

IN RE: PETITION FOR SPECIAL HEARING
W/S Music Fair Road, S/S Painters
Mill Road
(11 Music Fair Road)
3rd Election District
3rd Council District

WCBM Maryland, Inc.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-357-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, WCBM Maryland, Inc., by Louis Mangione, Vice President, through their attorney, Joseph C. LaVerghetta, Esquire. The Petitioners request a special hearing to approve a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), of Section 517.2 (510.2) of the Building Code, and Sections 26-276, 26-670 and 26-172(a)(3) of the Baltimore County Code, to permit the reconstruction of towers in a riverine floodplain. The subject property and requested relief 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 in support of the request were Louis Mangione, Vice President of WCBM Maryland, Inc., property owner, George G. Perdikakis, an environmental expert retained by the Petitioners, and Joseph LaVerghetta, Esquire, attorney for the Petitioners. Appearing as an interested citizen was Ellen Moss, a nearby resident. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the west side of Music Fair Road, at its intersection with Painters Mill Road in Owings Mills. The property contains a gross area of 30.72 acres, more or less, zoned M.L.-I.M. The site is a landmark in this portion of the County by virtue of the existence of four

ORDER RECEIVED FOR FILING

Date

By

5/9/02

168

(4) radio towers, which have existed on the property for many years. In this regard, a copy of the County's microfilmed records from Case No. 1200-S, submitted into evidence as Petitioner's Exhibit 2, indicate that a special permit for a commercial transmitting or broadcasting station was approved for this site by Order of the Circuit Court of Baltimore County in 1948. This Order was issued following appeals through the County's then zoning process. Shortly after that approval, four radio transmission towers, each 390 feet in height, were erected on the site and the property has been used in that fashion since that time. In addition to the towers, the property is improved with a small, one-story building, which contains electrical and supporting equipment. Typically, that building is not manned; however, maintenance is routinely performed.

Testimony from Mr. Perdikakis was offered regarding the towers. He indicated that as part of the electronic network, radial copper wires were buried at a depth of approximately 6 inches at the base of each tower. These radials extended underground away from the towers a distance equal to the height of the towers, or 390 feet. Additionally, the radials were placed every 3 degrees along the 360-degree spectrum surrounding each tower.

Due to the age of the towers, and developments in technology, WCBM Maryland, Inc. desires to replace the system. Specifically, one of the towers will be shortened and the other three removed. In addition, five new towers will be erected on the site for a total of six towers. Although there will be two more towers on site than at present, each tower will be approximately 190 feet in height, significantly shorter (50%) than the existing towers. As shown on the site plan, a significant area of riverine floodplain exists on the site. In this regard, the new towers will be located to be sensitive to the environmental constraints associated with the property. However, the requested waiver is necessary in order to proceed as proposed. Due to the lesser height of the proposed towers and corresponding lesser length of the underground radials, Mr. Perdikakis opined that the proposal will actually cause less environmental impact than existing conditions.

In this regard, a Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Resource Management (DEPRM). Although noting that the property must comply with the relevant regulations for the protection of water quality,

ORDER NO. 1200-S
DATE 5/2/02
BY [Signature]

streams, wetlands and floodplains, the comment did not raise any objection to the proposal. Additionally, the Department of Public Works through the Bureau of Development Plans Review of the Department of Permits and Development Management (DPDM) recommended approval of the waiver. Their comment also indicates that any electrical components should be elevated a minimum of 1 foot above floodplain level. Mr. Perdikakis indicated that compliance with that requirement was acceptable.

The record of the case will also reflect that Ms. Moss appeared at the hearing. Her concerns are generally related to the interference to neighboring houses caused by the transmissions from this site. As indicated at the hearing, this issue is within the jurisdiction of the Federal Communications Commission (FCC) and is not a land use issue. Ms. Moss was urged to contact the FCC and/or work with the owners of WCBM Maryland, Inc. to resolve this issue.

Based upon the testimony and evidence presented, I am persuaded that the requested waiver should be granted. The testimony of Mr. Perdikakis was persuasive that the proposal will not cause environmental degradation and that the requirements for waiver relief, as set out in the Code, have been met. Thus, the Petition for Special Hearing shall be granted.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of May, 2002 that the Petition for Special Hearing seeking approval of a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), of Section 517.2 (510.2) of the Building Code, and Sections 26-276, 26-670 and 26-172(a)(3) of the Baltimore County Code, to permit the reconstruction of towers in a riverine floodplain, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and

this Order is reversed, the relief granted herein shall be rescinded.

- 2) Compliance with the ZAC comments submitted by the Bureau of Development Plans Review of DPDM, dated April 9, 2002, and the Department of Environmental Protection and Resource Management (DEPRM), dated April 9, 2002, copies of which are attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDERED FOR FILING
Date 5/2/02
By [Signature]



Baltimore County
Zoning Commissioner

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

May 2, 2002

Joseph C. LaVerghetta, Esquire
1205 York Road
Lutherville, Maryland 21093

RE: PETITION FOR SPECIAL HEARING
W/S Music Fair Road, S/S Painters Mill Road
(11 Music Fair Road)
3rd Election District – 3rd Council District
WCBM Maryland, Inc. - Petitioners
Case No. 02-357-SPH

Dear Mr. LaVerghetta:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Louis Mangione, V. P., WCBM Maryland, Inc.
1205 York Road, Lutherville, Md. 21093
Ms. Ellen Moss, 12 Music Fair Road, Owings Mills, Md. 21117
DEPRM; Development Plans Review, DPDM; People's Counsel; Case File





Baltimore County
Zoning Commissioner

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

June 14, 2002

Joseph C. LaVerghetta, Esquire
1205 York Road
Lutherville, Maryland 21093

RE: PETITION FOR SPECIAL HEARING
W/S Music Fair Road, S/S Painters Mill Road
(11 Music Fair Road)
WCBM Maryland, Inc. – Petitioner
Case No. 02-357-SPH

Dear Mr. LaVerghetta:

In response to your letter of May 15, 2002 concerning the above-captioned matter and a discrepancy within my Findings of Fact and Conclusions of Law and Order issued on May 2, 2002 as to the number of towers proposed for this site, the following comments are offered.

I have reviewed the site plan for this property and the documentation contained within the case file and have concluded that there are, in fact, four (4) existing towers on the property, three (3) of which are to be removed, and six (6) additional towers proposed to be installed. Therefore, by copy of this letter to the file and all parties to the case, I am herewith amending the language within my Order, accordingly.

Thank you for bringing this matter to my attention and for clarifying this issue.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Louis Mangione, V. P., WCBM Maryland, Inc.
1205 York Road, Lutherville, Md. 21093
Ms. Ellen Moss, 12 Music Fair Road, Owings Mills, Md. 21117
DEPRM; Development Plans Review, DPDM; People's Counsel; Case File

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



JOSEPH-C. LA VERGHETTA, CHARTERED
ATTORNEY AT LAW

1205 YORK ROAD
LUTHERVILLE, MARYLAND 21093

TEL: (410) 825-8400

FAX: (410) 825-8407

E/mail: joel@mfe.bz

May 15, 2002

VIA FACSIMILE AND FIRST CLASS MAIL:

410-887-3468

MAY 17 2002

Honorable Lawrence E. Schmidt,
Zoning Commission for Baltimore County
County Courts Building, Suite 405
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
W/S Music Fair Road S/S Painters Mill Road
(11 Music Fair Road-3rd Election District)
Case NO: 02-357-SPH

Dear Mr. Schmidt:

In reviewing your May 2, 2002 FINDING OF FACT AND CONCLUSIONS OF LAW I noted an inconsistency between said findings and the Plat accompanying the Petition. I apologize if our presentation caused any confusion and ask that you accept this letter as my request for modification.

On page 2, the second full paragraph of the Findings it is recited: *"Specifically, one of the towers will be shortened and the other three removed. In addition, five new towers will be erected on the site for a total of six towers"*. The Plat shows, and the request was, or should have been, that six new towers are being built for a total of seven towers.

