

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - S/End of Burton
Avenue, at I-83/Balto. Beltway * DEPUTY ZONING COMMISSIONER
(I-695) Ramp * OF BALTIMORE COUNTY
(Seminary Park)
8th Election District *
4th Councilmanic District * Case No. 98-130-SPXA
* * * * *
Baltimore County, Md., Owner *
Washington Baltimore Cellular One, Lessee
* * * * *

XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Baltimore County, Maryland, and the Contract Lessee, Washington Baltimore Cellular One Limited Partnership, through their attorney, Karl J. Nelson, Esquire. The Petitioners request a special exception to permit a wireless transmitting and receiving facility on the subject property, zoned D.R.5.5, pursuant to Section 1B01.1.C.20 of the Baltimore County Zoning Regulations (B.C.Z.R.) and variance relief from the B.C.Z.R. as follows: 1) From Section 1B01.2.C.1.a to permit a rear setback of 12 feet for an unmanned, non-residential principal building in a D.R. 5.5 zone in lieu of the required 30 feet; 2) from Section 502.7.C.2 to permit a 130-foot wireless transmitting and receiving monopole within 238 feet of a front property line, 154 feet of a side property line, and 23 feet of a rear property line, all in lieu of the required 260 feet each; and 3) from Section 102.2 to permit multiple buildings for the wireless transmitting and receiving facility within 5 feet of one another without structural or functional connections between them. 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.

ORDER RECEIVED FOR FILING
Date 2/3/97
By [Signature]

Appearing at the hearing on behalf of the Petitions were several representatives of Cellular One, Bob Morelock and Mitchell Kellman, representatives of Daft-McCune-Walker, Inc., who prepared the site plan for this property, Patrick Roddy, with the Baltimore County Office of Law, and Bob McClelland, with the Baltimore County Department of Recreation and Parks. The Petitioners were represented by Karl J. Nelson, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 5.257 acres, more or less, zoned D.R. 5.5. The property is the site of Seminary Park, a community park owned by Baltimore County and utilized by the Department of Recreation and Parks as lighted recreational fields. The property is located on the north side of the off-ramp from the Baltimore Beltway (I-695) to I-83 North. The Petitioners propose to erect a 130-foot tall monopole for a wireless transmitting and receiving facility on the south side of the subject property, adjacent to the off-ramp. The proposed tower and accessory building will not interfere in any manner with the utilization of Seminary Park for recreational purposes. As has been the case in many of these types of hearings, Cellular One's coverage in this particular area of Baltimore County is deficient. Thus, the proposed tower is necessary in order to meet customer demands. In addition, Cellular One has already arranged for two other cellular carriers to co-locate on the proposed monopole. Therefore, the proposed monopole will be utilized to its fullest extent and provide the greatest service to the citizens of this area of Baltimore County.

As is required, the Petitioners demonstrated that they performed a diligent search of the surrounding area and found the subject site the most appropriate for the proposed tower. Furthermore, an environmental

ORDER RECEIVED FOR FILING
Date 12/3/97
By [Signature]

impact statement submitted into evidence as Petitioner's Exhibit 4 demonstrated that the proposed use of the subject property is appropriate and will not be detrimental to the surrounding uses.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 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.

In addition to satisfying the requirements of Section 502.1 of the B.C.Z.R., the Petitioners demonstrated that they have complied with the requirements of Section 502.7 which specifically relate to wireless transmitting and receiving facilities.

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 variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the 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 these Petitions held, and for the reasons given above, the relief requested should be granted.

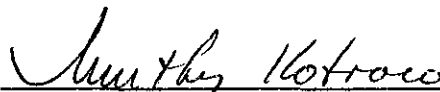
ORDER RECEIVED FOR FILING
Date 12/3/97
By [Signature]

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of December, 1997 that the Petition for Special Exception to permit a wireless transmitting and receiving facility on the subject property, zoned D.R.5.5, pursuant to Section 1B01.1.C.20 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: 1) From Section 1B01.2.C.1.a to permit a rear setback of 12 feet for an unmanned, non-residential principal building in a D.R. 5.5 zone in lieu of the required 30 feet; 2) from Section 502.7.C.2 to permit a 130-foot wireless transmitting and receiving monopole within 238 feet of a front property line, 154 feet of a side property line, and 23 feet of a rear property line, all in lieu of the required 260 feet each; and 3) from Section 102.2 to permit multiple buildings for the wireless transmitting and receiving facility within 5 feet of one another without structural or functional connections between them, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning

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

December 3, 1997

Karl J. Nelson, Esquire
Kramon & Graham
1 South Street
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
S/End of Burton Avenue, at I-83 North/Baltimore Beltway (I-695) Ramp
(Seminary Park)
8th Election District - 4th Councilmanic District
Baltimore County, Maryland, Owner;
Washington Baltimore Cellular One, Lessee
Case No. 98-130-SPXA

Dear Mr. Nelson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have 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

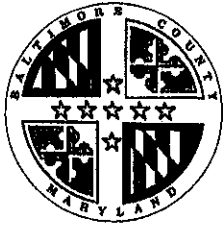
cc: Ms. Robin L. Churchill, Administrative Officer

Mr. Michael Malis, Dir. Real Estate, Washington Baltimore Cellular LP
7150 Standard Drive, Hanover, Md. 21076

Mr. Robert Morelock, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel; Case Files





98-130-XA

Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at the south end of Burton Ave., Lutherville

which is presently zoned DR 5.5

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 pursuant to BCZR Section 1B01.1.C.20.

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:

Washington Baltimore Cellular Ltd. Partnership
dba Cellular One

(Type or Print Name)

Signature MICHAEL MAUS, DIR. OF REAL ESTATE

7150 Standard Drive

Address

Hanover, MD 21076

City State Zipcode

Attorney for Petitioner:

Karl J. Nelson

(Type or Print Name)

Signature

Kramon & Graham

1 South Street

(410) 347-7434

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):

Baltimore County, Maryland

Robin L. Churchill

(Type or Print Name) COUNTY ADMINISTRATIVE OFFICER

Signature

(Type or Print Name)

Signature

attn: Office of Law

Courthouse, Second Floor

(410) 887-4420

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

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

Robert Morelock

Name

DMW, 200 E. Pennsylvania Ave

(410) 296-3333

Address

Phone No.

