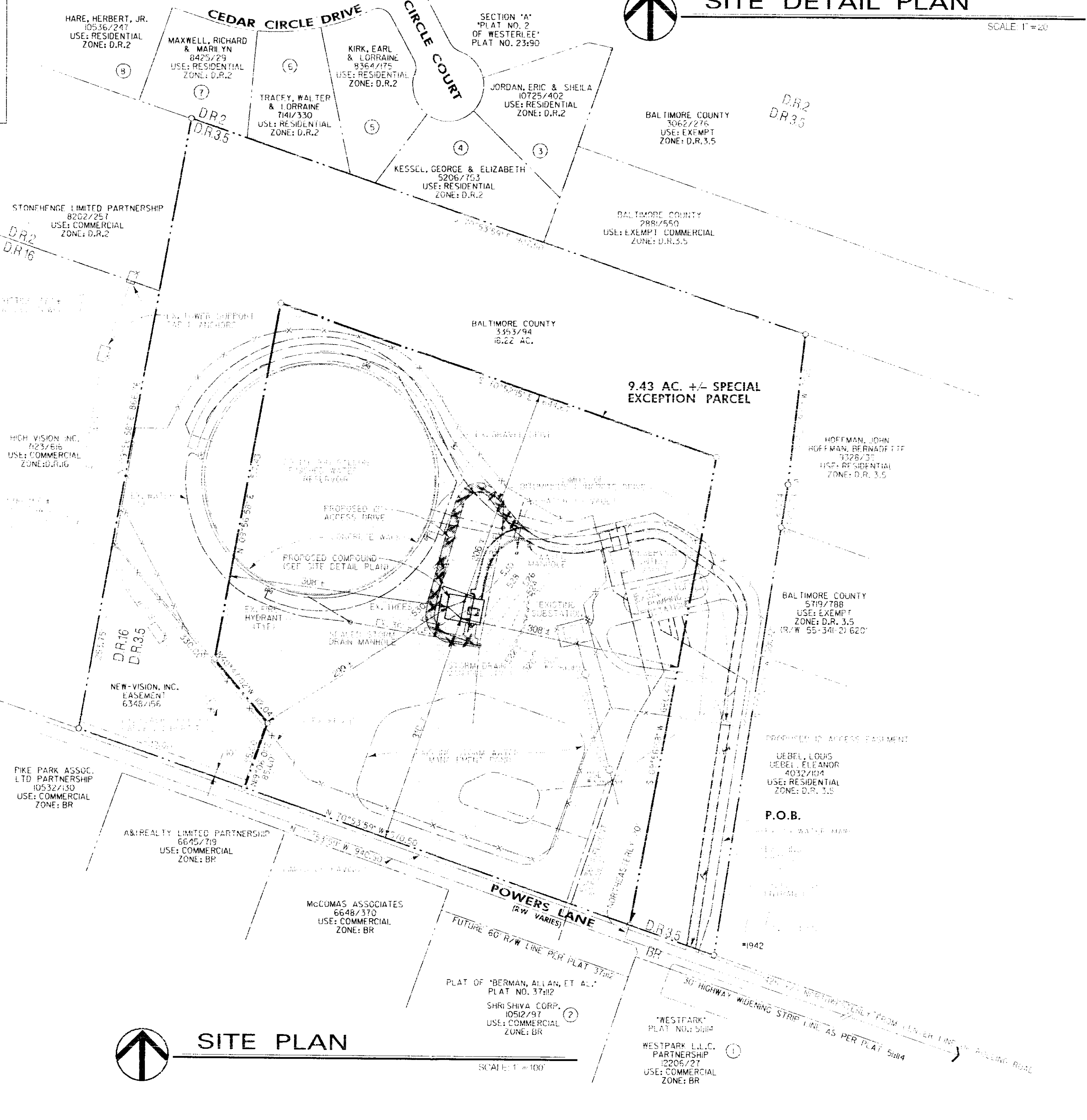


IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
NE/S Powers Lane, 1425'W of the *
c/l of Rolling Road * DEPUTY ZONING COMMISSIONER
(1946 Powers Lane) *
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District *
Case No. 98-103-X
Baltimore County, Maryland, Owner; *
Scripps Howard Broadcasting Co., *
d.b.a. WMAR-TV, 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 Baltimore County, Maryland, a Body Corporate and Politic, owner of the subject property, and Scripps Howard Broadcasting Corporation, WMAR-TV, Contract Lessee, through their attorney, Stephen J. Nolan, Esquire. The Petitioners seek approval of a wireless transmitting and receiving facility on the subject property, zoned D.R. 3.5, pursuant to Sections 1B01.1.C.20 and 507.7.C of the Baltimore County Zoning Regulations (B.C.Z.R.). 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 Steven J. Giliotti, Vice President and General Manager for WMAR-TV, Veronica Johnson Weems, a Meteorologist with WMAR-TV, Joseph M. Bruno, an engineer employed by WMAR-TV, Robert Morelock, Registered Landscape Architect, and Michael Maguire, Registered Property Line Surveyor, both with Daft-McCune-Walker, Inc. Also appearing in support of the Petition were Bernard Semon, Real Estate Appraiser, Tina Brown, President of a local homeowners' association for a community located adjacent to the subject site, Richard Harrison, a representative of the Baltimore County Department of Public Works, and

ORDER RECEIVED FOR FILING

Date

By

Alan R. Rosner, a Professional Engineer specializing in communications engineering. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 9.43 acres, more or less, zoned D.R. 3.5 and is located on the northeast side of Powers Lane in the vicinity of Rolling Road and Route 40 in Catonsville. The property is owned by Baltimore County and is the site of a 20 million gallon water reservoir which serves the surrounding communities. This property has been the subject of prior special exception requests and by virtue thereof, there currently exist four (4) communication towers on the site. This particular site is a popular location for communication towers, given its high elevation and lack of surrounding obstruction. The four towers on the property range in height from a 320-foot personal communications tower to a 917-foot television tower which services WNUV and the Home Shopping Network. WMAR-TV wishes to locate a wireless transmitting and receiving facility on the subject site for the purpose of installing and operating Doppler Radar. The proposed tower will reach a height of 148 feet counting the domed radar device that sits atop the lattice tower. The Petitioner has selected a tower location central to the site and has provided extensive and appropriate landscaping surrounding the ground facilities associated with the tower. The purpose of the Doppler Radar tower is to provide the latest technology to the television audience of WMAR-TV and to allow WMAR-TV to remain competitive with other weather reporting stations in the Baltimore area.

WMAR-TV, through its representatives, conducted an extensive search of the Baltimore Metropolitan area to determine the most appropriate location for the proposed Doppler Radar tower. In return for Baltimore County leasing the subject site to WMAR-TV, WMAR-TV will allow Balti-

more County access to the radar technology offered by this device to be utilized for emergency weather situations and be generally accessible to Baltimore County government. However, due to the property's D.R.3.5 zoning classification, a special exception is necessary in order to proceed as proposed.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 3.5 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.

Given that there currently exists four other communication towers on the subject property, all of which are much higher than the proposed

Doppler Radar tower, and the size of the property as well as the landscaping proposed, I am persuaded to grant the special exception. On behalf of the Petitioners, Mr. Nolan provided extensive testimony and evidence demonstrating that the use proposed satisfies all of the special exception requirements set forth in Section 502.7.C of the B.C.Z.R. and thus, the relief requested should be granted.

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.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of November, 1997 that the Petition for Special Hearing seeking approval of a wireless transmitting and receiving facility on the subject property, located in a D.R. 3.5 zone, pursuant to Sections 1B01.1.C.20 and 507.7.C of the Baltimore County Zoning Regulations (B.C.Z.R.), 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 11/13/97

By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

November 13, 1997

Stephen J. Nolan, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Powers Lane, 1425'W of the c/l of Rolling Road
(1946 Powers Lane)
1st Election District - 1st Councilmanic District
Baltimore County, Maryland, Owner;
Scripps Howard Broadcasting Co., d.b.a. WMAR-TV, Lessee
Case No. 98-103-X

Dear Mr. Nolan:

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

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

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Robin K. Churchill, County Administrative Officer

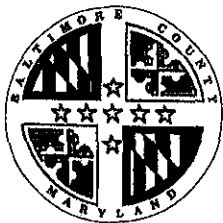
Mr. Steven Giliotti, V.P. & G.M., Scripps Howard Broadcasting Corp.
6400 York Road, Baltimore, Md. 21212

People's Counsel; Case Files

Post-It® Fax Note 7671		Date 11/19	# of pages 5
To Steve Nolan	From zoning		
Co./Dept.	Co. Commissioner		
Phone #	Phone # 887-4386		
Fax # 296-2765	Fax #		



103



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 1946 Powers Lane, Baltimore, MD 21212

98-103-X

which is presently zoned DR 3.5

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A wireless transmitting and receiving facility in a D.R.-3.5 Zone pursuant to Section 1B011.410 and 502.7.C of the Baltimore County Zoning Regulations.

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

I, or we, agree to pay expenses of above Special Exception 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:

Scripps Howard Broadcasting Corp.
d.b.a. WMAR-TV

(Type or Print Name)

Signature

STEVEN GILLOTTI, V.P. AND G.M.

6400 York Road

Address

Baltimore, MD 21212

City

State

Zipcode

Attorney for Petitioner:

Stephen J. Nolan

(Type or Print Name)

Signature

Suite 700

502 Washington Avenue (410) 832-7800

Address

Phone No.

Towson, MD

21204

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):

Baltimore County
A Body Corporate and Politic

(Type or Print Name)

Signature

Robin K. Churchill
Robin K. Churchill, County Administrative Office

(Type or Print Name)

Signature

Courthouse (410) 887-2450

Address

Phone No.

