

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Liberty Road, 11.5 ft. E of *
Millvale Road * ZONING COMMISSIONER
8112 Liberty Road
2nd Election District * OF BALTIMORE COUNTY
2nd Councilmanic District
Legal Owner:Vernon Merkle,etal* Case No. 99-38-A
Lessee: Washington/Baltimore
Cellular LP, dba,Cellular One *
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for Variance for the property located at 8112 Liberty Road in northwestern Baltimore County. The Petition was filed by Vernon Merkle and Marilyn Irwin, property owners, and the Washington/Baltimore Cellular L.P., dba Cellular One, Lessee. Variance relief is requested from Section 102.2 of the Baltimore County Zoning Regulations (BCZR) to permit buildings to share yard space and from Section 238.2 of the BCZR to allow a rear yard setback of 9 ft. in lieu of the required 60 ft. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit #1.

Appearing at the public hearing held for this case was Van Thompson, on behalf of the co-Petitioner, Cellular One. Also present was David Weber, the site engineer and preparer of the plan. The Petitioner was represented by Karl J. Nelson, Esquire. there were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is approximately .9728 acres in area, zoned BR-CCC. The property is roughly rectangular in shape and is located with the frontage on Liberty Road, (Md. Route 26) in northwestern Baltimore County.

As shown on the site plan, the property is improved with a one story

ORIGINAL FILED FOR FILING
Date 9/23/98
BY [Signature]

building which is used by the business known as the Merkle Monument Company. Adjacent to that building is an existing monopole which is 190 ft. in height. This monopole is presently utilized by the Nextel Corporation, an entity engaged in the business of providing mobile information transmission including telephone, fax, etc. In addition to the monopole, Nextel has improved the property with a building which contains accessory electronic equipment.

Consistent with the intent of the provisions within the BCZR which govern monopoles, Cellular One wishes to co-locate an antenna on the existing pole. As shown on the site plan, Cellular One proposes installing its antenna at a height of 120 ft. Additionally, Cellular One will install a 12 ft. x 20 equipment building near the base of the pole. This building will be 10 ft. in height and will contain the related equipment necessary to operate the antenna. As is customary, the facility will not be manned, other than for routine maintenance. Additional testimony offered was that the pole is structurally capable of handling the additional antenna proposed by Cellular One.

A favorable comment was received from the Office of Planning. That comment indicated that the proposed variances would not have an adverse impact on surrounding properties. The Office of Planning supports the instant Petition. Moreover, as noted above, the proposal is consistent with the spirit and intent of the BCZR, which requires that cellular communication providers utilize existing buildings and poles in locating the antennas. Such a practice reduces the proliferation of monopoles in Baltimore County.

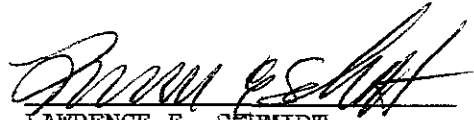
For all of these reasons, I will grant the Petition for Variance. In my judgment, the Petitioner has satisfied the requirements set forth in Section 307 of the BCZR. I specifically find that the property is unique,

that practical difficulty would be suffered if relief were denied and that there will be no adverse impact on the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of October 1998 that a variance from Section 102.2 of the Baltimore County Zoning Regulations (BCZR) to permit buildings to share yard space, and a variance from Section 238.2 of the BCZR to allow a rear yard setback of 9 ft., in lieu of the required 60 ft., be and is hereby GRANTED, subject, however, to the following restriction:

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


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmh

DATE
BY
10/22/98
M. Schmidt



Baltimore County
Zoning Commissioner
Office of Planning

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

October 22, 1998

Karl J. Nelson, Esquire
Kramon and Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202-3201

RE: Case No. 99-38-A
Petition for Variance
Property: 8112 Liberty Road
Legal Owners: Vernon Merkle, et al
Lessee: Washington/Baltimore Cellular L.P., dba Cellular One

Dear Mr. Nelson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
att.

c: Mr. Van Thompson
7150 Standard Drive
Hanover, Maryland 21076





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8112 Liberty Road

which is presently zoned BRCCC

This Petition shall be filed with the Department of Permits & 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)

A variance to B.C.Z.R. § 102.2 to permit buildings to share yard space, and a variance from B.C.Z.R. § 238.2 to allow a rear yard of 9' in lieu of the 60' required.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Because of the unique characteristics of the property, the proposed cellular telecommunications equipment building cannot be located in proximity to the existing monopole without encroaching on the yard requirements. Without the requested variances, the owners will be deprived of a valuable use of their property, and both the Petitioner and the public at large will be deprived of a co-location opportunity.

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.

Contract Purchaser/Lessee:

Washington/Baltimore Cellular Limited
Partnership d/b/a Cellular One

(Type or Print Name)

Signature

7150 Standard Drive

Address

Hanover, Maryland 21076

City

State

Zipcode

Attorney for Petitioner:

Karl J. Nelson, Esquire

(Type or Print Name)

Signature

Kramon & Graham, P.A.

One South Street, Suite 2600

Address

Phone No.

Baltimore, Maryland 21202-3201

City (410)

752-6030

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):

Vernon Merkle

(Type or Print Name)

Signature

Marilyn Irwin

(Type or Print Name)

Signature

8112 Liberty Road

Address

Phone No.