Towson, MD 21286

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 hrs

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: CAM

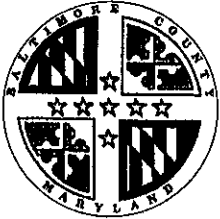
DATE

3/2/97

ORDER RECEIVED FOR FILING
Date 12/3/97
By

Zoning Administration
& Development Management

130



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at the south end of Burton Ave., Lutherville

which is presently zoned DR 5.5

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 Variance from Section (s)

1B01.2.C.1.a to permit a 12' rear setback for an unmanned non-residential principal building in a DR 5.5 zone in lieu of the required 30'.

502.7.C.2 to permit a 130-foot wireless transmitting and receiving monopole within 238' of a front property line, within 154' of a side property line, and within 23' of a rear property line in lieu of the required 260' setbacks.

102.2 to permit multiple buildings for the wireless transmitting and receiving facility within 5' of one another without structural or functional connections between them.

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

To be presented at the 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 of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:

Washington Baltimore Cellular Ltd. Partnership
dba Cellular One

(Type or Print Name)

Signature [Signature]
MICHAEL MAUS, DIR. OF REAL ESTATE

7150 Standard Drive

Address

Hanover, MD 21076

City

State

Zipcode

Attorney for Petitioner:

Karl J. Nelson

(Type or Print Name)

Signature [Signature]

Kramon & Graham

1 South Street

(410) 347-7434

Address

Phone No.

Baltimore, MD 21202

City

State

Zipcode

Legal Owner(s):

Baltimore County, Maryland

Robin L. Churchill

(Type or Print Name)

COUNTY ADMINISTRATIVE OFFICER
Signature [Signature]

(Type or Print Name)

Signature

attn: Office of Law

Courthouse, Second Floor

(410) 887-4420

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

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

Robert Morelock

Name

DMW, 200 E. Pennsylvania Ave

(410) 296-3333

Address

Phone No.

Towson, MD 21286

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration
& Development Management

ORDER RECEIVED FOR FILING

Date 12/3/97

By [Signature]

Description

To Accompany Petition for Special Exception and Zoning Variances

5.257 Acre Parcel

North Side of Baltimore Beltway (I-695)

South of Burton Avenue

Eighth 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 in the centerline of Burton Avenue at a point situate South 02 degrees 55 minutes 19 seconds East 1140 feet, more or less, as measured along said centerline from the centerline of Seminary Avenue, thence leaving said point of beginning and running along said centerline (1) South 02 degrees 55 minutes 19 seconds East 237.65 feet, thence leaving said centerline of Burton Avenue and running the two following courses and distances, viz: (2) North 87 degrees 07 minutes 41 seconds East 398.85 feet, and thence (3) South 48 degrees 28 minutes 21 seconds West 490.09 feet to intersect the north side of the I-83/I-695 northeast ramp, thence binding on said north side of I-83/I-695 northeast ramp, the five following courses and distances, viz: (4) North 65 degrees 54 minutes 05 seconds West 166.42 feet, thence (5) North 64 degrees 34 minutes 34 seconds West 155.80 feet, thence (6) North 53 degrees 02 minutes 07 seconds West 156.78 feet, thence (7) North 42 degrees 44 minutes 59 seconds West 165.57 feet, and thence (8) North 27 degrees 57 minutes 55 seconds West 72.17 feet, thence leaving the north side of I-83/I-695 northeast

ramp and running the three following courses and distances, viz: (9) North 86 degrees 49 minutes 31 seconds East 297.41 feet, thence (10) North 02 degrees 55 minutes 29 seconds West 99.81 feet, and thence (11) North 87 degrees 04 minutes 31 seconds East 229.00 feet to the point of beginning; containing 5.257 acres of land, more or less.

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

August 11, 1997

Project No. 97004 (L97004)



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.: 98-130-SPXA

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

PLACE: *

DATE AND TIME: *

REQUEST: A Special Exception to permit a Wireless Trans-
mitting & Receiving Facility and variances to
permit a setback of 12' in lieu of the required 30' and setbacks
238', 154' and 23' in lieu of the required 260'. within 5' AF

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

98-130-XA
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 130

Petitioner: CELLULAR ONE

Location: S. END, BURTON AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: CELLULAR ONE ATTN: VAN THOMPSON

ADDRESS: 7150 STANDARD DRIVE

HANOVER, MD 21076

PHONE NUMBER: (410) 712-7771

AJ:ggs

(Revised 09/24/96)

130

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 044421

DATE 3 Oct 97 ACCOUNT R-001-6150
AMOUNT \$ 550.00

RECEIVED
FROM:

Cellular One

FOR:

SPXA - Seminary Park

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

98-130-XA

PAID RECEIPT

PROCESSED ACTUAL TIME
10/03/1997 10/05/1997 09:24:40
RE: 4505 CASHIER BRYANT DRAKE
5 MISCELLANEOUS CASH RECEIPT
RECEIPT # 037563
OR NO. 044421

550.00 DOLLARS
Baltimore County, Maryland

CASHIER'S VALIDATION

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, #98-130-XA
Slend Burton Avenue "Semi-nary Park" c/A Burton Avenue, 1140' SE Seminary Avenue

8th Election District
4th Councilmanic
Legal Owner(s):
Baltimore County, MD
Contract Purchaser(s):
Washington Baltimore Cellular Ltd. Partnership dba Cellular One

Special Exception: for a wireless transmitting and receiving facility. **Variance:** to permit a 12 foot rear setback for an unmanned non-residential principal building in a D.R 5.5 zone in lieu of the required 30 feet; to permit a 130 ft. wireless transmitting and receiving monopole within 238 feet of a front property line, within 154 feet of a side property line, and within 23 feet of a rear property line in lieu of the required 260 ft. setbacks, and to permit multiple buildings for the wireless transmitting and receiving facility within 5 feet of one another without structural or functional connections between them.