Towson, MD

21204

City

State

Zipcode

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

Stephen J. Nolan

Name

Suite 700, Washington Ave. (410) 832-7800

Towson, MD 21204

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1-2 hr

the following dates _____ Next Two Months

ALL 1 OTHER _____

REVIEWED BY: MTA

DATE

7/14/97

ORDER RECEIVED FOR FILING

Date

By

Zoning Administration
& Development Management

98-103-X

Description

To Accompany Petition for Special Exception

9.43 Acre Parcel

North Side of Powers Lane

West of Rolling Road

First 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

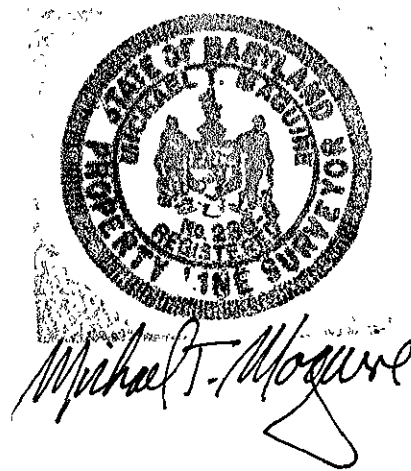
Beginning for the same on the northeast side of Powers Lane at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Powers Lane with the centerline of Rolling Road (1) Northwesterly along the centerline of Powers Lane, 1425 feet, more or less, and thence (2) Northeasterly 20 feet, more or less, to the point of beginning, thence leaving said beginning point and running and binding on said northeast side of Powers Lane (1) North 70 degrees 53 minutes 59 seconds West 570.50 feet, thence leaving said northeast side of Powers Lane and running the five following courses and distances, viz: (2) North 19 degrees 06 minutes 01 second East 85.00 feet, thence (3) North 40 degrees 47 minutes 02 seconds West 112.04 feet, thence (4) North 09 degrees 56 minutes 58 seconds East 517.43 feet, thence (5) South 70 degrees 52 minutes 15 seconds East 644.67 feet, and thence (6) South 09 degrees 56 minutes 58 seconds West 660.47 feet to the point of beginning, containing 9.43 acres of land, more or less.

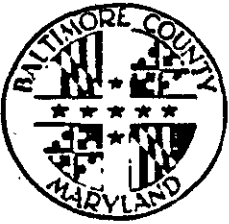
THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

September 18, 1997

Project No. 97044 (L97044)

103





Baltimore County
Department of Permits and
Development Management

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

103

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

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

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 103

Petitioner: Scripps Howard Broadcasting Corp.

Location: 1946 Powers Lane

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Datt, Melvin Walker, Inc.

ADDRESS: 200 East Pennsylvania Ave

Towson, MD 21286

PHONE NUMBER: (410) 296-3333

AJ:ggg

(Revised 09/24/96)

BALTIMORE COUNTY, MARYLAND

**OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No.

042795

DATE

9/19/97

ACCOUNT

01-615

Item 103

By. 25711

AMOUNT

\$ 300.00

**RECEIVED
FROM:**

DMW - 1946 Powers Lane

FOR:

CC - Special Exception - \$ 300.00

CONTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**DATE RECEIVED
FILE NUMBER**

**PROCESS ACTION FILE
9/19/1997 9/19/1997 041100**

YES NO1 CASHIER CLERK 04 0400

5 MISCELLANEOUS CASH RECEIPT

Receipt # 042795

DE NO. 042795

301.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 2, 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 Oct. 2, 1997.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

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: #98-103-X
1946 Powers Lane
NE/S Powers Lane, 1425
W of c/I Rolling Road,
1st Election District
1st Councilmanic
Legal Owner(s)
Baltimore County
Lessee: Scripps Howard
Broadcasting Corp., dba
WMAR-TV

Special Exception for a
wireless transmitting and re-
ceiving facility.

Hearing: Wednesday, Octo-
ber 22, 1997 at 9:30 a.m.,
Room 407 Courts Bldg., 481
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 concern-
ing the file and/or Hearing;
Please Call (410) 887-3391.

10/069 Oct 2 C178275

CERTIFICATE OF POSTING

RE: Case No.: 98-103-X

Petitioner/Developer: WMAR-TV, ETAL
c/o ROB HOFFMAN, ESQ

Date of Hearing/Closing: 10/22/97

@ 930 AM
RM-407 CCB

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 # 1946 POWERS LANE
2-LOCATIONS - 1/425' W. of c/c ROLLING RD.

The sign(s) were posted on 10/3/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 10/8/97

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

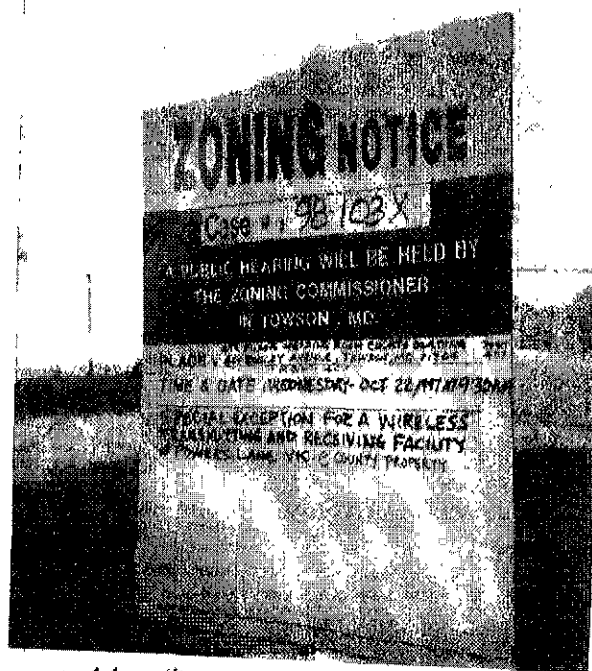
523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

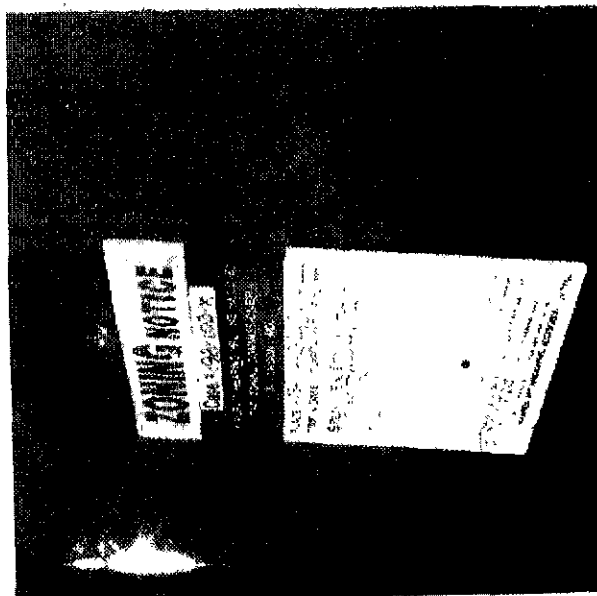
905-8571



1946 POWERS - LANE
WMAR-TV

VBH

10/22/97



1946 POWERS LA

WMAR-TV

VBH

11-10/22/97

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:

H 103

ZONING NOTICE

Case No.: 98-103-X

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

PLACE: *

DATE AND TIME: *

REQUEST: Special exception for a wireless transmitting
and receiving facility in a DR 3.5 Zone.

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

September 26, 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: 98-103-X
1946 Powers Lane
NE/S Powers Lane, 1425' W of c/l Rolling Road
1st Election District - 1st Councilmanic
Legal Owner(s): Baltimore County
Lessee: Scripps Howard Broadcasting Corp., dba WMAR-TV

Special Exception for a wireless transmitting and receiving facility.

HEARING: WEDNESDAY, OCTOBER 22, 1997 at 9:30 a.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Baltimore County/Robin Churchill
Scripps Howard Broadcasting Corp.
Stephen J. Nolan, Esq.
Daft, McCune, Walker, Inc.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 8, 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.



TO: PUTUKENT PUBLISHING COMPANY
October 2, 1997 Issue - Jeffersonian

Please forward billing to:

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

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-103-X
1946 Powers Lane
NE/S Powers Lane, 1425' W of c/l Rolling Road
1st Election District - 1st Councilmanic
Legal Owner(s): Baltimore County
Lessee: Scripps Howard Broadcasting Corp., dba WMAR-TV

Special Exception for a wireless transmitting and receiving facility.

HEARING: WEDNESDAY, OCTOBER 22, 1997 at 9:30 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

October 17, 1997

Stephen J. Nolan, Esquire
502 Washington Avenue, Suite 700
Towson, MD 21204

RE: Item No.: 103
Case No.: 98-103-X
Petitioner: Baltimore County

Dear Mr. Nolan:

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 September 19, 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 that reads "W. Carl Richards, Jr.".

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 9/26/97
Item No. 103 MJK

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

TO: PDM

DATE: 10/2/97

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

SUBJECT: Zoning Advisory Committee
Meeting Date: Sep 29, 1997

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

Item #'s:

99

100

101

102

103

104

RBS:sp

BRUCE2/DEPRM/TXTSBP

*Sept
10/22*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: October 1, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 95, 96, 100, 101, 103, 104 and 107

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey M. Long

Division Chief:

Carol L. Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: October 7, 1997

FROM:  Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for October 6, 1997
Item Nos. 099, 100, 101, 102, 103,
104, 107
Case 97-65-A (Perry Hall Farms)
Case CR-96-270-A (Hollins Ferry Road
Senior Housing/ACC)

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
1946 Powers Lane, NE/S Powers Lane,		
1425' W of c/l Rolling Road	*	ZONING COMMISSIONER
1st Election District, 1st Councilmanic	*	
	*	OF BALTIMORE COUNTY
Legal Owner(s): Baltimore County		
Lessee: Scripps Howard Broadcasting Corp.,*		CASE NO. 98-103-X
d.b.a. WMAR-TV		
Petitioner	*	

* * * * *

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 October, 1997, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esq., 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHADT

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES O. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-7853

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

December 16, 1997

Appeals Clerk
Department of Permits and
Development Management
County Office Building - First Floor
111 West Chesapeake Avenue
Towson, Maryland 21204

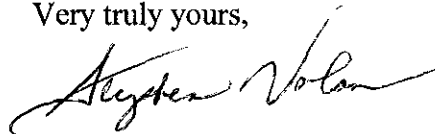
Re: Petition for Special Hearing
Scripps Howard Broadcasting Co.
d/b/a WMAR-TV
Case No.: 98-103-X

Dear Madam Clerk:

This letter will serve to memorialize my telephone conversation of this afternoon wherein I was advised by you that no appeal has been taken in the above-captioned matter. If my understanding in this regard is not correct, please contact me immediately.