Baltimore, Maryland 21244-3082

City

State

Zipcode

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

Name

One South St.

Address

410-752-6030

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

SAD

DATE

7-22-98

99-38-A



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

GLW GUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

3909 National Drive, Suite 250 • Burtonsville Office Park • Burtonsville, MD 20866
Tel: 301-421-4024 • Balt: 410-880-1820 • DC/VA: 301-989-2524 • Fax: 301-421-4186

David S. Weber, P.E. ^{1,2}
David L. Little, P.E.
Carlton K. Gutschick, P.E.

ASSOCIATES
Thomas C. O'Connor, Jr., P.E. ²

¹Also in VA. & D.C.
²Also Professional Land Surveyor

ZONING DESCRIPTION *Zoning Use Discussion Lmr.*

Beginning at a point on the north side of Liberty Road which is 83' wide at the distance of 11.42 feet east of the centerline of the nearest improved intersecting street, Millvale Road, which is 50 feet wide. Thence, North 00° 15' 13" East 138.14 feet to the true point of Beginning. Thence the following courses and distances: North 89° 59' 20" West 125.06 feet, North 00° 02' 59" East 138.65 feet, North 89° 23' 15" East 147.17 feet, South 06° 19' 09" East 118.98 feet, North 89° 59' 20" West 35.32 feet, South 00° 00' 40" West 22.00 feet to the true Point of Beginning.

Being part of Lots 196 and 197 in the subdivision of Legathia as recorded in Baltimore County Plat Book #7, Folio #158, containing 20,816 sq. ft. or 0.4779 acre. Also known as 8112 Liberty Road and located in the second Election District.

TML/vcm

M&B:97147.717



David Weber
7/20/98

99-38.17

BALTIMORE COUNTY, MARYL
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056196

DATE 7-22-98 ACCOUNT R. COL. G150

AMOUNT \$ 250⁰⁰

RECEIVED FROM: K. R. P. W. S. G. T. R. W. P. A.

FOR: 020. COMMERCIAL VEHICLE. \$250⁰⁰
TOTAL. 250⁰⁰

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
7/22/1998 7/22/1998 10:59:50
REF 4805 CASHIER LONI LAG DRAWER 5
5 MISCELLANEOUS CASH RECEIPT
Receipt # 063563
CR NO. 056196

250.00 CASH

Baltimore County, Maryland

99-38-A

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/13/, 1998

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 8/13/, 1998.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

NOTICE OF ZONING 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 as follows:

A
Cas Road
87 Road, 11.5' E of

183
118

District
Manic District
Marlyn Irwin

Merkle

Purchaser:

ington/Baltimore Cellular
ed Partnership, d/b/a Cel-

One

variance: to permit buildings
to share yard space and to al-
low a rear yard of 9 feet in lieu
of the 60 feet required.

Hearing: Thursday, Septem-
ber 3, 1998 at 9:00 a.m. in
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.

8/183 August 13 C250856

CERTIFICATE OF POSTING

RE: Case # 99-38-A
Petitioner/Developer:
(Wash./Balto. Cellular Ltm. Ptr.)
Date of Hearing/~~Posting~~:
(Sept. 3, 1998)

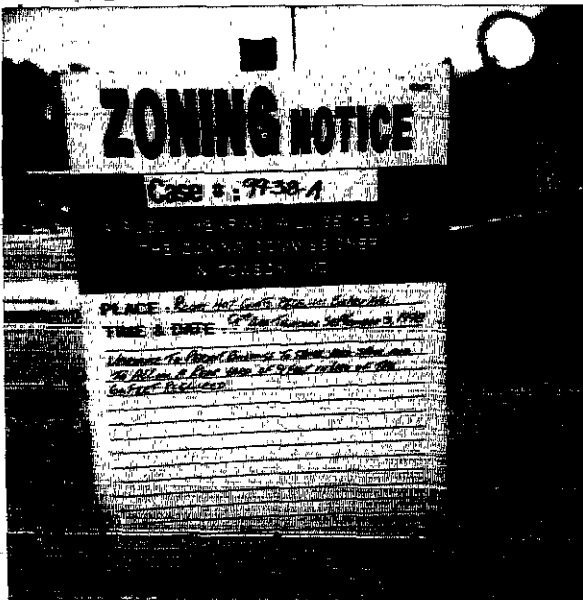
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention : Ms. Gwendolyn Stephens

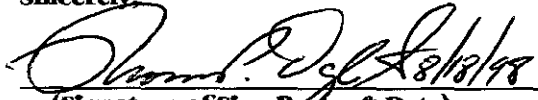
Ladies and Gentleman:

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 _____
8112 Liberty Road Baltimore, Maryland 21244 _____

The sign(s) were posted on _____ August 18, 1998 _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



Baltimore County
Department of Permits and
Development Management

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

August 3, 1998

NOTICE OF ZONING 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: 99-38-A

8112 Liberty Road

N/S Liberty Road, 11.5' E of Millvale Road

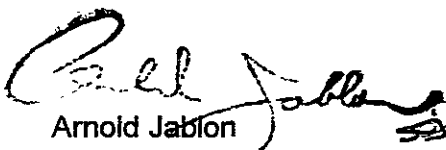
2nd Election District - 2nd Councilmanic District

Legal Owner: Marilyn Irwin & Vernon Merkle

Contract Purchaser: Washington/Baltimore Cellular Limited Partnership, d/b/a Cellular One

Variance to permit buildings to share yard space and to allow a rear yard of 9 feet in lieu of the 60 feet required.

