

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND VARIANCE - NE/Corner  
Liberty Road and June Drive \* DEPUTY ZONING COMMISSIONER  
(5914 Liberty Road)  
2nd Election District \* OF BALTIMORE COUNTY  
2nd Councilmanic District \* Case No. 98-208-XA  
  
Pascal S. Hong, et ux, Owners;  
Bell Atlantic Mobile, Lessees \*

\* \* \* \* \*

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 owners of the subject property, Pascal S. and Song K. Hong, and the Contract Lessee, Bell Atlantic Mobile, by Maurice Thompson, II, Real Estate Manager, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception to permit a wireless transmitting and receiving tower on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Section 238.1 of the B.C.Z.R. to permit a front yard setback of 10 feet in lieu of the required 25 feet for the proposed tower and equipment building. 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 Petitions were Maurice Thompson, II, Spencer Ginder and Kent Lutz, representatives of Bell Atlantic Mobile, Tim Madden, Professional Engineer who prepared the site plan for this property, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an L-shaped parcel consisting of a gross area of 0.95 acres, more or

ORDER RECEIVED FOR FILING

Date

By

less, zoned B.R. The front portion of the property adjacent to June Drive and Liberty Heights Avenue is improved with a large main building and a smaller metal building used in conjunction with the Petitioner's automotive service operation. The rear portion of the site is unimproved at this time; however, the Petitioners have entered into a contract to lease a 500 sq.ft. area to the rear of the property to Bell Atlantic Mobile for the purpose of installing a wireless transmitting and receiving facility. Given the setback measurement of this tower to the nearest Residential or Residential Office zone, a special exception is necessary to utilize the property as proposed. Furthermore, as shown on the site plan, the rear portion of the property is diagonally bisected by the Baltimore County/Baltimore City line. Thus, the proposed equipment building must be located close to the front property line, thereby necessitating the requested variance.

Inasmuch as the tower in question does not meet the specifics of Section 426.1 of the B.C.Z.R., a special exception is necessary, in accordance with Section 236.4 of the B.C.Z.R. 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).

ORDER RECEIVED  
1/28/98  
CJP

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will

ORDER RECEIVED FOR FILING  
Date 11/28/78  
By [Signature]

unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

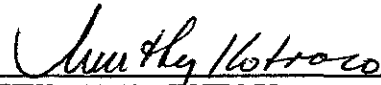
Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28<sup>th</sup> day of January, 1998 that the Petition for Special Exception to permit a wireless transmitting and receiving tower on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 238.1 of the B.C.Z.R. to permit a front yard setback of 10 feet in lieu of the required 25 feet for the proposed tower and equipment building, 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.

TMK:bjs

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 1/28/98  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

January 28, 1998

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

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
NE/Corner Liberty Road and June Drive  
(5914 Liberty Road) *should be 5916* *TMK* *3/17/98*  
2nd Election District - 2nd Councilmanic District  
Pascal S. Hong, et ux, Owners; Bell Atlantic Mobile, Lessees  
Case No. 98-208-XA

Dear Mr. Hoffman:

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: Mr. & Mrs. Pascal S. Hong  
6209 Slender Sky, Columbia, Md. 21044

Mr. Maurice Thompson, II, Bell Atlantic Mobile  
9000 Junction Drive, Annapolis Junction, Md. 21701

People's Counsel; Case Files





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5916 Liberty Road

which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

238.1 to permit a front yard setback of 10 ft. for the tower and equipment building in lieu of the 25 ft. required.

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

To be determined at hearing

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Bell Atlantic Mobile

(Type or Print Name)

By:

Signature Maurice Thompson, II, Real Estate Manager

9000 Junction Drive

Address

Annapolis Junction

City

MD  
State

21701  
Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200  
Phone No

MD  
State

21204  
Zipcode

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):

Pascal S. Hong

(Type or Print Name)

Signature

Song K. Hong

(Type or Print Name)

Signature

6209 Slender Sky

Address

(301) 298-6006  
Phone No.

