

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE – NE/S Paper Mill Road,
590' W of the c/l Jarrettsville Pike * ZONING COMMISSIONER
(3314 Paper Mill Road)
10th Election Dist./6th Councilmanic Dist.; * OF BALTIMORE COUNTY
* Case No. 99-366-SPHA
Richard Moore
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Richard A. Moore, through his attorney, John P. Evans, Esquire. The Petitioner requests a special hearing to approve an amendment to the previously approved special exception in Case No. 77-174-X so as to allow the construction of a new tower on the subject property, 190 feet tall, in place of the currently existing 105-foot tower. In addition, variance relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 426(6)(A)(1) to permit setbacks of 163 feet, 37 feet, and 18 feet in lieu of the required 200 feet for the proposed tower; from Section 426(6)(A)(4) and Section 1A04.3.B.2 to permit tower to building setbacks of 21 feet and 47 feet in lieu of the required 50 feet each; and from Section 426(9)(C)(2), if required, to permit a lot area of 1.75 acres, more or less, including an existing special exception area of 0.09 acres, more or less, in lieu of the minimum required 5 acres. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in this case was Richard A. Moore, property owner. Also testifying on his behalf was Michael Jones, the manager of Map Mobile, Inc., a tenant on the existing tower. Mr. Jones expressed a certain level of expertise regarding the function of the existing and proposed towers, specifically the antennae to be placed thereon and the

FILED RECEIVED FOR FILING
Date 10/19/99
By [Signature]

wireless communication system. Also testifying on behalf of the Petitioner was Ed Haile, a professional engineer with Daft-McCune-Walker, Inc. Appearing in opposition to the request was Lewis H. Eichelberger, III. Mr. Eichelberger was represented by Michael Tanczyn, Esquire.

This case was heard in conjunction with Case No. 99-371-SPH. Nonetheless, two separate properties and two distinct questions were presented. Although consolidated for the purposes of hearing only, a separate decision will be rendered in each case.

In Case No. 99-366-SPHA, the area for the special exception under consideration is a small, roughly rectangular shaped parcel, approximately 1/10th of an acre in area. The subject property is part of a larger tract owned by Mr. Moore which is 1.75 acres in area. This larger tract is rectangular in shape with frontage on Paper Mill Road in the rural town center known as Jacksonville. The property is located not far from the intersection of Jarrettsville Pike and Paper Mill Road/Sweet Air Road, commonly known as the "Four Corners." The 1.75-acre parcel is split zoned R.O. and R.C.5. The front two-thirds of the property is zoned R.O and is improved with a two-story office building known as 3314 Paper Mill Road. A second free-standing building is located to the rear of the larger structure. The R.O. zoned portion of the property also contains a large macadam-paved parking lot.

The rear of the property is zoned R.C.5 and is largely unimproved, but for an existing 105-foot communications tower and accessory equipment building. Apparently, this tower was built in the late 1970s. At that time the real estate firm, O'Connor, Piper and Flynn, proposed the tower so as to provide a means for radio communications between its offices and agents. This was in the days prior to the technological revolution which produced wide-spread cellular, digital and wireless telephone use. Special exception approval for construction of that tower was granted in Case No. 77-174-X. The tower was subsequently sold to Lewis H. Eichelberger, III, who continues to own the tower, although the underlying property is owned by Mr. Moore. Apparently, the tower is permitted through a long-term lease which encumbers Mr. Moore's property.

There are approximately seven tenants with antenna presently mounted on the tower. These are mainly paging companies as opposed to the more well-known cellular and digital,

COUNTY CLERK
JAN 10 1999
10/19/99
[Signature]

wireless telephone companies. Apparently, Messrs. Moore and Eichelberger have had a falling out with one another. Unfortunately, rather than resolving their differences privately, they have each sought zoning relief through the B.C.Z.R. and the offices of this Zoning Commissioner in order to gain an upper hand.

Under the Petition in Case No. 99-366-SPHA, Mr. Moore requests special hearing and variance relief to raze the existing tower and build a new tower in its place. The new tower will be 190 feet in height. Additionally, a new accessory building will be constructed at the base thereof to house the necessary equipment for those companies who wish to attach antennae to the tower. The proposed improvements are more particularly shown on Petitioner's Exhibit 1. It is of note that the existing improvements are not contained exclusively in the area previously granted special exception approval. That is, an area at the corner of the overall tract, approximately 0.09 acres, was approved for special exception use in 1977. However, much of the tower and a portion of the existing equipment building lie outside that area. The new proposed tower and proposed equipment building will be located entirely within the special exception area.

Testimony was offered in support of the request by Messrs. Moore, Jones, and Haile. Mr. Haile's testimony was of particular interest. He attempted to differentiate between a new tower and a replacement tower under the B.C.Z.R. Section 426 of the B.C.Z.R. governs the construction of wireless communications facilities in Baltimore County. This Section was recently enacted under Bill 30-98. Mr. Haile's testimony suggested that the proposed "replacement" tower satisfied the spirit and intent of the requirements in Section 426 in that it is replacing an existing structure.

Notwithstanding Mr. Haile's innovative approach, I see nothing in the regulation which differentiates "new" towers from "replacement" towers. The proposed structure is new, by virtue of the fact that it does not presently exist. As such, it is subject to all of the requirements of Section 426. Although the existing tower may well be grandfathered from the new regulations as a nonconforming use (See Section 104), the regulations do not expressly permit a "replacement" as was suggested by Mr. Haile. In my judgment, the Petitioner is therefore required to comply with

all of the relevant provisions of Section 426. Thus, the requested variance relief is necessary, as is special hearing relief to amend the previously approved special exception.

The Tower Review Committee established by Baltimore County has reviewed the Petitioner's plans and letters have been received from the Greater Jacksonville Association. The conclusion offered by these entities is a common-sense solution to the ongoing dispute. Unfortunately, however, it is not acceptable to either party. Both the Greater Jacksonville Association and the Tower Review Committee recommend approval of the proposed new tower on the Moore property for so long as Mr. Eichelberger is not permitted to build a second tower. That is, it is believed that the proliferation of new towers in the Jacksonville area is a serious problem and that new construction should be limited. Only one new tower should be built, it is argued, and that tower should be located on the Moore property. A site inspection by this Zoning Commissioner was persuasive to a conclusion that such a suggestion is appropriate and warranted. Nonetheless, I cannot act as broker between these businessmen. I must interpret the B.C.Z.R. using my best judgment, and cannot do "equity."

It has been generally held that the standard for approving a Petition for Special Hearing to modify a Petition for Special Exception is found in Section 502.1 of the B.C.Z.R. That is, in order for special hearing approval to be granted in this case, I must be persuaded that no detriment would result by the proposed use on the health, safety, or general welfare of the locale. Each of the individual considerations enumerated in Section 502.1 must be evaluated.

As to the zoning relief, I am governed by the requirements of Section 307. Additionally, the requirements of that Section have been construed in the seminal case of Cromwell v. Ward, 102 Md. App. 691 (1995). Therein, the Court of Special Appeals opined that variance relief cannot be granted absent a showing that the property at issue is unique. Only upon a finding of uniqueness, which must drive the need for the variance, can relief be approved. Moreover, the Petitioner must show that a practical difficult would result if variance relief were denied, and that relief can be granted in a fashion so as to not harm adjacent properties.

In this case, I am not now persuaded that the Petitioner has met the burdens imposed by law for special hearing relief to be approved. With the potential location of additional towers in this rural community town-center, I am not convinced that relief can be granted so as to not be detrimental to the surrounding locale. Thus, the Petition for Special Hearing shall be denied, and the Petition for Variance dismissed as moot. Under the circumstances as they presently exist, I will not grant the relief requested.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of October, 1999 that the Petition for Special Hearing to approve an amendment to the previously approved special exception in Case No. 77-174-X so as to allow the construction of a new tower on the subject property, 190 feet tall, in place of the currently existing 105-foot tower, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 426(6)(A)(1) to permit setbacks of 163 feet, 37 feet, and 18 feet in lieu of the required 200 feet for the proposed tower; from Section 426(6)(A)(4) and Section 1A04.3.B.2 to permit tower to building setbacks of 21 feet and 47 feet in lieu of the required 50 feet each; and from Section 426(9)(C)(2), if required, to permit a lot area of 1.75 acres, more or less, including an existing special exception area of 0.09 acres, more or less, in lieu of the minimum required 5 acres, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

DATE RECEIVED FOR FILING
10/19/99
bjs



Baltimore County
Zoning Commissioner

October 19, 1999

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

John P. Evans, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE (Case No. 99-366-SPHA)
NE/S Paper Mill Road, 590' W of the c/l Jarrettsville Pike
(3314 Paper Mill Road)
10th Election District – 6th Councilmanic District
Richard A. Moore – Petitioner/Property Owner; and
PETITION FOR SPECIAL HEARING (Case No. 99-371-SPH)
(No Specific Location)
Richard A. Moore - Petitioner

Dear Mr. Evans:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petition for Special Hearing has been denied and the Petition for Variance dismissed as moot in Case No. 99-366-SPHA, and the Petition for Special Hearing in Case No. 99-371-SPH has been granted, in accordance with the attached, respective Orders.

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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Richard A. Moore
3312 Paper Mill Road, Phoenix, Md. 21131
Mr. Michael J. Jones, 3304 Ailsa Avenue, Baltimore, Md. 21214
Mr. James V. McCoy, 3912 Sweet Air Road, Phoenix, Md. 21131
Robert A. Hoffman, Esquire, Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, Md. 21204
Karl Nelson, Esquire, 2 One South Street, Baltimore, Md. 21202
Michael Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, Md. 21204
Mr. Lewis Eichelberger, III, P.O. Box 157, White Hall, Md. 21161-0157
Mr. Steve Tizard, 14221 Robcaste Road, Phoenix, Md. 21131
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3314 Paper Mill Road

which is presently zoned R.C.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

an amendment to the previously approved special exception in Zoning Case #77-174-X

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

John P. Evans

Name - Type or Print _____

Signature _____

Whiteford, Taylor & Preston L.L.P.

Company 4th Floor
210 W. Pennsylvania Ave. (W) 410-832-2027

Address
Towson, MD 21204 Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Richard A. Moore

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

P.O. Box 400 410-667-0800

Address _____ Telephone No. _____

Phoenix, MD 21131

City _____ State _____ Zip Code _____

Representative to be Contacted:

John P. Evans

Name 4th Floor

210 W. Pennsylvania Ave. (W) 410-832-2027

Address _____ Telephone No. _____

Towson, MD 21204

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

Case No. 99-366-SPHA

220 9/15/98

ORDER RECEIVED FOR FILING

Date



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3314 Paper Mill Road

which is presently zoned R.C.5

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

As set forth on Schedule A Attached

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 hearing

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

John P. Evans

Name - Type or Print

Signature

Whiteford, Taylor & Preston L.L.P.

Company 4th Floor (W) 410-832-2027

210 W. Pennsylvania Ave.

Address Telephone No.

Towson, MD 21204

City State Zip Code

Legal Owner(s):

Richard A. Moore

Name - Type or Print

Signature

Name - Type or Print

Signature

P.O. Box 400 410-667-0800

Address Telephone No.

Phoenix, MD 21131

City State Zip Code

Representative to be Contacted:

John P. Evans

Name 4th Floor (W) 410-832-2027

410 W. Pennsylvania Ave.

Address Telephone No.

Towson, MD 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 3/22/99

Case No. 99-366 SPHA

Date 3/21/99

FILED FOR FILING

Attachment to Petition for Variance
Petitioner: Richard A. Moore

Schedule A

For a Variance from:

1. Section 426(6)(A)(1) to permit a 163 foot tower setback in lieu of the required 200 feet.
2. Section 426(6)(A)(1) to permit a 37 foot tower setback in lieu of the required 200 feet.
3. Section 426(6)(A)(1) to permit an 18 foot tower setback in lieu of the required 200 feet.
4. Sections 426(6)(A)(4) and 1A04.3B.2 to permit a 21 foot building setback in lieu of the required 50 feet.
5. Sections 426(6)(A)(4) and 1A04.3B.2 to permit a 47 foot building setback in lieu of the required 50 feet.

162958

CITY RECEIVED FOR FILING
Date 10/19/09
By [Signature]

Attachment to Petition for Variance
Petitioner: Richard A. Moore

Schedule A

For a Variance from:

1. Section 426(6)(A)(1) to permit a 163 foot tower setback in lieu of the required 200 feet.
2. Section 426(6)(A)(1) to permit a 37 foot tower setback in lieu of the required 200 feet.
3. Section 426(6)(A)(1) to permit an 18 foot tower setback in lieu of the required 200 feet.
4. Sections 426(6)(A)(4) and 1A04.3B.2 to permit a 21 foot building setback in lieu of the required 50 feet.
5. Sections 426(6)(A)(4) and 1A04.3B.2 to permit a 47 foot building setback in lieu of the required 50 feet.
6. If required by the Zoning Commissioner, Section 426(9)(C)(2) to permit a lot of 1.75 acres, more or less, including an existing special exception area of 0.09 acres, more or less, in lieu of the required 5 acres.

162958v2

6/16/99
Date
By

Zoning Description
for the Special Exception
Area at 3314 Paper Mill Road

366

All that piece or parcel of land situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland, and described as follows to wit:

Beginning for the same at a point distant North 16 degrees 04 minutes 31 seconds East 314.50 feet from a point in the center of Paper Mill Road located 590 feet measured westerly along the center of said road from the center of Jarrettsville Road and running, thence and binding on the outlines of the land of the petitioners herein, the two following courses and distances, viz: (1) North 16 degrees 04 minutes 31 seconds East 63 feet, and thence (2) North 83 degrees 54 minutes 29 seconds West 63 feet, thence leaving said outlines and running the two following courses and distances, viz: (3) South 16 degrees 04 minutes 31 seconds West 63 feet, and thence (4) South 83 degrees 54 minutes 29 seconds East 63 feet to the place of beginning; containing 0.09 acres of land, more or less.

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

March 19, 1999

Project No. 98031 (L98031)



Daft McCune Walker, Inc.

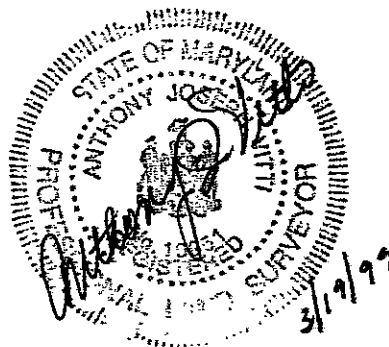
200 East Pennsylvania Avenue
Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

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



99-366-SPHA

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: #99-366-SPHA

3314 Paper Mill Road

NE/S 314' to the rear of Paper Mill Road, also 590' W of centerline-Jarrettsville Pike

10th Election District — 6th Councilmanic District

Legal Owner(s): Richard A. Moore

Special Hearing: to approve an amendment to the previously approved special exception in zoning case number 77-174-X.

Variance: to permit a 163-foot tower setback in lieu of the required 200 feet; to permit a 37-foot tower setback in lieu of the required 200 feet; to permit an 18-foot tower setback in lieu of the required 200 feet; to permit a 21-foot building setback in lieu of the required 50 feet; and to permit a 47-foot building setback in lieu of the required 50 feet.

Hearing: Monday, May 3, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT,

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations please contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, contact the Zoning Review Office at (410) 887-3391.

4/22/99 April 15

C304243

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/15/, 1999

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 4/15/, 1999.

THE JEFFERSONIAN,

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

LAND

JL 366

No. 065408

DATE 3/22/99 ACCOUNT R0016150
AMOUNT \$ 500.00

RECEIVED FROM: W. H. Taylor, Jr.

FOR: Revisions SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
3/22/1999 3/22/1999 08:42:20
REG 4802 CASHIER JRIC JMR DRAWER
MISCELLANEOUS CASH RECEIPT
Receipt # 084954
CR NO. 065408

500.00 CHECK

Baltimore County, Maryland

99.366-SPHA

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

JL 366

No. 065409

DATE 3/26/99 ACCOUNT R0016150
AMOUNT \$ 100.00

RECEIVED FROM: WTP LLP

FOR: REVISIONS TO SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
3/26/1999 3/26/1999 08:45:31
REG 4801 CASHIER CLIM OML DRAWER
MISCELLANEOUS CASH RECEIPT
Receipt # 094426
CR NO. 065409

100.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 99-366-SPHA
PETITIONER/DEVELOPER:
{Richard A. Moore}
DATE OF Hearing
{May 3, 1999}

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 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
3314 Paper Mill Road Baltimore, Maryland 21131_____

The sign(s) were posted on _____ 4-16-99 _____
[Month, Day, Year]

Sincerely,

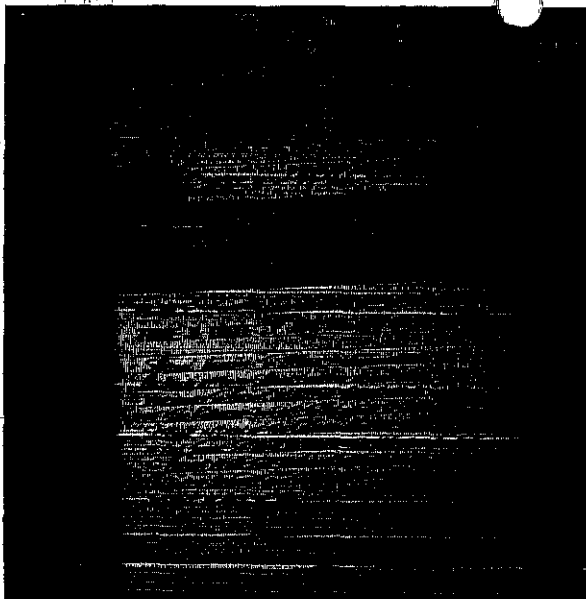

[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ [410]-687-8405 _____
[Telephone Number]



CERTIFICATE OF POSTING

RE: CASE # 99-366-SPHA
PETITIONER/DEVELOPER:
[Richard A. Moore]
DATE OF Hearing
[May 3, 1999]

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 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
3314 Paper Mill Road Baltimore, Maryland 21131_____

The sign(s) were posted on _____ [Re-Posted] 4-19-99 _____
[Month, Day, Year]

Sincerely,


[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ [410]-687-8405 _____
[Telephone Number]

Request for Zoning: Special Exception, or Special Hearing

REVISED.
APPLICANT TO CONFIRM IF
HEARING-DATE CHANGE
WITH S. J.