HEARING: Thursday, September 3, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Arnold Jablon
Director

c: Karl J. Nelson, Esquire
Marilyn Irwin & Vernon Merkle
Washington/Baltimore Cellular Ltd. Partner.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 19, 1998.**
- (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
August 13, 1998 Issue - Jeffersonian

Please forward billing to:

Karl Nelson, Esquire 410-752-6036
Karmon & Graham PA
One South Street
Suite 2600
Baltimore, MD 21202-3201

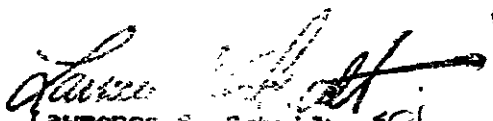
NOTICE OF ZONING HEARING

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: 99-38-A
8112 Liberty Road
N/S Liberty Road, 11.5' E of Millvale Road
2nd Election District - 2nd Councilmanic District
Legal Owner: Marilyn Irwin & Vernon Merkle
Contract Purchaser: Washington/Baltimore Cellular Limited Partnership, d/b/a Cellular One

Variance to permit buildings to share yard space and to allow a rear yard of 9 feet in lieu of the 60 feet required.

HEARING: Thursday, September 3, 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.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-38-A.
Petitioner: WASHINGTON/BALTIMORE CELLULAR LTD. PARTNERSHIP
Address or Location: 8112 LIBERTY RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: KARL NELSON, JR.
Address: KRAMER'S GARDEN PA.
ONE SOUTH ST. SUITE 200.
BALTIMORE MD. 21202 3201.
Telephone Number: 410-752-6036

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.: 99-38-A

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

PLACE: 1112 E. 11th St

DATE AND TIME: _____

REQUEST: Permission for Buildings to share yard space
& to allow a rear yard setback of 9 ft in lieu of
the required 60 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

August 26, 1998

Karl J. Nelson, Esq.
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, MD 21202-3201

RE: Item No.: 38
Case No.: 99-38-A
Location: 8112 Liberty Road

Dear Mr. Nelson:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on August 22, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 7-31-91
Item No. 031 JRA

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

L. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: August 12, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for August 10, 1998
Item Nos. 027, 028, 031, 032, 033,
035, 036, 037, 038, 039, 040, 041,
043 and Case No. 99-16-SPHA from 7/23/98

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

ZONE810.NOC

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

TO: PDM

FROM: R. Bruce Seeley *RR/SP*
Permits and Development Review
DEPRM

DATE: 2/13/98

SUBJECT: Zoning Advisory Committee
Meeting Date: Aug 3, 98

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

Item #'s:	27	35	41
	28	36	
		37	424 RA
	31	(38)	
	33	39	43

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

AUGUST 7, 1998

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

RE: Property Owner: OWINGS MILLS LIMITED PTNP. 027
KAMBIZ KARIMIAN 031
STERLING INDUSTRY LANE, L.L.C. 033
JAMES ANDREW DUNNIGAN AND DOROTHEA
DOLORES DUNNIGAN 035
FRANK ROSENBERGER AND MARY ROSENBERGER 036
PHYLLIS E. TYLER 037
VERNON MERKLE AND MARILYN IRWIN 038
KEVIN F. BRACKEN AND DAWN H. BRACKEN 039
NARINE BANEY 041
MR. AND MRS. BRINKLEY ITEM 16

Location: DISTRIBUTION MEETING OF AUGUST 3, 1998

Item No.: SEE ABOVE 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.

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

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 387-4881, MS-1102F

cc: File



As
9/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: August 11, 1998

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

SUBJECT: 8112 Liberty Road

INFORMATION

Item Number: 38

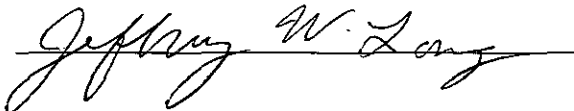
Petitioner: Cellular One

Zoning: BR-CCC

Requested Action: Variance

Summary of Recommendations:

Based upon a site inspection, the Office of Planning has determined that the proposed variances would not have an adverse impact on surrounding properties. Co-location should result in the erection of fewer towers in this community; therefore, staff supports the applicant's request.

Section Chief: 
AFK/JL

RE: PETITION FOR VARIANCE
8112 Liberty Road, N/S Liberty Road, 11.5' E of
Millvale Rd, 2nd Election District, 2nd Councilmanic

Legal Owners: Vernon Merkle and Marilyn Irwin
Contract Purchaser: Washington/Baltimore Cellular
L.P., dba Cellular One

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-38-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to Karl J. Nelson, Esq., Kramon & Graham, 1 South Street, Suite 2600, Baltimore, MD 212023201, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



August 2, 2005

Mr. Ryan Dear
Nextel Communications
7055 Samuel Morse Drive
Suite 100, Columbia MD 21046

Dear Mr. Dear

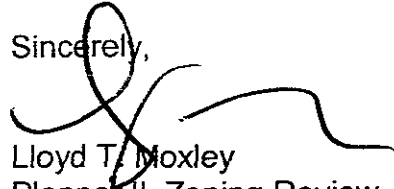
RE: Spirit and Intent 8112, Liberty Road, 2nd Election District

Your letter does not indicate which particular zoning case you wish this office to consider in conjunction with your proposal. A review of the records shows a case No. 99-38-A associated with this property. This response is conditioned upon said case 99-38-A being in fact the zoning case of interest to you.