Thank you for your assistance in this matter.

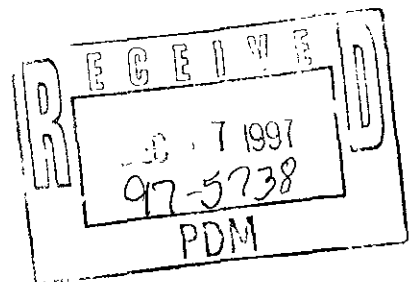
Very truly yours,



Stephen J. Nolan

SJN:mao

cc: Joseph M. Bruno, Director of Engineering
WMAR-TV



WMAR WITNESSES
October 22, 1997

1. Robert Morelock, RLA
2. Joseph Bruno
3. Veronica Johnson
4. Bernard Semon
5. Tina Brown
6. Richard Harrison, DPW
7. Alan Rosner, P.E.
8. Stephen Gigliotti

WMAR Doppler Radar Facility

EXHIBIT 4.2

October 1997



Proposed Doppler
Radar Tower

View looking east on Dlong Road approximately 1700' from proposed tower location.

WMAR Doppler Radar Facility

PORTLAND, ME
EXHIBIT 4B

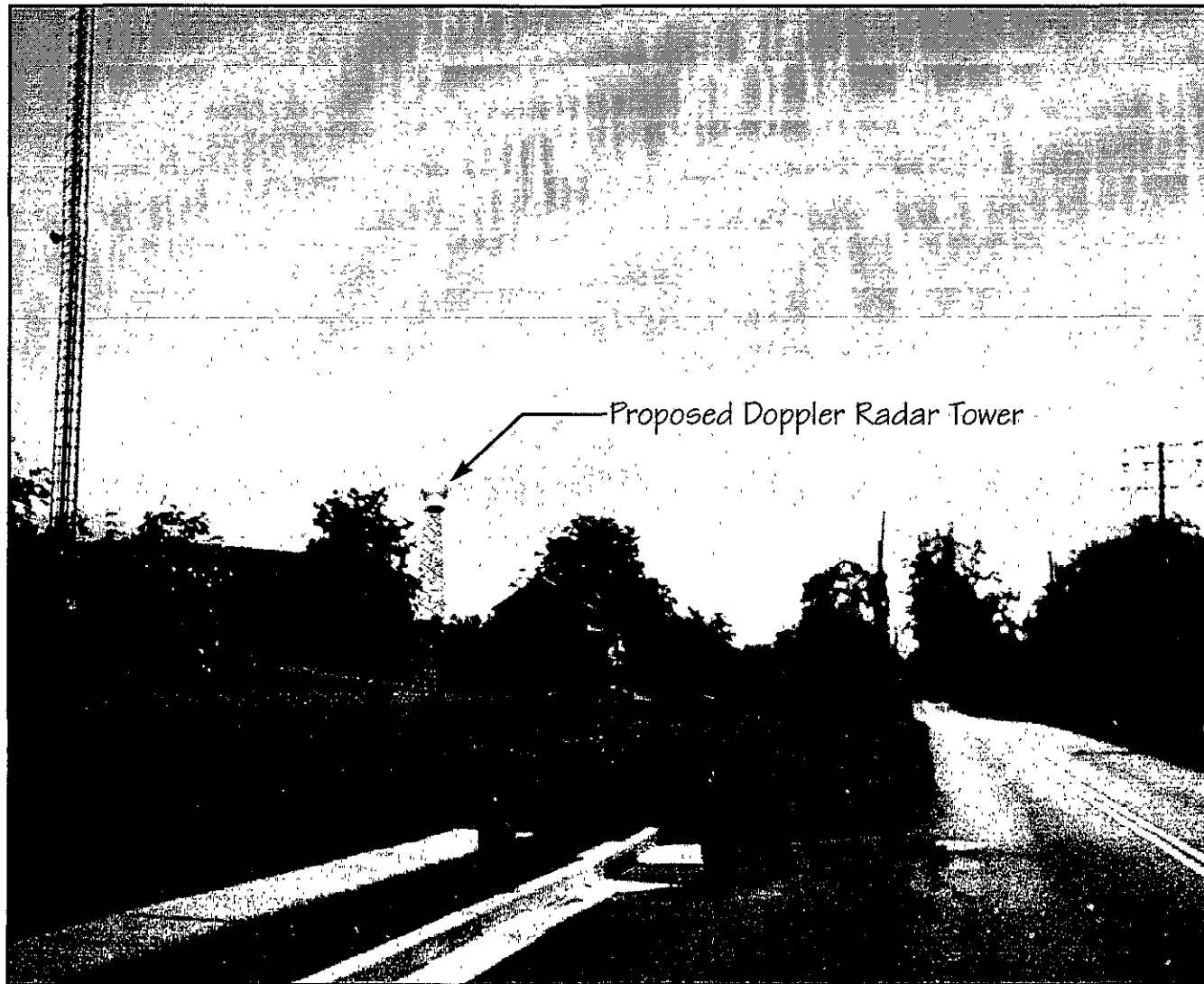
October 1997



View looking east on Dlong Road approximately 1700' from proposed tower location.

WMAR Doppler Radar Facility

PETITIONER'S
EXHIBIT 6A
October 1997



View looking northeast from intersection of Powers Lane & Spring Gate Road approximately 1000' from proposed tower location.

WMAR Doppler Radar Facility

PETITIONER'S
EXHIBIT 6B

October 1997



View looking northeast from intersection of Powers Lane & Spring Gate Road approximately 1000' from proposed tower location.

IDENTIFICATION

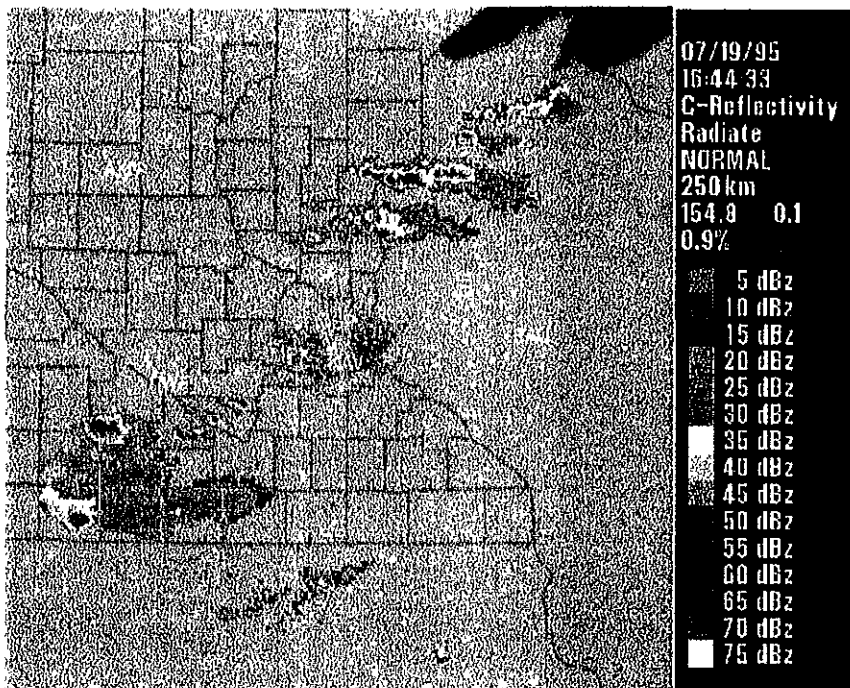
PROPERTY 10

10

- | | | |
|-----|---|--|
| 1. | Martin Airport | Zone: MH-IM (Manufacturing) |
| 2. | Chestnut Ridge Vol. Fire Company | Zone: RC 5 (Residential) |
| 3. | Windsor Mill Rd.
old Laurel Lumber site | Zone: BR (Business) |
| 4. | Gambrills, MD
existing AT&T tower | A.A. County
Zone: R2 (Residential) |
| 5. | Clarksville, MD
existing AT&T tower | Howard County
Zone: RR-DEO (Residential) |
| 6. | Carney, MD
existing AT&T tower | Zone: DR 5.5 (Residential) |
| 7. | WMAR studio property
6400 York Road | Zone: DR 5.5 (Residential) |
| 8. | Whitehead Road | Zone: BM-IM (Business) |
| 9. | Tipton Air Field | A.A. County
Zone: R1 (Residential) |
| 10. | WMAR transmitter property
3724 Parkdale Avenue | City of Baltimore
Zone: M-1-1 (Manufacturing) |
| 11. | Halethorpe | Zone: OR 2 (Office) |
| 12. | Pimlico Race Course | City of Baltimore
Zone: B-3-1 (Business) |
| 13. | Towson Moose | Zone: BR (Business) |
| 14. | Merritt Industrial Building
Commerce Drive | Zone: ML-IM / MLR-IM (Manufacturing) |
| 15. | Penthouse Condominium Building | Zone: BM-CT (Business) |
| 16. | Charlestown Retirement Community | Zone: DR 5.5 / DR 16 (Residential) |

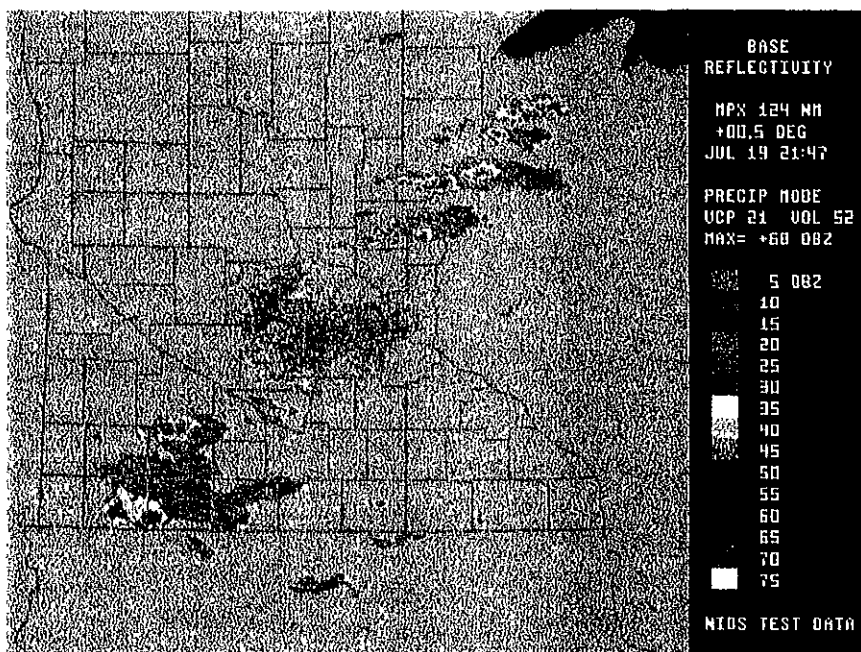
Triton Doppler Weather Radar

Unprecedented resolution, penetration power and sensitivity



*Kavouras TDR
image showing
reduced ground
clutter and high
storm cell
penetration ability*