Hearing: Tuesday, November 4, 1997 at 10:00 a.m. in Room 407 Courts Bldg., 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

10/27/97 Oct. 16 C181878

98-130-XA

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 16, 19 97

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. 16, 19 97.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON



ZONING NOTICE

Case # : 98-130-SPX A

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

ROOM 407 COURTS BUILDING
PLACE : 401 BOSLEY AVE. TOWSON MD. 21204
TIME & DATE : NOVEMBER 17, 1997 - 9:00 A.M.

REQUEST: A SPECIAL EXCEPTION TO PERMIT
A WIRELESS TRANSMITTING AND RECEIVING
FACILITY AND VARIANCES TO PERMIT A
BUILDING SETBACK OF 12 FT. IN LIEU OF THE
REQUIRED 30 FT. AND A TOWER SETBACK
OF 238 FT., 154 FT. AND 23 FT. IN LIEU OF
THE REQUIRED 260 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 867-3381 THE DAY BEFORE THE SCHEDULED HEARING DATE.
IF YOU WOULD LIKE TO REQUEST A HEARING, PLEASE PHONE 867-3381.
HEARINGS ARE HANDICAPPED ACCESSIBLE.

CERTIFICATE OF POSTING

RE: Case No.: 28-130-SPXA

Petitioner/Developer: _____

CELL 1, SEMINARY PARK

Date of Hearing/Closing: Nov. 17, 1997

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 _____

SOUTHERN END OF BURTON AVE. IN SEMINARY
PARK AT ENTRANCE TO PARK

The sign(s) were posted on SATURDAY NOV. 1, 1997
(Month, Day, Year)

Sincerely,

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

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

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

(410) 242-4263
(Telephone Number)



Baltimore County
Department of Permits and
Development Management

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

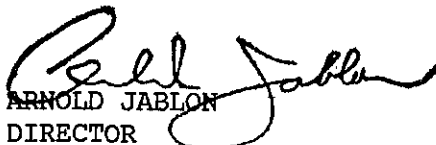
October 21, 1997

NOTICE OF REASSIGNMENT

CASE NUMBER: 98-130-XA
S/end Burton Avenue "Seminary Park" c/l Burton Avenue, 1140' SE
Seminary Avenue
8th Election District - 4th Councilmanic
Legal Owner(s): Baltimore County, Maryland
Contract Purchaser(s): Washington Baltimore Cellular Ltd. Partnership
dba Cellular One

Special Exception for a wireless transmitting and receiving facility.
Variance to permit a 12 foot rear setback for an unmanned
non-residential principal building in a D.R.5.5 zone in lieu of the
required 30 feet; to permit a 130 ft. wireless transmitting and
receiving monopole within 238 feet of a front property line, within 154
feet of a side property line, and within 23 feet of a rear property
line in lieu of the required 260 ft. setbacks; and to permit multiple
buildings for the wireless transmitting and receiving facility within 5
feet of one another without structural or functional connections
between them.

HEARING: MONDAY, NOVEMBER 17, 1997 at 9:00 a.m. in Room 407 Courts
Building, 401 Bosley Avenue.


ARNOLD JABLON
DIRECTOR

cc: Karl J. Nelson, Esq.
Robert Morelock/DMW
Washington Baltimore Cellular Ltd. Partnership
Office of Law

PLEASE NOTE THAT THE ZONING SIGN ON THE PROPERTY MUST BE ALTERED TO
GIVE NOTICE OF THE ABOVE HEARING ON OR BEFORE NOVEMBER 2, 1997 AND
CERTIFICATION OF SAME FILED WITH THIS OFFICE. PLEASE CONTACT THE SIGN
VENDOR USED FOR THE ORIGINAL POSTING.





Baltimore County
Department of Permits and
Development Management

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

October 10, 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: 98-130-XA

S/end Burton Avenue "Seminary Park" c/l Burton Avenue, 1140' SE Seminary Avenue

8th Election District - 4th Councilmanic

Legal Owner(s): Baltimore County, Maryland

Contract Purchaser(s): Washington Baltimore Cellular Ltd. Partnership dba Cellular One

Special Exception for a wireless transmitting and receiving facility.

Variance to permit a 12 foot rear setback for an unmanned non-residential principal building in a D.R.5.5 zone in lieu of the required 30 feet; to permit a 130 ft. wireless transmitting and receiving monopole within 238 feet of a front property line, within 154 feet of a side property line, and within 23 feet of a rear property line in lieu of the required 260 ft. setbacks; and to permit multiple buildings for the wireless transmitting and receiving facility within 5 feet of one another without structural or functional connections between them.

HEARING: TUESDAY, NOVEMBER 4, 1997 at 10:00 a.m. in Room 407 Courts Building, 401 Bosley Avenue.

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

Arnold Jablon
Director

cc: Office of Law
Robert Morelock/DMM
Washington Baltimore Cellular Ltd . Partnership
Karl J. Nelson, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 20, 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: PUTUXENT PUBLISHING COMPANY

October 16, 1997 Issue - Jeffersonian

Please forward billing to:

Cellular One
Van Thompson
7150 Standard Drive
Hanover, MD 21076
410-712-7771

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: 98-130-XA

S/End Burton Avenue "Seminary Park" c/l Burton Avenue, 1140' SE Seminary Avenue

8th Election District - 4th Councilmanic

Legal Owner(s): Baltimore County, Maryland

Contract Purchaser(s): Washington Baltimore Cellular Ltd. Partnership dba Cellular One

Special Exception for a wireless transmitting and receiving facility.

Variance to permit a 12 foot rear setback for an unmanned non-residential principal building in a D.R.5.5 zone in lieu of the required 30 feet; to permit a 130 ft. wireless transmitting and receiving monopole within 238 feet of a front property line, within 154 feet of a side property line, and within 23 feet of a rear property line in lieu of the required 260 ft. setbacks; and to permit multiple buildings for the wireless transmitting and receiving facility within 5 feet of one another without structural or functional connections between them.

HEARING: TUESDAY, NOVEMBER 4, 1997 at 10:00 a.m. in 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 29, 1997

Karl J. Nelson, Esquire
Kramon & Graham
1 South Street
Baltimore, MD 21202

RE: Item No.: 130
Case No.: 98-130-XA
Petitioner: Baltimore County, MD

Dear Mr. Nelson:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 3, 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.", written over a printed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



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

TO: PDM

DATE: Oct 15, 97

FROM: R. Bruce Seeley. RBS/sp
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Oct 14, 97

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

Item #'s: 120
124
127
130

RBS:sp

BRUCE2/DEPRM/TXTSBP



Baltimore County
Fire Department

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

October 16, 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 October 14, 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.