In the aforementioned zoning case the Zoning Commissioner for Baltimore County granted a 9' rear yard setback and permission for buildings to share required yards. Petitioners Exhibit no. 1 shows an existing 6' x 10' Nextel building that was not the subject of the requested variance. In order for your proposal to be considered by the Office of Zoning Review to be "*within the spirit and intent*" of zoning case 99-38-A the existing setback from the Nextel building to the near southwest property line as shown on Petitioners Exhibit No.1 must be maintained. Additionally, all other proposed setbacks must meet the requirements of Section 426. 6.2 of the Baltimore County Zoning Regulations (B.C.Z.R.). Further, this office will require a redline markup of a copy of said Petitioners Exhibit No. 1 showing how the afore going conditions are being met. Alternatively, if these conditions cannot be met, you may file petitions for Variance and Special Hearing to request the Zoning Commissioner grant relief.

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

Sincerely,


Lloyd T. Moxley
Planner II, Zoning Review

LTM

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



99-38-A

Karl T. Nelson

To - location -
mono pole -
back of Marble Monument

~~is~~ Nextel pole

Can 4 be located ~~the~~ elsewhere
on the property

Building - 9 feet
single issue

W/ in span + interest

utilize existing pole

Exempt

~~pole~~ pole is structurally
can handle

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Van Thompson

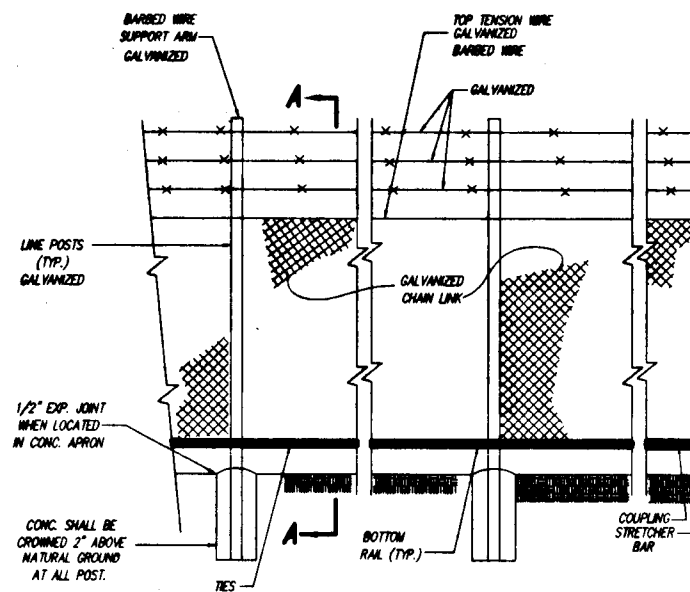