Kavouras TDR 4370-C Image 7/19/95 (7.5kw, C-band)



*Nexrad image
(spiral return East
of ground clutter
is interference
from another radar
system)*

NEXRAD Image 7/19/95 (750kw, S-band)

EXHIBIT 9

TERRAIN INTERSECTION

(XXX) .00N .00E
RANGE: 124nm .5 deg Bottom of Beam



INTERSECTION'S
RANGE: 124nm .5 deg Bottom of Beam

11/6/96





Air Survey Corporation

45180 BUSINESS COURT, SUITE 800, STERLING, VIRGINIA 20166-6706
PHONE (703) 471-4510 FAX (703) 471-8092

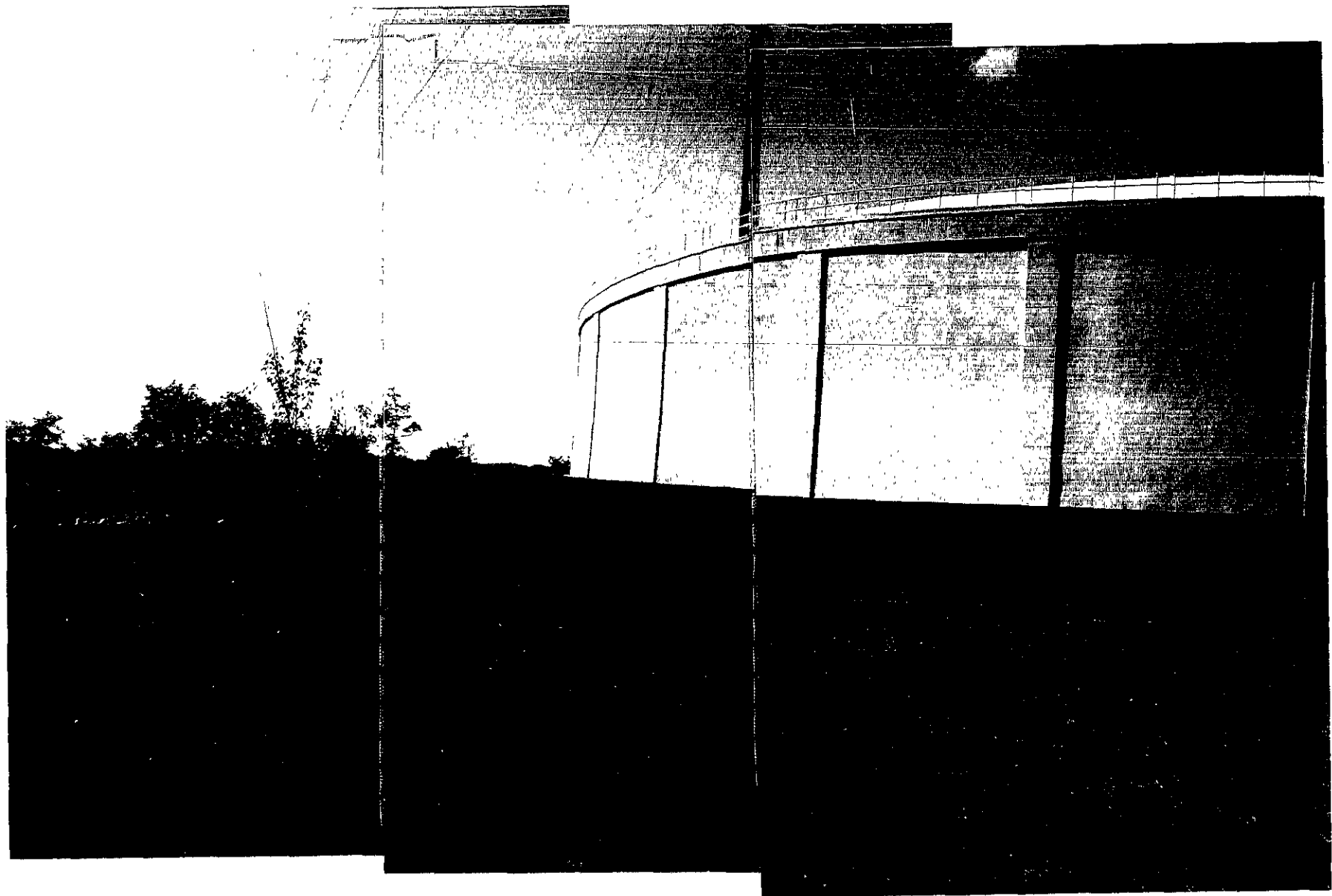
C1141

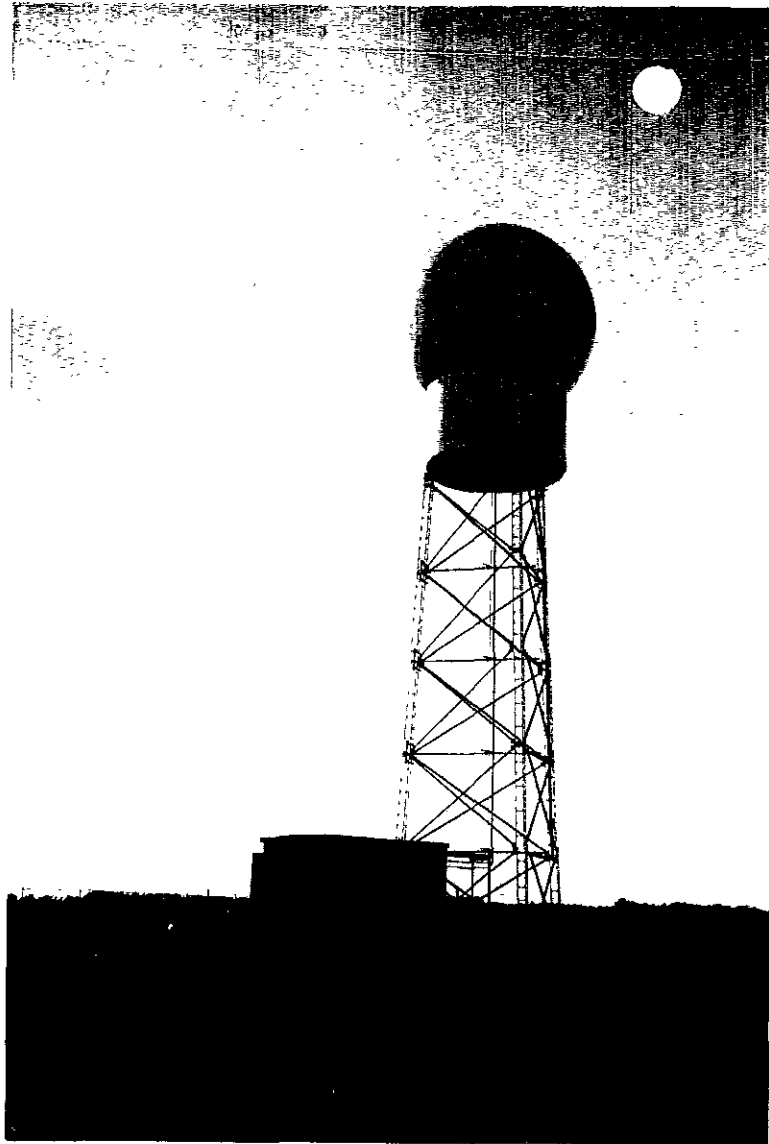
Date of Photography: 9-7-97
Scale of Photography: 1"= 500'

ABSOLUTELY!

DO NOT REPRODUCE IN ANY FORM WITHOUT WRITTEN PERMISSION
BY AIR SURVEY CORPORATION
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2