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

= REVISION

ZONING NOTICE

Case No.: 99-366-SPHA

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

PLACE: *

DATE AND TIME: *

REQUEST: A SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED PLAN AND ORDER IN CASE
77-174-X AND VARIANCES TO PERMIT TOWER SETBACKS OF 163 FT, 37 FT, AND 18 FT ALL IN
LIEU OF 200 FT, ALSO TO PERMIT BUILDING SETBACKS OF 21 FT AND 47 FT, BOTH IN LIEU OF
50 FT AND IF REQUIRED TO PERMIT A LOT OF 1.75 ACRES INCLUSIVE OF A 0.09 ACRE
SPECIAL EXCEPTION AREA IN LIEU OF THE REQUIRED 5 ACRES.

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

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.: 99-366-SPHA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING TO AMEND THE PRIOR APPROVED SPECIAL EXCEPTION
IN CASE # TT-174-X, AND VARIANCES ^{OF} TOWER SETBACKS TO
PROPERTY LINES OF 163 FT, 37 FT. AND 19 FT, ALL IN LIEU OF 200 FT. AND TO
PERMIT A 21 FT. AND 47 FT. BUILDING SETBACK TO PROPERTY LINES
IN LIEU OF THE REQUIRED 50 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

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: 366

Petitioner: RICHARD A. MOORE

Address or Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: RICHARD A. MOORE

Address: P.O. Box 400

PHOENIX MD 21131

Telephone Number: 410-667-0800

Revised 2/20/98 - SCJ

99-366-SPHA

TO: PATUXENT PUBLISHING COMPANY
April 15, 1999 Issue – Jeffersonian

Please forward billing to:

Richard A. Moore
PO Box 400
Phoenix, MD 21131

410-667-0800

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: 99-366-SPHA

3314 Paper Mill Road

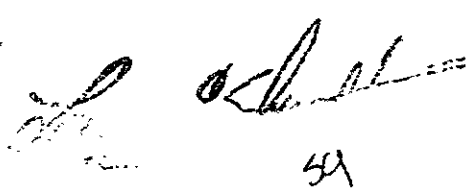
NE/S 314' to the rear of Paper Mill Road, also 590' W of centerline Jarrettsville Pike

10th Election District – 6th Councilmanic District

Legal Owner: Richard A. Moore

Special Hearing to approve an amendment to the previously approved special exception in zoning case number 77-174-X. Variance to permit a 163-foot tower setback in lieu of the required 200 feet; to permit a 37-foot tower setback in lieu of the required 200 feet; to permit an 18-foot tower setback in lieu of the required 200 feet; to permit a 21-foot building setback in lieu of the required 50 feet; and to permit a 47-foot building setback in lieu of the required 50 feet.

HEARING: Monday, May 3, 1999 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 31, 1999

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: 99-366-SPHA

3314 Paper Mill Road

NE/S 314' to the rear of Paper Mill Road, also 590' W of centerline Jarrettsville Pike

10th Election District – 6th Councilmanic District

Legal Owner: Richard A. Moore

Special Hearing to approve an amendment to the previously approved special exception in zoning case number 77-174-X. Variance to permit a 163-foot tower setback in lieu of the required 200 feet; to permit a 37-foot tower setback in lieu of the required 200 feet; to permit an 18-foot tower setback in lieu of the required 200 feet; to permit a 21-foot building setback in lieu of the required 50 feet; and to permit a 47-foot building setback in lieu of the required 50 feet.

HEARING: Monday, May 3, 1999 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: John P. Evans, Esquire
Richard A. Moore

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY APRIL 18, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 30, 1999

John P. Evans, Esq.
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue, 4th Floor
Towson, MD 21204

RE: Case No.: 99-366-SPHA
Petitioner: Richard A. Moore
Location: 3314 Paper Mill Road

Dear Mr. Evans:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on March 22, 1999.

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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 4-2-99

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

RE: Baltimore County
Item No. * 99-366-SPNA

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 145 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

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: April 12, 1999

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for April 12, 1999
Case #99-345-A (Park School)
and
Case #99-366-SPHA

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

April 15, 1993

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 March 18, 1993

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.

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

356, 358, 359, 360, 361, 362, 363, 364, 365, and 366

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 347-4391, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



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

TO: Arnold Jablon, Director
Permits and Development Management

DATE: 4/6/99

FROM: R. Bruce Seeley, Project Manager RBS/99
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 3/29/99

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

Item #'s: 356
357
358
359
360
361
362
364
366

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: April 6, 1999

FROM: *RWB* Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for April 5, 1999
 Item Nos. 356, 357, 358, 359, 360,
 361, 362, 364, and 366

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0405.NOC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3 . 30 . 99

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

RE: Baltimore County
Item No. 366

JLL

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 145 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

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

file
5/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 30, 1999

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

SUBJECT: 3314 Paper Mill Road

INFORMATION:

Item Number: 366

Petitioner: Richard Moore

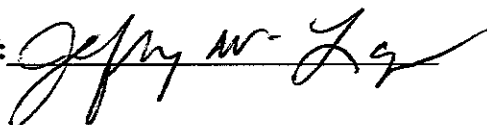
Zoning: RC-5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

This project has been reviewed by the Tower Review Committee. Based upon the information provided by the applicant and the analysis conducted, the Office of Planning recommends that the applicant's request be granted.

Section Chief:



AFK/JL:

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
3314 Paper Mill Road, NE/S 314' to the rear of
Paper Mill Rd, also 590' W of c/l Jarrettsville Pike,
10th Election District, 6th Councilmanic

Legal Owners: Richard A. Moore

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-366-SPHA

* * * * *

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 29th day of March, 1999, a copy of the foregoing Entry of Appearance was mailed to John P. Evans, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE

Legal Owners: Richard A. Moore

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO. 99-366-SPHA
*

* * * * *

ENTRY OF APPEARANCE

Dear Mr. Commissioner:

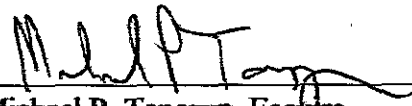
Please enter the appearance of Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Towson, Maryland 21204 as attorney for H. Thorne Gould, 3722 Hess Road, Monkton, Maryland 21111, and Lewis H. Eichelberger, III, P. O. Box 157, White Hall, Maryland 21161-0157, Protestants in the above case. Notice should be sent of any hearing dates and of other proceedings in this matter, as well as the passage of any preliminary or final Order.



Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823
Attorney for the Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 31 day of May, 1999, a copy of the foregoing Entry of Appearance was hand delivered to John Evans, Esquire, Whiteford, Taylor & Preston, 21 W. Pennsylvania Avenue, Suite 400, Towson, Maryland 21204, Attorney for the Petitioner(s), and to Carole S. Demilio and Peter Max Zimmerman, Esquires, Deputy Peoples' Counsel and Peoples' Counsel, Room 47 Court House, 400 Washington Avenue, Towson, Maryland 21204.



Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
Attorney for the Protestants

INTEROFFICE MEMORANDUM

TO: DON RASCOE, PDM
FROM: PATTY BEERE, OIT *PAB*
SUBJECT: TOWER REVIEW COMMITTEE RECOMMENDATIONS
DATE: MARCH 3, 1999
CC: ZONING COMMISSIONER ✓

Attached please find the recommendations of the Tower Review Committee for the following two petitioners:

Solid State LLC, Construction of 180' tower on .44 ac. located on the west side of Jarrettsville Pike, south of Paper Mill Road (behind Glyndon Cleaners) , and

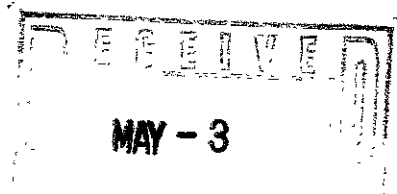
Richard A. Moore, Construction of 105' tower located at the north side of Paper Mill Road, 590' west of Jarrettsville Pike.

Please contact me if questions arise concerning these two reports.

Thank you.

MAR 3

MEMORANDUM



DATE: Monday, May 3, 1999

TO: Baltimore County Zoning Commissioner

FROM: Manor Area Association

Re: Request for zoning exception for radio tower in Jacksonville

*Case
99-366-SPHA*

The Manor Area Association is a 300-member community-based conservation organization the jurisdiction of which includes the Jacksonville area.

At a meeting of the Board of Directors of the Manor Area Association on April 27, 1999 in the Parish House of St. James Church, Monkton, MD a request for a variance and special exception to increase the size of the tower now operated by the owner of the property on the northwest corner of the junction of Paper Mill Rd. and the Jarrettsville Pike was discussed.

The Manor Area Association Board voted to oppose the requested variance, based on its opposition to the granting of *any* special exceptions and variances in residential zoning areas.

The directors further noted that there are ample additional sites in the immediate area which have zoning approval for the use requested by the owner of the current tower.

Submitted on behalf of the Manor Area Association by

Ann McIntosh
3810 Beatty Rd.
Monkton, MD 21111



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 13, 1999

John P. Evans, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
(3314 Paper Mill Road)
10th Election District – 6th Councilmanic District, and
Richard A. Moore – Petitioner
Case No. 99-366-SPHA

Dear Mr. Evans:

This letter is to follow-up the recessed hearing in the above-captioned matter over which I presided on May 11, 1999. The Petitions before me relate to the proposed construction of a replacement tower on the property known as 3314 Paper Mill Road. Presently, the property is improved with a 105-foot tower and related equipment for a number of wireless communication industry providers. The Petitioner proposes razing that tower and constructing a 190-foot tower as a replacement.

Although the above case relates only to the subject property, testimony, argument, and evidence offered during the hearing in this case disclosed the possibility of a second tower on a nearby property, generally referred to as the "Glyndon Cleaners" site. Mr. Lewis Eichelberger, III, who is represented by Michael P. Tanczyn, Esquire, is the moving party behind that project. Moreover, there is another Petition for Special Hearing at issue, the resolution of which might impact Mr. Eichelberger's proposed construction. That case (Case No. 99-371-SPH), also filed by Richard A. Moore, seeks an interpretation of the B.C.Z.R. as it relates to tower construction in a C.R. district.

Due to the similarity of the issues presented in both Petitions filed by Mr. Moore, the parties thereto, as well as the inability to conclude Case No. 99-366-SPHA on May 11, 1999, I have decided to consolidate these matters for a single hearing date. It is also to be noted that Case No. 99-371-SPH was originally scheduled for a hearing before me on May 18, 1999; however, that case was set for but a single hour and it is doubtful whether it would be concluded within that time frame. Under these circumstances, the hearing in Case No. 99-366-SPHA will reconvene at 9:00 AM on June 21, 1999 in Room 407 of the County Courts Building. I anticipate that we can complete this case within two hours. Therefore, beginning at 11:00 AM, testimony and evidence will be taken on Case No. 99-371-SPH.

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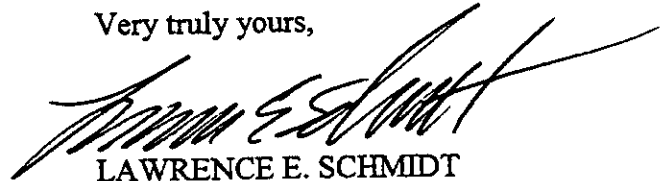
John P. Evans, Esquire

May 13, 1999

Page 2 (Consolidation of Case Nos. 99-366-SPHA and 99-371-SPH)

Finally, by copy of this letter, I am advising Robert A. Hoffman, Esquire, and Carl J. Nelson, Esquire of this proposed schedule. It is my understanding that Messrs. Hoffman and/or Nelson may have an interest in one or both of these matters.

Very truly yours,



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Richard A. Moore, P.O. Box 400, Phoenix, Md. 21131
Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, Md. 21204
Mr. Lewis H. Eichelberger, III, P.O. Box 157, White Hall, Md. 21161-0157
Robert A. Hoffman, Esquire, VBH, 210 Allegheny Avenue, Towson, Md. 21204
Karl J. Nelson, Esquire, 14 The Strand, Sparks, Md. 21152-8845
People's Counsel; Case File



Baltimore County
Zoning Commissioner

May 3, 1999

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

John P. Evans, Esquire
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
NE/S Paper Mill Road, 590' W of the c/l of Jarrettsville Pike
(Rear of 3314 Paper Mill Road)
10th Election District – 6th Councilmanic District
Richard A. Moore – Petitioner
Case No. 99-366-SPHA

Dear Mr. Evans:

This letter is to confirm the continuance of the above-captioned matter to Tuesday, May 11, 1999 at 1:30 PM in Room 407 of the County Courts Building. By copy of this letter to all parties present at the initial hearing held today, I will advise of the continued hearing date and time. Please be advised that it will not be necessary to re-post or re-advertise the property.

Should anyone have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Richard A. Moore, 3312 Paper Mill Road, Phoenix, Md. 21131
Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106, Towson, Md. 21204
Mr. James McCoy, Chair, Planning Committee, Greater Jacksonville Assoc.
3912 Sweet Air Road, Phoenix, Md. 21131-1816
Ms. Ann McIntosh, 3810 Beatty Road, Monkton, Md. 21111
Mr. Michael J. Jones, 3304 Ailsa Avenue, Baltimore, Md. 21214
Mr. Edmund F. Haile, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286
People's Counsel; Case File

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TOWER REVIEW COMMITTEE

RECOMMENDATION REPORT

(February 21, 1999)

Petitioner: Solid State, LLC
TRC#: 98009
Petition: Construction of 180' tower on .44 ac. located on the west side of Jarrettsville Pike, south of Paper Mill Road (behind Glyndon Cleaners)

A meeting of the Tower Review Committee was held on January 13, 1999, in order to review the request mentioned above. The representatives of Solid State LLP and other relevant personnel were in attendance at the meeting.

The committee's recommendations are as follows:

Planning Considerations

The existing site should be improved through the removal of deteriorating sheds, etc. The tower's base and the accompanying equipment building (s) should be screened along Paper Mill Road and at the rear of the property adjacent to homes along Robcaste Road, through the use of quick growing and substantial vegetation.

Additionally, the petitioner has stated that upon construction of the new tower, the existing 105' tower owned by Solid State LLC and located on the northwest corner of this intersection will be removed. This removal of the older tower is an important element to the review of this petition, and the community's considerations (see below).

Community Considerations

The community of Jacksonville has, in recent years, been the location of a number of tower placements, most falling within the general area of the "commercial" area of Jacksonville, or adjacent to this area. This petition, along with one other petition to reconstruct a tower in the general area of Jacksonville proper, required extensive review as to the overall support or concern that the community presented about the placement of these towers. This should be noted, as these comments reflect not only this review, but the careful weighing of the needs of the community as they relate to the possibility of two towers being constructed in the area, should the two petitions receive the recommendation for approval through the development process.

Not only was the Greater Jacksonville Community Association contacted for its input, but various community members living adjacent to the proposed site, or in the general area, were contacted. It became obvious that there was support for this petition, with the proper design controls (clean up of lot, proper adequate screening west of the site), the final element of consideration being that this tower placement was less intrusive into the general community of Jacksonville, as it would be placed on commercially zoned and used property, and would not contribute to the expansion of Jacksonville's commercial area.

Information Technology Considerations

Of utmost importance in any petition for construction of a wireless communication tower or monopole is the petitioner's future ability to provide for co-location opportunities for other wireless providers. In this petition, this goal of co-location opportunities has been addressed, through the height of the tower proposed, which will provide area for seven potential carriers (paging) and the expansion of additional antennas by these carriers on the same tower. A survey of wireless communication carriers was performed, in order to ascertain potential needs for antenna placement along this corridor, and into Jacksonville. The providers all stated that they would have intermediate/long term needs in placement of equipment in this area, which further reinforces the necessity of a structure with enough height to provide co-location placement.

Telecommunication Engineering Considerations

The petitioner stated that the proposed 180' tower is intended to replace an existing 105' tower owned by the petitioner which is located at a site on Paper Mill Road, about a quarter of a mile north of this proposed site. The tower owner reported that the existing tower is overloaded and insufficient with service for some users, and additional antennas or equipment would likely cause the level of interference to increase.

Based on the site drawing provided, it appears that the new tower would be located at a ground elevation of approx. 582' while the existing tower is sited on a ground elevation of approximately 610'. Thus, at least 20-30 feet of the additional height of the new tower is needed in order to provide the same coverage that carriers receive from their antennas on the existing tower. The additional 45' (+/-) would provide room to support additional users and improve the service of existing users.