DAVID WEBER

Karl Nelson

7150 Standard Dr. Hanover MD. 21076
GLW - SITE ENGINEER 20866
3909 NATIONAL DR. SU. 250 BURTNSVILLE MD

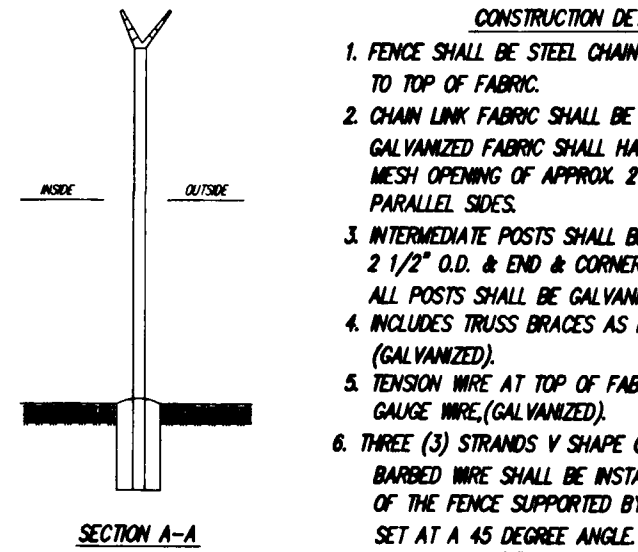
One South St. Bate., MD 21202



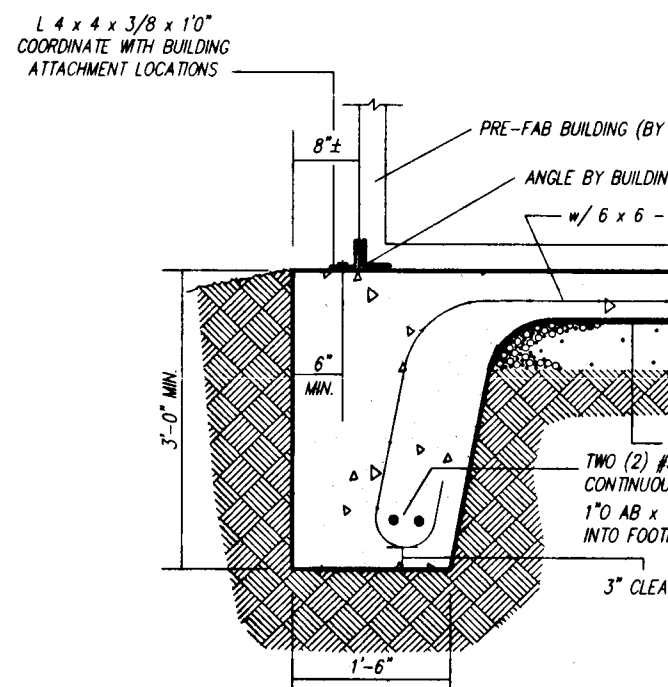


ELEVATION
FENCE DETAIL

NOT TO SCALE



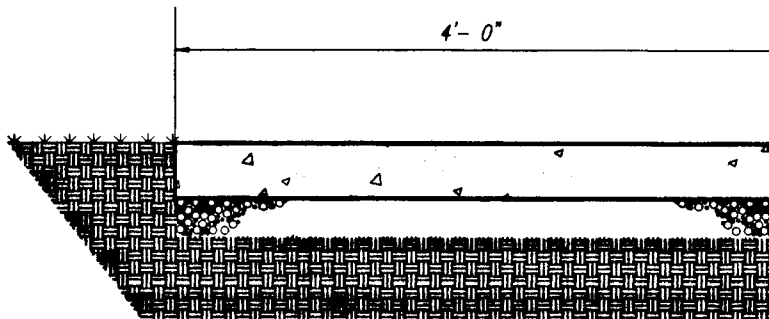
- CONSTRUCTION DETAILS:
1. FENCE SHALL BE STEEL CHAIN TO TOP OF FABRIC.
 2. CHAIN LINK FABRIC SHALL BE GALVANIZED FABRIC SHALL HAVE MESH OPENING OF APPROX. 2" PARALLEL SIDES.
 3. INTERMEDIATE POSTS SHALL BE 2 1/2" O.D. & END & CORNER ALL POSTS SHALL BE GALVANIZED.
 4. INCLUDES TRUSS BRACES AS 1" (GALVANIZED).
 5. TENSION WIRE AT TOP OF FAB GALVANIZED WIRE (GALVANIZED).
 6. THREE (3) STRANDS V SHAPE 4 BARBED WIRE SHALL BE INST. OF THE FENCE SUPPORTED BY SET AT A 45 DEGREE ANGLE.
 7. INCLUDES 1 5/8" O.D. BOTTOM.
 8. ALL FENCES AND ACCESSORIES.



- NOTES:
1. SOIL BEARING CAPACITY OF 3000 PSF USED FOR FOUNDATION DESIGN.
 2. ALL CONCRETE TO CONFORM TO ACI 318, ACI 308 AND TO HAVE A 28 DAY COMPRESSIVE STRENGTH OF 3000 PSI.
 3. WELDED WIRE FABRIC TO CONFORM TO ASTM A 601.
 4. FLOOR TO BE 5" CONCRETE SLAB ON GRADE REINFORCED WITH #4 @ 6" x 6" WELDED.

SLAB AND FOUNDATION FOR PRE-FAB BUILDING

NOT TO SCALE



- NOTES:
1. SIDEWALK TO BE Scribed IN 4' INTERVALS.
 2. 1/2" PREMOULDED BITUMINOUS EXPANSION JOINTS TO BE LOCATED 16" OC MAX. EXPANSION JOINTS TO BE 1/4" BELOW SURFACE OF SIDEWALK.
 3. WHEN SIDEWALK ABUTS CURB, WALK SHALL BE ABOVE CURB WITH 1/2" PREMOULDED BITUMINOUS EXPANSION JOINT BETWEEN THEM.