Columbia

City

MD  
State

21044  
Zipcode

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

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200  
Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE 12-2-97

ORDER RECEIVED FOR FILING

98-208-X





# Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 5916 Liberty Road  
which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

for a wireless transmitting tower under Section 236.4 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 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:

Bell Atlantic Mobile  
(Type or Print Name)

By:

*Maurice Thompson, II*  
Signature Maurice Thompson, II, Real Estate Manager

9000 Junction Drive  
Address

Annapolis Junction MD 21701  
City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman  
Venable, Baetjer and Howard, LLP  
(Type or Print Name)

Signature

210 Allegheny Ave. (410) 494-6200  
Address Phone No

Towson MD 21204  
City State Zipcode

Legal Owner(s):

Pascal S. Hong  
(Type or Print Name)

Signature

Song K. Hong  
(Type or Print Name)

Signature

6209 Slender Sky  
Address

(301) 298-6006  
Phone No.

Columbia MD 21044  
City State Zipcode

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

Robert A. Hoffman  
Venable, Baetjer and Howard, LLP  
Name

210 Allegheny Ave, Towson, MD 21204 (410) 494-6200  
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1.00 hr

unavailable for Hearing the following dates

Next Two Months

ALL ☒

OTHER ☐

REVIEWED BY: *JH*

DATE 12-7-97

ORDER RECEIVED FOR FILING  
12/8/97  
4:00 PM



98-208-X

208

# MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



## ZONING DESCRIPTION

1.077 Acres of Land  
5916 Liberty Road  
Baltimore County, Maryland  
Tax Map 88, Grid 10, Parcel 408  
Election District 2  
Councilmatic District 2

Beginning for the same at the intersection of the northerly right of way of Liberty Road (MD RTE 26, 80 foot right of way) and the easterly right of way of June Drive (40 foot right of way), thence from the **POINT OF BEGINNING** so fixed the following seven courses, with the bearings referred to NAD 83 datum, viz:

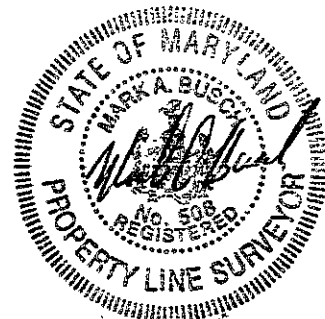
1. North 25° 7' 21" East, 207.30 feet,
2. North 42° 56' 21" East, 107.22 feet,
3. South 47° 14' 39" East, 228.10 feet,
4. South 25° 27' 06" West, 98.74 feet,
5. North 64° 32' 39" West, 150.00 feet,
6. South 25° 27' 21" West, 143.00 feet,
7. North 64° 32' 39" West, 100.00 feet to

the **POINT OF BEGINNING**.

Containing 1.077 acres of land more or less.

Saving and excepting that parcel of ground conveyed to Kap Young Cho and Soon Jin Cho by deed dated September 20, 1990 and recorded in the Land Records of Baltimore County Maryland in Liber 8602 at folio 345.

98-208-X



208

MAB:mak\s\zoning\liberty.des\120197

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

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

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

# CERTIFICATE OF POSTING

RE: Case No.:

98-208-XA

Petitioner/Developer:

P.S. HONG, ETAL  
c/o R. HOFFMAN, U.B.#.

Date of Hearing/Closing:

1/13/98

@ 9:00 A.M.

P.M. 407

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 #5916 LIBERTY RD.