Search Area Map

WMAR Doppler Radar Facility

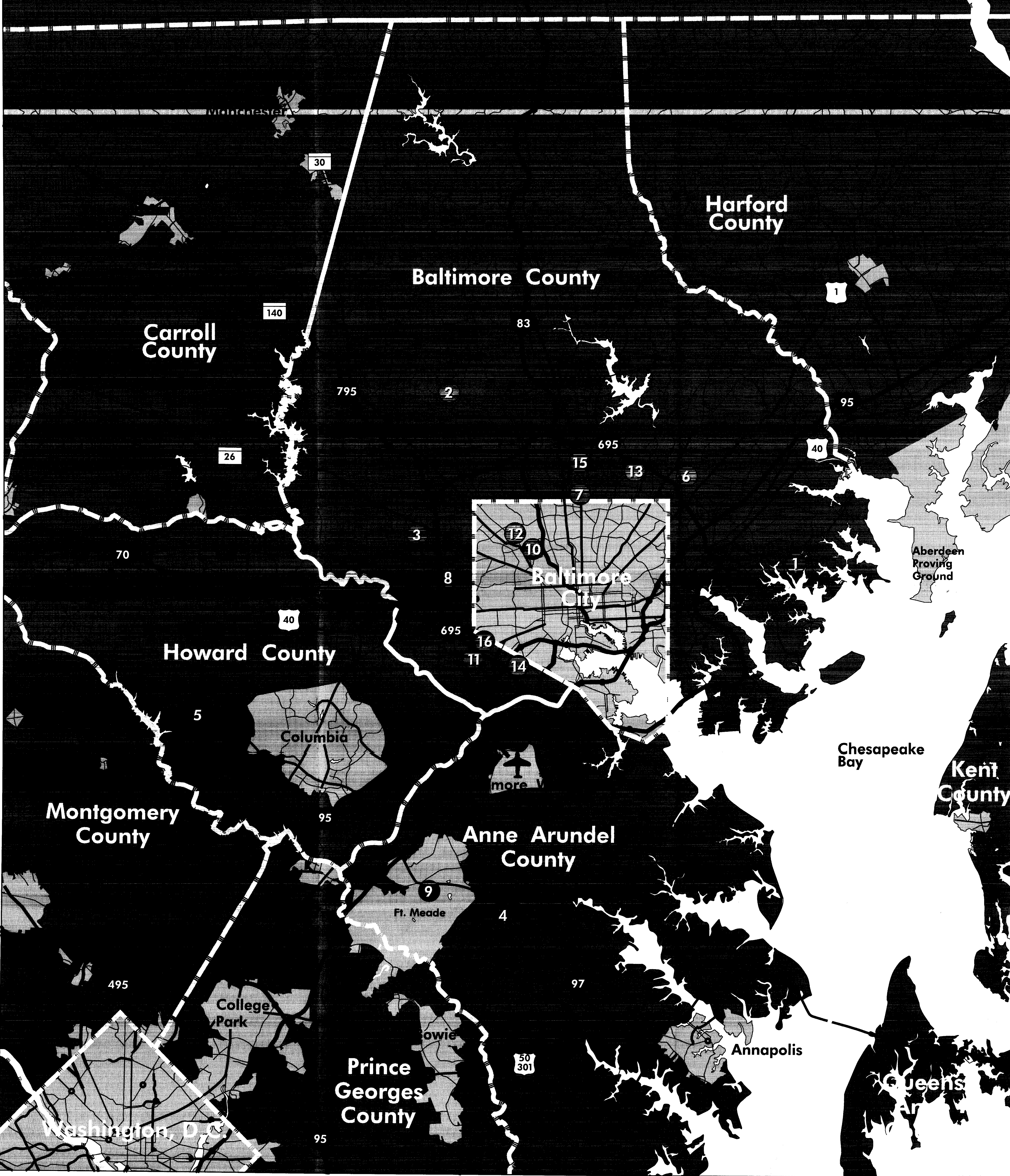
Legend

- 1 Martin Airport
- 2 Chestnut Ridge Vol. Fire Co.
- 3 Windsor Mill Rd W. of Rolling Rd (old Laurel Lumber Site)
- 4 Gambrills, MD Ex. AT&T Tower
- 5 Clarksville, MD Ex. AT&T Tower
- 6 Carney, MD Ex. AT&T Tower
- 7 WMAR Studio Property 6400 York Road
- 8 Whitehead Road
- 9 Tipton Air Field
- 10 WMAR Transmitter Property 3724 Parkdale Avenue
- 11 Halethorpe (next to existing Cellular One facility)
- 12 Pimlico Race Course
- 13 Towson Moose
- 14 Merritt Industrial Bldg. Commerce Drive
- 15 Penthouse Condominium Bldg.
- 16 Charlestown Retirement Community
- ★ Selected Site



DMW
Daft · McCune · Walker, Inc.
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296 4705

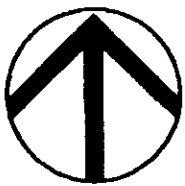


PLANTING NOTES

1. PLANT MATERIAL SUBSTITUTIONS SUBJECT TO APPROVAL OF THE LANDSCAPE ARCHITECT.
2. MAINTAIN POSITIVE DRAINAGE AT PLANTING BEDS (MINIMUM 2% SLOPE).
3. CONTRACTOR SHALL VERIFY ACCURACY OF BASE INFORMATION AND EXISTING CONDITIONS IN FIELD. BID SHALL BE BASED ON ACTUAL SITE CONDITIONS. NO EXTRA PAYMENTS SHALL BE MADE FOR WORK ARISING FROM SITE CONDITIONS DIFFERING FROM THOSE INDICATED ON DRAWINGS AND SPECIFICATIONS.
4. THE CONTRACTOR SHALL NOTIFY MISS UTILITY A MINIMUM OF THREE WORKING DAYS PRIOR TO PLANTING AND CONSTRUCTION.
5. DAMAGE TO EXISTING CONDITIONS AND UTILITIES SHALL BE REPAIRED AT THE EXPENSE OF THE CONTRACTOR.
6. ALL PLANT MATERIAL SHALL BE NURSERY GROWN AND SHALL CONFORM TO AMERICAN ASSOCIATION OF NURSERYMEN, INC. STANDARDS.
7. ALL PLANTING PROCEDURES AND SPECIFICATIONS SHALL CONFORM TO "LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE/WASHINGTON METROPOLITAN AREA" LATEST EDITION.
8. PLANT QUANTITIES ARE PROVIDED FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. IF DISCREPANCIES EXIST BETWEEN QUANTITIES SHOWN ON THE PLAN AND THOSE ON THE PLANT LIST, THE QUANTITIES ON THE PLAN TAKE PRECEDENCE.
9. THE CONTRACTOR SHALL REMOVE ANY EXISTING BITUMINOUS AND/OR CONCRETE PAVING AND STONE BASE COURSE MATERIAL WITHIN THE DESIGNATED LANDSCAPE AREA. THE CONTRACTOR SHALL SCARIFY THE EXISTING SOIL SURFACE PRIOR TO INSTALLING TOP SOIL. THE CONTRACTOR SHALL PROVIDE AND INSTALL TOP SOIL CONFORMING TO THE REQUIREMENTS OF THE MARYLAND DEPARTMENT OF TRANSPORTATION, STATE HIGHWAY STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS, SECTIONS 920.001 AND 920.02.

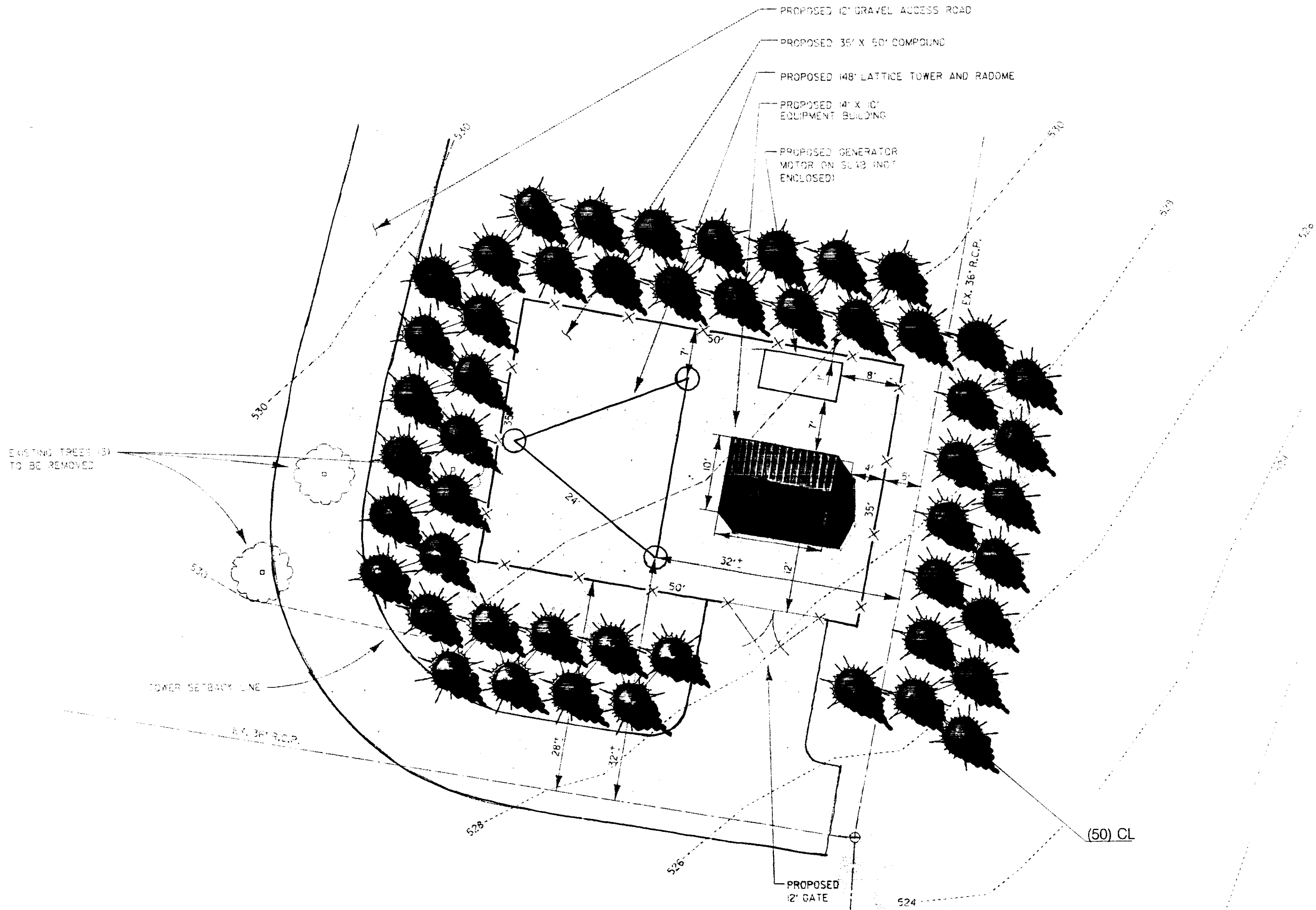
PLANT LIST

QUANTITY	CODE	BOTANICAL NAME	COMMON NAME	SIZE/CONDITION	REMARKS
50	CL	CUPRESSOCYPARIS LEYLAND	LEYLAND CYPRESS	B&B/ 5'-6' HT.	DOUBLE STAGGERED ROWS 8' ON CENTER