CONCRETE SIDEWALK DETAIL

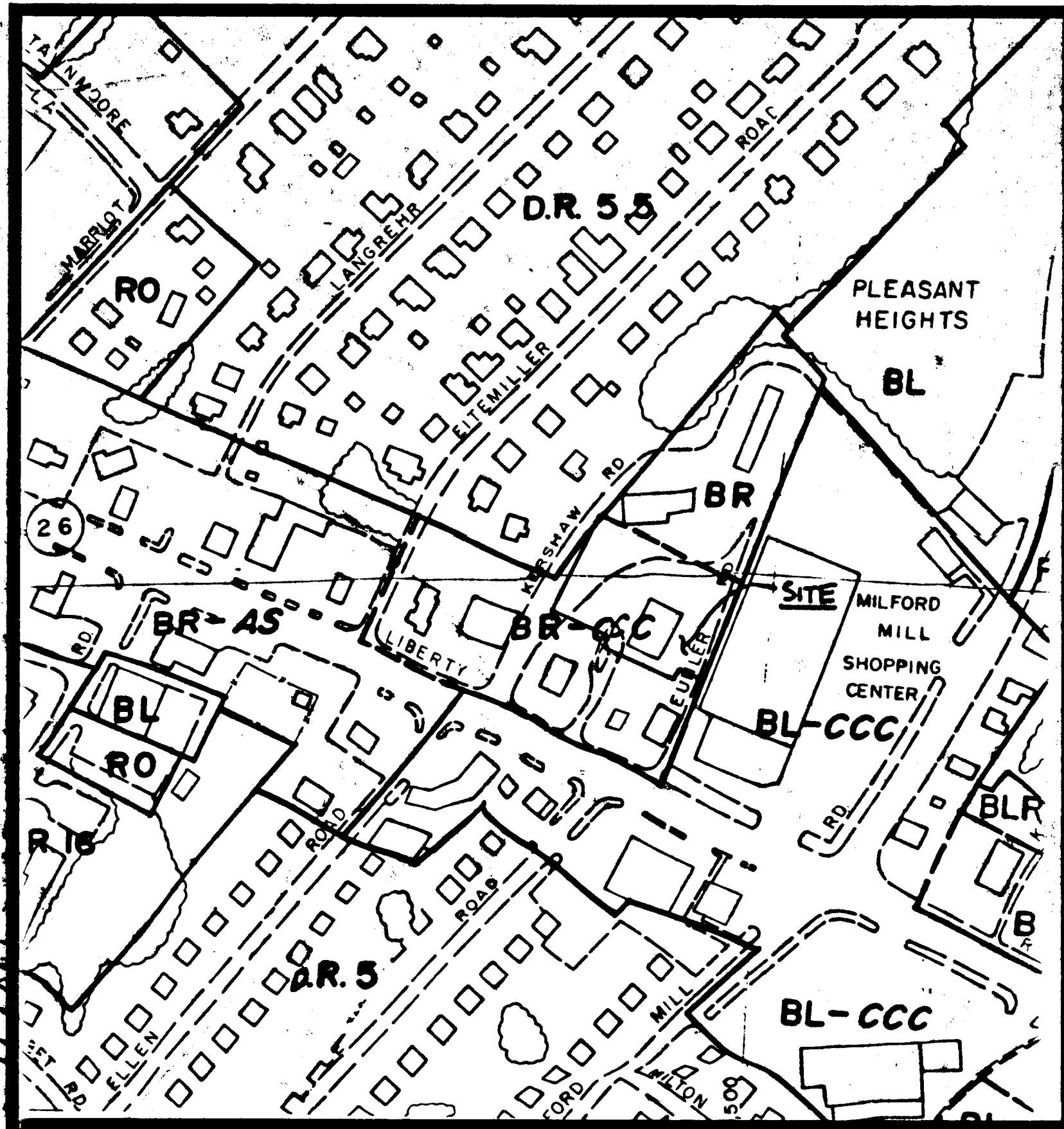
NOT TO SCALE

GLW GUTSCHICK LITTLE & WEBER

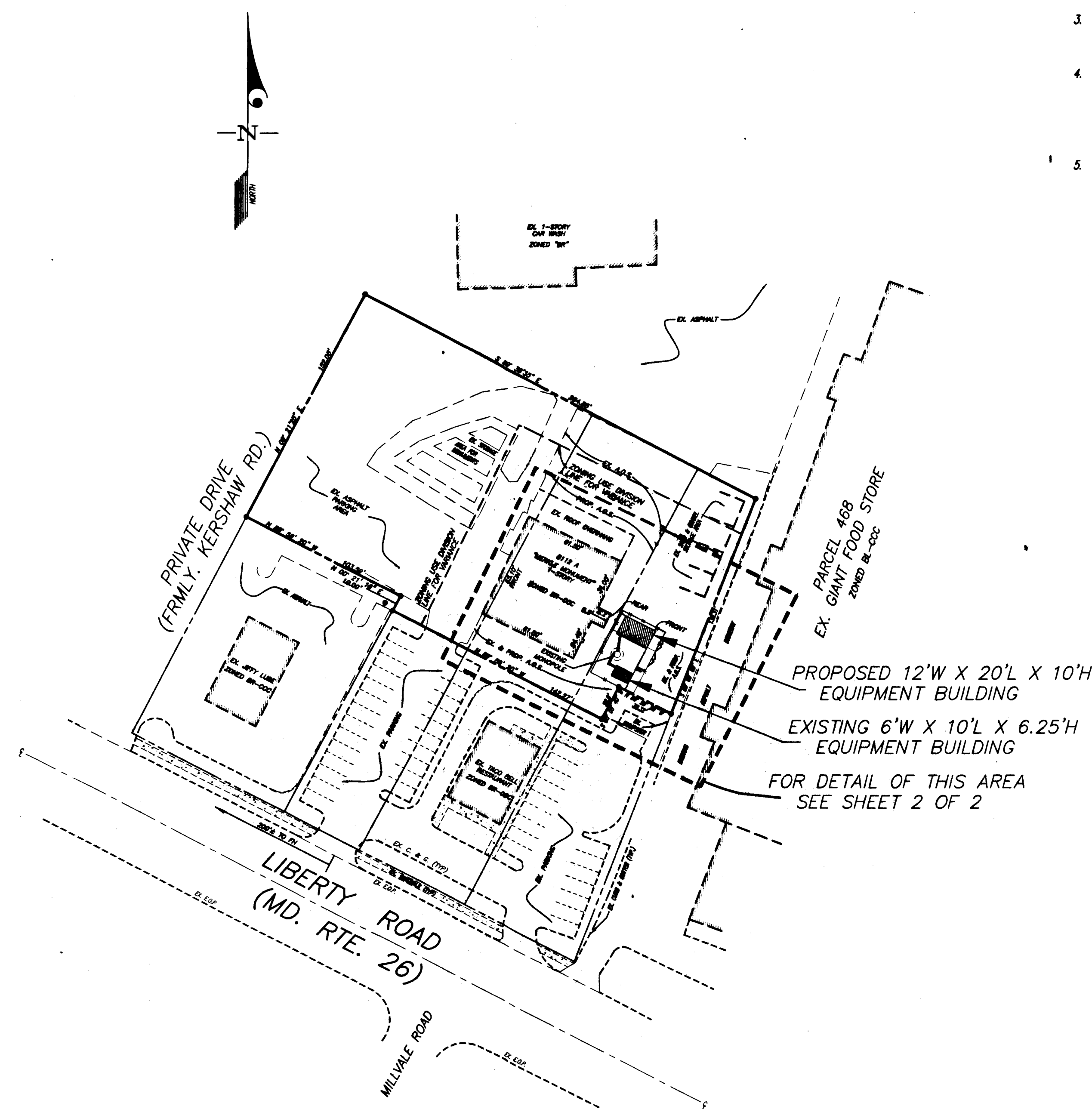
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE
3000 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20815
TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-899-2524 FAX: 301-899-2524