The sign(s) were posted on

12/26/97

(Month/Day, Year)

Sincerely,

Patrick M. O'Keefe

1/4/98

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

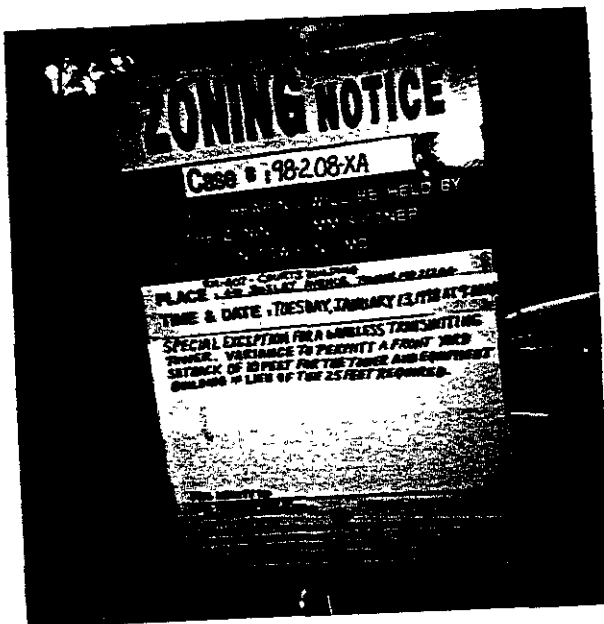
(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

Page (410) 666-5366

905-8571



# 98-208-XA

5916 LIBERTY RD.

BALTIMORE COUNTY, MARYL  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 046761

DATE 12-2-97 ACCOUNT R-001-6150  
AMOUNT \$ 550.<sup>00</sup>

RECEIVED FROM: Venable, Baetjer & Howard

FOR: Zoning Hearings, SP Ex + Variance  
(Commercial) 3916 Liberty RD.

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIVED  
12/02/97  
PROCEED ACTUAL TIME  
12/02/97 12/02/97 09:43:00  
BY: JRG CASHIER INTO JWP DRAHER  
5 MISCELLANEOUS CASH RECEIPT  
Folio # 003969  
OR. NO. 046761  
550.00 CHECK # 91  
Baltimore County, Maryland

98-208-X

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: #98-208-XA  
5916 Liberty Road  
NEC Liberty Road and  
June Drive  
3rd Election District  
2nd Councilmanic District  
Legal Owner(s): Pascal S.  
Hong & Song K. Hong

Special Exception, for a  
wireless transmitting tower.

Variance: to permit a front  
yard setback of 10 feet for the  
tower and equipment building  
in lieu of the 25 feet required.

Hearing: Tuesday, January  
13, 1998 at 9:00 a.m., Room  
407 County 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 concern-  
ing the File and/or Hearing,  
Please Call (410) 887-3391.

12/255 Dec. 25 C197484

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., Dec-26, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec. 25, 1997.

**THE JEFFERSONIAN,**

*A. Henickson*

**LEGAL AD. - TOWSON**



Baltimore County  
Department of Permits and  
Development Management

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

December 12, 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: 98-208-XA  
5916 Liberty Road  
NEC Liberty Road and June Drive  
3rd Election District - 2nd Councilmanic District  
Legal Owner: Pascal S. Hong & Song K. Hong

Special Exception for a wireless transmitting tower. Variance to permit a front yard setback of 10 feet for the tower and equipment building in lieu of the 25 feet required.

HEARING: Tuesday, January 13, 1998 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

c: Robert A. Hoffman, Esquire  
Song & Pascal Hong  
Bell Atlantic Mobile

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 29, 1997.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY  
December 24, 1997 Issue - Jeffersonian

Please forward billing to:

Barbara Ormord  
Venable, Baetjer & Howard, LLP  
210 Allegheny Avenue  
Towson, MD 21204

410-494-6201

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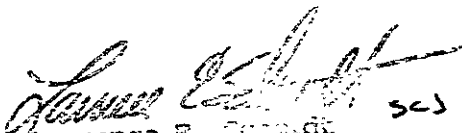
**NOTICE OF HEARING**

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: 98-208-XA  
5916 Liberty Road  
NEC Liberty Road and June Drive  
3rd Election District - 2nd Councilmanic District  
Legal Owner: Pascal S. Hong & Song K. Hong

Special Exception for a wireless transmitting tower. Variance to permit a front yard setback of 10 feet for the tower and equipment building in lieu of the 25 feet required.