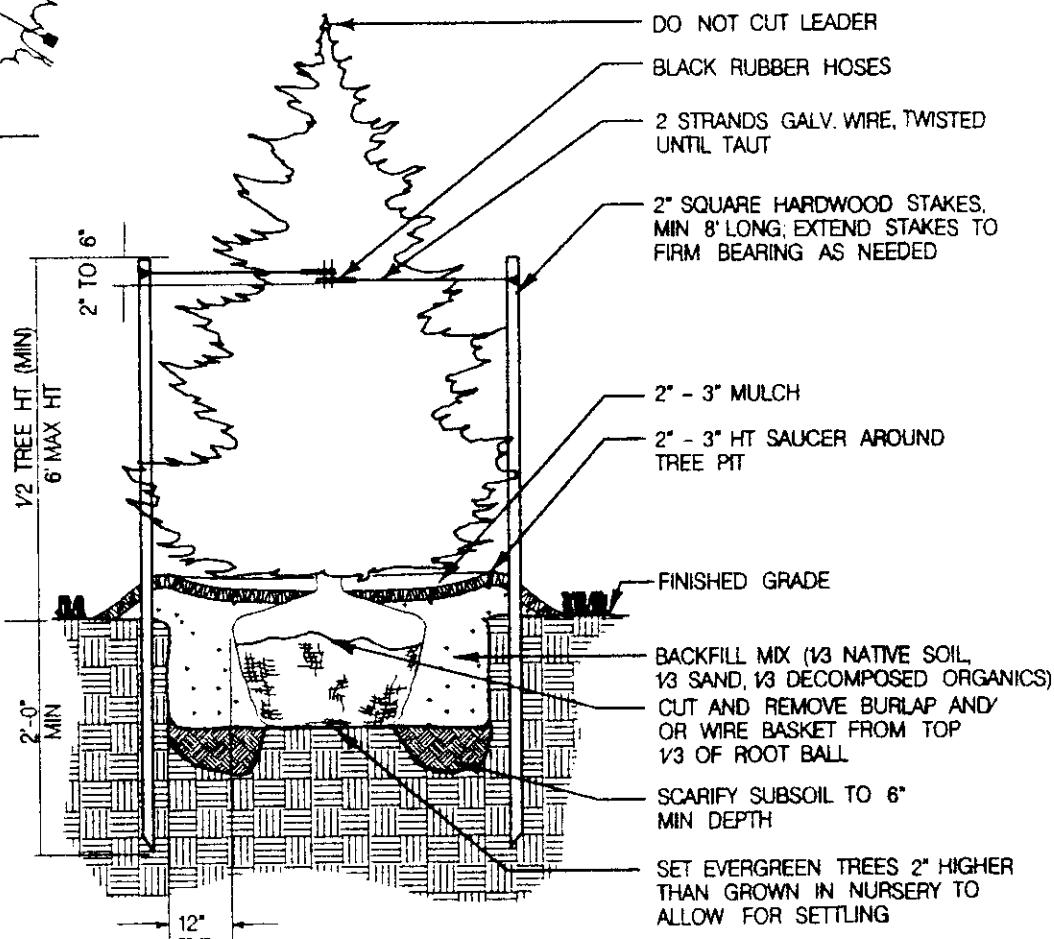
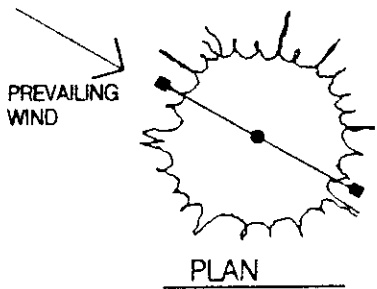


VICINITY MAP

SCALE: 1" = 1000'



NOTE: CONTRACTOR TO AVOID PLANTING ON EXISTING 36" STORM DRAIN



EVERGREEN TREE PLANTING
NOT TO SCALE

OWNER/DEVELOPER: SCRIPPS HOWARD BROADCASTING CORPORATION, INC.
300 WMAR-TV
6400 YORK ROAD
BALTIMORE, MARYLAND 21212

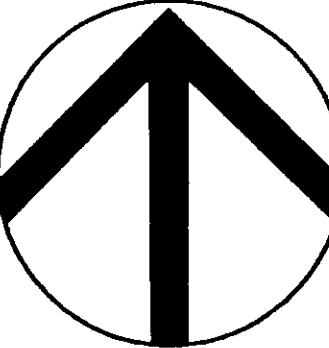
DMW

Draft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
(410) 296-3333
Fax: 296-4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

LANDSCAPE PLAN
PROPOSED WMAR
DOPPLER RADAR TOWER
#1946 POWERS LANE

1st ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



DATE	BY	REVISIONS

I CERTIFY THAT I HAVE REVIEWED THIS FINAL LANDSCAPE PLAN, THAT I AM AWARE OF THE LANDSCAPE REGULATIONS PRESENTED IN THE BALTIMORE COUNTY LANDSCAPE MANUAL, LATEST EDITION, AND I AGREE TO COMPLY WITH THESE REGULATIONS AND ALL APPLICABLE POLICIES, GUIDELINES, AND ORDINANCES. I AGREE TO IMPLEMENT THIS PLAN WITHIN ONE YEAR OF APPROVAL BY BALTIMORE COUNTY AND ASSURE THE MAINTENANCE AND SURVIVABILITY OF THE MATERIAL PLANTED FOR ONE YEAR.

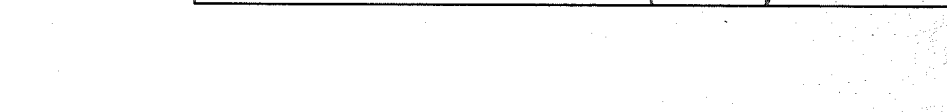
SIGNATURE OF APPLICANT _____ DATE _____

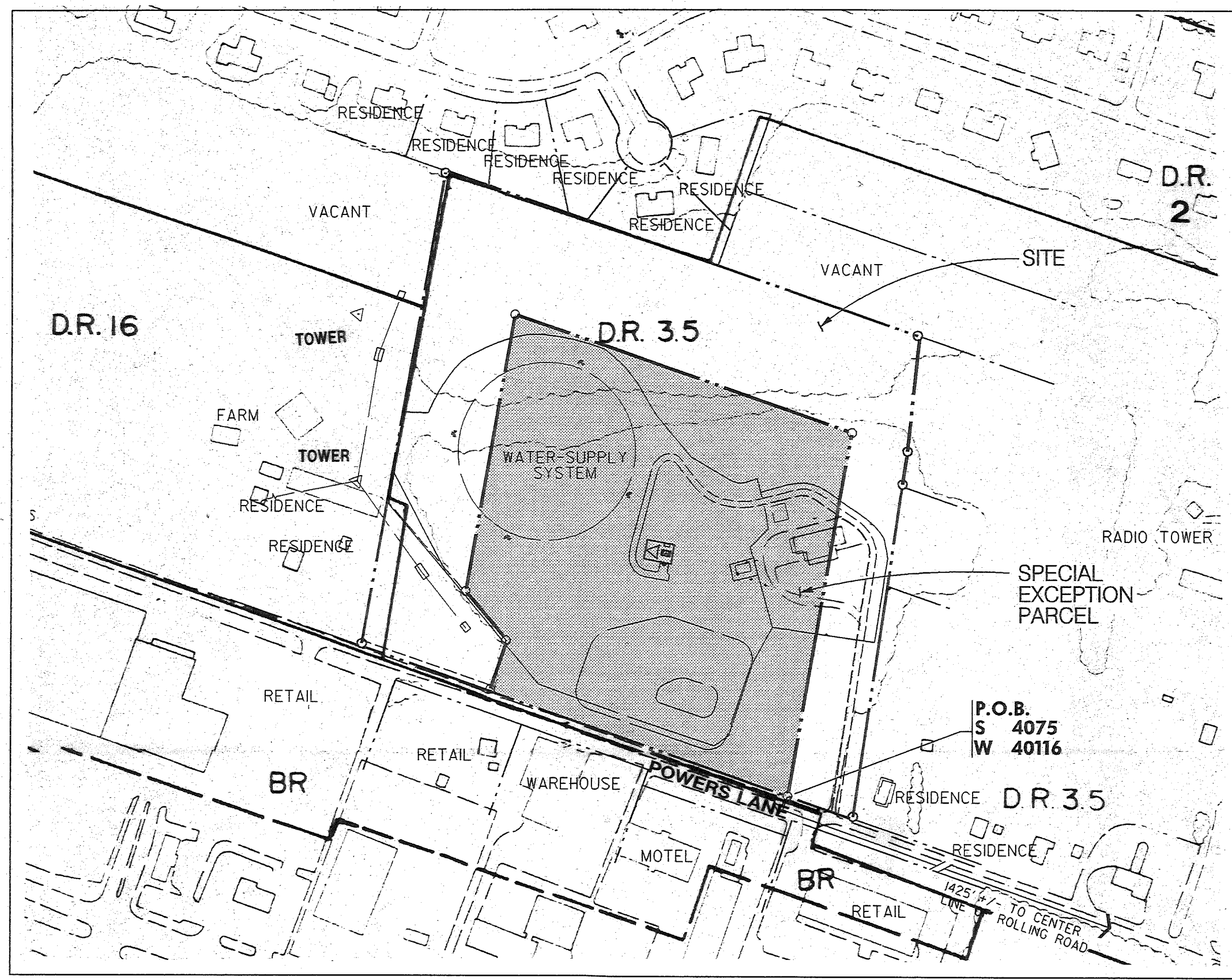
(PRINT NAME AND ADDRESS) _____
7

ISSUE DATES		BASE: SE	
REVIEW:	10/05/97	DRAWN:	SE
BID:		DESIGNED:	
PERMIT:		CHECKED BY:	REM
CONSTRUCTION:		DATE CHECKED:	
SCALE:	1" = 10'	DRAWING:	1 OF 1
PROJECT NO.:	97044		