97142SP2

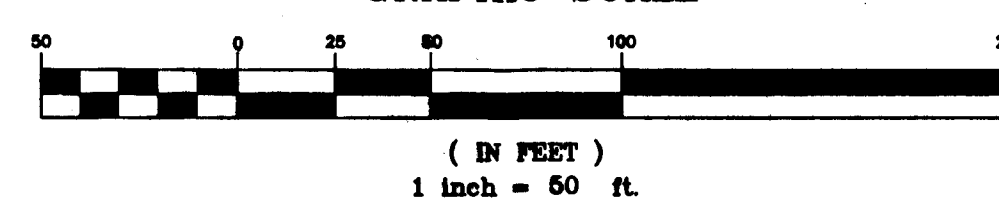
DES:JML DRN



PORTION OF 200' SCALE BALTIMORE COUNTY
ZONING MAP NO. NW 6-G

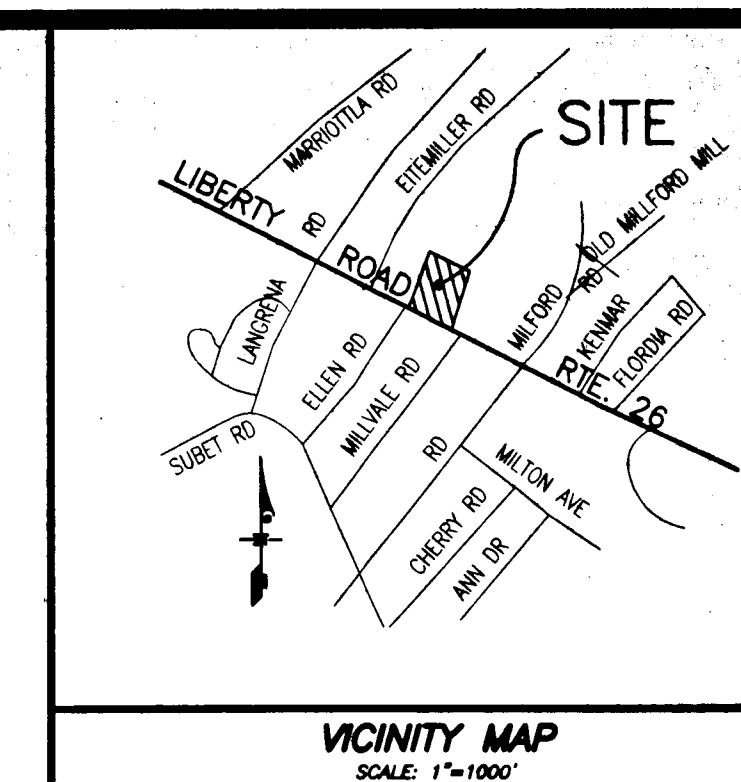
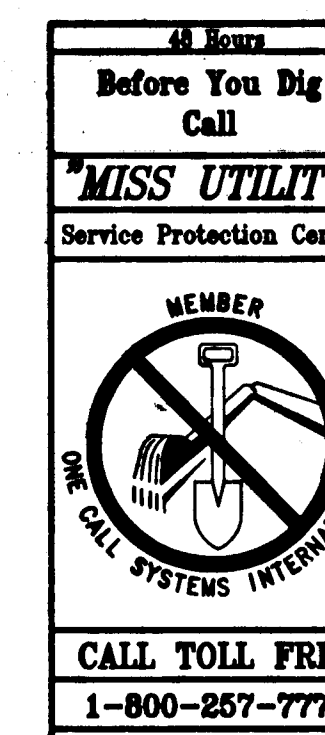


GRAPHIC SCALE



EXISTING UTILITY NOTES

1. For marking locations of existing utilities, notify "MISS UTILITY" at 1-800-257-7777, 48 hours prior to any excavation or construction.
2. Information concerning underground utilities was obtained from available records. The contractor must determine the exact locations and elevations of the utilities by digging test pits by hand at all utility crossings well in advance of trenching. If clearances are less than specified on this plan or less than 12 inches when not specified, contact the Engineer and the owner of the other involved utility before proceeding with construction.
3. For field location of gas line services, notify Baltimore Gas and Electric Co., 410-954-6260, 48 hours prior to the start of any excavation or construction.
4. Omissions and/or additions of utilities found during construction shall be the sole responsibility of any contractor engaged in excavation at this site. Gutschick, Little & Weber, P.A., shall be notified immediately of any and all utility information, omissions and additions found by any contractor.
5. Due to the proximity of live underground and overhead utilities, we are not responsible for any damage or injury sustained during construction by any persons, trucks, trailers, or equipment used on or adjacent to the site.