HEARING: Tuesday, January 13, 1998 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue.



Lawrence E. Schmidt

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.

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.: 98-208-XA

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

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: A Special Exception for a wireless transmitting  
tower under Sect. 236.4 and a variance to allow a front yard  
setback of 10 ft. (for the tower & equipment bldg) in lieu of  
the minimum required 25 ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



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/neighbor 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.: 208

Petitioner: P.S. Hong owner / Bell Atlantic-Lessee

Location: 5916 Liberty Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormrod

ADDRESS: Venable, Baotier + Howard, LLP  
210 Allegheny Avenue, Towson 21204

PHONE NUMBER: 410-494-6201

AJ:egs

(Revised 09/24/96)

98-208-X



Baltimore County  
Department of Permits and  
Development Management

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

January 7, 1998

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

RE: Item No.: 208  
Case No.: 98-208-XA  
Petitioner: Pascal Hong, et ux

Dear Mr. Hoffman:

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

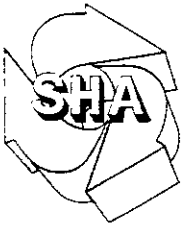
Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a circular stamp.

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 12 12-97  
Item No. 208 JJS

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: POM

DATE: 12/17/97

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

SUBJECT: Zoning Advisory Committee  
Meeting Date: Dec 15, 1997

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

Item #'s:

|            |     |
|------------|-----|
| <u>208</u> | 218 |
| 209        | 219 |
| 210        |     |
| 211        |     |
| 213        |     |
| 214        |     |
| 215        |     |

RBS:sp

BRUCE2/DEPRM/TXTS8P

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

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

**DATE:** December 17, 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. 208, 209, 210, 212, 214, 215, 216, and 218

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:

*Gary L. Kern*

AFK/JL

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

December 29, 1997

Arnold Ieblich, 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 December 15, 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.

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

208, 209, 210, 211, 212, 213, 214, 215, 216, 218 and  
use permit legal owner: Henry Reitberger (Golden Oaks  
General Partnership)

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

cc: File



RE: PETITION FOR SPECIAL EXCEPTION \* BEFORE THE  
PETITION FOR VARIANCE \*  
5916 Liberty Road, NEC Liberty Rd & June \* ZONING COMMISSIONER  
Dr, 3rd Election District, 2nd Councilmanic \*  
Legal Owners: Pascal S. Hong & Song K. Hong \* OF BALTIMORE COUNTY  
Lessee: Bell Atlantic Mobile \* CASE NO. 98-208-XA  
Petitioners \*  
\* \* \* \* \*

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 29<sup>th</sup> day of December, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