-

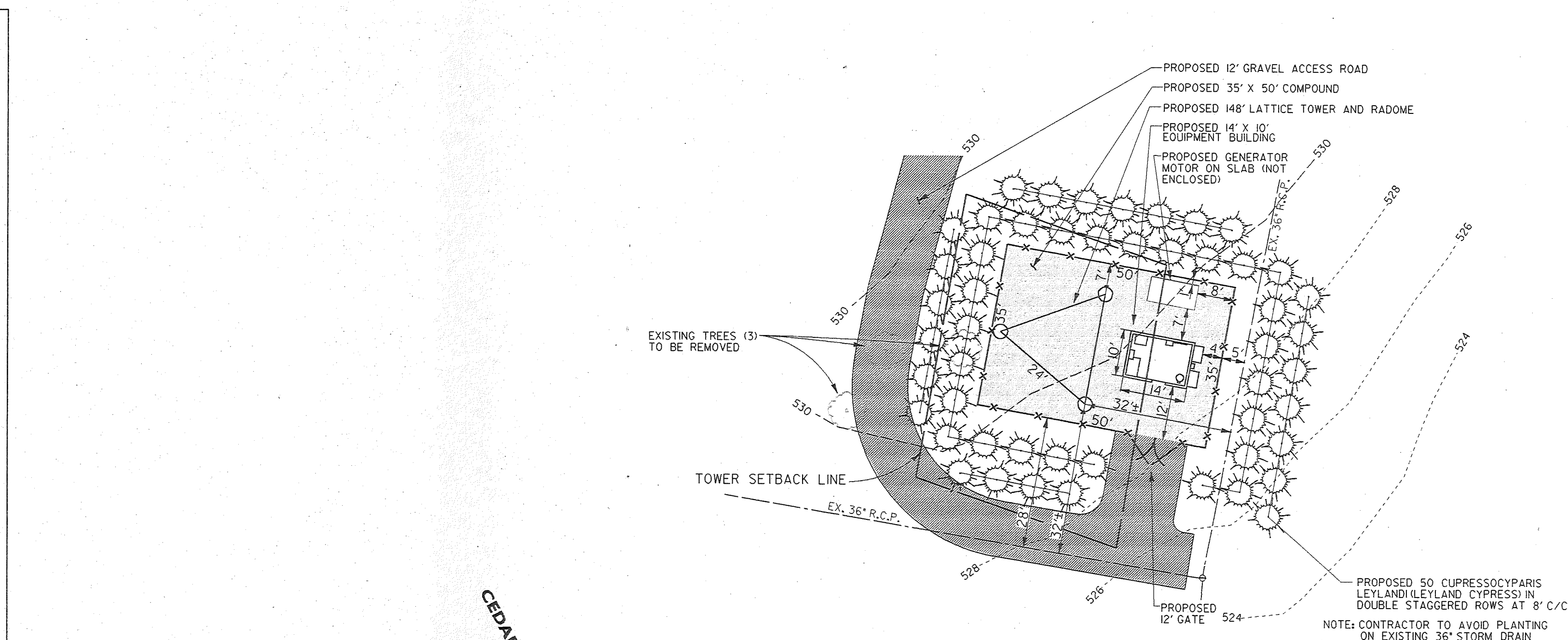




PORTION OF ZONING MAPS S.W. 1-G & 2-G

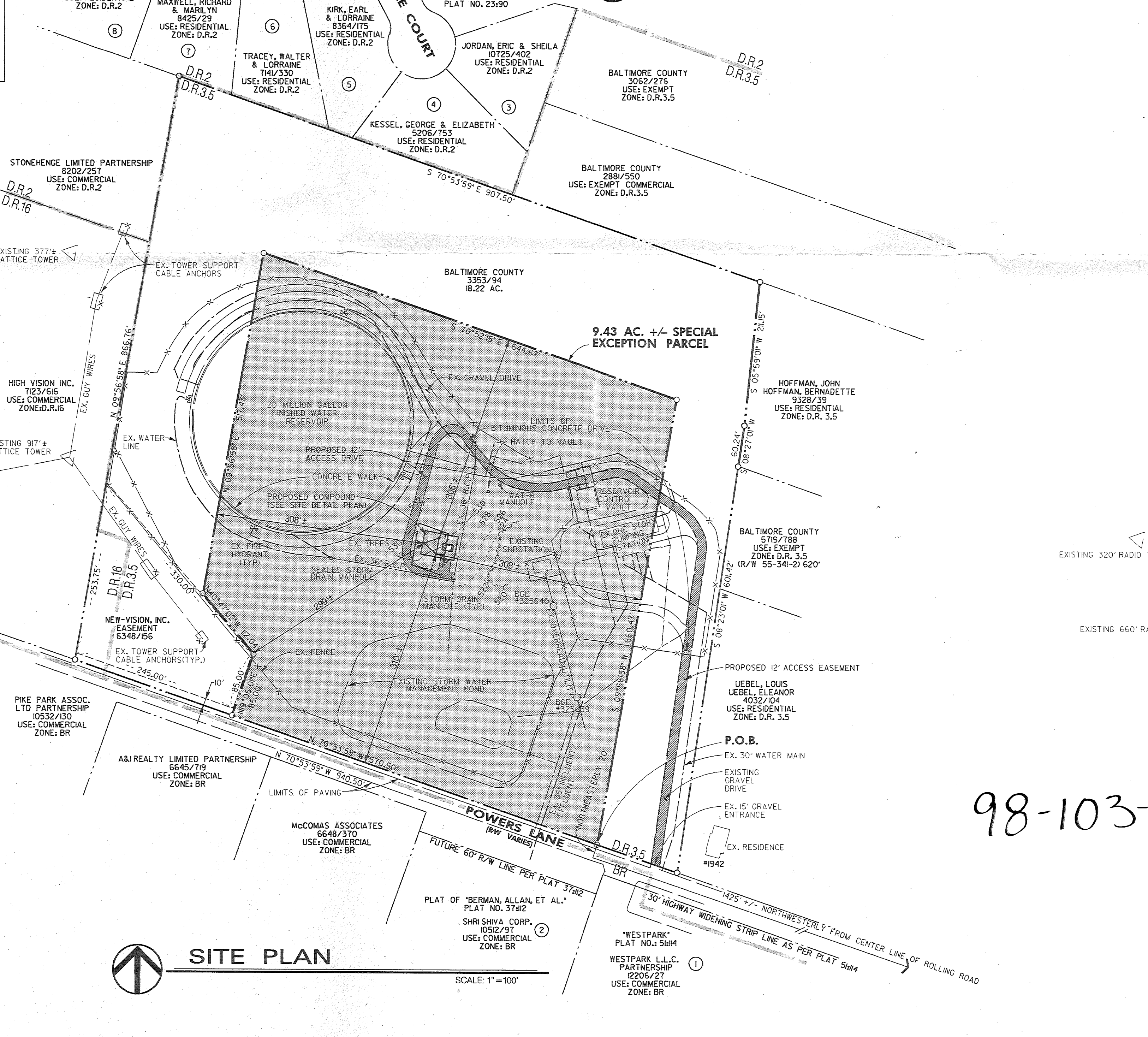
SCALE: 1"=200'

- GENERAL NOTES**
1. CURRENT OWNER AND ADDRESS: BALTIMORE COUNTY, MARYLAND
COURT HOUSE
BALTIMORE, MD 21204
 2. CONTRACT LESSEE: SCRIPPS HOWARD BROADCASTING CORPORATION, INC.
800 WMAR-TV
6400 YORK ROAD
BALTIMORE, MD 21212
 3. SITE AREA: 9.43 AC. +/- (410,771 S.F. +/-)
 4. EXISTING USE: PUMP STATION/ FINISHED WATER RESERVOIR
 5. STREET ADDRESS: 1946 POWERS LANE
BALTIMORE, MD 21228
 6. SITE DATA: TAX MAP 94, GRID 23, PARCEL 131
TAX ACCOUNT NO.: 0102000332
DEED REFERENCE: 3553/94, HW PLAT 55/34/1
ZONE: D.R. 3.5
ZONING OF SPECIAL EXCEPTION PARCEL: D.R.3.5/ D.R.16
ELECTION DISTRICT: 01
COUNCILMANIC DISTRICT: 01
 7. THE PROPOSED TOWER MOUNTED WIRELESS TRANSMITTING AND RECEIVING FACILITY WILL CONSIST OF A DOPPLER DOME APPROXIMATELY 28' HIGH MOUNTED ON A 120' LATTICE TOWER, 10' X 14' EQUIPMENT BUILDING, AND EMERGENCY GENERATOR LOCATED AT THE BASE OF THE PROPOSED TOWER ALL LOCATED WITHIN A 35' X 50' FENCED COMPOUND (8' HIGH FENCE).
 8. THE PROPERTY BEARINGS AND DISTANCES SHOWN HEREON WERE TAKEN FROM DEEDS AND OTHER SOURCES DEEMED RELIABLE, HOWEVER THEIR ACCURACY IS NOT GUARANTEED AND IS SUBJECT TO CHANGE.
 9. ENVIRONMENTAL PROTECTION AGENCY STANDARDS AND GUIDELINES RELATING TO RADIATION EMISSIONS SHALL BE MET AT ALL TIMES.
 10. NO WATER OR SANITARY UTILITIES ARE REQUIRED FOR THE WIRELESS TRANSMITTING AND RECEIVING FACILITY.
 11. NO SITE OR ANTENNA LIGHTS ARE PROPOSED.
 12. A PORTION OF THE SUBJECT PROPERTY, AREA DESIGNATED AS 'NEW-VISION, INC. EASEMENT', WAS USED TO SUPPORT SPECIAL EXCEPTION CASE NO. 8179-X TO ALLOW A WIRELESS TRANSMITTING AND RECEIVING STRUCTURE AS THE PRINCIPAL STRUCTURE AND PRINCIPAL USE, TOGETHER WITH THE TRANSMISSION BUILDINGS AND SUPPORTING GUY LINES, ON JUNE 2, 1981, THE BOARD OF APPEALS ORDERED THAT THE SPECIAL EXCEPTION BE GRANTED. THIS EASEMENT AREA CURRENTLY HOUSES GUY WIRES AND ANCHORS FOR THE EXISTING TOWER ON THE ADJACENT PARCEL.
 13. PREVIOUS PERMITS: NONE
 14. THERE ARE NO SIGNS PROPOSED FOR THIS FACILITY.
 15. FLOOR AREA RATIO: N/A
 16. AMENITY OPEN SPACE: N/A
 17. WHEN THE USE IS TERMINATED THE TOWER SHALL BE REMOVED.
 18. EVERY FIVE YEARS, OR SOONER IN THE EVENT OF SUBSTANTIAL DAMAGE, A CERTIFICATION BY A PROFESSIONAL ENGINEER REGISTERED IN MARYLAND SHALL BE FILED WITH THE DEPARTMENT OF PERMITS AND LICENSES INDICATING THAT THE TOWER AND ALL HARDWARE MEETS ALL SAFETY REQUIREMENTS, ANY UPGRADING OR MAINTENANCE REQUIRED TO COMPLY WITH ANY CHANGES IN SAFETY REQUIREMENTS, OR TO MAINTAIN THE SAFETY THEREOF, SHALL BE PERFORMED PRIOR TO THE FILING OF SUCH CERTIFICATION.
 19. AN ENVIRONMENTAL IMPACT STATEMENT, AS DEFINED IN SECTION 101 OF THE BALTIMORE COUNTY ZONING ORDINANCE, SHALL BE SUBMITTED TO THE ZONING COMMISSIONER.
 20. NO WHITE STROBOSCOPIC LIGHTS ARE PROPOSED.
 21. PARKING REQUIRED: 0 SPACES (UNMANNED FACILITY)
THE PROPOSED WIRELESS TRANSMITTING AND RECEIVING INSTALLATION DOES NOT AFFECT ANY EXISTING PARKING SPACES.
 22. APPLICANT WILL PROVIDE DILIGENT SEARCH INFORMATION AT HEARING.
 23. A LANDSCAPE PLAN WILL BE SUBMITTED TO THE DIRECTOR OF PLANNING AND ZONING.
 24. REQUIRED PRINCIPAL STRUCTURE SETBACKS:
WIRELESS TRANSMITTING AND RECEIVING STRUCTURE SETBACKS
REQUIRED IN A D.R. 3.5 ZONE PER SECTION 502.7.C.2: SETBACK EQUAL TO TWO TIMES THE HEIGHT OF THE STRUCTURE
148' (TOTAL HEIGHT) X 2 = 296' SETBACK
NON-RESIDENTIAL PRINCIPAL BUILDING STRUCTURE SETBACKS REQUIRED IN A D.R.3.5 ZONE PER SECTION 501.2.C.1.2:
FRONT 50' SIDE 20' REAR 30'
 25. THIS SITE IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN AS PER FIRM COMMUNITY PANEL #240010 0370 B EFFECTIVE MARCH 2, 1981.
- ATTORNEY: STEPHEN J. NOLAN
NOLAN, PLUMHOFF, AND WILLIAMS
SUITE 700, NOTTINGHAM CENTER
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 832-7800
- REQUESTED ZONING ACTION:
SPECIAL EXCEPTION PURSUANT TO SEC. 501.2.C.2 AND 502.7.C.2 TO ALLOW A WIRELESS TRANSMITTING AND RECEIVING FACILITY IN A D.R.3.5 ZONE.