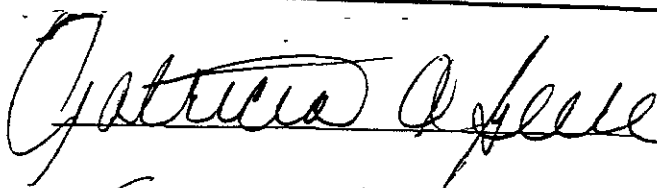
During a visit to the existing tower site on Paper Mill Road, it was noted that there are about 12-14 antennas currently attached to the tower. Most of these are clustered on the top half of the tower. There is very little vertical separation between the antennas. If antennas for the same frequency band are mounted too close together, it can create interference or cause a high noise level to be present in the receivers. The additional height of the new tower would allow the antennas to be spread out more which would help to improve signal quality.

Discussions were held with each of the five cellular/PCS companies that are active in Baltimore County about their future plans for sites in the Jacksonville/Phoenix area. In all cases, the providers were either very interested in location in the area (height of antenna between 155-175 feet), or were planning on locating on existing towers in the area (microwave tower and utility tower). Therefore, at least two of the carriers need a site near the intersection of Jarrettsville Pike and Paper Mill Road. It appears that a tower height of 180' is reasonable from a service transmission perspective; however, there is some concern about whether the tower will be strong enough to support two sets of cellular/PCS antennas near the top of the tower. A sectorized transmission site uses a total of 9 to 12 panel antennas arranged in a triangular pattern. A set of antennas for cellular or PCS users typically weighs much more than the whip antennas often used by paging companies and other mobile radio users.

Final Recommendations

The Tower Review Committee is interested in seeing that a new tower is not built higher than necessary to meet the current and future needs of the carriers. There are several towers already in the Jacksonville area, and the committee carefully examined the possibility of usage of certain other sites (existing and proposed) to address present and future needs of wireless carriers. The Committee wants to ensure that if a new tower needs to be constructed, it is built to sufficient height and strength to meet the anticipated future needs so that another tower does not have to be built in the foreseeable future. The committee recommends that this site be considered for approval by DRC, but strongly urges that, if approved, the tower be designed with sufficient structural strength to support at least two cellular/PCS carriers on the upper portion of the tower. DRC should also address the removal of the existing tower.

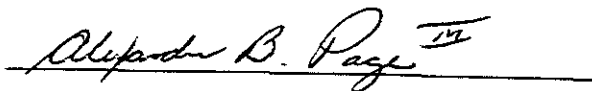
Committee Members



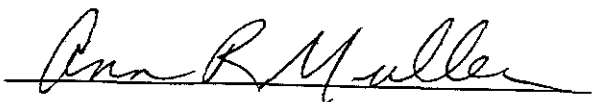
Patricia Beere, Project Coordinator
Office of Information Technology



Gary L. Kerns, Chief Comprehensive
and Community Planning
Office of Planning



Alexander B. Page III
Community Representative



Ann R. Muller
Tower Coordinator

Date: 2/26/99

TOWER REVIEW COMMITTEE

RECOMMENDATION REPORT

(February 21, 1999)

Petitioner: Richard A. Moore

TRC#: 98006

Petition: Construct a new 105' tower, located at the north side of Paper Mill Road, 590' west of Jarrettsville Pike, in place of existing 105' tower owned by another party.

A meeting of the Tower Review Committee was held on January 27, 1999, in order to review the request mentioned above. The petitioner and other relevant personnel were in attendance at the meeting.

The committee's recommendations are as follows:

Planning Considerations

The existing 105' tower, a use originally allowed per a Special Exception granted April 4, 1977, was built with an incorrect location, as it is partially within and partially outside the boundaries of the original Special Exception. The petitioner wishes to place the new tower closer to the center of the Special Exception area. He feels that adequate screening already exists around the site. The zoning on the site is RC5, a rural residential zone, which necessitated the original Special Exception to allow for this use. Surrounding property to the west and north of the site is also zoned RC5, to the south is RO zoning, and immediately east of the site is BL-CR zoned land.

Community Considerations

The community of Jacksonville has, in recent years, been the location of a number of tower placements, most falling within the general area of the "commercial" area of Jacksonville, or adjacent to this area. This petition, along with one other petition to construct a tower in the general area of Jacksonville proper, required extensive review as to the overall support or concern that the community presented about the placement of these towers. This should be noted, as these comments reflect not only this review, but the careful weighing of the needs of the community as they relate to the possibility of two towers being constructed in the area, should the two petitions receive the recommendation for approval through the development process.

The petitioner provided information to the Tower Review Committee concerning his contact with, and support by, the Greater Jacksonville Community Association, for the

construction of the tower on this site. It should be noted that a representative of this association was present at the TRC meeting as an observer, and did not provide any comment. Subsequent to this meeting, various members of the community at large were also contacted, as were some persons that were part of the community association. It was recognized through this contact that the support by the community association and/or the community at large was not as firm as originally presented by the petitioner. When questioned, people generally were not in support for this petition. In fact, the majority who were questioned believe that this petition may significantly contribute to commercial sprawl in the Jacksonville area.

Information Technology Considerations

With any petition for the construction of a tower or monopole, evaluation of the ability for co-location opportunities occurs. With the petition as stated, the tower would be built at 105' which, given the number of potential paging companies wanting to locate antennas on this structure, would not provide for multiple wireless communication carriers to also access space on the structure. It was noted by the petitioner that he presented the possibility of constructing the tower at 190', and found support for this increased height by all of the wireless carriers contacted. In particular, a cellular carrier expressed interest, but stated that the height of their antenna placement would need to be 170'.

The committee however, cannot consider any information concerning this other proposed height to the structure, as the petition clearly states that the tower will be constructed at 105'. (See also Special Exception 77-174-X)

Telecommunication Engineering Considerations

The proposed tower is intended to replace the existing tower of the same height, and the new tower, according to the petitioner, would be structurally stronger than the existing tower to provide capacity for additional antennas. It was stated in the meeting that the new tower would be able to structurally support 12 whip type antennas and one cellular carrier.

During a visit to the site, it was noted that there are about 12 to 14 antennas attached to the existing tower. Most of these are clustered on the top half of the tower. There is very little vertical separation between the antennas. If antennas of the same frequency band are mounted too closely, it can create interference or cause a high noise level to be present in the receivers. The fact that the new tower would be stronger and have the structural capability to support additional antennas does not necessarily mean that it would have enough space to support additional antennas at a height that would meet the needs of the service providers.

Mr. Moore provided a copy of a comparison showing that a Pirod tower, which will be used for the replacement tower, is much stronger than the existing Morrison tower.

Although the memo indicates that the tower can support five cellular carriers, that scenario is based on a tower height of 190'. The petitioner indicated that one of the carriers had indicated a strong interest in locating antennas on the new tower, but would need a height of at least 170' at that site. It appears that the antennas are already crowded on the existing tower, so it seems unlikely that a replacement tower of the same height would provide room for any new carriers.

It should be noted that discussions were held with each of the five cellular/PCS companies that are active in Baltimore County. In all cases, the providers were either very interested in location in the area (height of antenna between 155-175 feet), or were planning on locating on existing towers in the area (microwave tower and utility tower). Therefore, at least two of the carriers need a site near the intersection of Jarrettsville Pike and Paper Mill Road. It is clear that a tower height of 105' would not be adequate to meet the transmission needs of these carriers.

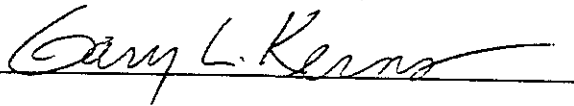
Final Recommendations

The Tower Review Committee does not recommend a new 105' tower be built at this site.

Committee Members



Patricia Beere, Project Coordinator
Office of Information Technology



Gary L. Kerns, Chief Comprehensive
and Community Planning
Office of Planning



Alexander B. Page III
Community Representative



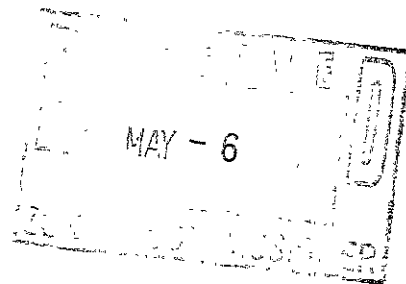
Ann R. Muller
Tower Coordinator

Date: 7/26/99

HS

**TOWER REVIEW COMMITTEE
RECOMMENDATION REPORT**

(May 4, 1999)



Petitioner: Richard A. Moore

TRC#: 98011

Case 99-366-SPNA

Petition: Construct a new tower (up to 190'), located at the north side of Paper Mill Road, 590' west of Jarrettsville Pike, in place of existing 105' tower owned by another party.

A meeting of the Tower Review Committee was held on April 19, 1999, in order to review the request mentioned above. The landowner/petitioner and his representatives were in attendance at the meeting.

The committee's recommendations are as follows:

Planning Considerations

This petition proposes the replacement of an existing 105' lattice tower with a new tower of up to 190' on property owned by Richard A. Moore. The proposed site, zoned RC-5, enjoys a special exception for a tower, granted in Case #77-174-X. The petitioner has filed for a special hearing to amend the special exception and for variances. That hearing is scheduled for May 3, 1999 (postponed to May 10, 1999). This is the third request (second for this site) for a new tower in Jacksonville to be reviewed by the TRC. The overriding objective of the TRC has been the desire to have one new tower with maximum co-location of antennas. The alternate location, the "Glyndon Cleaners" site, was previously recommended by the TRC in large part due to the proposed height and co-location capability. This submission proposes a similar height and antenna co-location ability but this site has a number of advantages including higher elevation (30+/- ft.), an approved special exception for the existing tower, significant vegetative screening, and an area for several equipment buildings.

Community Considerations

During the Tower Review Committee considerations of various proposals to construct towers in the Jacksonville area, it became evident to the committee that from a community perspective, there were a number of towers already in existence in the general locale of Jacksonville, and any new petitions for towers were of great concern. The committee shared this concern, as the County wants to limit excessive proliferation of

wireless communication structures. In keeping with this objective, the committee looked at the petitions as a whole, and as they would impact the community of Jacksonville. It is the committee's view that all efforts should be made by the community, the petitioners, and the County through support of the regulations governing wireless communication structures, to balance the needs of present and future wireless carriers for antenna placement with the concerns of the entire community. The County's development process also recognizes the need for this balance. Jacksonville residents have felt in recent years that they are receiving more and more tower placements, and have tried to facilitate dialogue with the County agencies potential providers to avoid placement of structures that would be potentially incompatible with the rural/suburban character of the area.

Information Technology Considerations

The petitioner's request to build a 190 foot latticed tower on this site (versus a 105' tower previously submitted) would not only better address co-location requirements by wireless carriers needing antenna in the area, but its location additionally allows for a number of well-screened equipment buildings and cabinets to be placed on the site, should additional carriers be interested in location on this tower. The intent of the regulations governing wireless communications structure placement is that of insuring that a proliferation of towers/monopoles not occur, and that all efforts be made to insure that if a structure is proposed, its need is clearly noted, and that the structure allow for future requirements by carriers for antenna placement. This tower's height achieves this objective, as it would allow for present demand and future requirements for antenna placement, versus the previous 105' tower petition.

Telecommunication Engineering Considerations

The petitioner stated that the proposed 190' tower is intended to replace an existing 105' tower on the site. The new tower will be designed to support up to five sets of cellular/PCS antennas in addition to multiple whip type antennas.

As noted in the earlier report on this site, there are about 12 to 14 antennas attached to the existing tower. Most of these are clustered on the top half of the tower, with very little vertical separation between the antennas. It was felt that the 105-foot replacement tower currently being proposed would allow the antennas to be spread out along the tower, which would help to minimize noise and interference. Not only would it better meet the needs of the current service providers, it would have the ability to support future needs for transmission sites in the center of Jacksonville for many years to come.

The petitioner indicated that one of the cellular carriers-Cellular One- had indicated a strong interest in locating antennas on the new tower. Nextel is also investigating possible sites in the area. There may be other carriers that will be interested in this tower in the future, although it is unlikely that all five of the current cellular/PCS companies will choose to locate on the same tower. Since Sprint PCS is planning to locate on the Manor Road tower owned by CNS Microwave (a subsidiary of Columbia Gas) and Bell Atlantic already owns a microwave tower near the elementary school, there may be only two or three additional wireless companies interested in using the new tower.

The Tower Review Committee was presented with another petition for a new tower in downtown Jacksonville several months ago. The petition by Solid State LLC was for a 180' tower to be placed on property occupied by Glyndon Cleaners. It was felt that the proposed tower had a suitable height and location; therefore, the committee recommended for approval of the petition.

The current petition by Mr. Moore for a 190' tower also seems to be suitable for meeting current and future needs for business, paging, cellular and PCS radio transmission facilities. The property owned by Mr. Moore has an advantage of being 20 to 30 feet higher in elevation, which means that antennas placed at this site could achieve the necessary coverage with a somewhat lower height above ground than if they were placed at the Jarrettsville Pike site. Both sites offer adequate space to place additional equipment buildings.

Final Recommendations

Since the goal of the Tower Review Committee is to reasonably recommend those strategies that support both the spirit of the regulations controlling placement of wireless communication structures, and the objective of co-location wherever and whenever possible, the committee recommends approval, on the condition that the two petitioners of sites in Jacksonville reach agreement to construct one tower on this site with maximum co-location of antennas, and withdrawing the two previously submitted requests for a 180' tower on the Glyndon Cleaners site and a 105' tower at this location.

Committee Members



Patricia Beere, Project Coordinator
Office of Information Technology

Gary L. Kerns

Gary L. Kerns, Chief Comprehensive
and Community Planning
Office of Planning

Alexander B. Page III

Alexander B. Page III
Community Representative

Ann R. Muller

Ann R. Muller
Tower Coordinator

Date: 5/14/99

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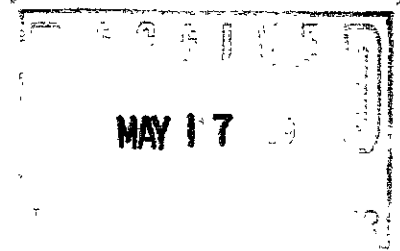
OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
(410) 494-6206

May 17, 1998



HAND-DELIVERED

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
New Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Case No. 99-366-SPHA and Case No. 99-371-SPH

Dear Mr. Schmidt:

We have received a letter, dated May 13, 1999, from John Evans on behalf of Richard Moore. We would like to take this opportunity to respond on behalf of our client, Crown Atlantic, LLC. Crown Atlantic constructs and maintains towers for Bell Atlantic Mobile Systems and will be appearing to protest the special hearing relief requested in Case No. 99-371-SPH.

With regard to the new hearing date, it was our understanding that you had agreed to hear these cases concurrently, but that you did not officially consolidate these cases as suggested by Mr. Evans. In our opinion, it would be inappropriate to consolidate these cases. The decision of the non-site specific issue of whether wireless communications towers need a special exception in a CR District is, from our client's perspective, not related to whether Mr. Moore is entitled to the relief requested in Case No. 99-366-SPHA.

Further, with regard to Mr. Evans' request that you, as the Zoning Commissioner, instruct the Department of Permits and Development Management to withhold the issuance of any permits for towers in the CR District and to pull the permit for the tower at the Glyndon Cleaners site, it is our opinion that the Zoning Commissioner does not, in fact, have this authority. The authority to grant or deny a building permit lies solely with the Department of Permits and Development Management and its director, Arnold Jablon. Therefore, Mr. Evans' request should be denied without further consideration.

Lawrence E. Schmidt, Esquire
May 17, 1999
Page 2

Kind regards.

Very truly yours,

A handwritten signature in black ink, appearing to be 'P. Malone', with a long horizontal line extending to the right.

Patricia A. Malone

PAM/sm

cc: Michael P. Tanczyn, Esquire
John P. Evans, Esquire

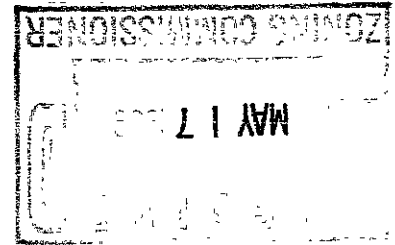
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May 17, 1999



The Honorable Lawrence E. Schmidt
Zoning Commissioner
Room 407
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Case No. 99-371-SPH, No Specific Location

Dear Mr. Schmidt:

Thank you for faxing a copy of Mr. Evans' May 13, 1999 letter as his fax to me did not come through clearly. On behalf of my clients, Lewis Eichelberger, III and H. Thorne Gould, I appreciate the opportunity to respond to Mr. Evans' letter.

First, I am unaware of any consolidation of Case 99-371-SPH and Case 99-366-SPHA for the purpose of a combined hearing. Both of those Petitions were filed by the same individual, Richard A. Moore, and by the same Counsel. They did not request a consolidation indeed, no one has to my knowledge to this point. The cases are disparate and indeed, one of them does not refer to any specific location. Even if there was a good reason to consolidate the cases from a practical standpoint for purposes of hearing more than one full day of testimony has already been taken in the matter of Case 99-366-SPHA to which many additional interested parties in 99-371 have not been privy to or present for to this time.

Finally on this point, my understanding was that both cases would be heard on the same day and that you decided to postpone 99-371-SPH from its scheduled hearing date of May 18th for which the hearing estimate was one hour because of the additional cases on your schedule that day and your expectation that with the number of parties interested in that case, it would not reasonably conclude within one hour as originally estimated by the Petitioner.

As to the remainder of Counsel's letter, the suggestion that you grant the relief he is requesting before conducting the hearing, would be unwise as it would patently deny due process to any participant; would perhaps exceed the Charter authority of the Zoning Commissioner, in some respects, to take the actions requested by the Petitioner, and would be troublesome beyond the fact that no specific location is referred to in the Petition by exceeding the jurisdiction of the Zoning Commissioner in that case for the relief requested.