Thank you for your considerations in this matter, I remain,

Very truly yours,


Joseph C. La Verghetta

CC: Mr. Louis Mangione



Flood Plain Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11 MUSIC FAIR RD 21117
which is presently zoned ML-1M

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

A WAIVER PURSUANT TO SECTION 500.6 BCZR 517.2 (510-2), BUILDING CODE; AND SECTIONS 26-276, 26-670, 26-172 (a) (3), BCC, TO PERMIT THE RECONSTRUCTION OF TOWERS IN A REVERINE FLOODPLAIN

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 N/A

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print Joseph C. LAVEAGNETTA

Signature Joseph C. Laveagnetta

Company

Address

Telephone No.

City Luthersville MD

State

Zip Code 21093

Legal Owner(s):

Name - Type or Print ✓ WCBM MARYLAND, INC

Signature Louis Mangione

By Louis Mangione

Name - Type or Print LOUIS MANGIONE, V. PRES.

Signature

Address 1205 YORK ROAD

Telephone No. 410-825-8400

City Luthersville MD

State

Zip Code 21093

Representative to be Contacted:

Name GGZ ASSOCIATES (410) 847-9868

Address 409 WASHINGTON AVE SUITE 905

Telephone No.

City TOWSON

State MD

Zip Code 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JRF Date 3-1-02

ORDER RECEIVED FOR FILING

Case No. 02-357-SPH

Date 3/2/02
By [Signature]

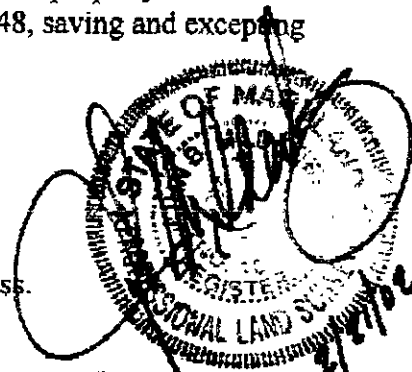
**DESCRIPTION OF LAND
"MUSIC FAIR PROPERTY"
TAX MAP 67 PARCEL 41
THIRD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING for the same at a "standard marker set" in the 3rd line (S 4° 45' E 696.4') of that land described as "Parcel I" conveyed by deed from Metromedia Company, a Delaware General Partnership, to Nicholas B. Mangione dated March 1, 1999 and recorded among the Land Records of Baltimore County, Maryland in Liber 13637 folio 649, 82.47 feet from the end thereof, said marker being located on the easternmost boundary of the parcel, thence running with the boundary lines indicated on a boundary survey plat dated August 23, 1989 and created by S.J. Martenet and Company, Inc.,

1. S 13° 06' 52" E 82.47 feet to a point, thence
2. N 52° 53' 12" W 691.83 feet to a point, thence
3. N 70° 16' 52" W 10.66 feet to a point, thence
4. S 37° 06' 48" W 638.72 feet to a point in the eastern edge of Painters Mill Road, thence running with said eastern edge
5. 40.36 feet along a non-tangent curve to the left having a radius of 875.00' and chord bearing of S 01° 47' 23" E 40.35', thence continuing along Painters Mill Road,
6. S 03° 06' 40" E 165.95 feet to a point, thence leaving the eastern edge of Painters Mill Road and running
7. S 52° 53' 12" E 1430.90 feet to a point, thence
8. S 88° 29' 27" E 398.36 feet to a point, thence
9. N 07° 10' 52" W 867.42 feet to a point, thence
10. N 52° 53' 12" W 642.92 feet to the **Point of Beginning**, said property intended to contain all of that parcel described at Liber 13637, Folio 648, saving and excepting those parcels described in the following:
 - Liber 4213, Folio 244;
 - Liber 4426, Folio 65;
 - Liber 6627, Folio 141;
 - Liber 3642, Folio 275;
 - Liber 3770, Folio 570;

containing 1,338,071 square feet or 30.72 acres of land more or less.

#357



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 11111

DATE 3/01/2002 ACCOUNT 001-006-6150

AMOUNT \$ 250.00

RECEIVED FROM GGP ASSOCIATES, LLC

11 MUSIC FAIR RD

ITEM # 357

FOR: SDH

TAKEN BY: JRF

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
3/01/2002 3/01/2002 10:14:52

REI MS04 CASHIER DOL DMD DRIVER 2

>> RECEIPT # 176903 DFLH

Dept 5 528 ZONING VERIFICATION

CR NO. 011111

Recpt Tot 250.00

250.00 CK 00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To	From <u>O'Keefe</u>	
Co. <u>ZONING</u>	Co.	
Dept.	Phone # <u>512-4600</u>	
Fax # <u>887-3468</u>	Fax #	

RE: Case No.: 02-357 SPH
 Petitioner/Developer: MANGIONE
FAX-825-8407
 Date of Hearing/Closing: 4/22/02

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

Attention:

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 #11 MUSIC FAIR-PP

The sign(s) were posted on

40/02/02
 (Month, Day, Year)

Sincerely,

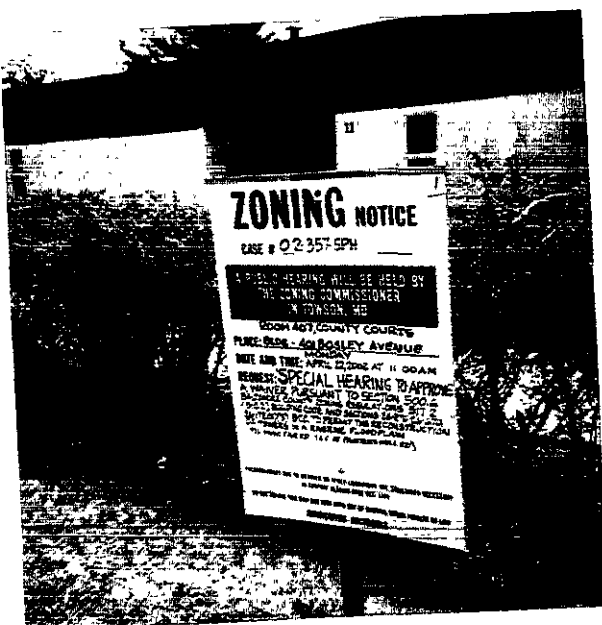
Patrick M. O'Keefe 4/4/02
 (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
 (Printed Name)

523 PENNY LANE
 (Address)

HUNT VALLEY, MD. 21030
 (City, State, Zip Code)

410-666-5366 ; CELL-410-905-85
 (Telephone Number)



#11 MUSIC FAIR-PP

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: #357
Petitioner: LOUIS MANGIONE
Address or Location: ~~###~~ 11 MUSIC FAIR RD., 2117

PLEASE FORWARD ADVERTISING BILL TO:

Name: GGP + ASSOC, LLC
Address: 4109 WASHINGTON AVE
SUITE 905
TOWSON, MD. 21204
Telephone Number: 410-847-9868

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 4, 2002 Issue – Jeffersonian

Please forward billing to:
GGP & Associates LLC
409 Washington Avenue
Suite 905
Towson MD 21204

410 847-9868

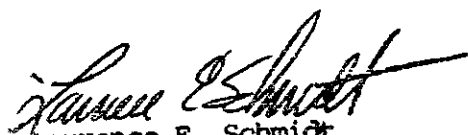
NOTICE OF ZONING HEARING

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: 02-357-SPH
11 Music Fair Road
SE/corner Music Fair Road and Painter Mill Road
3rd Election District – 3rd Councilmanic District
Legal Owner: Louis Mangione

Special Hearing to approve a waiver pursuant to section 500.6 Baltimore County Zoning Regulations 517.2 (510.2) building code and sections 26-276, 26-670, 26-172(a)(3), BCC to permit the reconstruction of towers and in a riverine flood plain.

HEARING: Monday, April 22, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

March 12, 2002

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: 02-357-SPH
11 Music Fair Road
SE/corner Music Fair Road and Painter Mill Road
3rd Election District – 3rd Councilmanic District
Legal Owner: Louis Mangione

Special Hearing to approve a waiver pursuant to section 500.6 Baltimore County Zoning Regulations 517.2 (510.2) building code and sections 26-276, 26-670, 26-172(a)(3), BCC to permit the reconstruction of towers and in a riverine flood plain.