GENERAL NOTES

1. PROPERTY OWNER: VERNON MERKLE AND MARILYN IRWIN
8112 LIBERTY ROAD
BALTIMORE, MD. 21244-3082
 2. MONOPOLY OWNER: NEXTEL COMMUNICATIONS, INC.
4340 EAST WEST HIGHWAY
SUITE 800
BETHESDA, MARYLAND 20814
 3. APPLICANT: CELLULARONE
7150 STANDARD DRIVE
HANOVER, MARYLAND 21076
ATTN: BUD GILL
 4. SITE ADDRESS: 8112 LIBERTY ROAD
BALTIMORE, MARYLAND 21244-3082
 5. SITE DATA: TAX MAP NO. 77 BLOCK 23
TAX ACCOUNT NO. 0213400132
PARCEL 415
LOTS 196 & 197 BLOCKS 21 & 22 ON REV. PLAT "LEGATHIA"
ZONING: BR-CCC
TRACT SIZE: 0.9728 ACRES
ELECTION DISTRICT NO. 2
COUNCILMANIC DISTRICT NO. 2
- EXISTING USE: MONUMENT MANUFACTURING/TELECOMMUNICATIONS FACILITY
PROPOSED USE: MONUMENT MANUFACTURING/TELECOMMUNICATIONS FACILITY
6. NO WATER OR SANITARY UTILITIES ARE REQUIRED FOR THIS FACILITY.
 7. TOTAL DISTURBED AREA = 2,200 SQUARE FEET.
 8. THE PROPOSED WORK INCLUDES THE ADDITION OF AN EQUIPMENT BUILDING (12 X 20') AND NINE (9) ANTENNAS. THE EXISTING MONOPOLE IS 190' HIGH.
 9. THERE ARE NO RESIDENTIALLY ZONED PROPERTIES WITHIN 200-FOET OF THE EXISTING MONOPOLE.
 10. EXISTING SITE INFORMATION IS BASED UPON AN EXISTING SITE PLAN PREPARED BY C.D. MECKINS AND FIELD VERIFICATION/SURVEY BY GUTSCHICK, LITTLE & WEBER, P.A.
 11. PREVIOUS PERMITS FOR THIS SITE INCLUDE NOS. B 288253 & B 288257.
 12. NO PARKING FACILITIES ARE REQUIRED FOR THIS UNMANNED FACILITY.
 13. SETBACKS:

YARD	REQUIRED TO BUILDING	PROVIDED TO BUILDING
STREET	25'	26'
SIDE	30'	30'
REAR	60'	9'
 14. THERE ARE NO SIGNS PROPOSED FOR THIS FACILITY.
 15. THE INFORMATION AND BOUNDARY 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 REVISION.
 16. THERE ARE NO STREAMS, SPRINGS, FLOOD PLAINS, WETLANDS, HISTORIC SITES, WELLS OR SEPTIC AREAS ON THIS SITE.
 17. EX. AMENITY OPEN SPACE(REQ.D) = 0.1946 ACRES
EX. AMENITY OPEN SPACE(PROVIDED) = 0.2108 ACRES
 18. PROP. AMENITY OPEN SPACE(REQ.D)* = 0.0956 ACRES
PROP. AMENITY OPEN SPACE(PROVIDED)* = 0.1649 ACRES
* FOR LIMITS OF ZONING DESCRIPTION

DRC # 05268-B Amendment (a) (7) KJV

ZONING ACTION REQUIRED:

- 1.) VARIANCE TO B.C.Z.R. SECTION 102.2 TO PERMIT BUILDINGS TO SHARE YARD SPACE
- 2.) VARIANCE TO B.C.Z.R. SECTION 238.2 FOR THE REQUIRED REAR YARD. A VARIANCE OF 51 FEET IS REQUIRED.



David A. Chimes
5/21/98

99-38-A

C-1 @ CHIMES
SITE No. 1003

GLW GUTSCHICK LITTLE & WEBER, P.A.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3809 NATIONAL DRIVE - SUITE 250 - BURTONTOWN OFFICE PARK
BURTONTOWN, MARYLAND 20866
TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-889-2524 FAX: 301-421-4186

97142SP1 DES: TML DRN: EEP CHK:

4/30/98 REVISED FOR VARIANCE PETITION

REVISION

BY

APP'R

PREPARED FOR:
CELLULARONE
7150 STANDARD DRIVE
HANOVER, MD 21076
ATTN: BUD GILL
PHONE: (410) 712-7839

SITE PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE
CELLULARONE @ CHIMES
TELECOMMUNICATION ANTENNA SITE

PRINTED
JUL 20 1998

GUTSCHICK, LITTLE & WEBER, P.A.

BALTIMORE COUNTY, MARYLAND

SCALE	ZONING	G. L. W. FILE NO.
1" = 50'	BRCCC	97142
DATE	TAX MAP - GRID	SHEET
MAY 1998	77	1 OF 2

507A-99-38-A