My clients are lessees of medium intensity commercial land in which communication towers are permitted of right. Furthermore, BCZR Section 259.3 holds that where uses are permitted of right in the underlying zone, the addition of a CR District suffix has no bearing on the uses permitted of right so long as the area requirements of the zone are met, which is the case with my clients' leased property.

I would respectfully and rhetorically ask Counsel for the Petitioner who will be responsible in damages to my client for any delay caused my clients if their lawful use of their leased property is denied them if this action were to be taken prior to any hearing of the Petition in 99-371. I was frankly flabbergasted to read the suggestions of Mr. Evans, on behalf of Mr. Moore, to you in his letter of May 13, 1999.

I would therefore ask that you decline to take any Prehearing actions of the kind suggested by Mr. Evans in his letter of May 13, 1999. I would appreciate when the hearing date is known, that Counsel be advised whether it is June 21st or June 23rd, 1999.

Very truly yours,


Michael P. Tanczyn, Esquire

MPT/gr

cc: Mr. Lewis Eichelberger, III
H. Thorne Gould
Robert Hoffman, Esq.
John P. Evans, Esq.

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May 18, 1999

Hand Delivered

Office of Information Technology

Attn: Ms. Patricia Beere

Project Coordinator, Tower Review Committee

Re: TRC No. 98-011, Petitioner Richard A. Moore

Dear Ms. Beere:

I have read Mr. Evans' letter to you of May 17, 1999 and would convey the following observations which I ask you to relay to the Tower Review Committee. The Tower Review Committee's May 4, 1999 recommendation clearly expressed its desire to avoid proliferation of towers and to emphasize co-location on one tower because the condition of approving Mr. Moore's application was that he reach agreement with Solid State, LLC, lessee of the Glyndon Cleaners site.

Please remind the other members of the Tower Review Committee that as a condition of the approval of the Solid State, LLC tower they agreed to remove the existing 105 foot tower once the new tower was up and running which would meet the statutory goal of avoiding proliferation of towers. The Petitioner, Solid State, LLC, has further enhanced their tower to meet the suggestions of the Tower Review Committee in its approval of their tower from February of 1999 to accommodate at least two more cellular users which will accommodate the cellular users for that region. They also have their site on medium intensity commercially zoned land which enjoys a statutory preference over transitional or residential zones. That is the pending application of Richard A. Moore, TRC No. 98-011, requires a special exception because it is zoned RC 5 and not BLCR on which such tower is permitted of right which is the case with the Glyndon Cleaner site.

As I understand Mr. Moore's request as made by his Counsel in the May 17, 1999 letter, they are requesting that the Tower Review Committee ignore the statutory goal of avoiding proliferation of communication towers by removing the requirement of a co-location agreement and the building of only one tower in the neighborhood. That is against the statutory preference and would result, if the Tower Review Committee acceded Mr. Moore's suggestion, in the construct of several towers in the neighborhood contrary to the express legislative intent.

Office of Information Technology
Attn: Ms. Patricia Beere

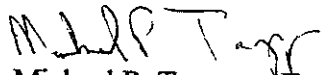
Page Two
May 18, 1999

With regard to Mr. Evans' inferences that Mr. Moore's offer has not been answered, anyone who was present at either of the dates scheduled for the Zoning Hearing on Mr. Moore's Special Exception and Variance Petition for six variances for this site, would likely agree that Mr. Moore's offer has been rejected as that was mentioned at both hearings.

Finally with regard to the suggestion by Mr. Evans that the Tower Review Committee may wish to meet with Mr. Moore, my clients would like to be seasonably apprised of any such hearing so that they may attend and comment, if possible.

Thank you very much for your assistance in this regard.

Very truly yours,


Michael P. Tanczyn, Esquire

MPT/gr

cc: Lewis H. Eichelberger, III
H. Thorne Gould
✓ John P. Evans, Esquire

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Suite 106 • 606 Baltimore Avenue

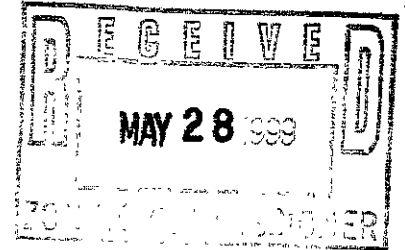
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May 27, 1999

Mr. John P. Evans, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 West Pennsylvania Avenue
Towson, MD 21204-4515



Re: Case No. 99-366-SPHA, 3314 Paper Mill Road

Dear Mr. Evans:

I acknowledge receipt on May 26, 1999 of your letter hand delivered to Commissioner Schmidt the day before concerning the above case. I would ask that you cease and desist trying to make the Zoning Commissioner the negotiating agent between Mr. Moore and my clients. The Zoning Commissioner is empowered by Charter to hear and decide zoning cases not broker business deals. The inference in your letter that somehow my clients have refused to negotiate is irrelevant to the issues before the Zoning Commissioner and in my opinion, disingenuous for the following reason. Mr. Moore has already testified that he has no customers for a tower. The only offer I am aware of he has propounded to my clients is unacceptable to my client in consideration of not only what Mr. Matthews suggested be his share of the gross proceeds, but is untenable for a more fundamental reason. In the absence of reaching an agreement between the parties, my clients previously entered into a lease with the owners of the Glyndon Cleaners site which will extend for years and which is a contract between them.

Further, the Tower Review Committee recommendation suggesting that there be one tower was posited on that tower being located either at the Glyndon Cleaner site or at Mr. Moore's site and only at Mr. Moore's site if the parties could negotiate a mutually acceptable agreement. In the absence of a more realistic offer from Mr. Moore and with the passage of time, my clients have continued to proceed with their approved tower at the Glyndon Cleaner Site.

Finally, the Tower Review Committee was established by the County Council Legislation with a priority goal of preventing proliferation of towers and locating them in the legislatively prescribed zones by preference. The Glyndon Cleaner site is a site in which those towers are permitted by right in accordance with the legislation passed by the County.

Hopefully, this will conclude any discussion about factors not properly before the Zoning Commissioner.

I hope you have a nice Memorial Day and I will see you on June 21, 1999.

Very truly yours,


Michael P. Tanczyn, Esquire

MPT/gr

cc: Lewis H. Eichelberger, III
H. Thorne Gould

The Honorable Lawrence E. Schmidt, Zoning Commissioner for Balto. Co.
Patricia Beere - Project Coordinator Tower Review Committee

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TELEPHONE 703 836-5742
FAX 703 836-0265

MAY 25

May 25, 1999

DELIVERY BY HAND

The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Case No. 99-366-SPHA, 3314 Paper Mill Road

Dear Mr. Schmidt:

As you know, by letter of May 17, 1999, on behalf of our client, Richard A. Moore, I requested the Tower Review Committee to revise its recommendation regarding the proposed 190 foot replacement tower on the above-described property. Today I received a telephone call from Patricia Beere on behalf of the Committee denying that request, based at least in part on the fact that the Committee's recommendation is only a recommendation to both you and to the DRC. Thus, the Committee's recommendation will remain unchanged.

Further, I am enclosing a copy of the letter sent to Ms. Beere by Michael P. Tanczyn on May 18 on behalf of his clients and in response to my letter. It was not clear on my copy whether Mr. Tanczyn had sent a copy to you. I note that Mr. Tanczyn has confirmed that Mr. Moore's offer to cooperate with Mr. Tanczyn's clients in a tower on the Moore site has been rejected with no counteroffer or comment.

I look forward to concluding our hearing on this matter before you on June 21.

Very truly yours,



John P. Evans

Enclosure

cc: Mr. Richard A. Moore (*without enclosure*)
Michael P. Tanczyn, Esquire (*without enclosure*)
Ms. Patricia Beere (*without enclosure*)

168448

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JOHN P. EVANS

DIRECT NUMBER
410 832-2027
jpevans@wtplaw.com

May 17, 1999

Via Hand Delivery

Ms. Patricia Beere
Office of Information Technology
400 Washington Avenue
Towson, Maryland 21204

Re: Tower Review Committee Recommendation Report dated May 4, 1999
Petitioner: Richard A. Moore
TRC No. 98011

Dear Ms. Beere:

Thank you for the above-referenced recommendation report regarding Richard A. Moore's Petition to construct a new tower of up to 190 feet in height in place of the existing 105 foot tower located at the north side of Paper Mill Road, 590 feet west of Jarrettsville Pike. However, on behalf of our client, Richard A. Moore, we respectfully request that the "Final Recommendations" be revised as described below.

Specifically, we request that the Tower Review Committee eliminate the requirement for an agreement between the two petitioners of the sites in Jacksonville to reach agreement to construct one tower on this site and to withdraw the two previously submitted requests. While we appreciate and acknowledge the Committee's intention to have just one tower constructed in the Jacksonville area, it is beyond the purview of the Committee to require a specific business arrangement to be made between specific parties, particularly where the Petitioner has no control over the other parties. Although the Petitioner does not rule out the possibility of reaching an agreement with the other petitioners, and in fact still has an open offer available to the other petitioners to which the other petitioners have not yet formally replied, it is clear from the other parties' active opposition to Mr. Moore's requested zoning relief that they are unwilling to work with and uninterested in cooperating with Mr. Moore. Thus, it is unreasonable to require that Mr. Moore enter into an agreement with these particular individuals in order to construct the tower on Mr. Moore's site. The current wording gives the other parties a virtual veto over

Ms. Patricia Beere
May 17, 1999
Page 2

the Moore proposal merely by refusing to even discuss a possible accommodation with Mr. Moore. Thus, please revise the recommendation accordingly, which certainly may include a recommendation that only one tower be constructed in Jacksonville.

For the same reasons, to require the other petitioners to withdraw their previously submitted request for a 180 foot tower on the Glyndon Cleaners site as a precondition to approval of Mr. Moore's request is also beyond the purview of this Committee, since the other petitioners were not parties to Mr. Moore's petition or to the hearing before the Tower Review Committee. As stated above, Mr. Moore has no control over the actions of the other parties and thus can not require them to withdraw their request.

The hearing in Mr. Moore's variance and special hearing case before the Zoning Commissioner has been continued until the week of June 21, 1999. We respectfully request the Committee's prompt action on this request and appreciate your consideration. If you need any additional information or wish to meet to discuss these requests, please contact me at your earliest convenience.

Very truly yours,



John P. Evans

JPE:sl

cc: Mr. Richard A. Moore (via fax)
Lawrence E. Schmidt (via fax)
Michael A. Tanczyn, Esq. (via fax)

145225

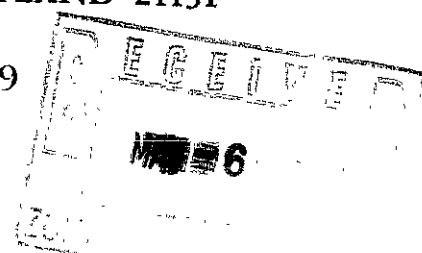


Greater Jacksonville Association inc.

P. O. BOX No. 126

PHOENIX, MARYLAND 21131

3 May 1999



Mr. Arnold Jablon
Director
Department of Permits and Development Management
Baltimore County
111 W. Chesapeake Ave.
Towson, MD 21204

Dear Mr. Jablon:

The Greater Jacksonville Association has become aware of the current activity in Jacksonville to establish potentially two communications towers in the immediate area. These are a 190-foot tower near Jarrettsville Pike just south of the Exxon Station and a replacement tower behind the Gaylord Brooks office along Paper Mill Road. The initial replacement tower application spoke of a 105-foot tower; that application has since been changed to reflect a 190-foot tower.

The consensus of the community is that a 190-foot tower behind the Gaylord Brooks office would be a least offensive structure, with a partnership formed between the two applicants. The applicants have agreed in the recent (16 March) GJA general meeting that this could be a workable arrangement for them. In previous meetings of the GJA Board of Directors, and the GJA Planning Committee, this was the conclusion drawn. In addition, a survey of the 41 residents on North and South Robcaste Road, which would be the area most visually impacted, resulted in 26 surveys returned reflecting this consensus. None of the respondents were in favor of the tower along Jarrettsville Pike. While none of the Association membership really wants a tower in the area, we recognize that business and individuals need a reliable means of electronic communication; the information we have is that a single tower would satisfy the need into the foreseeable future.

The Association therefore requests that your decision on this matter reflect this community input. We feel that locating a 190 foot tower, with its associated support structures (which house the required electronics), in the middle of Jacksonville would seriously degrade the pleasant rural atmosphere we are trying very hard to preserve.

Locating the tower behind the real estate office would have considerably less impact on the surrounding community.

Should you desire to discuss any aspect of this matter, I can be reached at 410-592-9504. Alternately, David Palmer at 410-659-0100 or Mitch Daly at 410-560-0070 can also speak to the matter for GJA.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James McCoy', with a long horizontal flourish extending to the right.

James McCoy
Chair, Planning Committee
Member, GJA Board of Directors

Cc:

C.A. Dutch Ruppertsberger, County Executive
Joe Bartenfelder, Councilman, 6th District
Brian McIntire, Councilman, 3rd District
Don Rascoe, Manager, Development
Patty Beere, Tower Review Committee
Dennis Wertz, Planner, Northern Sector
David Palmer, President, GJA
Mitch Daly, VP, GJA



Greater Jacksonville Association inc.

P. O. BOX No. 126

PHOENIX, MARYLAND 21131

April 19, 1999

Tower Review Committee
c/o Patricia Beere
Project Coordinator
Office of Information Technology

RE: Jacksonville Towers

To the members of the Tower Review Committee:

The Greater Jacksonville Association, the umbrella organization for community associations in the greater Jacksonville area, writes to advise this Committee of its concerns about the proliferation of communication towers in the Jacksonville area, and the recommendations of the Association regarding the two applications for new 190 foot towers.

Jacksonville presently has four towers, not all of which are fully utilized, in its commercial area. Three surround the Jacksonville Elementary School. While the Association appreciates that technological advances may create a need for additional tower space, the members of the community request that any addition be made by the most restrictive means. We want any additional communication tower to be as unobtrusive as possible, and to be architecturally and environmentally compatible and structurally superior.

The Greater Jacksonville Association has discussed the proposed tower applications by Richard Moore and Lewis Eichelberger during a lengthy meeting. Each gentleman addressed the group and explained his respective position. Following an open discussion, the Association voted overwhelmingly as follows:

1. If additional tower space must be added, it be limited to the construction of one tower only.
2. Any new tower which may be constructed be placed on the present Gaylord Brooks site where a 105 foot tower presently exists. The area is already bordered by rows of trees. In addition, that site is higher which may permit the construction of a smaller tower which could satisfactorily handle the communication demands.

The Association would prefer, in the interest of the community, that both petitioners form a partnership to construct only one tower. If they cannot agree, the Association strongly recommends that only one tower be built and that it be located on the Gaylord Brooks site.

The Association also would recommend and prefer that a high grade monopole be used which is sufficient to handle the proposed increase in communication receivers and transmitters. We believe such a design will be the least obtrusive to the area.

Tower Review Committee
April 19, 1999
Page 2

We respectfully urge the Tower Review Committee and the Design Review Committee to critically weigh the concerns of the community in reaching its decisions. As citizens, we are the ones who have to bear the daily burden of living in an area becoming saturated by imposing towers. As representatives of government, we hope you are sensitive to our needs.

The residents' desire to limit tower proliferation in the Jacksonville area is strong. Rather than have both Committees inundated by numerous calls and letters, it was decided that a letter from the Association would be used to express our concerns.

Before concluding, we wish to respectfully note our exception to the inference in the Tower Review Committee Report on the Eichelburger petition which suggested that the Greater Jacksonville Association supported the placement of a tower behind the cleaners (formerly the Waddy property) on Jarrettsville Pike. It does not. The Association was not asked for its opinion on that matter, or it would have responded.

We ask the Tower Review Committee for its kind consideration of the community position, and request that this letter be made a part of the permanent record.

Thank you.

Sincerely,

The Greater Jacksonville Association



by: David L. Palmer, President
and the Board of Directors

cc: The Honorable C.A. Ruppertsberger
The Honorable Joseph Bartenfelder
The Honorable T. Bryan McIntire

5/3/99

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

(present)

JAMES V MCCAY
LEWIS H. EICHENBERGER III
Michael J. Jones
RICHARD A. MOORE

3912 SWEET AIR RD PHOENIX 21131
PO BOX 157 WHITE HALL, MD 21161-0157
3304 Ailsa Ave Baltimore, MD 21214
3312 PAPER MILL RD, PHOENIX, MD 21131

TOWER REVIEW COMMITTEE

RECOMMENDATION REPORT

(February 21, 1999)

Petitioner: Richard A. Moore

TRC#: 98006

Petition: Construct a new 105' tower, located at the north side of Paper Mill Road, 590' west of Jarrettsville Pike, in place of existing 105' tower owned by another party.

A meeting of the Tower Review Committee was held on January 27, 1999, in order to review the request mentioned above. The petitioner and other relevant personnel were in attendance at the meeting.

The committee's recommendations are as follows:

Planning Considerations

The existing 105' tower, a use originally allowed per a Special Exception granted April 4, 1977, was built with an incorrect location, as it is partially within and partially outside the boundaries of the original Special Exception. The petitioner wishes to place the new tower closer to the center of the Special Exception area. He feels that adequate screening already exists around the site. The zoning on the site is RC5, a rural residential zone, which necessitated the original Special Exception to allow for this use. Surrounding property to the west and north of the site is also zoned RC5, to the south is RO zoning, and immediately east of the site is BL-CR zoned land.