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

120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130
and 131

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-1881, MS-1102F
cc: File

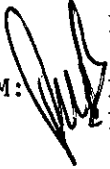


B A L T I M O R E C O U N T Y , M A R Y L A N D

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: October 20, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
 for October 20, 1997
 Item Nos. 120, 124, 127, 129, 130,
 & 131

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

RWB:HJO:jrb

cc: File

ZONE1020.NOC

97-4795

LAW OFFICES
KRAMON & GRAHAM, P. A.
COMMERCE PLACE
ONE SOUTH STREET, SUITE 2600
BALTIMORE, MARYLAND 21202-3201
(410) 752-6030

KARL J. NELSON
(410) 347-7434

October 15, 1997

10/16/97

8

TO 68
OK

FACSIMILE
(410) 539-1269

VIA HAND DELIVERY

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

Re: Case Number 98-130-XA
Hearing Date: November 4, 1997 at 10:00 a.m.

Dear Mr. Jablon:

I write concerning the hearing currently scheduled for November 4, 1997 in the above-referenced case. I represent Cellular One with respect to its tower-related zoning matters in the Baltimore area. I have a federal court trial scheduled for November 4, 1997 that cannot be rescheduled. Accordingly, I respectfully request that the hearing date for this matter be postponed. As Cellular One remains anxious to have this matter heard, we respectfully request that it be rescheduled at your earliest convenience.

Thank you for your attention to this matter.

