. ±.
4. Existing use: Condominium Building & Receiving Facility.
5. Street address: 10000 York Road, Pikesville, MD 21093.
6. Site data: Lot: 60.00 Ac. ±, Block: 14, Parcel: 447, Zoning: DR-16, Subdivision: Annen Woods Condominium No. 5, Parcel: 10000 York Road, Pikesville, MD 21093.

The proposed additional wireless transmitting and receiving facility is a 100-foot tower with a 10-foot base, located on the roof of the existing building. The tower is to be used for the transmission and reception of radio signals. The tower is to be constructed in accordance with the requirements of the Baltimore County Ordinance No. 2000-200-8, which governs the construction of towers and antennas. The tower is to be painted in a color that blends with the building's exterior. The tower is to be located in a location that does not obstruct the view of the building. The tower is to be located in a location that does not obstruct the view of the building. The tower is to be located in a location that does not obstruct the view of the building.

Existing maximum height of building: 95' ±. Proposed maximum height: 105' ±. The proposed maximum height of the building is 105 feet, which is within the height limit of 100 feet for buildings in the DR-16 zone. The proposed maximum height of the building is 105 feet, which is within the height limit of 100 feet for buildings in the DR-16 zone. The proposed maximum height of the building is 105 feet, which is within the height limit of 100 feet for buildings in the DR-16 zone.

9. No new or additional water or sanitary utilities are required for the proposed wireless transmitting and receiving facility. 10. The boundary information and location shown herein have been compiled from a survey conducted by the petitioner. The survey was conducted in accordance with the requirements of the Maryland Surveying and Mapping Act of 1996. The survey was conducted in accordance with the requirements of the Maryland Surveying and Mapping Act of 1996. The survey was conducted in accordance with the requirements of the Maryland Surveying and Mapping Act of 1996.

11. This site was the subject of a zoning hearing held on August 13, 1993, at which time the petitioner presented evidence in support of its application for a special exception. The hearing was held in accordance with the requirements of the Baltimore County Ordinance No. 2000-200-8. The hearing was held in accordance with the requirements of the Baltimore County Ordinance No. 2000-200-8. The hearing was held in accordance with the requirements of the Baltimore County Ordinance No. 2000-200-8.

12. A sign and/or poster posted on the doorway which accesses the rooftop, stating that radio transmitters are in operation on the rooftop, is required for this facility. 13. There are no signs proposed for this facility. 14. No lights are proposed for the wireless transmitting and receiving facility. 15. Previous Commercial Antenna: Antenna: 10000 York Road, Pikesville, MD 21093.

16. Aerially open space is required for the proposed wireless transmitting and receiving facility. 17. The proposed wireless transmitting and receiving facility shall not obstruct any existing parking spaces. 18. When the use is terminated, the antenna and its base shall be removed. 19. An environmental impact statement, as defined in section 10 of the Baltimore County Ordinance No. 2000-200-8, shall be submitted to the zoning commission. 20. This site is not located within a 100-year Flood Plain as per the National Flood Insurance Program Flood Insurance Rate Map Community: 26000-200-8.

Requested Zoning Action: Special Exception to amend the Special Exception granted in Case 93-46-X to permit an additional rooftop-mounted wireless transmitting and receiving facility. SDCI, A-1, § 10-1, 10-2, 10-3, 10-4, 10-5, 10-6, 10-7, 10-8, 10-9, 10-10, 10-11, 10-12, 10-13, 10-14, 10-15, 10-16, 10-17, 10-18, 10-19, 10-20, 10-21, 10-22, 10-23, 10-24, 10-25, 10-26, 10-27, 10-28, 10-29, 10-30, 10-31, 10-32, 10-33, 10-34, 10-35, 10-36, 10-37, 10-38, 10-39, 10-40, 10-41, 10-42, 10-43, 10-44, 10-45, 10-46, 10-47, 10-48, 10-49, 10-50, 10-51, 10-52, 10-53, 10-54, 10-55, 10-56, 10-57, 10-58, 10-59, 10-60, 10-61, 10-62, 10-63, 10-64, 10-65, 10-66, 10-67, 10-68, 10-69, 10-70, 10-71, 10-72, 10-73, 10-74, 10-75, 10-76, 10-77, 10-78, 10-79, 10-80, 10-81, 10-82, 10-83, 10-84, 10-85, 10-86, 10-87, 10-88, 10-89, 10-90, 10-91, 10-92, 10-93, 10-94, 10-95, 10-96, 10-97, 10-98, 10-99, 10-100.

96-11-SPH JUL 7 1997
DAVE MACQUE-WALKER, INC.

American Personal Communications
ANNEN WOODS SITE
3rd ELECTION DISTRICT

CBN132

BALTIMORE COUNTY, MD

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