Community Considerations

The community of Jacksonville has, in recent years, been the location of a number of tower placements, most falling within the general area of the "commercial" area of Jacksonville, or adjacent to this area. This petition, along with one other petition to construct a tower in the general area of Jacksonville proper, required extensive review as to the overall support or concern that the community presented about the placement of these towers. This should be noted, as these comments reflect not only this review, but the careful weighing of the needs of the community as they relate to the possibility of two towers being constructed in the area, should the two petitions receive the recommendation for approval through the development process.

The petitioner provided information to the Tower Review Committee concerning his contact with, and support by, the Greater Jacksonville Community Association, for the

Ref No 2

construction of the tower on this site. It should be noted that a representative of this association was present at the TRC meeting as an observer, and did not provide any comment. Subsequent to this meeting, various members of the community at large were also contacted, as were some persons that were part of the community association. It was recognized through this contact that the support by the community association and/or the community at large was not as firm as originally presented by the petitioner. When questioned, people generally were not in support for this petition. In fact, the majority who were questioned believe that this petition may significantly contribute to commercial sprawl in the Jacksonville area.

Information Technology Considerations

With any petition for the construction of a tower or monopole, evaluation of the ability for co-location opportunities occurs. With the petition as stated, the tower would be built at 105' which, given the number of potential paging companies wanting to locate antennas on this structure, would not provide for multiple wireless communication carriers to also access space on the structure. It was noted by the petitioner that he presented the possibility of constructing the tower at 190', and found support for this increased height by all of the wireless carriers contacted. In particular, a cellular carrier expressed interest, but stated that the height of their antenna placement would need to be 170'.

The committee however, cannot consider any information concerning this other proposed height to the structure, as the petition clearly states that the tower will be constructed at 105'. (See also Special Exception 77-174-X)

Telecommunication Engineering Considerations

The proposed tower is intended to replace the existing tower of the same height, and the new tower, according to the petitioner, would be structurally stronger than the existing tower to provide capacity for additional antennas. It was stated in the meeting that the new tower would be able to structurally support 12 whip type antennas and one cellular carrier.

During a visit to the site, it was noted that there are about 12 to 14 antennas attached to the existing tower. Most of these are clustered on the top half of the tower. There is very little vertical separation between the antennas. If antennas of the same frequency band are mounted too closely, it can create interference or cause a high noise level to be present in the receivers. The fact that the new tower would be stronger and have the structural capability to support additional antennas does not necessarily mean that it would have enough space to support additional antennas at a height that would meet the needs of the service providers.

Mr. Moore provided a copy of a comparison showing that a Pirod tower, which will be used for the replacement tower, is much stronger than the existing Morrison tower.

Although the memo indicates that the tower can support five cellular carriers, that scenario is based on a tower height of 190'. The petitioner indicated that one of the carriers had indicated a strong interest in locating antennas on the new tower, but would need a height of at least 170' at that site. It appears that the antennas are already crowded on the existing tower, so it seems unlikely that a replacement tower of the same height would provide room for any new carriers.

It should be noted that discussions were held with each of the five cellular/PCS companies that are active in Baltimore County. In all cases, the providers were either very interested in location in the area (height of antenna between 155-175 feet), or were planning on locating on existing towers in the area (microwave tower and utility tower). Therefore, at least two of the carriers need a site near the intersection of Jarrettsville Pike and Paper Mill Road. It is clear that a tower height of 105' would not be adequate to meet the transmission needs of these carriers.

Final Recommendations

The Tower Review Committee does not recommend a new 105' tower be built at this site.

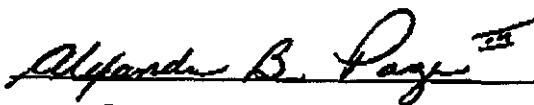
Committee Members



Patricia Beere, Project Coordinator
Office of Information Technology



Gary L. Kerns, Chief Comprehensive
and Community Planning
Office of Planning



Alexander B. Page III
Community Representative



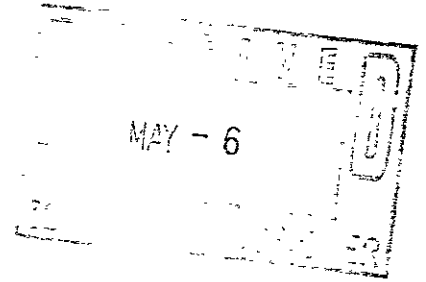
Ann R. Muller
Tower Coordinator

Date: 2-26-99

hs

**TOWER REVIEW COMMITTEE
RECOMMENDATION REPORT**

(May 4, 1999)



Petitioner: Richard A. Moore
TRC#: 98011

Case 99-366-SPNA

Petition: Construct a new tower (up to 190'), located at the north side of Paper Mill Road, 590' west of Jarrettsville Pike, in place of existing 105' tower owned by another party.

A meeting of the Tower Review Committee was held on April 19, 1999, in order to review the request mentioned above. The landowner/petitioner and his representatives were in attendance at the meeting.

The committee's recommendations are as follows:

Planning Considerations

This petition proposes the replacement of an existing 105' lattice tower with a new tower of up to 190' on property owned by Richard A. Moore. The proposed site, zoned RC-5, enjoys a special exception for a tower, granted in Case #77-174-X. The petitioner has filed for a special hearing to amend the special exception and for variances. That hearing is scheduled for May 3, 1999 (postponed to May 10, 1999). This is the third request (second for this site) for a new tower in Jacksonville to be reviewed by the TRC. The overriding objective of the TRC has been the desire to have one new tower with maximum co-location of antennas. The alternate location, the "Glyndon Cleaners" site, was previously recommended by the TRC in large part due to the proposed height and co-location capability. This submission proposes a similar height and antenna co-location ability but this site has a number of advantages including higher elevation (30+/- ft.), an approved special exception for the existing tower, significant vegetative screening, and an area for several equipment buildings.

*Ref No
3*

Community Considerations

During the Tower Review Committee considerations of various proposals to construct towers in the Jacksonville area, it became evident to the committee that from a community perspective, there were a number of towers already in existence in the general locale of Jacksonville, and any new petitions for towers were of great concern. The committee shared this concern, as the County wants to limit excessive proliferation of

wireless communication structures. In keeping with this objective, the committee looked at the petitions as a whole, and as they would impact the community of Jacksonville. It is the committee's view that all efforts should be made by the community, the petitioners, and the County through support of the regulations governing wireless communication structures, to balance the needs of present and future wireless carriers for antenna placement with the concerns of the entire community. The County's development process also recognizes the need for this balance. Jacksonville residents have felt in recent years that they are receiving more and more tower placements, and have tried to facilitate dialogue with the County agencies potential providers to avoid placement of structures that would be potentially incompatible with the rural/suburban character of the area.

Information Technology Considerations

The petitioner's request to build a 190 foot latticed tower on this site (versus a 105' tower previously submitted) would not only better address co-location requirements by wireless carriers needing antenna in the area, but its location additionally allows for a number of well-screened equipment buildings and cabinets to be placed on the site, should additional carriers be interested in location on this tower. The intent of the regulations governing wireless communications structure placement is that of insuring that a proliferation of towers/monopoles not occur, and that all efforts be made to insure that if a structure is proposed, its need is clearly noted, and that the structure allow for future requirements by carriers for antenna placement. This tower's height achieves this objective, as it would allow for present demand and future requirements for antenna placement, versus the previous 105' tower petition.

Telecommunication Engineering Considerations

The petitioner stated that the proposed 190' tower is intended to replace an existing 105' tower on the site. The new tower will be designed to support up to five sets of cellular/PCS antennas in addition to multiple whip type antennas.

As noted in the earlier report on this site, there are about 12 to 14 antennas attached to the existing tower. Most of these are clustered on the top half of the tower, with very little vertical separation between the antennas. It was felt that the 105-foot replacement tower currently being proposed would allow the antennas to be spread out along the tower, which would help to minimize noise and interference. Not only would it better meet the needs of the current service providers, it would have the ability to support future needs for transmission sites in the center of Jacksonville for many years to come.

The petitioner indicated that one of the cellular carriers-Cellular One- had indicated a strong interest in locating antennas on the new tower. Nextel is also investigating possible sites in the area. There may be other carriers that will be interested in this tower in the future, although it is unlikely that all five of the current cellular/PCS companies will choose to locate on the same tower. Since Sprint PCS is planning to locate on the Manor Road tower owned by CNS Microwave (a subsidiary of Columbia Gas) and Bell Atlantic already owns a microwave tower near the elementary school, there may be only two or three additional wireless companies interested in using the new tower.

The Tower Review Committee was presented with another petition for a new tower in downtown Jacksonville several months ago. The petition by Solid State LLC was for a 180' tower to be placed on property occupied by Glyndon Cleaners. It was felt that the proposed tower had a suitable height and location; therefore, the committee recommended for approval of the petition.

The current petition by Mr. Moore for a 190' tower also seems to be suitable for meeting current and future needs for business, paging, cellular and PCS radio transmission facilities. The property owned by Mr. Moore has an advantage of being 20 to 30 feet higher in elevation, which means that antennas placed at this site could achieve the necessary coverage with a somewhat lower height above ground than if they were placed at the Jarrettsville Pike site. Both sites offer adequate space to place additional equipment buildings.

Final Recommendations

Since the goal of the Tower Review Committee is to reasonably recommend those strategies that support both the spirit of the regulations controlling placement of wireless communication structures, and the objective of co-location wherever and whenever possible, the committee recommends approval, on the condition that the two petitioners of sites in Jacksonville reach agreement to construct one tower on this site with maximum co-location of antennas, and withdrawing the two previously submitted requests for a 180' tower on the Glyndon Cleaners site and a 105' tower at this location.

Committee Members



Patricia Beere, Project Coordinator
Office of Information Technology

Gary L. Kerns

Gary L. Kerns, Chief Comprehensive
and Community Planning
Office of Planning

Alexander B. Page III

Alexander B. Page III
Community Representative

Ann R. Muller

Ann R. Muller
Tower Coordinator

Date: 5/14/99



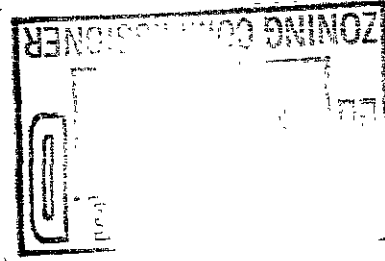
Greater Jacksonville Association inc.

P. O. BOX No. 126

PHOENIX, MARYLAND 21131

3 May 1999

Mr. Arnold Jablon
Director
Department of Permits and Development Management
Baltimore County
111 W. Chesapeake Ave.
Towson, MD 21204



Dear Mr. Jablon:

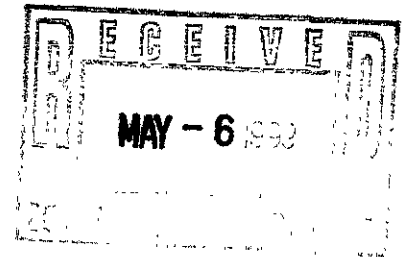
Mr. Don Rascoe in his letter to me in regard to the Jacksonville tower considerations, noted in passing that my original letter to you was undated.

Let No 4

I must apologize for that omission; please consider the dated version attached as the "official" letter. Since the Jacksonville tower question is still an open matter, the comments in the original letter still apply.

Very truly yours,

James V. McCoy
Chair, GJA Planning Committee
Member of the Board, GJA
Mailing address: 3912 Sweet Air Rd.
Phoenix, MD 21131



Cc: Lawrence Schmidt
Zoning Commissioner



Baltimore County
Department of Permits and
Development Management

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

March 13, 1998

Mr. Mitchell J. Kellman
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21204

Ref No 5

RE: Zoning Verification
Richard A. Moore Property
Wireless Telecommunications Facility
N/S Paper Mill Road, 590' W of
Jarrettsville Pike
10th Election District

Dear Mr. Kellman:

Your letter to Mr. Arnold Jablon, Director of Permits and Development Management, dated March 10, 1998 has been referred to me for reply. The zoning of this site per the 1 inch = 200 feet scale zoning map number NE-21C is Resource Conservation (R.C.-5). The portion of the property's improvements, as constructed per Baltimore County building permits, comply with the Baltimore County Zoning Regulations. A review of files in the Code Enforcement Office found no pending or outstanding violations or court orders against this site. In zoning hearing case number 77-174-X, Deputy Zoning Commissioner George Martinak granted a special exception approving a use permit for the existing 105-foot tall wireless communications tower, with an auxiliary equipment building, on April 4, 1977, subject to the approval of a site plan by the State Highway Administration, Department of Public Works, and The Office of Planning and Zoning. The Board of Appeals affirmed the Deputy Zoning Commissioner's Order.

Pursuant to Section 104.2 (BCZR), if the improvements on the subject portion of the property are destroyed by causality, these improvements may be rebuilt to their current use and size. The improvements may also be restored, rebuilt, or restored.

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,

John J. Sullivan, Jr.
Planner II, Zoning Review

JJS:ch
Enclosure



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 11, 1999

John P. Evans, Esquire
Whiteford, Taylor and Preston, LLP
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515

Dear Mr. Evans:

RE: Richard A. Moore Property, Zoning Case No. 77-174-X, 10th Election District

Thank you for your letter of January 6, 1999 to Arnold Jabloh, Director of Permits and Development Management. This correspondence has been referred to me for reply.

Please be advised that after careful review and consideration of the information you have submitted, the Zoning Office will consider the proposed tower location and height as within the spirit and intent of the referenced zoning case. Please also be aware that the proposed new equipment building and satellite dish array, which are not replacements like the tower, must meet the minimum setbacks for the R. C. -5 zone. The site plan must be amended to illustrate the proposed structure locations (not including the tower) complying with the R. C. -5 zone minimum setbacks. In the alternative, a variance must be granted reducing the minimum area requirements.

Please submit two additional copies of a revised red-lined site plan with a signature area (sample below) that indicates that the proposed tower location and height is within the spirit and intent of Zoning Case No. 77-174-X.

The proposed tower height and location is within the spirit and intent of Zoning Case 77-174-X.

Director of Permits and Development Management

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,


Mitchell J. Kellman
Planner II
Zoning Review

RECEIVED

JAN 14 1999

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Whiteford, Taylor & Preston

*This refers to
a 105 foot tower
only*
MJK:cjs
[Signature]



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 16, 1999

John P. Evans, Esquire
Whiteford, Taylor & Preston, L. L. P.
400 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. Evans:

RE: Richard A. Moore Property, Zoning case #77-147-X, 10th Election District

This correspondence will supplement my letter dated January 11, 1999, in response to your request of January 6, 1999 to Arnold Jablon, Director of Permits and Development Management.

Please be advised that after careful review and consideration of the amended site plan and additional information you have submitted, the Zoning Office will, in addition to the proposed tower location and height, consider the replacement of the equipment shed in the southwest corner of the special exception area as within the spirit and intent of the referenced zoning case. Thus, the new equipment cabinet, which will not be closer to the property line than the existing cabinet and will be located within the same approximate area, would not have to meet the minimum setbacks for the R. C. -5 zone if so located.