Very truly yours,

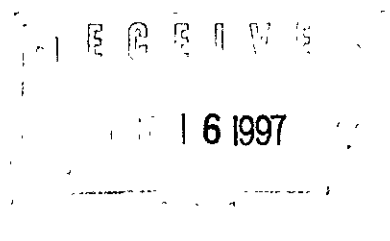


Karl J. Nelson

KJN:pad

cc: Mr. Mike Maus
Mr. Van Thompson
Mr. Bob Morelock

F:\USERS\KJN\Cell One-Seminary\Jablon 10-15.wpd



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Bob Morelock

DMW, Inc.
200 E. PENNA. AVE. TOWSON 21286

Van Thompson

Cellular One 410-712-7771
7150 Standard Dr Hanover MD 21076

Bob McClelland

BGDRP 301 Washington Ave 21201

Mitchell Kellman

DMW, Inc

Patrick Roddy

Balto Co. office of Law

Rick Meeker

Cellular One 410-227-9879

ADNAN BASRAI

Cellular One 410 FB 7763

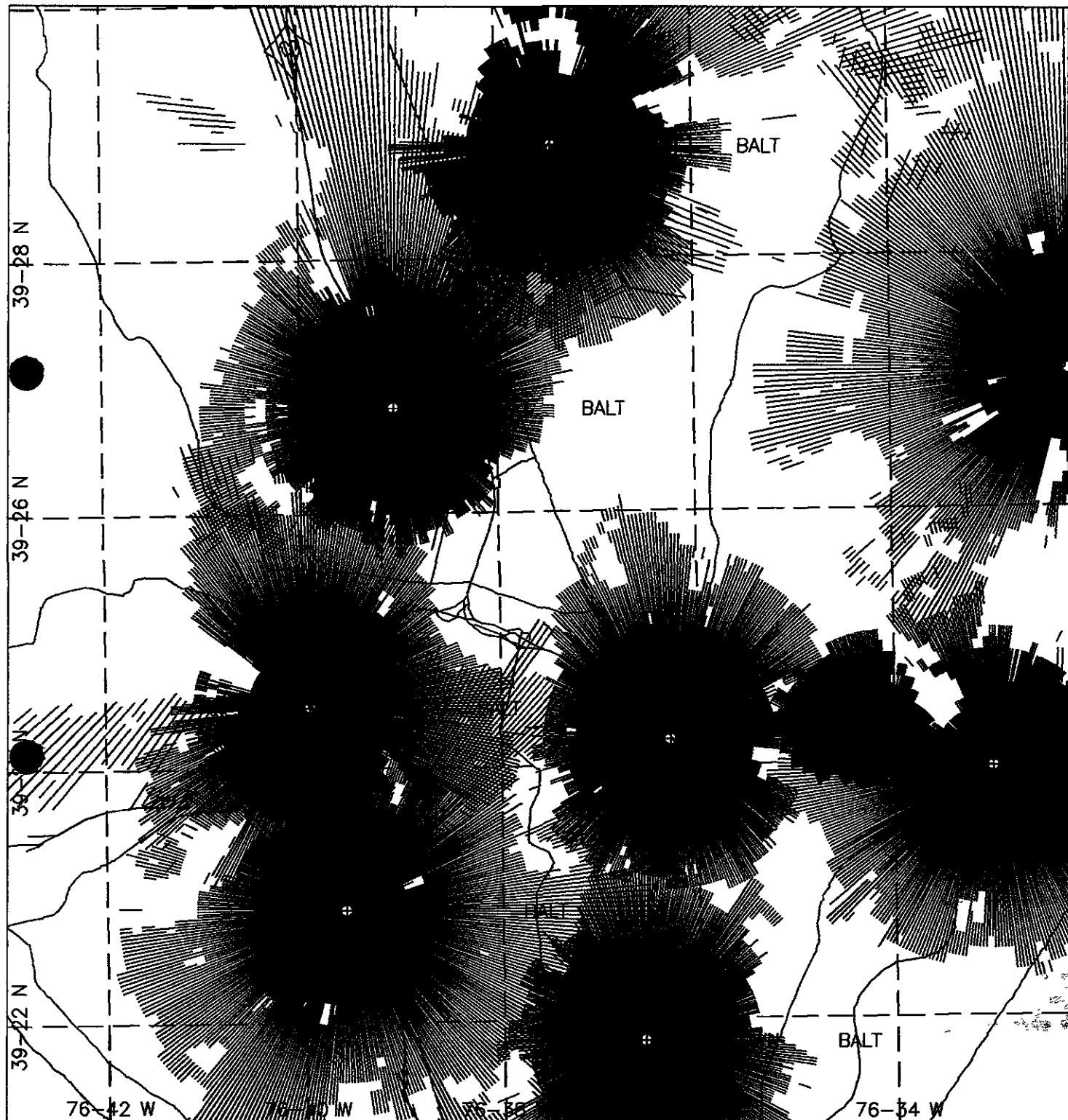
TAHIR QAZI

CELLULAR ONE, 7150 STANDARD DR
HANOVER, MD-21046

AFTAB FAROOQ

Cellular One, Washington/Baltimore





Southwestern Bell Mobile Systems

452 Lutherville

CellularONE

11/10/97 13:13:15

SITE: MAYS CHAPEL BALT NUM: C-0121-00
 LAT: 39 26 50 N LNG: 76 39 3 W STN: A
 ANT: ALP8013 ORTN: 0°TN ERP: 50.000 W
 CF: -2.0 dB GE: 600ft TXHT: 118ft DT: 0' M

SITE: MAYS CHAPEL BALT NUM: C-0121-00
 LAT: 39 26 50 N LNG: 76 39 3 W STN: B
 ANT: ALP8013 ORTN: 120°TN ERP: 16.000 W
 CF: -2.0 dB GE: 600ft TXHT: 118ft DT: 15' M

SITE: MAYS CHAPEL BALT NUM: C-0121-00
 LAT: 39 26 50 N LNG: 76 39 3 W STN: C
 ANT: ALP8013 ORTN: 240°TN ERP: 50.000 W
 CF: -2.0 dB GE: 600ft TXHT: 118ft DT: 0' M

SITE: MAYS CHAPEL BALT NUM: C-0121-00
 LAT: 39 26 50 N LNG: 76 39 3 W STN: V1
 ANT: ALP8013 ORTN: 0°TN ERP: 50.000 W
 CF: -2.0 dB GE: 600ft TXHT: 118ft DT: 0' M

SITE: MAYS CHAPEL BALT NUM: C-0121-00
 LAT: 39 26 50 N LNG: 76 39 3 W STN: V2
 ANT: ALP8013 ORTN: 120°TN ERP: 16.000 W
 CF: -2.0 dB GE: 600ft TXHT: 118ft DT: 15' M

SITE: MAYS CHAPEL BALT NUM: C-0121-00
 LAT: 39 26 50 N LNG: 76 39 3 W STN: V3
 ANT: ALP8013 ORTN: 240°TN ERP: 50.000 W
 CF: -2.0 dB GE: 600ft TXHT: 118ft DT: 0' M