HEARING: Monday, April 22, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

C: Joseph C LaVerghetta, 1205 York Road, Lutherville 21093
Louis Mangione WCBM MD Inc, 1205 York Road, Lutherville 21093
GGP & Associated, 409 Washington Avenue, Ste 905, Towson 21204

- NOTES. (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 6, 2002.**
- (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.





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 19, 2002

Mr. Joseph C. LaVerghetta
1205 York Road
Lutherville MD 21093

Dear Mr. LaVerghetta:

RE: Case Number: 02-357-SPH, 11 Music Fair Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 01, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. G02
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Mr. Louis Mangione, WCBM MD Inc, 1205 York Road, Lutherville 21093
GGP & Associates, 409 Washington Avenue, Suite 905 Towson 21204
People's Counsel

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 9, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
for March 11, 2002
Item No. 357

The Bureau of Development Plans Review has reviewed the subject zoning item.

The Department of Public Works recommends approval of this waiver. Any electrical components must be elevated a minimum of 1 foot above the floodplain level.

RWB:CEN:cab

cc: File



Baltimore County
Fire Department

1

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

March 12, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF March 11, 2002

Item No.: 333, 351, 355, 357, 358, and 359

Dear Ms. Stephens:

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.

The Fire Marshal's Office has no comments regarding the item numbers listed above.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS/TGT*

DATE: April 9, 2002

SUBJECT: Zoning Item 357
Address 11 Music Fair Avenue

Zoning Advisory Committee Meeting of March 11, 2002

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X Additional Comments:

The plan accompanying this zoning item does not reflect the most current tower configuration.

Reviewer: Betty Kelley

Date: April 9, 2002

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 11, 2002

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-329, 02-350, 02-351, 02-355 & 02-357

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. Long
AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3.8.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 357 JRF

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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,

Kenneth A. McDonald Jr., 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

RE: PETITION FOR SPECIAL HEARING
11 Music Fair Road, SE/cor. Music Fair Rd
and Painter Mill Rd
3rd Election District, 3rd Councilmanic

Legal Owner: WCBM Maryland, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-357-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 13th day of March, 2002 a copy of the foregoing Entry of Appearance was mailed to Joseph C. LaVerghetta, Esq., 1205 York Road, Suite 39C, Lutherville, MD 21093, attorney for Petitioner(s).



PETER MAX ZIMMERMAN

Revised 4/17/00

Case Number _____

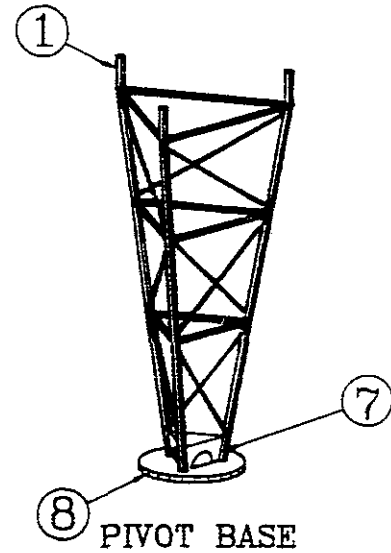
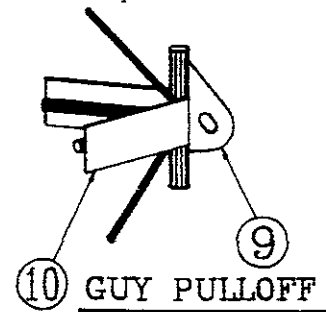
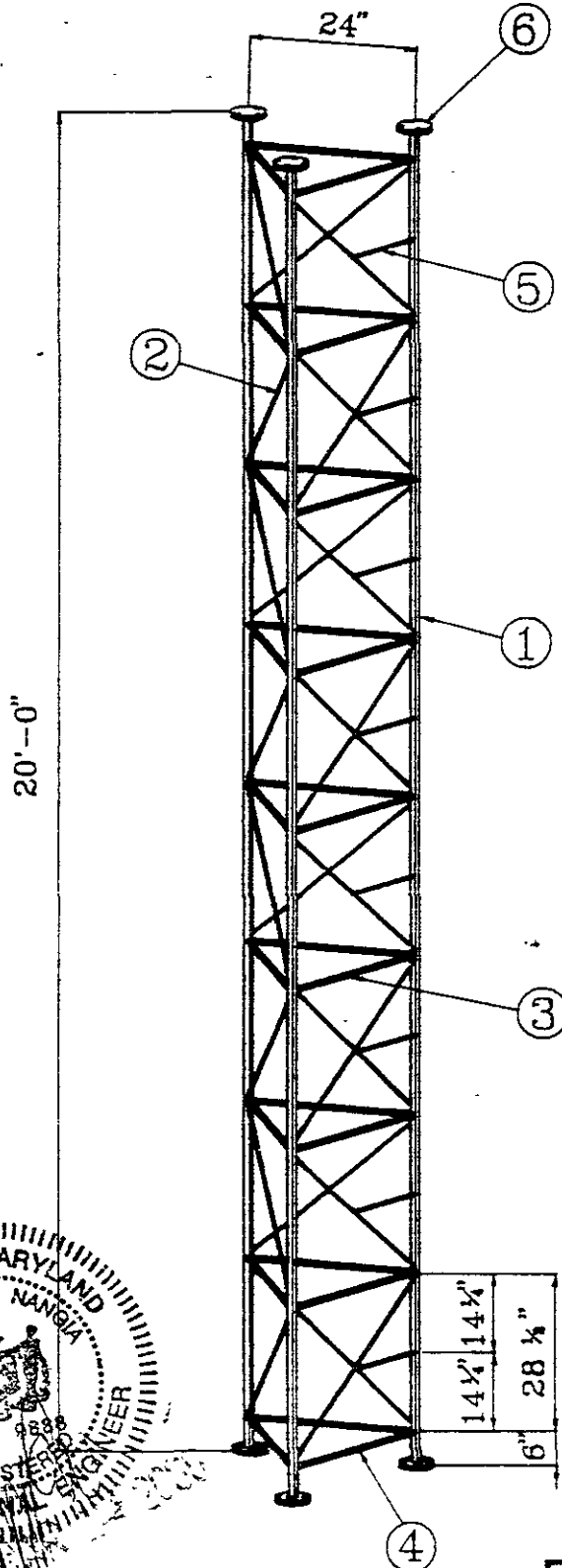
PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]

NOTE:

ALL TOWERS FABRICATED
WITH SOLID STEEL MEMBERS



MATERIAL

ITEM	DESCRIPTION	MINIMUM SIZE
1	LEG	1-1/2" O.D. S.R.
2	DIAGONAL	3/4" O.D. S.R.
3	GIRT	3/4" O.D. S.R.
4	END GIRT	1" O.D. S.R.
5	STEP	3/4" O.D. S.R.
6	FLANGE	PLATE 3/4" X 6" DIA.
7	BASE STRAPS	BAR 4 X 3/8"
8	BASE PLATE	PLATE 1 X 18" DIA.
9	GUY LUG	PLATE 1/2"
10	GUY STRAP	BAR 4 X 3/8"

ACTUAL SIZES MAY VARY, AND WILL BE
DETERMINED BY A STRUCTURAL STRESS ANALYSIS



UNAUTHORIZED USE OR REPRODUCTION OF
THIS DOCUMENT WITHOUT WRITTEN
CONSENT OF UTILITY TOWER COMPANY
IS PROHIBITED.

DRAWN BY RLC

DATE 01-15-91

DRAWING NO.