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,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:cjs

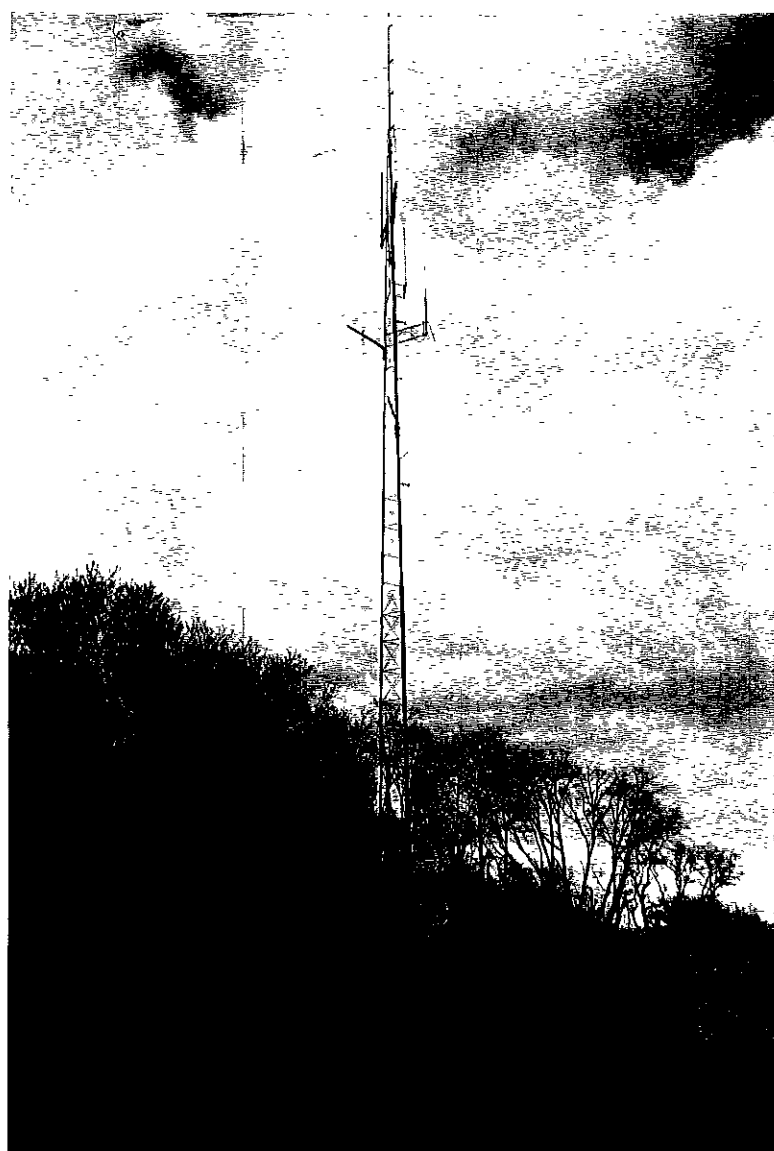
Come visit the County's Website at www.co.ba.md.us

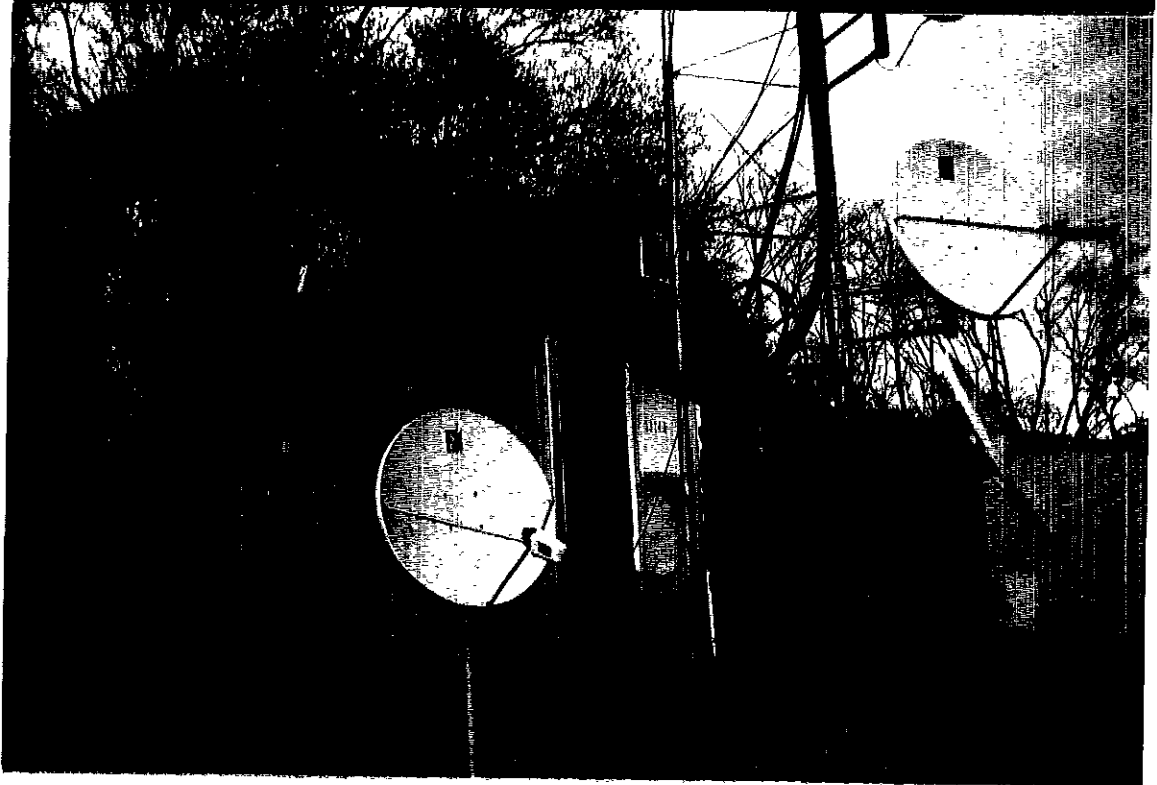


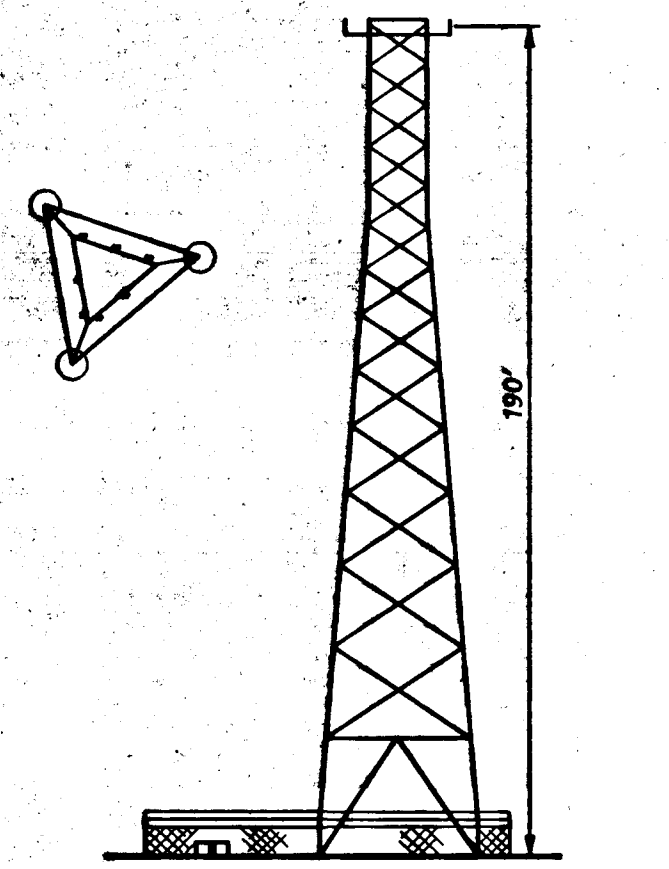
Printed with Soybean Ink
on Recycled Paper

*This references
a 105 foot
tower
only
MJK*

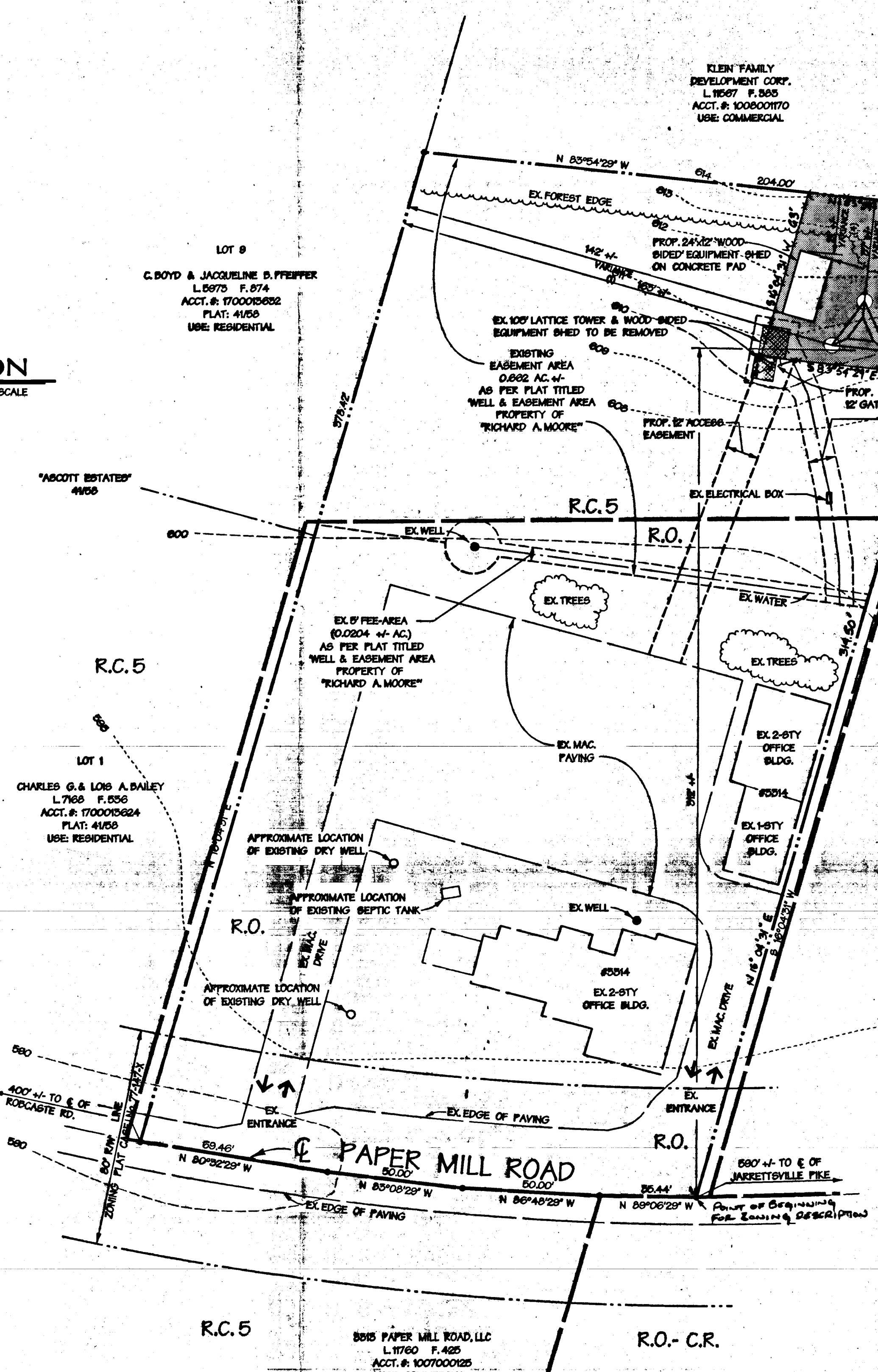






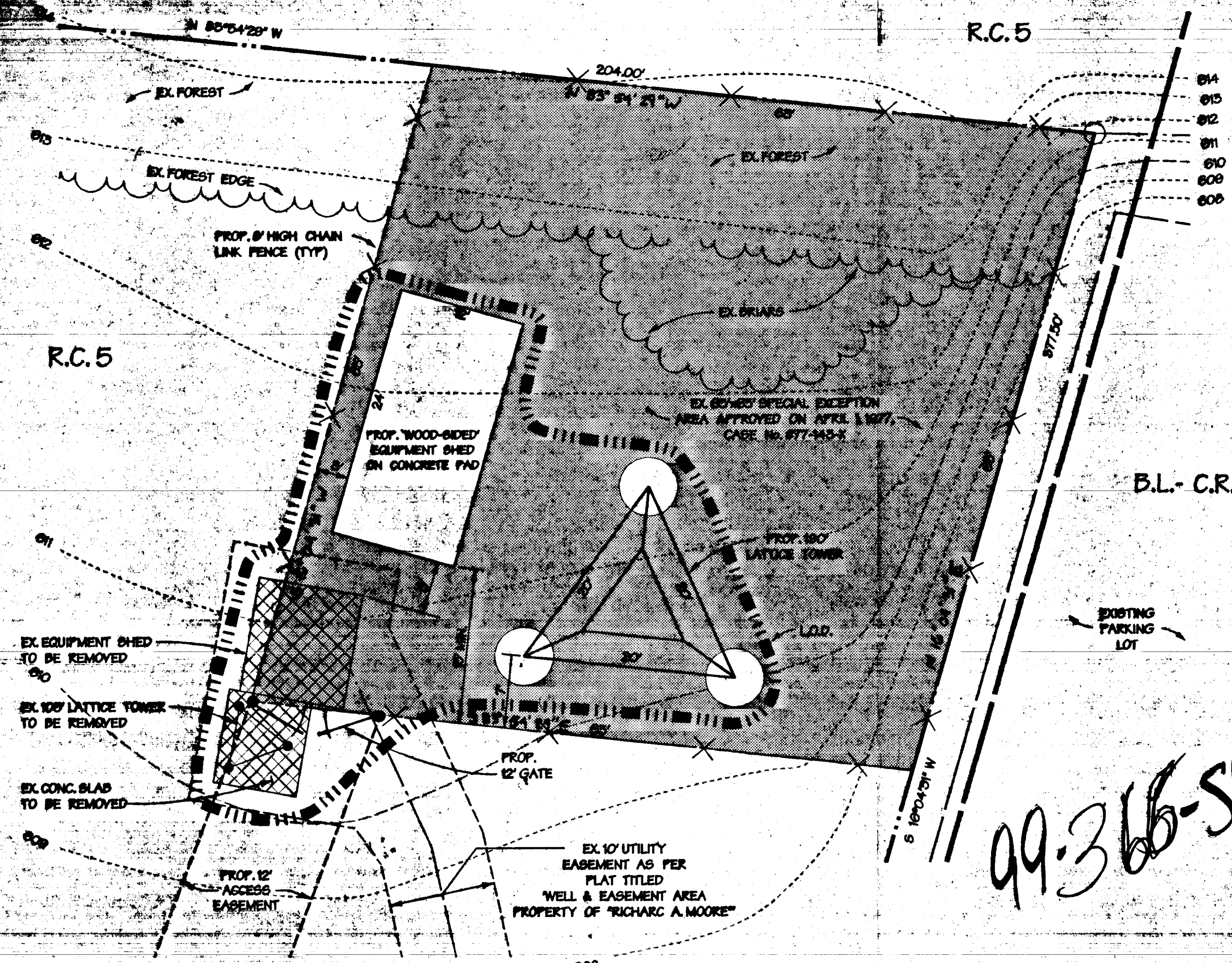


TOWER ELEVATION
NO SCALE



SITE PLAN

SCALE: 1" = 50'



SPECIAL EXCEPTION AREA DETAIL

SCALE: 1" = 10'

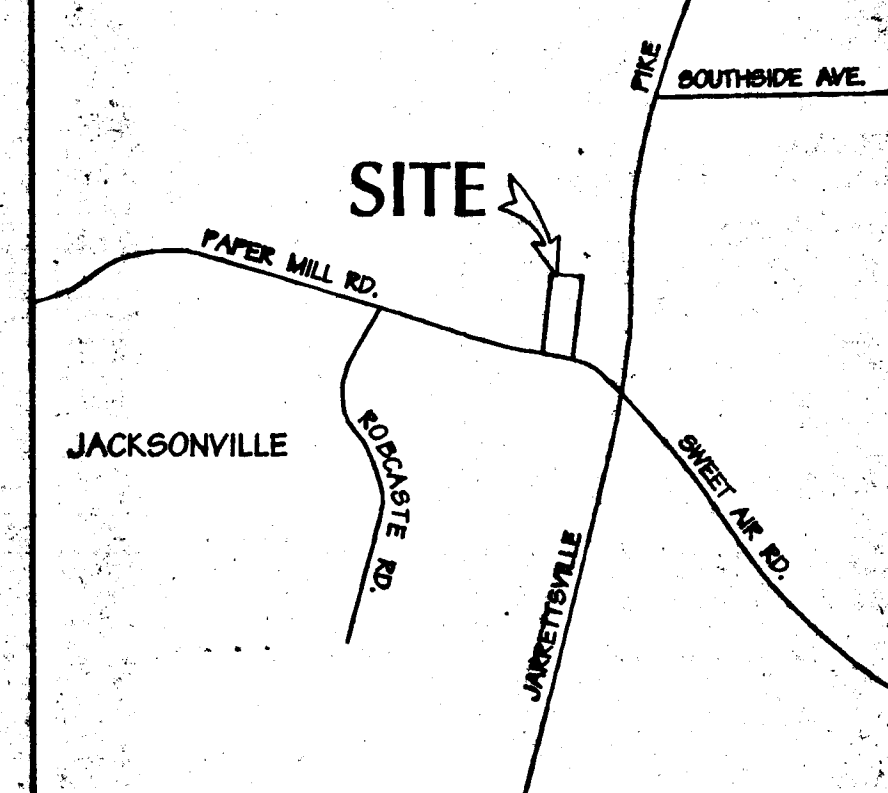
GENERAL NOTES:

- OWNER/APPLICANT: RICHARD A. MOORE
P.O. BOX 400
PHOENIX, MD 21151
- SITE ADDRESS: 8314 PAPER MILL ROAD
PHOENIX, MD 21151
- SITE DATA: TOTAL SITE AREA: 1.75 AC. +/-
EXISTING ZONING: R.O. & R.C. 5
EXISTING USE: COMMERCIAL
TAX MAP 25, GRID 24, PAR. 16
L. 6822, F. 425
TAX ACCT. # 101055220

SPECIAL
EXCEPTION
AREA:

TOTAL SPECIAL EXCEPTION AREA: 0.09 AC. +/-
SPECIAL EXCEPTION ZONING: R.C. 5
EXISTING USE: WIRELESS TELECOMMUNICATIONS
TOWER
CASE NO. 77-474-X

- THERE IS AN EXISTING WELL AND SEPTIC AREA ON THIS PROPERTY.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SITE.
- THE SITE IS NOT LOCATED WITHIN THE CHEESAPEAKE BAY CRITICAL AREA.
- THIS SITE IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS PER THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP COMMUNITY FLOOD NUMBER 84000-050-5, REVISED MARCH 2, 1994.
- EXISTING UTILITY LOCATION INFORMATION SHOWN ON THESE PLANS IS FOR THE CONTRACTOR'S CONVENIENCE ONLY. WHILE THE INFORMATION SHOWN HAS BEEN GATHERED FROM SURVEYS AND SOURCES DEEMED TO BE RELIABLE, THE CORRECTNESS OR COMPLETENESS OF THE INFORMATION SHOWN IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY ALL INFORMATION TO HIS OWN SATISFACTION.
- THE CONTRACTOR IS TO NOTIFY M&E UTILITY (800) 257-7777 A MINIMUM OF 5 WORKING DAYS PRIOR TO ANY CONSTRUCTION OR EXCAVATION. THE CONTRACTOR IS TO ALSO NOTIFY A PRIVATE UTILITY CONTRACTOR FOR ALL ON-SITE UTILITY LOCATIONS.
- THERE ARE NO NEW SIGNS PROPOSED FOR THIS FACILITY.
- NO ADDITIONAL SITE, ANTENNA LIGHTS OR STROBOSCOPIC LIGHTS ARE PROPOSED FOR THIS FACILITY, UNLESS REQUESTED BY THE FEDERAL AVIATION ADMINISTRATION.
- THERE IS NO LOCAL OPEN SPACE REQUIRED IN AN R.C. 5 ZONE.
- NO ADDITIONAL PARKING SPACES ARE REQUIRED FOR AN UNMANNED COMMUNICATION FACILITY (NO. OF EMPLOYEES = 0).
- THE TOWER, ANTENNA AND SUPPORTING LINES SHALL BE NEUTRAL IN COLOR.
- THE FACE OF THE PROPOSED EQUIPMENT SHED SHALL HAVE SIMILAR (WOOD) MATERIAL TO THAT OF THE EXISTING EQUIPMENT SHED ONCE CONSTRUCTED.
- UPON COMPLETION OF A TOWER AND EVERY FIVE YEARS AFTER THE DATE OF COMPLETION, THE OWNER OF THE TOWER SHALL SUBMIT TO THE CODE OFFICIAL WRITTEN CERTIFICATION FROM A PROFESSIONAL ENGINEER VERIFYING THAT THE TOWER AND THE STRUCTURE HOUSING EQUIPMENT FOR THE TOWER MEETS ALL APPLICABLE BUILDING CODE AND SAFETY REQUIREMENTS.
- THE OWNER OF THE TOWER SHALL SUBMIT ANNUALLY TO THE TOWER COORDINATOR WRITTEN CERTIFICATION OF THE NUMBER OF ANTENNAS ON THE TOWER.
- ZONING HISTORY:
ON APRIL 1, 1977, A REQUEST FOR A SPECIAL EXCEPTION CASE #6-77-474-X ITEM 185, TO ERECT AN ANTENNA IN AN R.C. 5 ZONE WAS GRANTED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY.
- PREVIOUS COMMERCIAL PERMITS: 0055602
- THE PROPOSED 150' HIGH LATTICE TOWER IS A REPLACEMENT FOR THE EXISTING 100' HIGH TOWER IN THE R.C. 5 ZONE AS PER ZONING CASE #7-77-474-X. THE EXISTING 100' TOWER WILL CONTINUE TO BE OPERATIONAL UNTIL THE PROPOSED TOWER IS CONSTRUCTED AND BROUGHT "ON-LINE". A 150' EQUIPMENT SHED IS ALSO BEING PROPOSED.