*** more stations ***

THRESHOLDS JANET v1.7 LCC, L.L.C.
 Pgm Ver: SIGPLOT 482 May 3

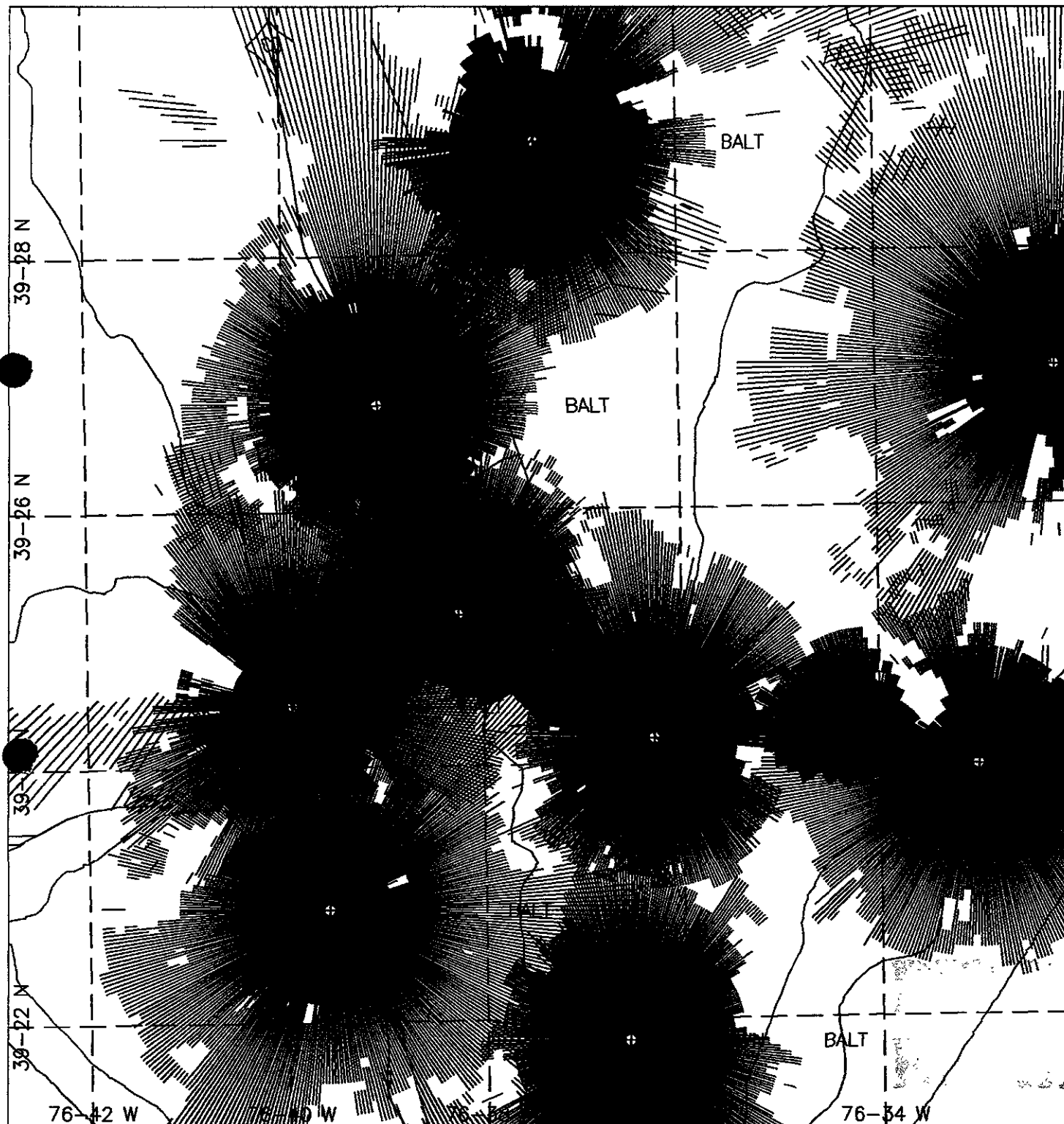
===== Signal >= -85 dbm

2
 Miles

0 1 2

SCALE: 1:80,000

USER: AB3345



Southwestern Bell Mobile Systems

452 Lutherville

CellularONE

11/10/97 13:35:20

SITE: MAYS CHAPEL BALT NUM: C-0121-00
LAT: 39 26 50 N LNG: 76 39 3 W STN: A
ANT: ALP8013 ORTN: 0°TN ERP: 50.000 W
CF: -2.0 dB GE: 600ft TXHT: 118ft DT: 0° M

SITE: MAYS CHAPEL BALT NUM: C-0121-00
LAT: 39 26 50 N LNG: 76 39 3 W STN: B
ANT: ALP8013 ORTN: 120°TN ERP: 16.000 W
CF: -2.0 dB GE: 600ft TXHT: 118ft DT: 15° M

SITE: MAYS CHAPEL BALT NUM: C-0121-00
LAT: 39 26 50 N LNG: 76 39 3 W STN: C
ANT: ALP8013 ORTN: 240°TN ERP: 50.000 W
CF: -2.0 dB GE: 600ft TXHT: 118ft DT: 0° M

SITE: MAYS CHAPEL BALT NUM: C-0121-00
LAT: 39 26 50 N LNG: 76 39 3 W STN: V1
ANT: ALP8013 ORTN: 0°TN ERP: 50.000 W
CF: -2.0 dB GE: 600ft TXHT: 118ft DT: 0° M

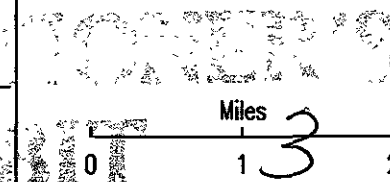
SITE: MAYS CHAPEL BALT NUM: C-0121-00
LAT: 39 26 50 N LNG: 76 39 3 W STN: V2
ANT: ALP8013 ORTN: 120°TN ERP: 16.000 W
CF: -2.0 dB GE: 600ft TXHT: 118ft DT: 15° M

SITE: MAYS CHAPEL BALT NUM: C-0121-00
LAT: 39 26 50 N LNG: 76 39 3 W STN: V3
ANT: ALP8013 ORTN: 240°TN ERP: 50.000 W
CF: -2.0 dB GE: 600ft TXHT: 118ft DT: 0° M

*** more stations ***

THRESHOLDS ANET v1.7 LCC, L.L.C.
Pgim Ver: SIGPLOT 482 May 3

===== Signal >= -85 dbm



SCALE: 1:80,000

USER: AB3345

Environmental Impact Statement

Wireless Transmitting & Receiving Facility

at the

Seminary Park site

DMW Project No. 97004
October, 1997

Prepared for:
Cellular One
7150 Standard Drive
Hanover, MD 21076

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

DMW

**PETITIONER'S
EXHIBIT 4**

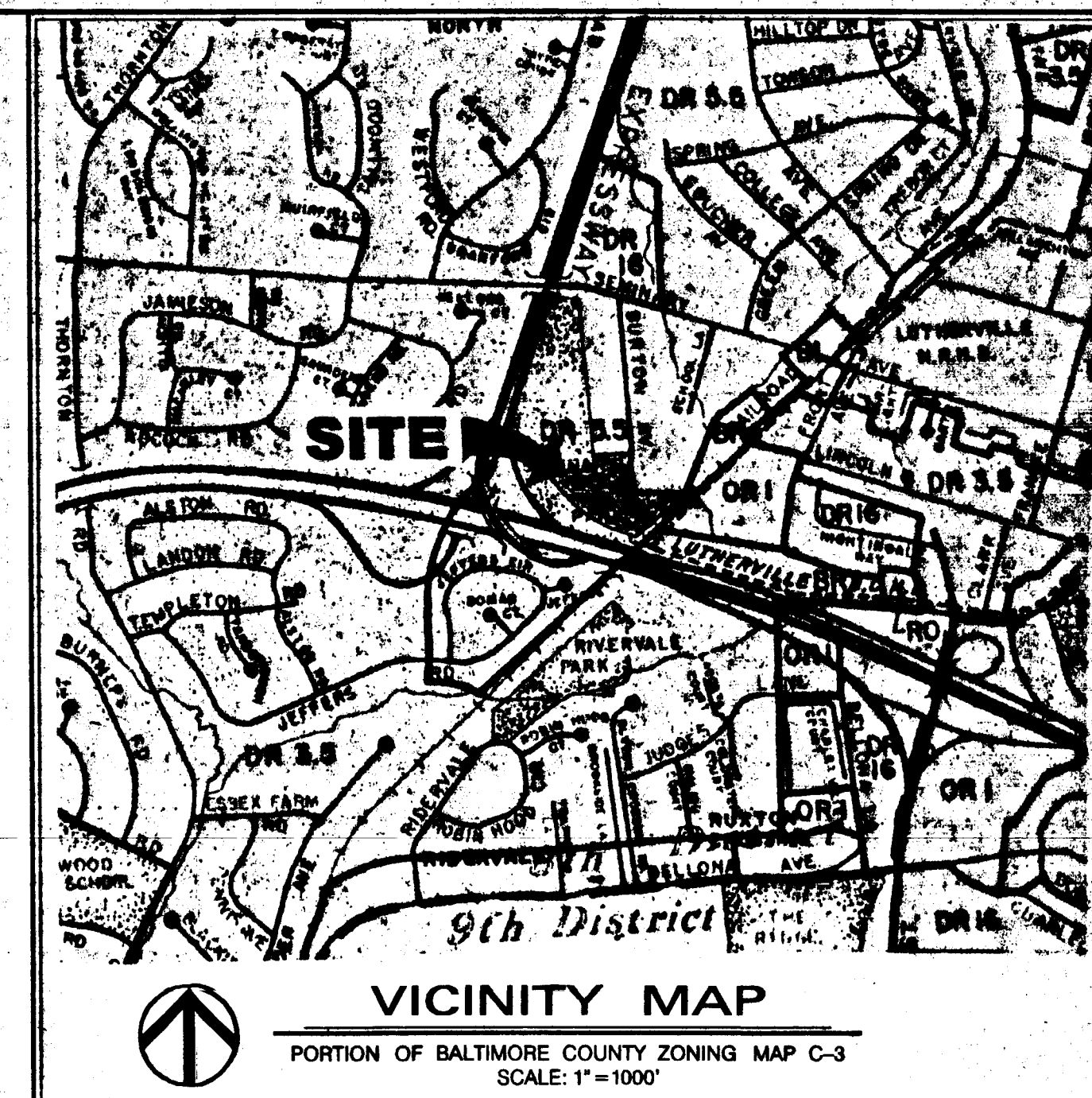
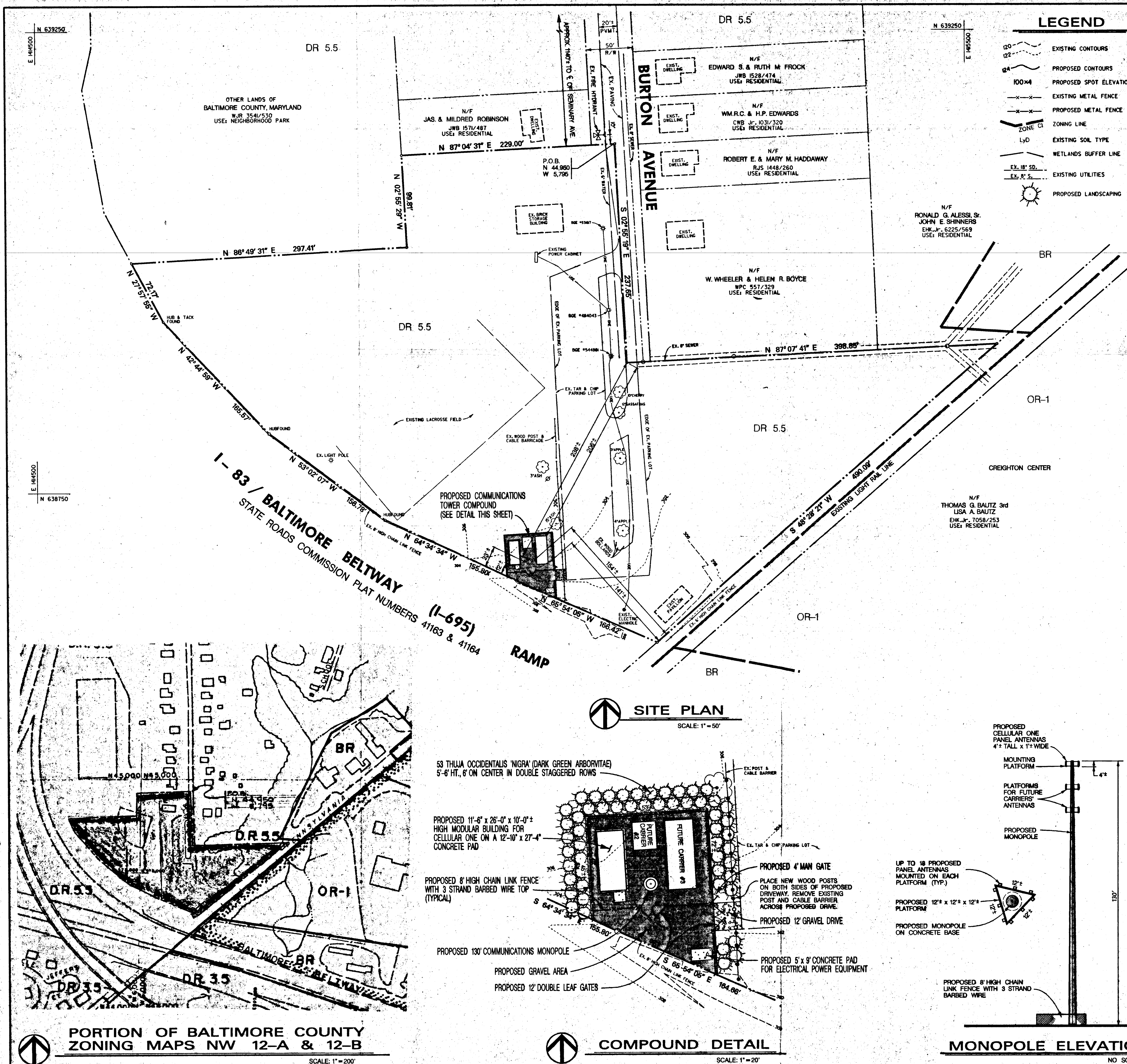