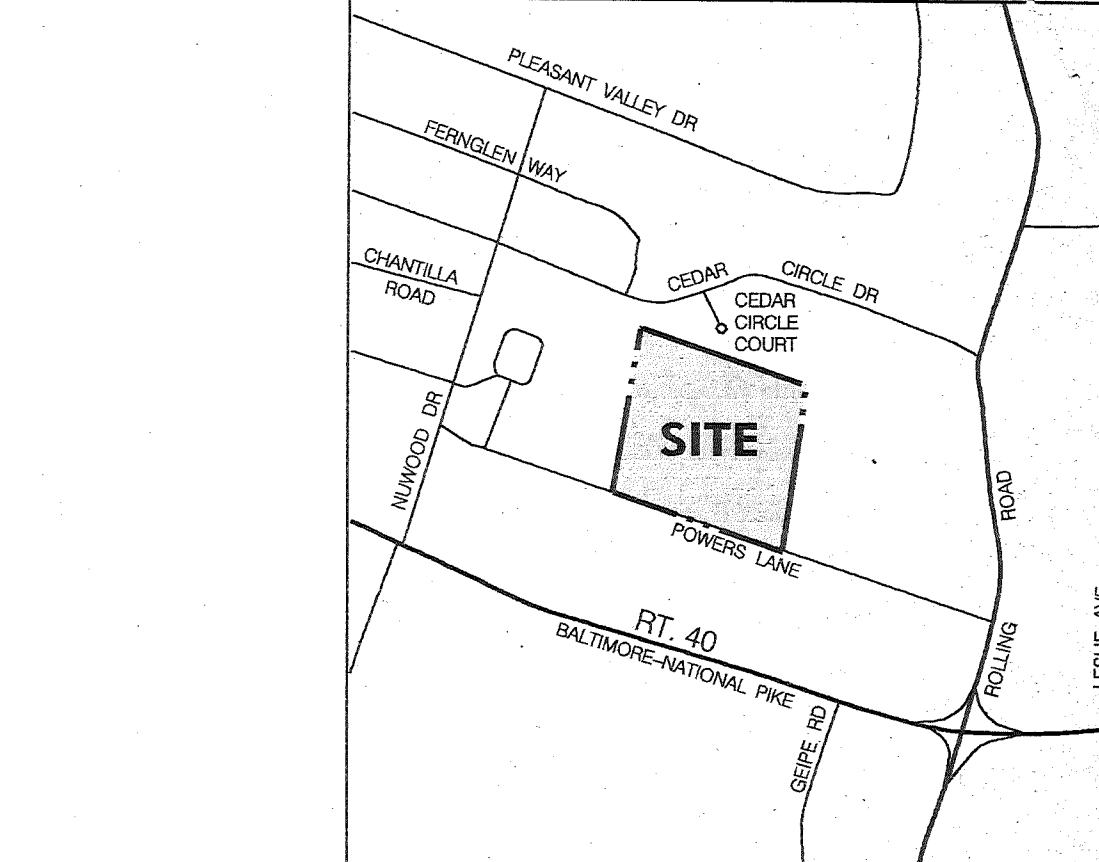
SITE DETAIL PLAN

SCALE: 1"=20'



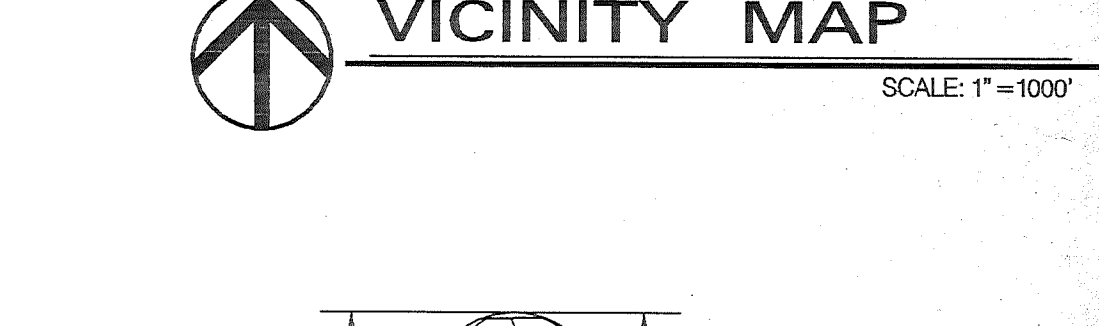
SITE PLAN

SCALE: 1"=100'



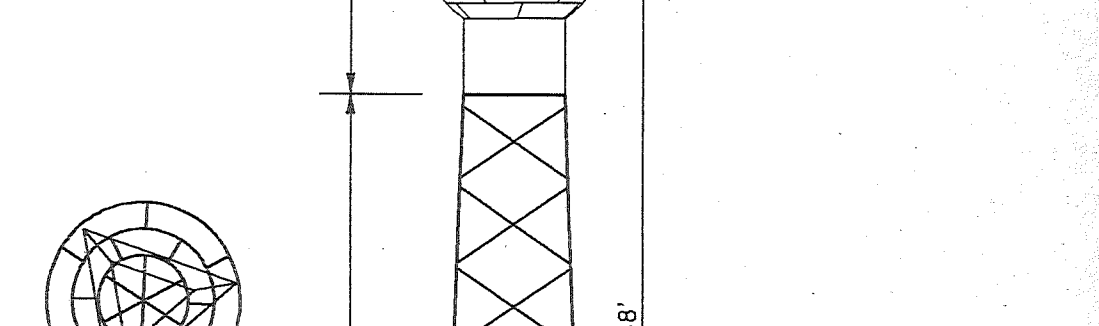
VICINITY MAP

SCALE: 1"=1000'



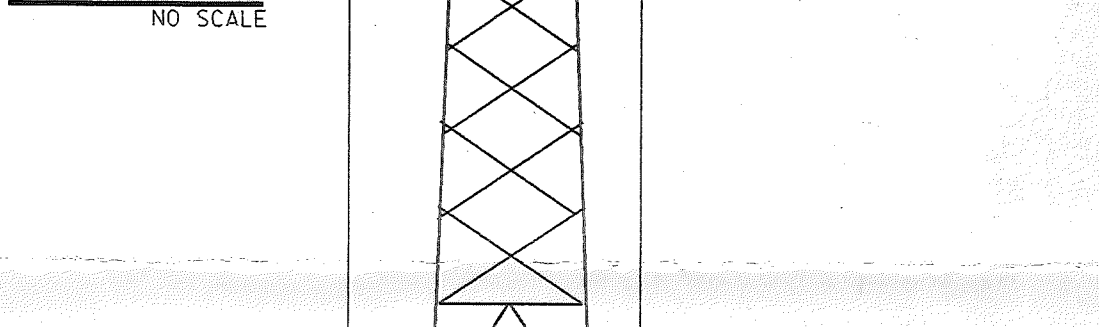
TOWER ELEVATION

NO SCALE



RADOME PLAN

NO SCALE



PROPOSED WMAR DOPPLER RADAR TOWER #1946 POWERS LANE

1st ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

DATE BY REVISIONS

ISSUE DATES

REVIEW: BASE: SMD

BID: DRAWN: SMD

PERMIT: DESIGNED:

CONSTRUCTION: CHECKED BY:

SCALE: AS SHOWN DATE CHECKED:

PROJECT NO.: 97044 DRAWING: 1 OF 1

98-103-X

98-103-X

98-103-X

98-103-X

98-103-X

98-103-X

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