1. Applicant: Bell Atlantic NYNEX Mobile  
9000 Junction Drive  
Annapolis Junction, Maryland 20701  
(410) 512-2447  
Fax: (410) 458-4186
2. Property Address: 5914 Liberty Road
3. Current Owner: Pascal S. Hong and Song K. Hong  
6209 Slender Sky  
Columbia, Maryland 21044
4. Applicant Attorney: Robert Hoffman  
Venable Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204
5. Current Zoning: BR
6. Total disturbed area = 500 s.f.
7. Site data: Tax Map 88, Parcel 88  
Deed reference: 2865/438  
Election District 2  
ADC Map: Page 33, Grid H-4  
Tax Account #0308045702  
Councilmanic District No. 2
8. The proposed improvements will consist of a 12' monopole antenna tower with a 12' x 30' x 10' unmanned modular accessory building for radio and telephone equipment.
9. The exterior of the modular building is to be exposed aggregate.
10. No water or sanitary utilities are required for the operation of this facility.
11. Site Area: 0.95 ±
12. No advertising is permitted on a commercial telecommunication facility.
13. A commercial telecommunication facility that ceases operation for a period of 12 consecutive months shall be determined to have terminated and shall be removed within 90 days of termination of the property owner's expense.
14. There are no residentially zoned or developed properties adjacent to the property.
15. The proposed modular building and monopole will be inside an enclosed area with a locked 8' high chain link fence.
16. The correctness or completeness of the existing information shown on the Drawings is not warranted or guaranteed. The Contractor shall verify the location of utilities and underground facilities, by test pits or other methods approved by the Owner's Representative, as required to verify exact locations and depths within the limits of construction. All discrepancies between information shown on the Drawings and that verified in the field shall be reported to the Owner's Representative prior to beginning construction.
17. A Limited Exemption under Section 28-171(A)(7) of the Baltimore County Development Regulations was approved by the DRC on 12/1/97 DRC No. 11247U.
18. Utility Note: Notify "Miss Utility" at 1-800-257-7777 - 48 hours prior to doing any excavation in this area. The location of existing underground utilities are shown in an approximate way only and have not been independently verified by the owner or its representative. The contractor shall determine the exact location of all existing utilities before commencing work, and agrees to be fully responsible for any and all damaged which might be occasioned by the contractor's failure to exactly locate and preserve any and all underground utilities.
19. Unless required otherwise by Federal Law, a tower, antenna or monopole for a commercial telecommunication facility shall be painted gray or a similar color that will minimize its visibility.
20. Proposed linear feet of fence = 190'
21. The facility is unmanned requiring no additional parking spaces.  
Parking calculation = 0
22. Request Zoning Action: Special Exception to permit wireless transmission tower pursuant to Section 239.4 Variance Section 239.1 to permit front yard setback of 10 feet for tower and equipment building in lieu of the 25 feet required.

February 2, 2006

**VIA FACSIMILE AND HAND DELIVERY**

Mr. Timothy M. Kotroco, Director  
Baltimore County Department of  
Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

***Re: Zoning Case #98-208-XA  
5914 Liberty Road  
2<sup>nd</sup> Election District***

Dear Director Kotroco:

On behalf of T Mobile USA, Inc. also known as Omnipoint Communications CAP Operations, LLC, we have been requested to assist them in connection with the matter listed above.

Originally, a Special Exception and Variance were granted by you as Deputy Zoning Commissioner in order to permit the construction of a 120 foot tower on the subject site. A Variance was also granted to permit a front yard setback of 10 feet in lieu of the required 25 feet. The tower as constructed is 99 feet tall even though it was approved as a tower of 120 feet.

Representatives of Omnipoint intended to construct an addition to the tower to extend to the 120 feet which was originally approved. For some reason they submitted a request for approval as being within the spirit and intent of the original approval. Subsequently they received a letter dated January 11, 2006, a copy of which is attached, suggesting that a Special Hearing would be required.

Based upon our review, we believe that the proposed extension of the tower to the 120 feet originally approved would not require any additional approvals as being within the scope of

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FEB - 3 2006

06-214

U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

the specific approval previously granted. A copy of the original order and plat submitted as an Exhibit in the proceeding are also attached. We respectfully request your agreement that no further approvals are necessary.

Sincerely yours,

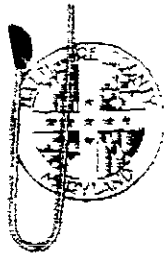
A handwritten signature in cursive script, appearing to read "Bob Cannon", with a long horizontal flourish extending to the right.