91010

TYPE 380 DETAILS

Utility Tower

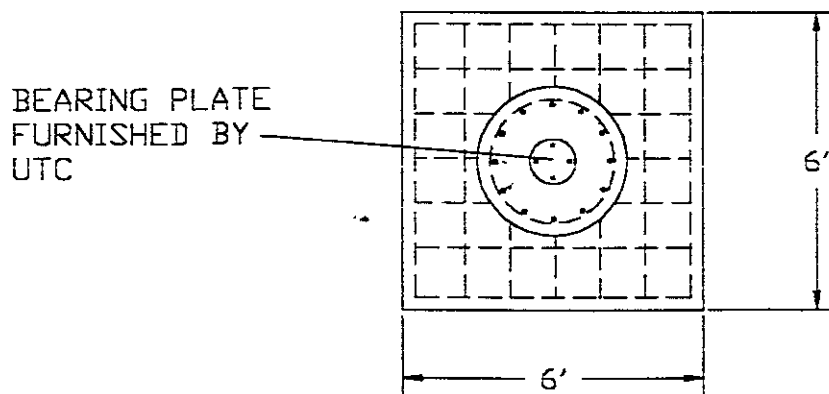
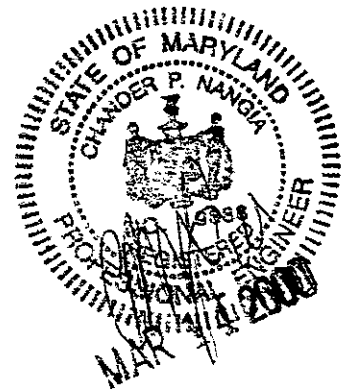
OKLAHOMA CITY, OKLAHOMA

Utility Tower

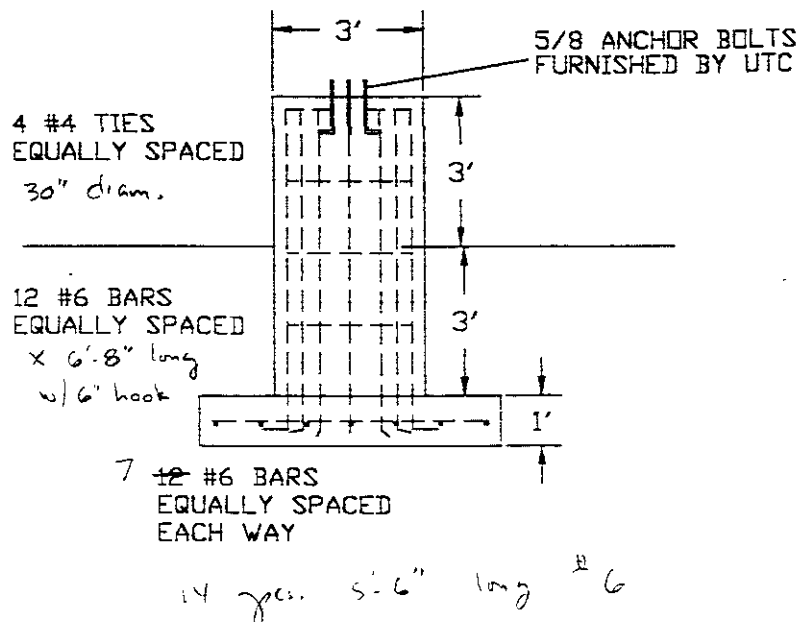
Company

Oklahoma City, OK

BASE PIER
195 FT. UTC TYPE
380 SR AM
HARFORD COUNTY, MARYLAND



1. FOUNDATION DESIGN BASED ON SOIL REPORT BY CNA.
2. ALL REBAR TO BE GRADE 60 WITH ASTM A615 DEFORMATION.
3. CONCRETE SHALL DEVELOP A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI AT 28-DAYS.

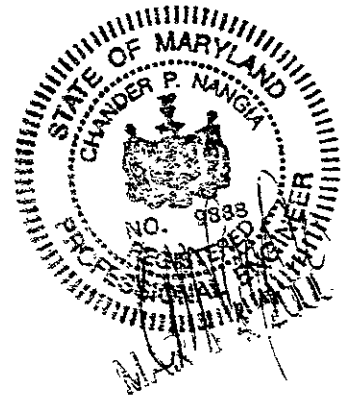


Utility Tower

Company

Oklahoma City, OK

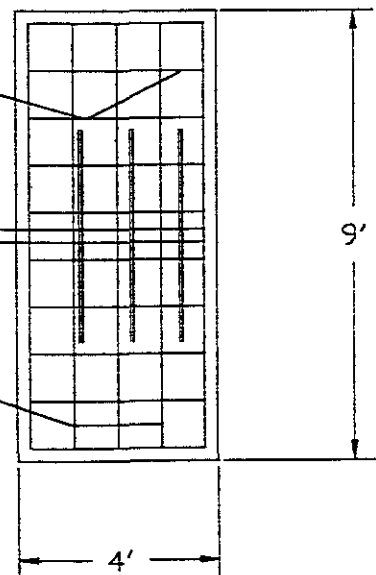
ANCHOR
195 FT. UTC TYPE
380 SR AM
HARFORD COUNTY, MARYLAND



10-#4 TIES
EQUALLY SPACED
2'-6" x 3'-6"

S3 X 5.7

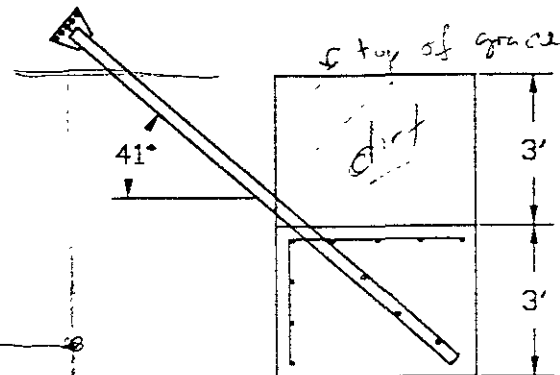
8 #6 BARS
EQUALLY SPACED
8'-6" long



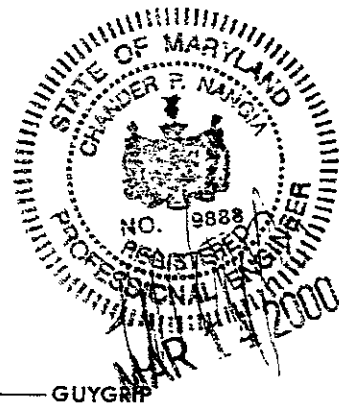
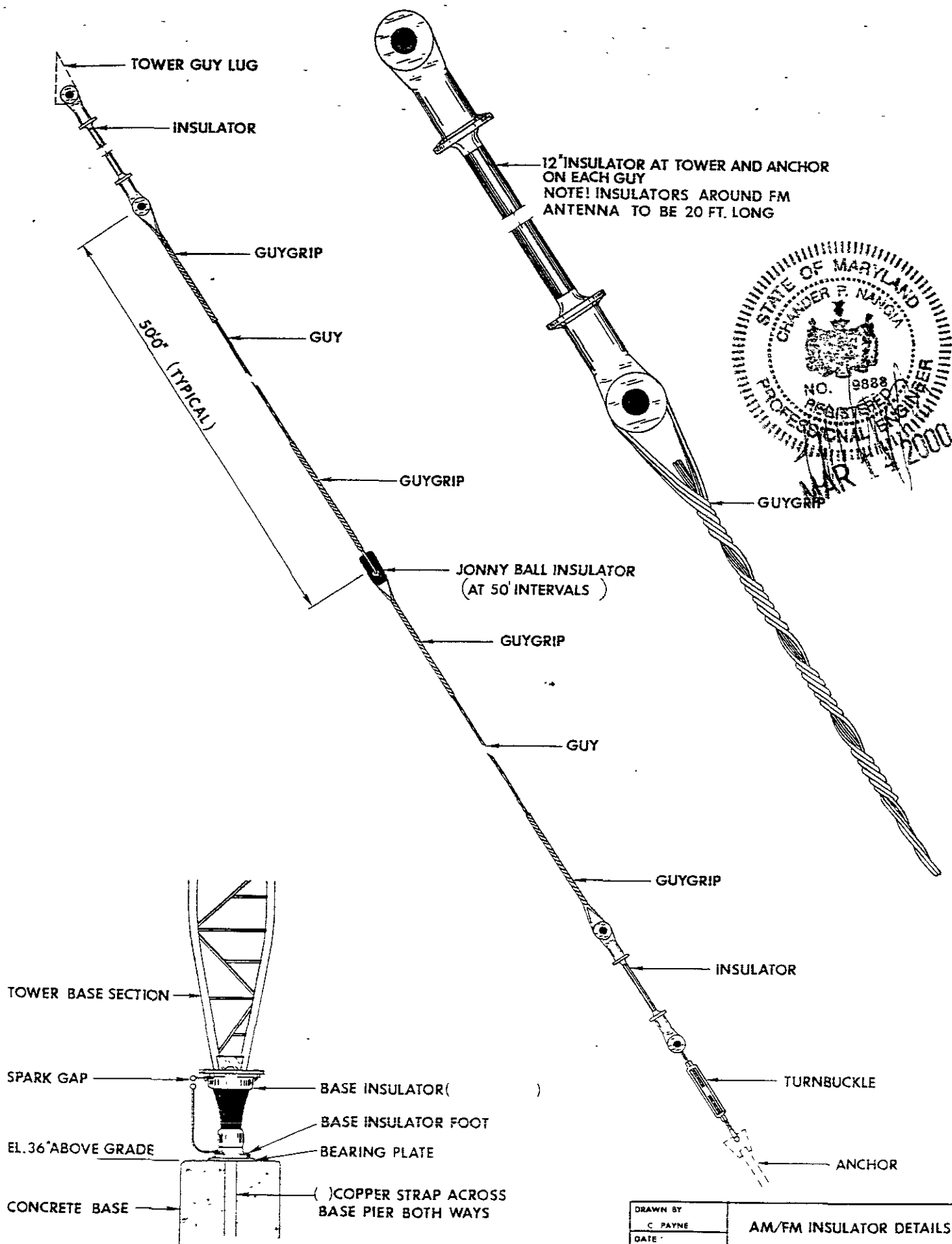
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60 WITH ASTM A615
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A MINIMUM COMPRESSIVE
STRENGTH OF 3000 PSI
AT 28-DAYS.