IMPACTS

The site is

located as a

that will



GENERAL NOTES

- CURRENT OWNER AND STREET ADDRESS: BALTIMORE COUNTY, MARYLAND
ATTN: OFFICE OF LAW
COURT HOUSE, SECOND FLOOR
TOWSON, MARYLAND 21204
- CONTRACT LESSEE / APPLICANT: WASHINGTON BALTIMORE CELLULAR
LIMITED PARTNERSHIP
300 CELLULAR ONE
7150 STANDARD DRIVE
HANOVER, MARYLAND 21076
- SITE AREA: 5.257 ACRES
- EXISTING USE: COMMUNITY PARK
- SITE ADDRESS: SOUTH END OF BURTON AVENUE
1200' SOUTH OF SEMINARY AVENUE
- SITE DATA: TAX MAP 60, GRID 23, PARCEL 299
DEED REFERENCE: LIBER 3837 FOLIO 331
TAX ACCOUNT NUMBER: 0802000321
ELECTION DISTRICT: 8
COUNCILMANIC DISTRICT: 4
ZONED: DR 5.5
- NO WATER OR SANITARY UTILITIES ARE REQUIRED FOR THE PROPOSED FACILITY.
- THE BOUNDARY INFORMATION AND LOCATION SHOWN HEREON HAVE BEEN COMPILED FROM DEEDS AND OTHER SOURCES BELIEVED TO BE RELIABLE, HOWEVER THEIR ACCURACY IS NOT GUARANTEED AND IS SUBJECT TO CHANGE.
- THERE ARE NO NEW SIGNS PROPOSED FOR THIS FACILITY.
- NO ADDITIONAL SITE LIGHTING, ANTENNA LIGHTS OR WHITE STROBOSCOPIC LIGHTS ARE PROPOSED FOR THIS FACILITY, UNLESS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.
- EXISTING UTILITY LOCATION INFORMATION SHOWN ON THESE PLANS IS SCHEMATIC ONLY. WHILE THE INFORMATION SHOWN HAS BEEN GATHERED FROM SURVEYS AND SOURCES DEEMED TO BE RELIABLE, THE CORRECTNESS OR COMPLETENESS OF THE INFORMATION IS NOT WARRANTED OR GUARANTEED.
- THE STRUCTURE WILL BE ENCLOSED WITHIN A LOCKED, 8' HIGH CHAIN LINK FENCE.
- IF AND WHEN THE TRANSMITTING FACILITY USE IS TERMINATED, THE STRUCTURE WILL BE REMOVED.
- THIS SITE IS NOT LOCATED WITHIN A 100-YEAR FLOOD PLAIN AS PER THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 24000-0245-E REVISED NOVEMBER 17, 1993.
- AN ENVIRONMENTAL IMPACT STATEMENT, AS DEFINED IN SECTION 10, WILL BE SUBMITTED TO THE ZONING COMMISSIONER.
- ENVIRONMENTAL PROTECTION AGENCY STANDARDS AND GUIDELINES RELATING TO RADIATION EMISSIONS SHALL BE MET AT ALL TIMES.
- NUMBER OF EMPLOYEES FOR COMMUNICATION FACILITY: 0 (UNMANNED FACILITY)
- NO ADDITIONAL PARKING SPACES ARE REQUIRED.
- 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 AFOREMENTIONED STRUCTURE MEETS ALL SAFETY REQUIREMENTS, ANY UPGRADING OR MAINTENANCE REQUIRED TO COMPLY WITH ANY CHANGES IN THE SAFETY REQUIREMENTS, OR TO MAINTAIN THE SAFETY THEREOF, SHALL BE PERFORMED PRIOR TO THE FILING OF SUCH CERTIFICATION.
- SETBACKS:

	REQUIRED TO 130' MONOPOLE	PROVIDED TO MONOPOLE	REQUIRED TO BUILDINGS	PROVIDED TO BUILDINGS
FRONT	260'	238' ±	20'	206'
SIDE	260'	154' ±	20'	141'
REAR	260'	23' ±	30'	12' ±

 * VARIANCE REQUESTED
- PREVIOUS PERMITS: NONE
- ZONING HISTORY:

THIS SITE WAS THE SUBJECT OF ZONING CASE NUMBER 2051 WHICH REQUESTED A RECLASSIFICATION FROM "A" RESIDENTIAL TO "L" LIGHT INDUSTRIAL ZONING. THE REQUESTED RECLASSIFICATION WAS ORIGINALLY GRANTED BY THE ZONING COMMISSIONER IN AN ORDER DATED NOVEMBER 13, 1992. THAT DECISION WAS SUBSEQUENTLY REVERSED BY THE BALTIMORE COUNTY BOARD OF ZONING APPEALS IN A DECISION DATED MAY 7, 1993, AND THE RECLASSIFICATION WAS DENIED.
- REQUESTED ZONING ACTIONS:
 - SPECIAL EXCEPTION PURSUANT TO SUBSECTION 100.2.2 TO PERMIT A WIRELESS TRANSMITTING AND RECEIVING FACILITY IN A DR5.5 ZONE.
 - VARIANCE FROM SUBSECTION 100.2.2.1 TO PERMIT A 12' REAR SETBACK FOR AN UNMANNED NON-RESIDENTIAL PRINCIPAL BUILDING IN A DR5.5 ZONE IN LIEU OF THE REQUIRED 30 FEET.
 - VARIANCE FROM SUBSECTION 502.7.2 TO PERMIT A 130-FOOT WIRELESS TRANSMITTING AND RECEIVING MONOPOLE WITHIN 238' OF A FRONT PROPERTY LINE, WITHIN 54' OF A SIDE PROPERTY LINE, AND WITHIN 23' OF A REAR PROPERTY LINE IN LIEU OF THE REQUIRED 260' SETBACKS.
 - VARIANCE FROM SUBSECTION 100.2.2 TO PERMIT MULTIPLE BUILDINGS FOR THE WIRELESS TRANSMITTING AND RECEIVING FACILITY WITHIN 5' OF ONE ANOTHER WITHOUT STRUCTURAL OR FUNCTIONAL CONNECTIONS BETWEEN THEM.

DMW
Draft-McCune-Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
200 East Pennsylvania Avenue
Towson, Maryland 21206
(410) 296-3258
Fax 296-4705

REVISIONS

No.	Description	Date
1	Rev. per Cell 1 comments	8.19
2	Expand Compound per Cell One Comments	9.4

CELLULAR ONE
Site Plan to Accompany Petition for Special Exception & Variances
SEMINARY PARK SITE
BURTON AVENUE
LUTHERVILLE, MARYLAND 21093
ELECTION DISTRICT 8 - BALTIMORE COUNTY, MARYLAND

SITE DATA

Site Name: **Seminary Park**

Construction Number: **584**

Street Address: **Burton Avenue**

City, State, Zip: **Lutherville, MD 21093**

County: **Baltimore**

Property Owner: **Baltimore County, MD**

Current Zoning: **DR 5.5**

Deed Liber / Folio: **3738 / 331**

Tax Map: **60**

Block: **23**

Parcel / Lot Number: **299**

Latitude: _____

Longitude: _____

Ground Elevation: _____

Scale: 1" = 50'

Date: **September 12, 1997**

Project Number: **97004**

Sheet: **1 of 1**