Robert W. Cannon

Enclosures

Department of Permits and  
Development Management

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



Baltimore County

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

January 11, 2006

BAC 296

Mr. Mikel Budde  
Agent for Omnipoint Communications CAP Operations, LLC  
T-Mobile USA, Inc.  
12050 Baltimore Avenue  
Beltsville, Maryland 20705

Re: Spirit & Intent Request,  
Zoning Case #98-208-XA  
5914 Liberty Road  
2nd Election District

Dear Mr. Budde:

Your letter and highlighted site plan to Timothy Kotroco, Director of Permits Development Management had been referred to me on December 22, 2005 for reply. Please excuse the delay of the response as I was on vacation for 2 weeks and inadvertently your letter was not reassigned to another planner. Omnipoint proposed to install up to 9 antennas and related telecommunications base station equipment on the existing 99 foot +/- monopole. Also, proposed is a 20 foot extension to the top of this tower giving it a final height of 120 feet above grade level. The proposed antennas will be located 20 feet above the existing (99 feet) monopole height. Your request is that the aforementioned be approved as being within the Spirit & Intent of the prior granted zoning case. This matter has been reviewed by staff and it has been determined that a Special Hearing to amend the prior Special Exception would be required.

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

Very truly yours,

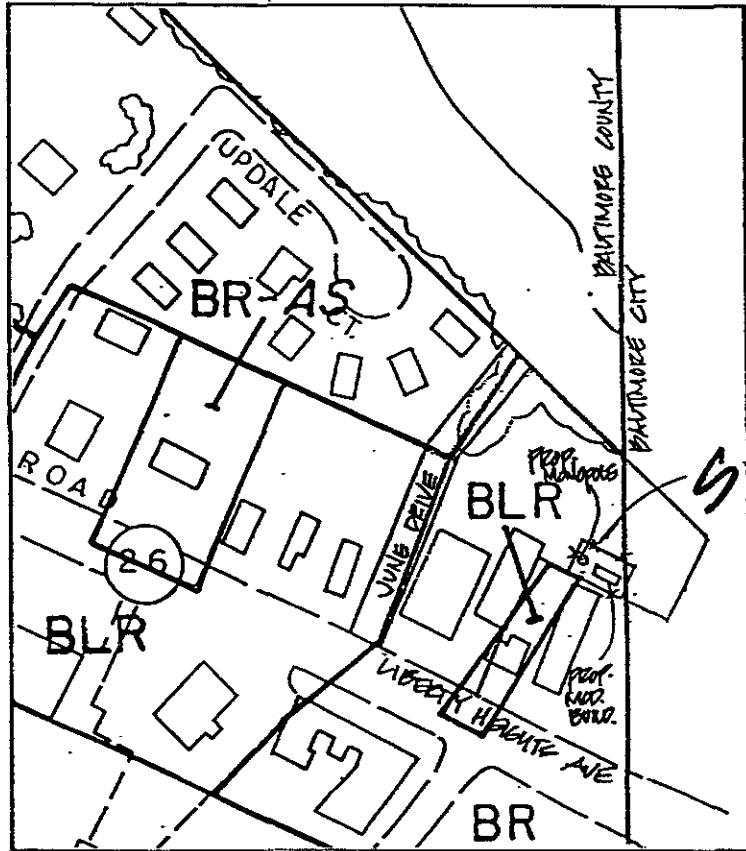
John J. Sullivan  
Planner II  
Zoning Review

JJS/rjc

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)

PETITIONER(S) SIGN-IN SHEET

ADDRESS  
210 Allegheny Ave  
9000 Junction Dr. Annapolis Junction MD 20701  
9000 JUNCTION DR. ANNAPOLIS JUNCTION, MD 20701  
9000 Junction Dr Annapolis Junction MD 20701  
MRA - 110 West Rd. Towson, Md.