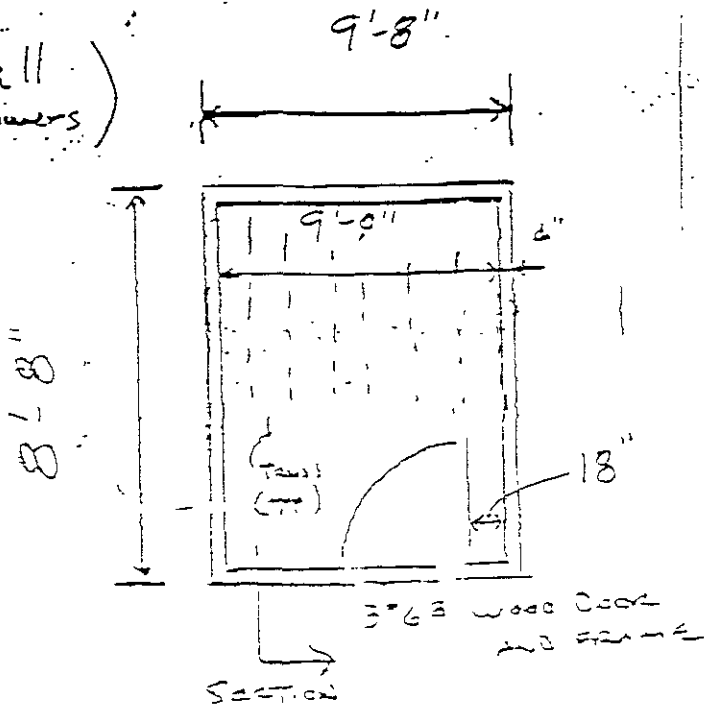


125'



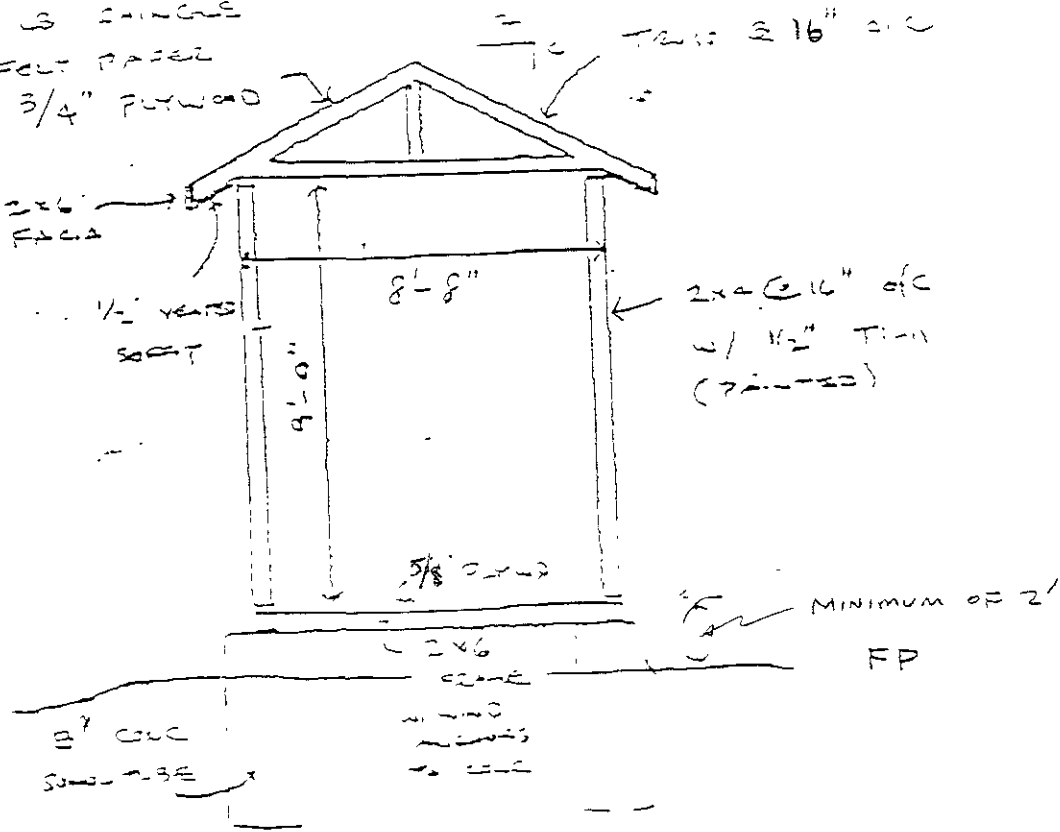
DRAWN BY C. PAYNE	AM/FM INSULATOR DETAILS
DATE 14 MAR 83	
DRAWING NO.	Utility Tower COMPANY

all
(@ Towers)



$$\frac{1}{4}'' = 1'-0''$$

2x6 US SINKERS
ON FELT PAPER
ON 3/4" PLYWOOD



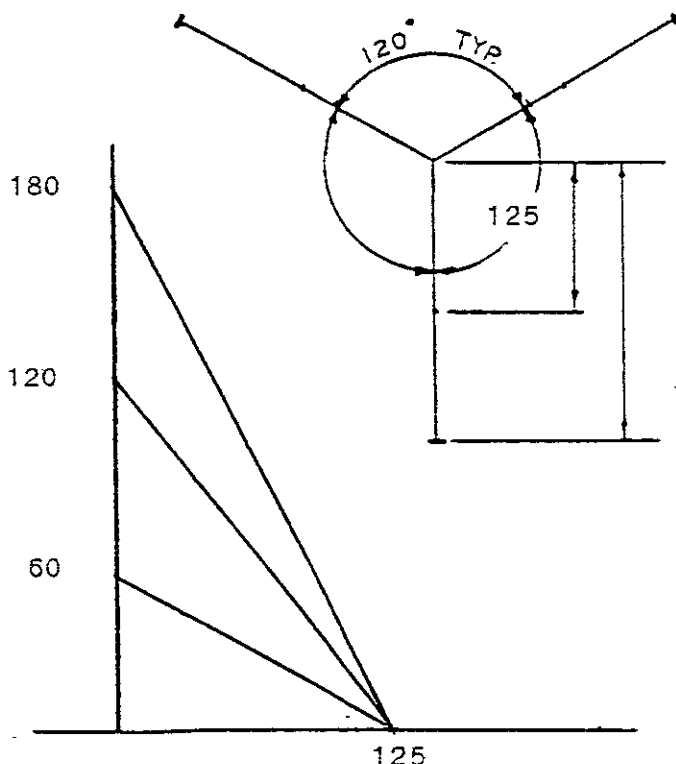
DATA

195' UTC TYPE 380 SR AM
 EIA-F 75 MPH 1/2" ICE
 HARFORD COUNTY, MARYLAND

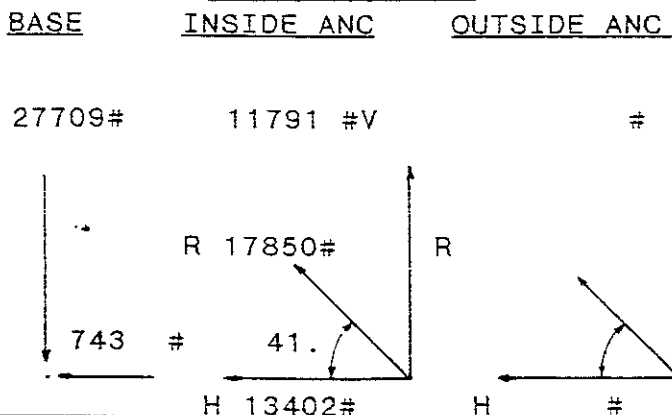
W.L. - 75 MPH
 ICE 1/2"
 EIA RS-222-F X
 UBC

LAYOUT

CNM 7838 FT. LBS
 CNV 1012 LBS.
 CNW 612 LBS.
 AWL 29, 24, 15
 AWT 6, 5, 5
 PL AM, 4-BAY FM
 (1) STL



REACTIONS

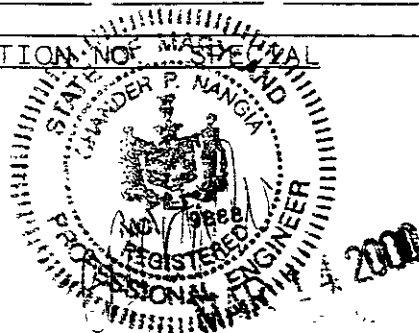


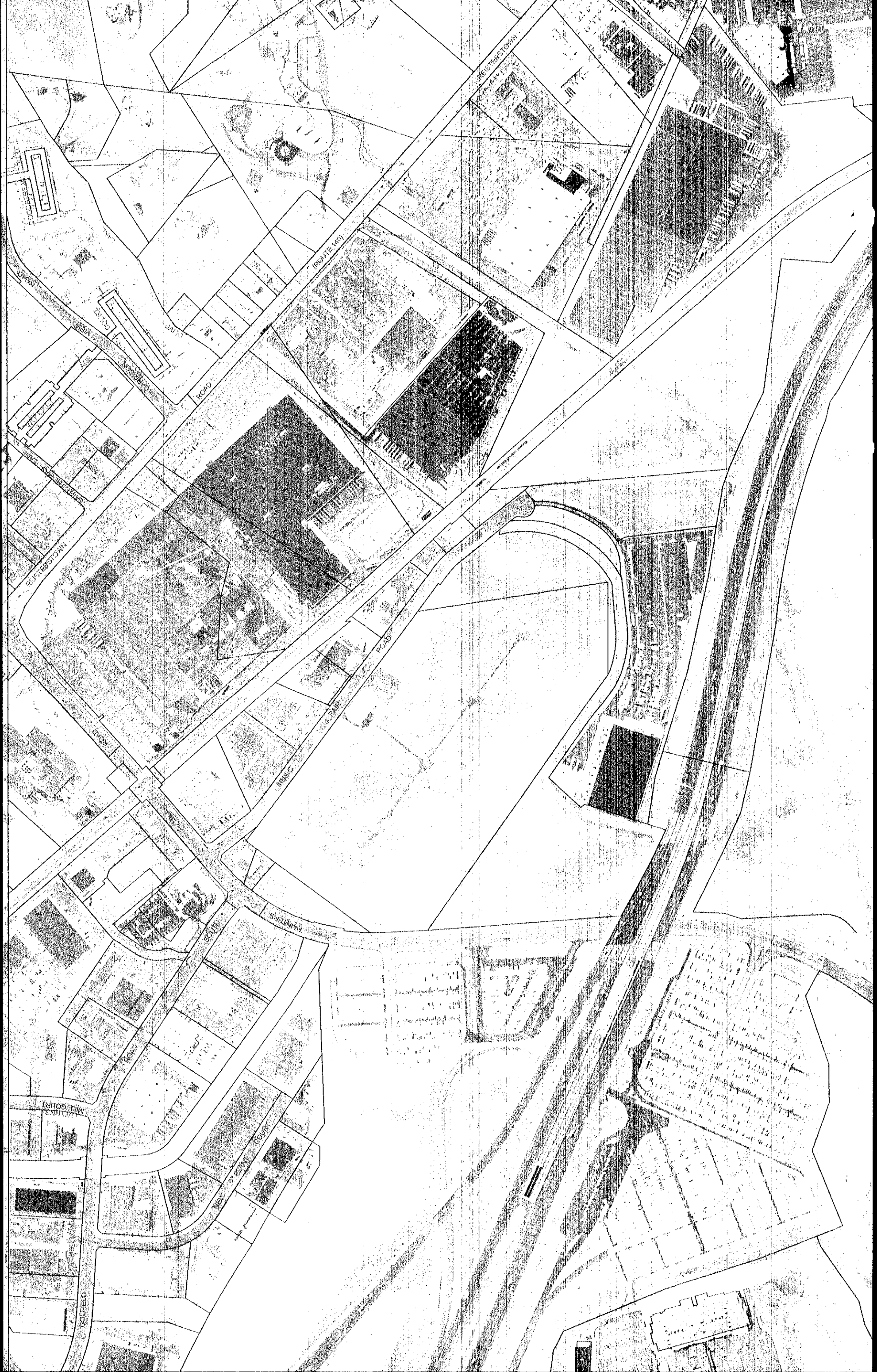
SUMMARY

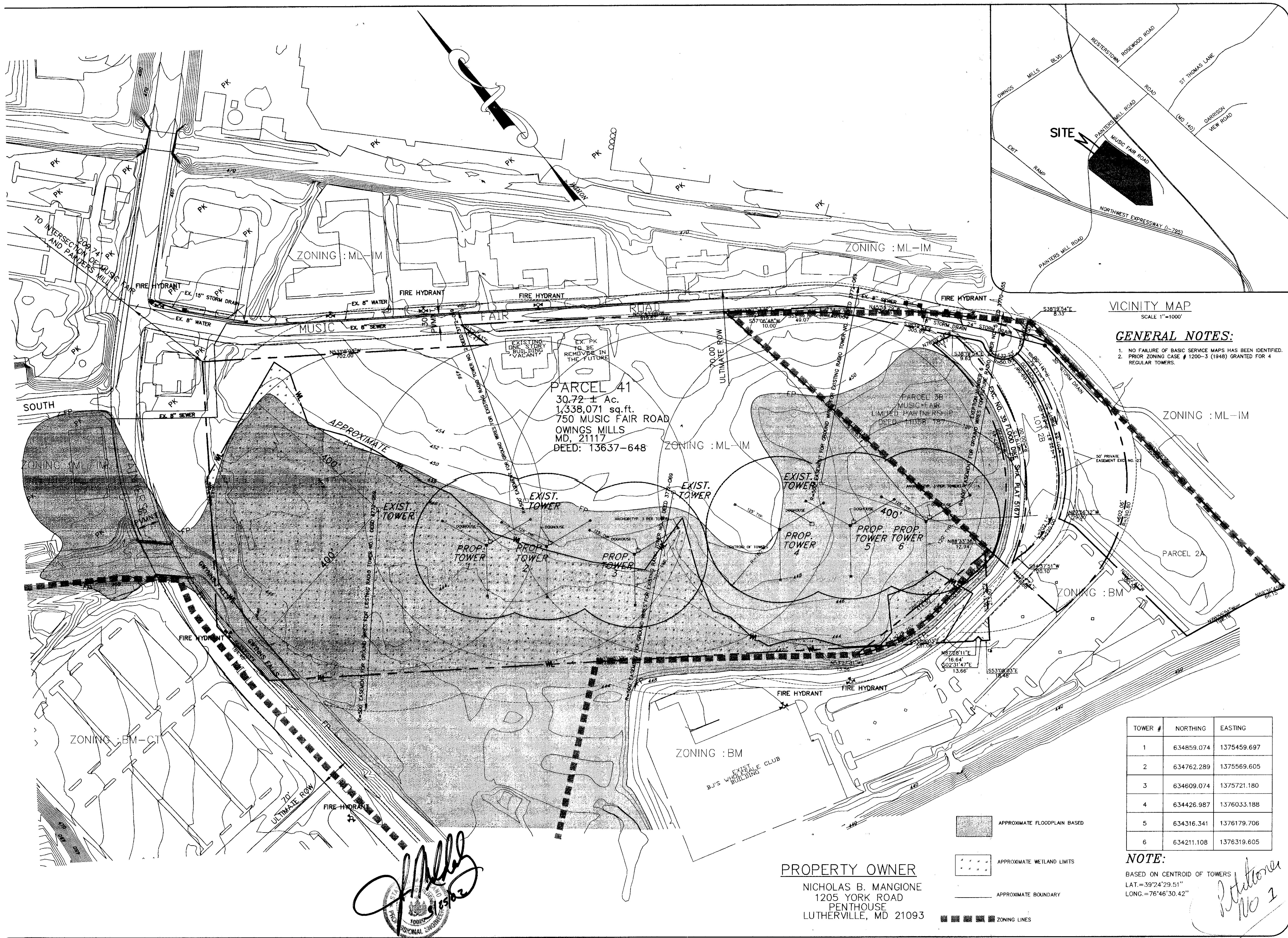
BAYS PER	SEC 8	FYL 50	FYD 50	FYG 50	LEG	CONN.	BOLTS 3/4	STYLE 1
SPAN	WT/FT	LEGS	DIAGS.	GIRTS	GUYS	TNBLKS	IN TENS	
0-60	41.8	1-1/2 SR	3/4 SR	3/4 SR	3/8 EHS	5/8 x 12	1540	
60-120	40.8	"	"	"	"	"	"	
120-180	"	"	"	"	"	"	"	
CANT.	"	"	"	"	"	"	"	

ANCHORS NO. BEAM STD. FOUNDATION NO. SPECIAL
 IN 125 SPECIAL S3 x 5.7# x 13 FT.
 MID
 OUT

ENG. NUMBER







VICINITY MAP
SCALE 1"=1000'

GENERAL NOTES:

1. NO FAILURE OF BASIC SERVICE MAPS HAS BEEN IDENTIFIED.
2. PRIOR ZONING CASE # 1200-3 (1948) GRANTED FOR 4 REGULAR TOWERS.

TOWER #	NORTHING	EASTING
1	634859.074	1375459.697
2	634762.289	1375569.605
3	634609.074	1375721.180
4	634426.987	1376033.188
5	634316.341	1376179.706
6	634211.108	1376319.605

NOTE:

BASED ON CENTROID OF TOWERS
LAT.=39°24'29.51"
LONG.=76°46'30.42"

Petition No 1

Project	date
01067	FEB. 2002
illustration	engineering
SAA	SAA
scale	approval
1"=100'	IBM

Project	date
01067	FEB. 2002
illustration	engineering
SAA	SAA
scale	approval
1"=100'	IBM

PLAN TO ACCOMPANY PETITION TO WORK IN FLOODPLAIN
FOR
REPLACEMENT TOWERS AT MUSIC FAIR ROAD
BALTIMORE COUNTY
THIRD ELECTION DISTRICT
THIRD COUNTY COUNCIL DISTRICT

MILDENBERG, BOENDER & ASSOC., INC.
Engineers Planners Surveyors
5072 Dorsey Hall Drive, Suite 202, Ellicott City, Maryland 21042
(410) 997-0230 Fax (301) 621-5521 Wash. (410) 997-0238 Fax

IN THE
CIRCUIT COURT
FOR
ALFORD COUNTY

The Petition of Isaac Gate yeatt and others,
respectfully represents:

(4) That because of the adverse effect upon the community involved, which would be occasioned by the construction of a residential area, your Petitioner requests the Court to stay proceedings pending the hearing and decision of the matter by this Honorable Court.

AND as in duty bound, etc.

Attorneys for Plaintiff

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

day of October, 1948, 82-2348, by the Circuit Court of Baltimore County that pending the decision of the matter by this Honorable Court, all proceedings upon the decision of the Board of Zoning Appeals granting a special permit for the construction of a broadcasting station at the property of James G. Farrell, be stayed, unless cause to the contrary be shown on or before the 22nd of October, 1948, provided a copy of this petition and order be served on the Council of the Board of Zoning Appeals on or before the 15th day of October, 1948.

Judge

41200-C

Re: Petition for Special Permit
for Commercial Transmitting
or Broadcasting Station -
Southernmost & Easternmost
sides of Painter's Lane - 4th
District - James G. Saffell,
Petitioner

You will please enter an appeal to the Board of Zoning Appeals of Baltimore County from your decision of May 26th, 1948 denying the petition filed by James G. Saffell in the above case and forward the papers to the Board of Zoning Appeals of Baltimore County.

Michael T. Pearl
Attorney for Petitioner

#1200-S
MAP
#4
RECEIVED
122

The terrain of the country around about the proposed location is very rugged, and there are many very high locations, some of which are the farm of the applicant. If the proposed townsite were placed on a hill they would be very much less conspicuous, and the lights thereon would be very much less annoying to residents thereby. Since it seems to be the intent of the Zoning Appeals, who suggest that the Board of Zoning Appeals, upon approval of the petition, select the site of such structures, the refusal of the pending petition is made on the grounds that a very much less objectionable location can be had in the same locality.

In passing upon a Petition for a Special Permit, the Zoning Commission and the Board of Zoning Appeals, upon appeal should be governed by the same principles and considerations as passing upon a petition for a reclassification. The zoning ordinance so provides.

(b) Tend to waste considerable funds, streets and
allies in the area involved.

10-10-68

THIRD JUDICIAL CIRCUIT - MARYLAND

TOWNSHIP 1, 10.

Re: Appeal in the case of
Issad Galt, Iyett vs
Board of Examiners
and James C. Giffel

Respectfully yours,
Board of Senior Citizens
of Baltimore County

(e) Interfere with adequate light and air

The Zoning Commissioner or Board of Zoning Appeals, upon shall have the right to impose such conditions, re- or regulations as may be deemed advisable for the and protection of surrounding and neighboring properties.

It necessarily follows that the law of nuisances may be applied, not for the purpose of controlling, but for the helpful analogy in the process of ascertaining the scope of the law. Thus, the question whether the power exists to forbid the construction of a building or structure of a particular kind or particular use, like the question whether a particular thing is a nuisance, is to be determined, not by an abstract consideration of building or structure or of the thing considered apart, but by ascertaining its connection with the circumstances and the law. (See, e.g., Wright v. City of Chicago, 190 U.S. 104, 114, 4 S.Ct. 191, 200, 25 L.Ed. 855, 865.) A nuisance is not a right thing in the wrong place like a pig in the midst of the berryard. If the validity of the legislative action for zoning purposes be fairly debatable, the legislative intent must be allowed to control. (47 Supreme Court Cases 118.)

It must certainly have been the intent of the Legislature, Board of County Commissioners, that the Zoning Commissioner, Board of Zoning Appeals, upon appeal, should exercise judgment as to the location of buildings and structures, a Special Permit. Otherwise, the uses which require a Permit would, no doubt, have been allowed in an "A" residence

[illegible]

It is noted, in the case of the City of Baltimore, 130 Md. Page 131, that the purpose of the zoning law is to divide general areas or districts into selected ones. The whole value of zoning lies in the fact that it is a permanent district, well planned and arranged. And in the same opinion, on page 132, the Judge said, "an exception of one such lot as that of Levine for a filling station would be a departure from the purpose, and the law made by reason of these exceptional conditions, under authority of the enabling act, would be illegal, even if attempted by municipal ordinance. Clearly there can be no valid exception of one lot merely as a favor to a citizen, because it is more profitable to him. In the effort to bring about the greatest good of the greatest number, collective communal action is indispensable, and, therefore, the state requires, and may lawfully exact, of every individual that he submit to such restraints in the exercise of his liberty or his rights of property as may, under the state and federal constitutions, reasonably be necessary for the common good."

For the reasons above stated, it is this 26th day of May, 1948, ORDERED that the foregoing petition for a Special Permit be denied and that the area remain in "A" residential zone as heretofore.

Chas. H. Conway
Zoning Commissioner
of Baltimore County

IN THE MATTER OF

James G. Buffell

For A Special Permit

To The Zoning Board of Baltimore County

James G. Buffell

hereby petition for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, in accordance to Chapter 277 of the Acts of the General Assembly of Maryland of 1943, for a Special Permit and use, as provided under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now or to be erected thereon) hereinafter described for Broadcasting and/or

Transmitter Station to be used in broadcasting purposes.

Situate on the southernmost and easternmost sides of Painters Lane, near Owings Mills, in the 4th District of Balto. Co., beginning at the southwest corner of Painters Lane and Western Maryland Railroad, thence southwesterly, along the southwest side of Painters Lane and southerly along the east side of Painters Lane, 4200', thence southeast 85° 15' east 1600', thence N 50° 30' west 3000' to the southwest side of the right-of-way of the Western Maryland Railroad and thence northwesterly along said right-of-way 1000' to beginning.

Contract Purchaser

Legal Owner

Address

Address

4/14/48
2/1/48

6/1/48
1/1/48
1/1/48
1/1/48

1/1/48
1/1/48
1/1/48
1/1/48

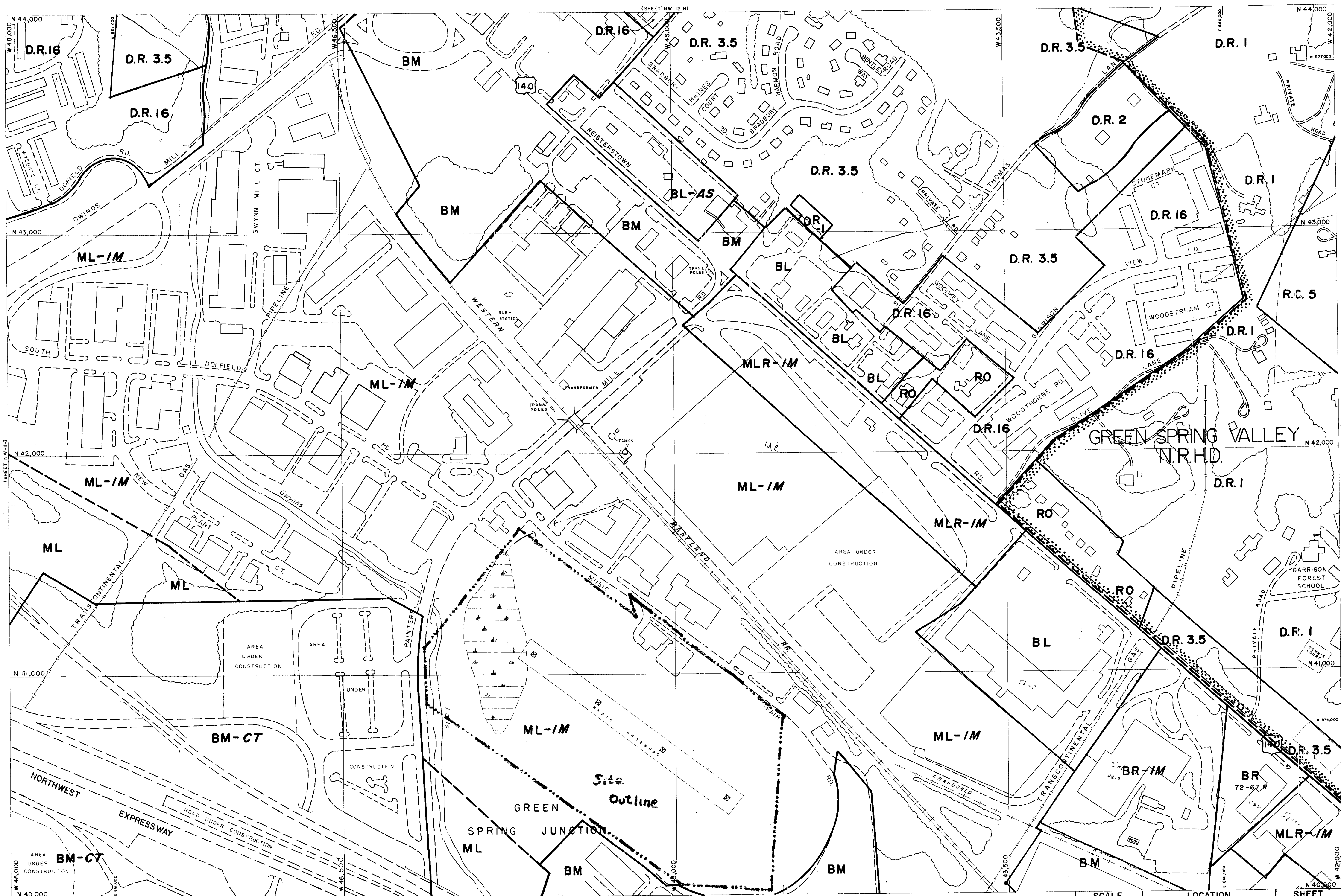
McDonnell

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4 Date of Posting April 27/48
Posted for Broadcasting & Transmitter Station
Petitioner James G. Buffell
Location of property Southwest side of Painters Lane west of W. M. R.R.
Location of sign 2 signs on the south side and 4 signs on the east side of Painters Lane
Remarks 1/100 - 2/400 - 3/700 - 4/1000 - 5/1000 - 6/1000 - 7/1000 - 8/1000 - 9/1000 - 10/1000 - 11/1000 - 12/1000 - 13/1000 - 14/1000 - 15/1000 - 16/1000 - 17/1000 - 18/1000 - 19/1000 - 20/1000 - 21/1000 - 22/1000 - 23/1000 - 24/1000 - 25/1000 - 26/1000 - 27/1000 - 28/1000 - 29/1000 - 30/1000 - 31/1000 - 32/1000 - 33/1000 - 34/1000 - 35/1000 - 36/1000 - 37/1000 - 38/1000 - 39/1000 - 40/1000 - 41/1000 - 42/1000 - 43/1000 - 44/1000 - 45/1000 - 46/1000 - 47/1000 - 48/1000 - 49/1000 - 50/1000 - 51/1000 - 52/1000 - 53/1000 - 54/1000 - 55/1000 - 56/1000 - 57/1000 - 58/1000 - 59/1000 - 60/1000 - 61/1000 - 62/1000 - 63/1000 - 64/1000 - 65/1000 - 66/1000 - 67/1000 - 68/1000 - 69/1000 - 70/1000 - 71/1000 - 72/1000 - 73/1000 - 74/1000 - 75/1000 - 76/1000 - 77/1000 - 78/1000 - 79/1000 - 80/1000 - 81/1000 - 82/1000 - 83/1000 - 84/1000 - 85/1000 - 86/1000 - 87/1000 - 88/1000 - 89/1000 - 90/1000 - 91/1000 - 92/1000 - 93/1000 - 94/1000 - 95/1000 - 96/1000 - 97/1000 - 98/1000 - 99/1000 - 100/1000
Posted by Harry C. Bantick Date of return April 27/48

MICROFILMED

NO PLAT
IN
THIS FOLDER



2000 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

James R. Bostick
Chairman, Planning & Zoning Commission

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE
1" = 200' ±
DATE OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
OWINGS MILLS
GREEN SPRING
JUNCTION

SHEET
N.W.
11-H

NW 11 H

357

*Zoning Map
1st-2000
Music Fair Prop / RADIO TOWERS*

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210