VICINITY MAP

SCALE: 1" = 2000'

RELIEF REQUESTED:

SPECIAL HEARING - TO AMEND THE PREVIOUSLY APPROVED SPECIAL EXCEPTION IN ZONING CASE #77-474-X.

VARIANCES:

- SECTION 428(X)(1) TO PERMIT A 165 FEET TOWER SETBACK IN LIEU OF THE REQUIRED 200 FEET.
- SECTION 428(X)(1) TO PERMIT A 37 FEET TOWER SETBACK IN LIEU OF THE REQUIRED 200 FEET.
- SECTION 428(X)(1) TO PERMIT A 19 FEET TOWER SETBACK IN LIEU OF THE REQUIRED 200 FEET.
- SECTIONS 428(X)(4) AND 1004.28.2 TO PERMIT A 21 FEET BUILDING SETBACK IN LIEU OF THE REQUIRED 50 FEET.
- SECTIONS 428(X)(4) AND 1004.28.2 TO PERMIT A 47 FEET BUILDING SETBACK IN LIEU OF THE REQUIRED 50 FEET.

DATA SOURCES:

EXISTING CONDITIONS SHOWN HEREON ARE APPROXIMATE AND ARE SUBJECT TO CHANGE.

TOPOGRAPHIC INFORMATION SHOWN HEREON TAKEN FROM THE BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAP, N.E. 21-C.

TOPOGRAPHIC INFORMATION SHOWN AT THE NORTHEAST CORNER OF THE PROPERTY, IN THE SPECIAL EXCEPTION AREA WAS FIELD RUN BY E.F. RAPHAEL & ASSOC. ON NOVEMBER 15, 1990 AT THE REQUEST OF RICHARD A. MOORE.

BOUNDARY INFORMATION SHOWN HEREON WAS COMPILED FROM DEEDS AND PLATS AND OTHER RELIABLE SOURCES.

EASEMENT AND TOWER INFORMATION SHOWN HEREON WERE COMPILED FROM A PLAT TITLED "WELL AND EASEMENT AREA, PROPERTY OF RICHARD MOORE," DATED MARCH 1987 BY E.F. RAPHAEL & ASSOCIATES, ALSO SUBMITTED & DISTANCES.

DMW

David M. Walker, Inc.
800 East Pennsylvania Avenue
Towson, Maryland 21206
(410) 296-3333
Fax: 296-4705

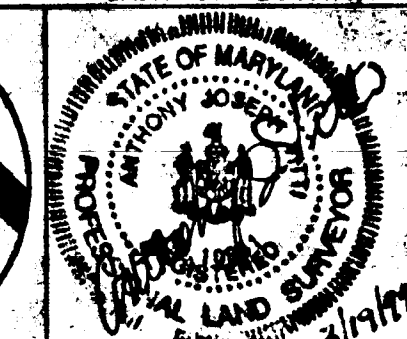
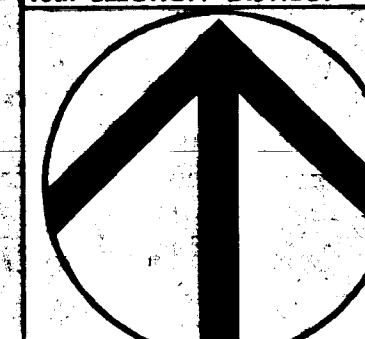
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

SITE PLAN TO ACCOMPANY PETITIONS
FOR SPECIAL HEARING AND FOR VARIANCES

PAPER MILL
TOWER SITE

#3314 PAPER MILL ROAD

5th Councilman's District
10th ELECTION DISTRICT BALTIMORE COUNTY, MD



DATE	BY	REVISIONS
1/22/99	BTk	RELOCATED EQUIPMENT SHELTER
3/5/99	BTk	ADD REQUESTED ZONING ACTION NOTE
3/19/99	BTk	MODIFY GENERAL NOTES & TITLE FOR ZONING PETITION

ISSUE DATES		BASE:	BTk
REVIEW:		DRAWN:	BTk
BID:		DESIGNED:	
PERMIT:		CHECKED BY:	JAV
CONSTRUCTION:		DATE CHECKED:	
SCALE:	AS SHOWN	DRAWING:	
PROJECT NO.:	98031		

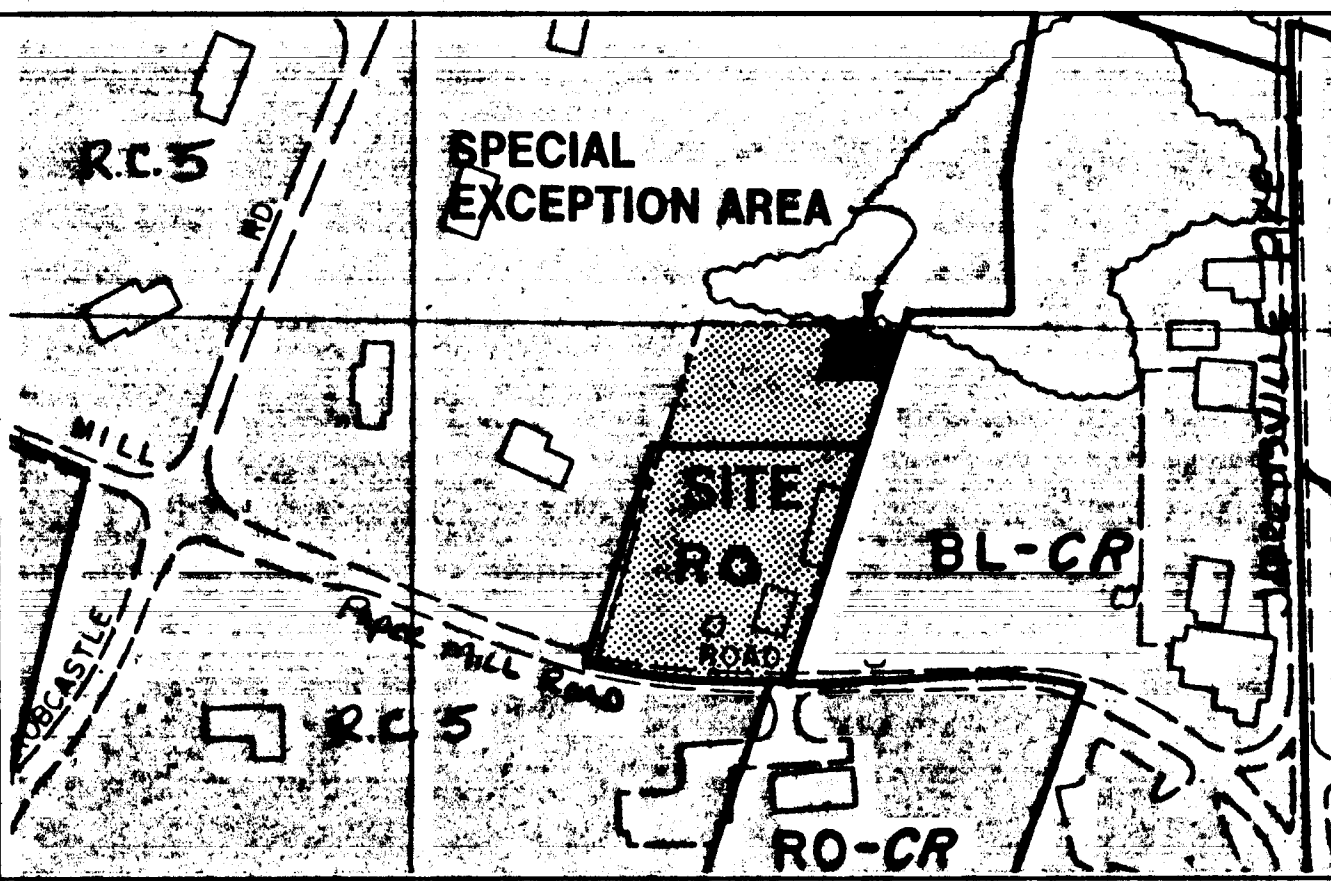
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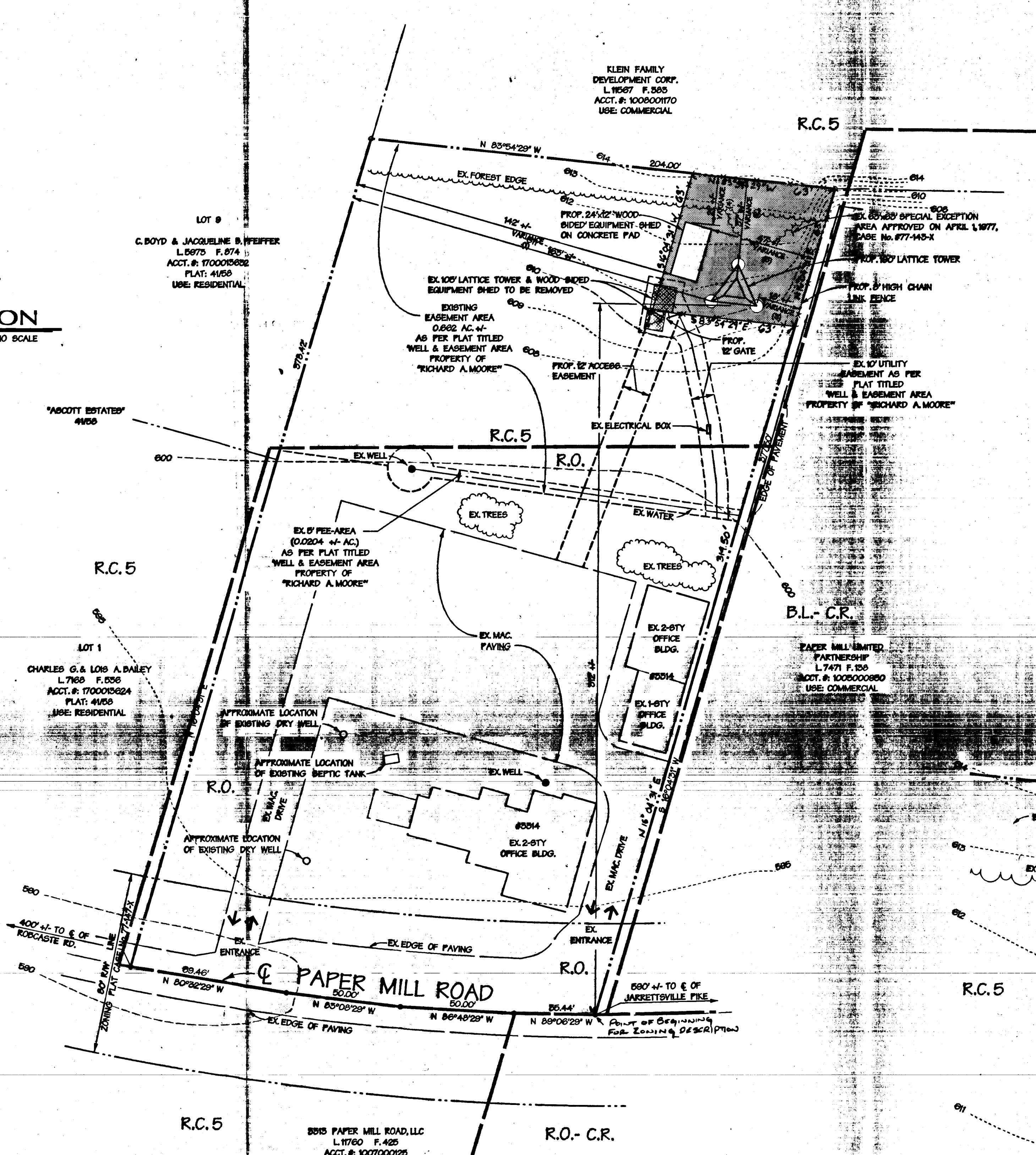
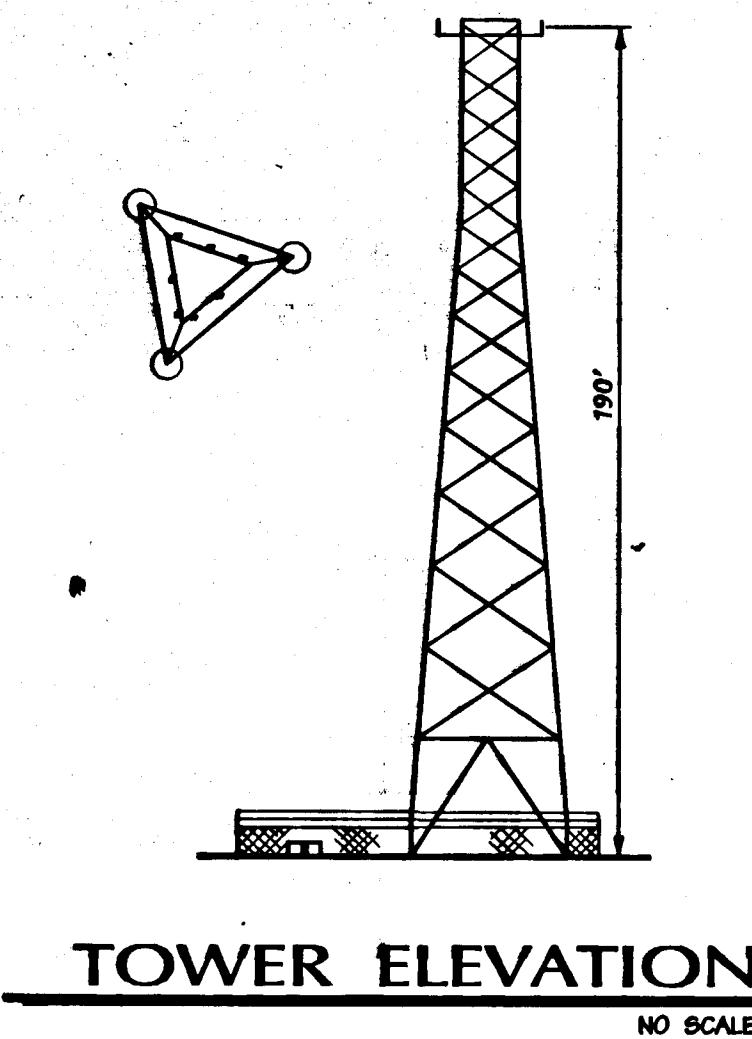
DAFT-MCCUNE-WALKER, INC.

AREA OF DISTURBANCE = 1600 S.F. ±

1 of 1

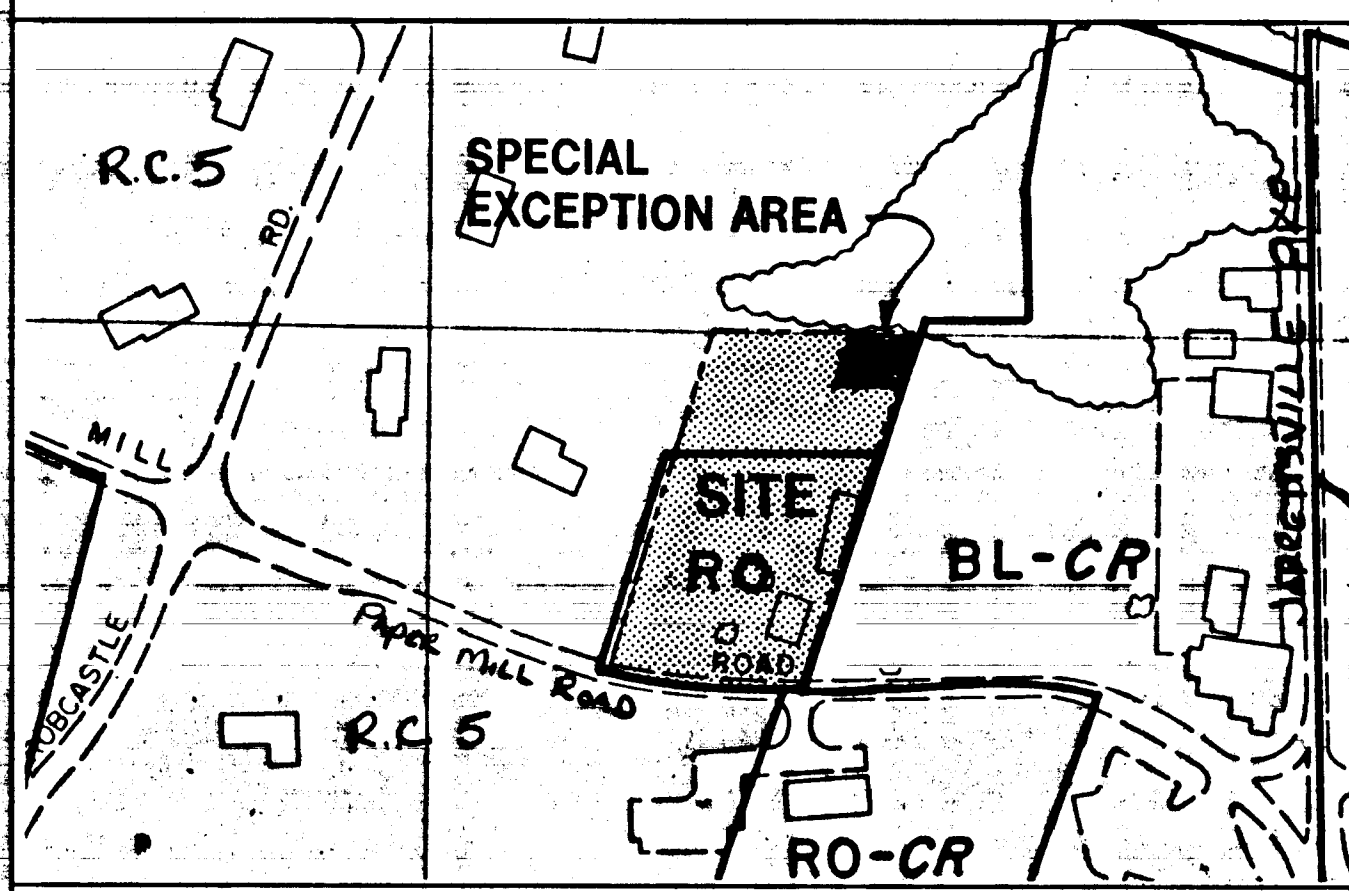


BA. CO. ZONING MAP N.E. 21-C
SCALE: 1" = 2000'



SITE PLAN

SCALE: 1" = 50'

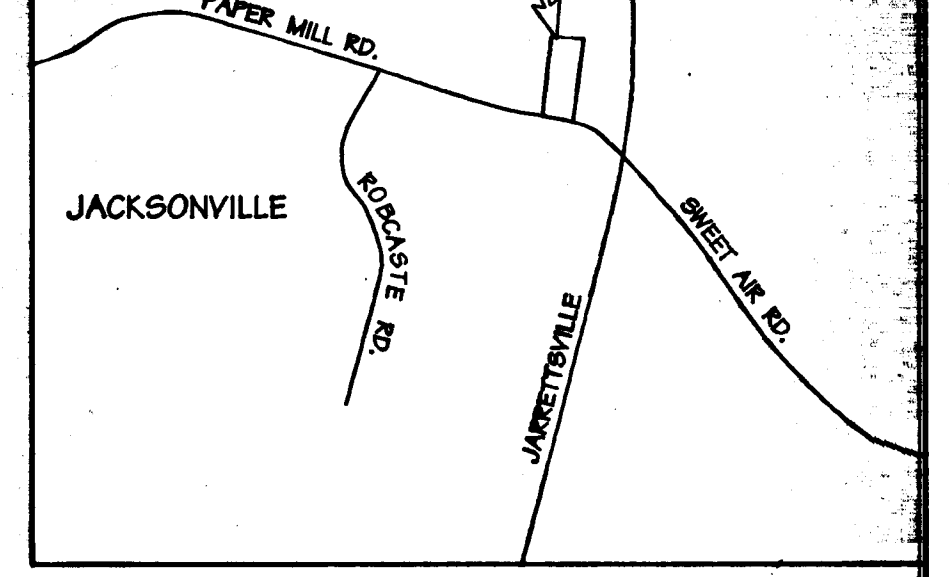


BA. CO. ZONING MAP N.E. 21-C
SCALE: 1" = 2000'

GENERAL NOTES:

- OWNER/APPLICANT: RICHARD A. MOORE
P.O. BOX 400
PHOENIX, MD 21151
- SITE ADDRESS: 8504 PAPER MILL ROAD
PHOENIX, MD 21151
- SITE DATA: TOTAL SITE AREA: 1.75 AC. +/-
EXISTING ZONING: R.O. & R.C.5
EXISTING USE: COMMERCIAL
TAX MAP 26, GRID 24, PAR. 16
L. 5922, F. 425
TAX ACCT. # 101052220
- TOTAL SPECIAL EXCEPTION AREA: 0.09 AC. +/-
SPECIAL EXCEPTION ZONING: R.C.5
EXISTING USE: WIRELESS TELECOMMUNICATIONS TOWER
CASE NO. 77-174-X
- THERE IS AN EXISTING WELL AND SEPTIC AREA ON THIS PROPERTY.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SITE.
- THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- 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 84000-050-5, REVISED MARCH 2, 1991.
- EXISTING UTILITY LOCATION INFORMATION SHOWN ON THESE PLANS IS FOR THE CONTRACTOR'S CONVENIENCE ONLY. WHILE THE INFORMATION SHOWN HAS BEEN GATHERED FROM SURVEYS AND SOURCES DEEMED TO BE RELIABLE, THE CORRECTNESS OR COMPLETENESS OF THE INFORMATION SHOWN IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY ALL INFORMATION TO HIS OWN SATISFACTION.
- THE CONTRACTOR IS TO NOTIFY MBS UTILITY (800) 227-7777 A MINIMUM OF 5 WORKING DAYS PRIOR TO ANY CONSTRUCTION OR EXCAVATION. THE CONTRACTOR IS TO ALSO NOTIFY A PRIVATE UTILITY CONTRACTOR FOR ALL ON-SITE UTILITY LOCATIONS.
- THERE ARE NO NEW SIGNS PROPOSED FOR THIS FACILITY.
- NO ADDITIONAL SITE ANTENNA LIGHTS OR STROBOSCOPIC LIGHTS ARE PROPOSED FOR THIS FACILITY, UNLESS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.
- THERE IS NO LOCAL OPEN SPACE REQUIRED IN AN R.C.5 ZONE.
- NO ADDITIONAL PARKING SPACES ARE REQUIRED FOR AN UNMANNED COMMUNICATION FACILITY (NO. OF EMPLOYEES = 0).
- THE TOWER, ANTENNA AND SUPPORTING LINES SHALL BE NEUTRAL IN COLOR.
- THE FACE OF THE PROPOSED EQUIPMENT SHED SHALL HAVE SIMILAR (WOOD) MATERIAL TO THAT OF THE EXISTING EQUIPMENT SHED ONCE CONSTRUCTED.
- UPON COMPLETION OF A TOWER AND EVERY FIVE YEARS AFTER THE DATE OF COMPLETION, THE OWNER OF THE TOWER SHALL SUBMIT TO THE CODE OFFICIAL WRITTEN CERTIFICATION FROM A PROFESSIONAL ENGINEER VERIFYING THAT THE TOWER AND THE STRUCTURE HOUSING EQUIPMENT FOR THE TOWER MEETS ALL APPLICABLE BUILDING CODE AND SAFETY REQUIREMENTS.
- THE OWNER OF THE TOWER SHALL SUBMIT ANNUALLY TO THE TOWER COORDINATOR WRITTEN CERTIFICATION OF THE NUMBER OF ANTENNAS ON THE TOWER.
- ZONING HISTORY:
ON APRIL 1, 1977, A REQUEST FOR A SPECIAL EXCEPTION CASE #A-77-174-X ITEM 125, TO ERECT AN ANTENNA IN AN R.C.5 ZONE WAS GRANTED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY.
- PREVIOUS COMMERCIAL PERMITS: 8005682
- THE PROPOSED 180' HIGH LATTICE TOWER IS A REPLACEMENT FOR THE EXISTING 100' HIGH TOWER IN THE R.C.5 ZONE AS PER ZONING CASE #77-174-X. THE EXISTING 100' TOWER WILL CONTINUE TO BE OPERATIONAL UNTIL THE PROPOSED TOWER IS CONSTRUCTED AND BROUGHT "ON-LINE". A 12'x24' EQUIPMENT SHED IS ALSO BEING PROPOSED.

SITE



VICINITY MAP

SCALE: 1" = 2000'

RELIEF REQUESTED:

- SPECIAL HEARING - TO AMEND THE PREVIOUSLY APPROVED SPECIAL EXCEPTION IN ZONING CASE #77-174-X.
- VARIANCES:
- SECTION 426(5)(A)(I) TO PERMIT A 165 FEET TOWER SETBACK IN LIEU OF THE REQUIRED 200 FEET.
 - SECTION 426(5)(A)(I) TO PERMIT A 37 FEET TOWER SETBACK IN LIEU OF THE REQUIRED 200 FEET.
 - SECTION 426(5)(A)(I) TO PERMIT A 15 FEET TOWER SETBACK IN LIEU OF THE REQUIRED 200 FEET.
 - SECTIONS 426(5)(A)(I) AND 1A04.25.2 TO PERMIT A 21 FEET BUILDING SETBACK IN LIEU OF THE REQUIRED 50 FEET.
 - SECTIONS 426(5)(A)(I) AND 1A04.25.2 TO PERMIT A 47 FEET BUILDING SETBACK IN LIEU OF THE REQUIRED 50 FEET.
 - IF REQUIRED BY THE ZONING COMMISSIONER, SECTION 426(5)(C)(2) TO PERMIT A LOT OF 1.75 ACRES, MORE OR LESS, INCLUDING AN EXISTING SPECIAL EXCEPTION AREA OF 0.09 ACRES, MORE OR LESS, IN LIEU OF THE REQUIRED 5 ACRES.

DATA SOURCES:

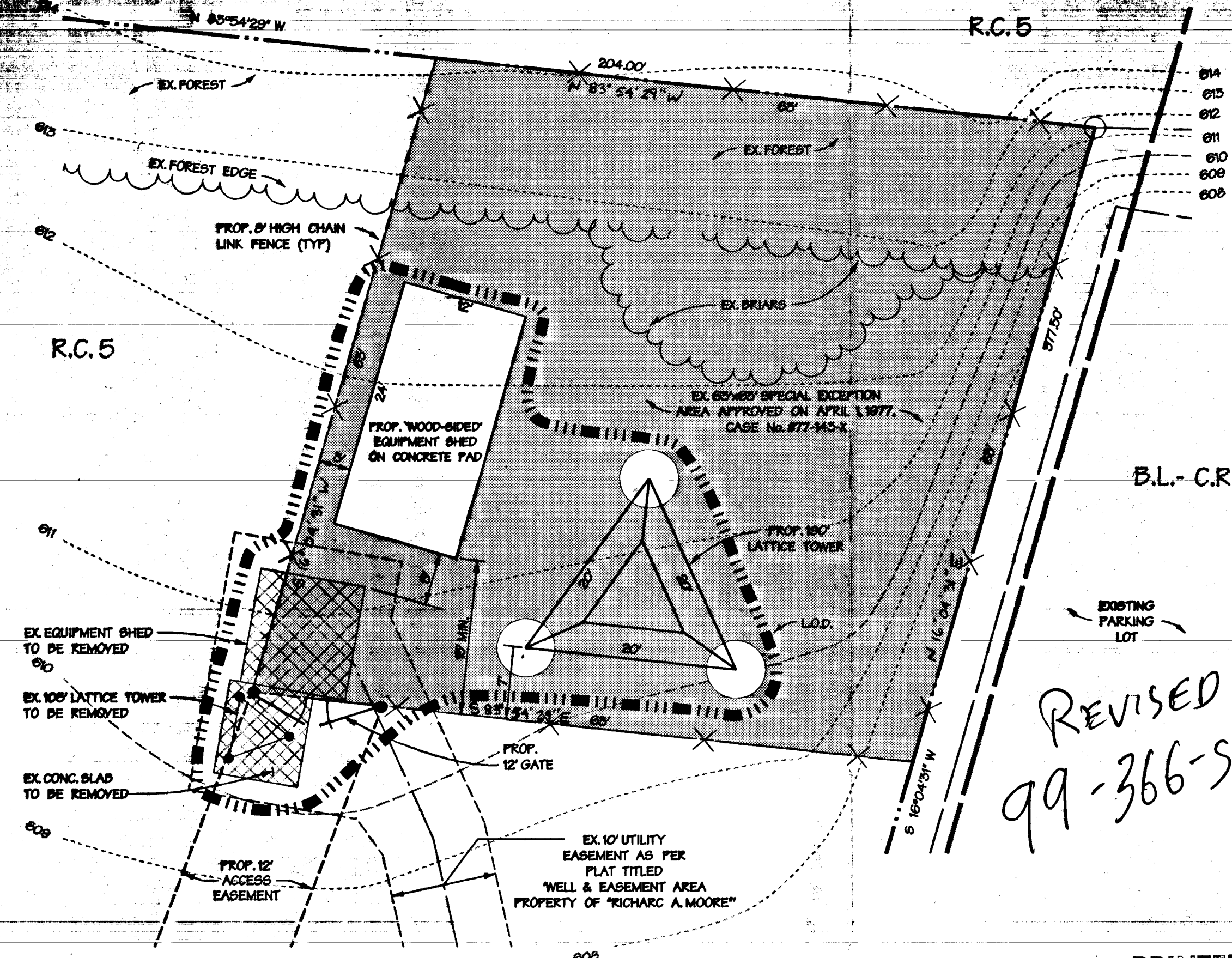
EXISTING CONDITIONS SHOWN HEREON ARE APPROXIMATE AND ARE SUBJECT TO CHANGE.

TOPOGRAPHIC INFORMATION SHOWN HEREON TAKEN FROM THE BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAP, N.E. 21-C.

TOPOGRAPHIC INFORMATION SHOWN AT THE NORTHEAST CORNER OF THE PROPERTY IN THE SPECIAL EXCEPTION AREA WAS FIELD RUN BY E.F. RAPHEL & ASSOC. ON NOVEMBER 16, 1999 AT THE REQUEST OF RICHARD A. MOORE.

BOUNDARY INFORMATION SHOWN HEREON WAS COMPILED FROM DEEDS AND PLATS AND OTHER RELIABLE SOURCES.

EASEMENT AND TOWER INFORMATION SHOWN HEREON WERE COMPILED FROM A PLAT TITLED "WELL AND EASEMENT AREA, PROPERTY OF 'RICHARD A. MOORE'" DATED MARCH 1997 BY E.F. RAPHEL & ASSOCIATES, ALSO BEARING 45' DISTANCES.



SPECIAL EXCEPTION AREA DETAIL

SCALE: 1" = 10'

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MAR 24 1999

DAFT-MCCUNE-WALKER, INC.

AREA OF DISTURBANCE = 1600 S.F. ±

DMW Daft-McCune-Walker, Inc. 300 East Pennsylvania Avenue Towson, Maryland 21206 (410) 286-3333 Fax 286-4706		A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals	
SITE PLAN TO ACCOMPANY PETITIONS FOR SPECIAL HEARING AND FOR VARIANCES			
PAPER MILL TOWER SITE			
#3314 PAPER MILL ROAD			
BALTIMORE COUNTY, MD		BALTIMORE COUNTY, MD	
10th ELECTION DISTRICT		BALTIMORE COUNTY, MD	
DATE		BY	
1/22/99		BTK	
3/5/99		BTK	
3/19/99		BTK	
3/24/99		BTK	
REVISIONS		REVISIONS	
RELOCATED EQUIPMENT SHELTER		RELOCATED EQUIPMENT SHELTER	
ADD REQUESTED ZONING ACTION NOTE		ADD REQUESTED ZONING ACTION NOTE	
MODIFY GENERAL NOTES & TITLE		MODIFY GENERAL NOTES & TITLE	
FOR ZONING PETITION		FOR ZONING PETITION	
MODIFY REG. ZONING NOTES TO INCLUDE		MODIFY REG. ZONING NOTES TO INCLUDE	
NOTE #6		NOTE #6	
ISSUE DATES		BASE: BTK	
REVIEW: BTK		DRAWN: BTK	
DESIGNED: BTK		CHECKED BY: JAV	
CONSTRUCTION: BTK		DATE CHECKED:	
SCALE: AS SHOWN		DRAWING:	
PROJECT NO.: 98031		1 of 1	