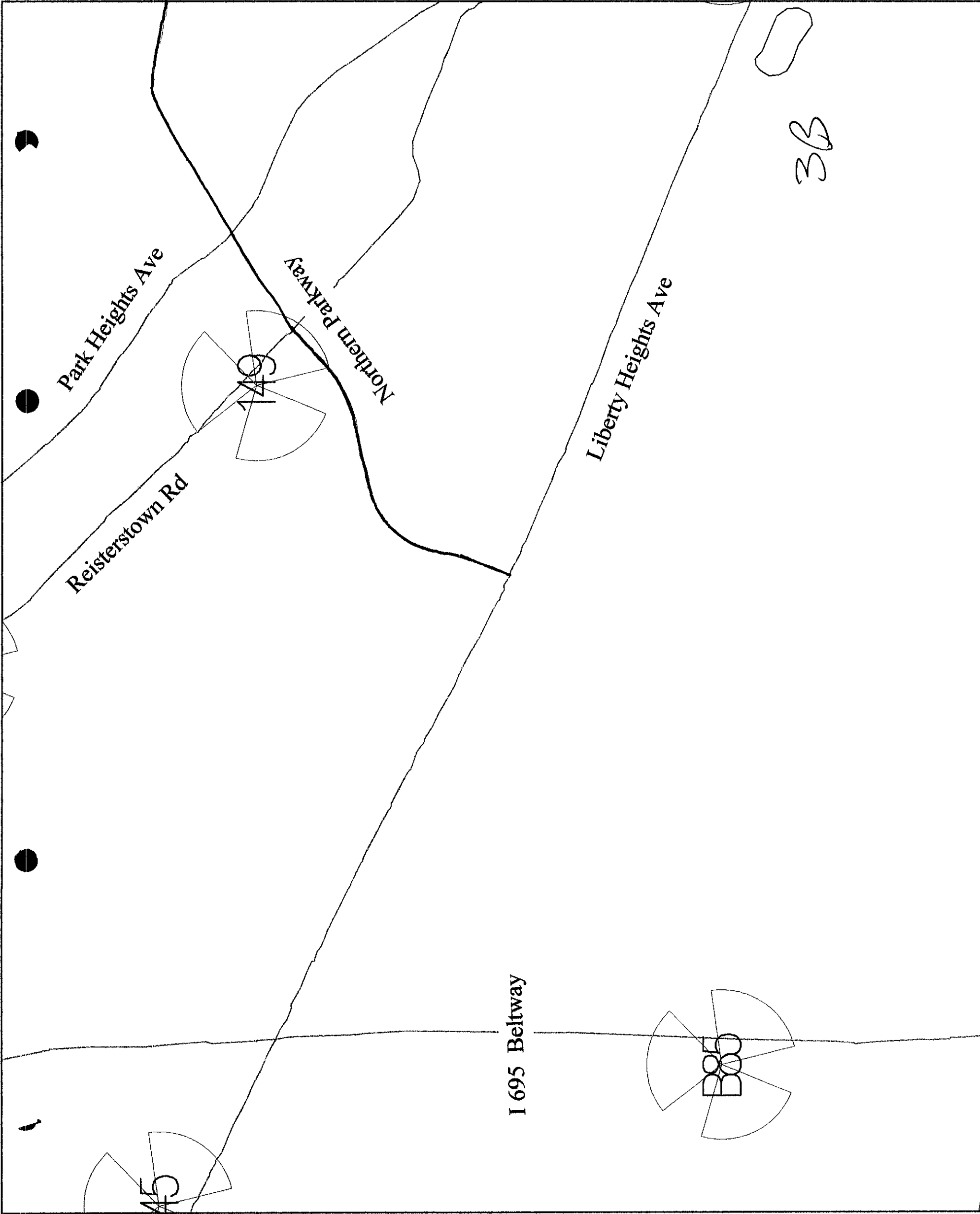


BALTIMORE COUNTY  
ZONING MAP

~~1-100~~  
NW 4E

NW 4E 208

98-208-X

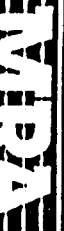


# View of Site from the South



2000-01-01

2



MORRIS & RITCHIE ASSOCIATES, INC.  
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS

