IN RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION – W/S Falls Road, 390' S of Tufton Avenue (1800 Knox Avenue) 8th Election District 3rd Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 03-476-SPHX
Branchwater Farms, Inc., Owners; AT&T Wireless PCS, LLC, Lessees	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject property, Branchwater Farms, Inc., and the Contract Lessees, AT&T Wireless PCS, LLC, through their attorney, Karl Nelson, Esquire. The Petitioners request a special exception for a wireless telecommunications facility, consisting of a 110' AGL flagpole-style monopole and ground-based equipment cabinets, to be located on the subject property. In addition, special hearing relief is requested to confirm the continued use of the subject property as a kennel, pursuant to the relief granted in prior zoning Case No. 01-062-XA, combined with the wireless telecommunications facility, and to approve an amendment to the previously approved site plan in the prior case to reflect the proposed use. 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 6.

Appearing at the requisite public hearing in support of the request were William H. Suchting, principal of Branchwater Farms, Inc., property owners; Oakleigh Thorne, Gezahegn Kifle and Kathleen R. Pedersen, representatives of AT&T Wireless PCS, Contract Lessees; and Karl J. Nelson, Esquire, attorney for the Petitioners. Also appearing in support of the request were Mac McCulloch, Project Manager for Tower Resource Management, Inc.; Hillorie Morrison on behalf of Omnipoint Communications CAP Operations, LLC. Jack Dillon, Executive Director of the Valleys Planning Council also appeared. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING
Date 6/24/03
By

The undersigned is familiar with the subject property by virtue of prior Case No. 01-062-XA, in which I granted the owners special exception and variance relief for the operation of an animal boarding place/kennel on the subject property. As noted therein, the property is a large, irregular shaped parcel located on the north side of Knox Avenue, south of Tufton Avenue, near the intersection of Falls Road and Shawan Road in Reisterstown. The property contains a gross area of 45.294 acres, more or less, zoned R.C.2 and is in active agricultural use. The Petitioners have owned and resided on the property since 1979. Mrs. Suchting raises Border Collies and has operated the subject kennel/animal boarding place thereon for many years.

The Petitioners have entered into a tentative lease with AT&T Wireless PCS for the construction of a 110-foot monopole on the subject property. Additionally, several small buildings will be constructed at the base of the tower to provide electronic equipment and related infrastructure. Testimony and evidence presented by the Petitioners fully described the proposed operation and the process undertaken by them to select the subject site. Specifically, it was indicated that there is a "hole" in telephone coverage in this area. With the assistance of the Valleys Planning Council, the Petitioners began an extensive search of the area to identify an appropriate site for the subject tower and to determine if any existing structures were available which could house the necessary antennae to provide better coverage. Ultimately, it was determined that there were no existing structures available and upon a thorough investigation the subject site was identified. The Petitioners' search included radio frequency engineering tests to determine the necessary height of the structure on the subject property, and similar tests to determine whether the hole in coverage would be filled by the proposed installation. Additionally, balloon tests were run to determine the visual impact of the tower on the locale. A letter signed by the Valleys Planning Council attesting to the significant efforts by all parties to identify an appropriate site and the suitability of the subject property was submitted into evidence as Petitioner's Exhibit 4. That letter indicates their support of the request.

Testimony and evidence was also offered regarding the tower itself. The structure has been identified as a "stealth" tower, which features an internal antenna to reduce visibility.

ORDER RECEIVED FOR FILING
1/24/03

Additionally, it was agreed that the color of the tower will be brown so as to blend with the topography of the area. Specifically, the subject property and surrounding locale feature a series of rolling hills and ridges. Moreover, the tower is of minimal circumference and will be constructed at a height no greater than 110 feet.

Based upon the testimony and evidence offered, I am easily persuaded that the Petition for Special Exception should be granted. The proposed construction is consistent with the trend in recent years throughout the Baltimore Metropolitan area. The wireless communications industry has greatly expanded over the years and companies such as the subject Lessee are frequently searching for new sites to expand and improve their respective network. It is clear that the Petitioners have made substantial efforts to comply with the spirit, intent and legislative purpose as set out in Section 426 of the B.C.Z.R., which governs the construction of wireless communication facilities. Moreover, the Petitioners have satisfied the requirements of Section 502.1 of the B.C.Z.R. for relief to be granted. In sum, I am persuaded that the testimony and evidence support a finding that the proposed use will not be detrimental to the health, safety and general welfare of the locale. It appears that the proposed tower will have minimal impact and the Petitioners have made reasonable efforts to appropriately locate the tower and reduce visibility and impacts on the surrounding locale.

Special hearing relief will also be granted. In this regard, the prior finding of the undersigned Zoning Commissioner in zoning Case No. 03-454-SPHX is relevant. Under Section 426.9.C.2 of the B.C.Z.R., it is provided that a tower in an R.C. zone shall be located on a lot of at least 5 acres. The subject property easily meets this requirement. Moreover, it is clear that the Council in enacting this legislation did not wish to encumber property so as to prevent any uses within the 5-acre area designated for the tower. For example, parking lots, farm operations, and other uses and activities are frequently shown near the base of a tower. In my judgment, the Council intended that a tower be constructed in an R.C. zone on a lot that is a minimum 5 acres in area and that the entire 5-acre area need not be associated with the tower use. Such a requirement would be inconsistent with the legislative purposes of Section 426 and unduly burdensome. In this

ORDER RECEIVED FOR FILING
Date 4/21/03

case, although the kennel/animal boarding place and agricultural operations may exist elsewhere on the property, the area of the special exception will be only the area where the tower and related support equipment are located.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of June 2003 that the Petition for Special Exception for a wireless telecommunications facility to be located on the subject property, in accordance with Petitioner's Exhibit 6, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief to confirm the continued use of the subject property as a kennel, pursuant to the relief granted in prior zoning Case No. 01-062-XA, combined with the wireless telecommunications facility, and to approve an amendment to the previously approved site plan in Case No. 01-062-XA to reflect the proposed use, in accordance with Petitioner's Exhibit 6, 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) The height of the proposed tower shall not exceed 110 feet. Moreover, the tower shall comply with all requirements set out in Section 426 of the B.C.Z.R.

3) When applying for any permits, 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

ORDER RECEIVED FOR FILING
Date 6/26/03
By

IN RE: PETITION FOR SPECIAL HEARING & SPECIAL EXCEPTION – W/S Falls Road, 390' S. of Tufton Avenue (1800 Knox Avenue) 8th Election District 3rd Council District	*	BEFORE THE COUNTY
	*	BOARD OF APPEALS
	*	OF BALTIMORE COUNTY
	*	03-476-SPHX
Branchwater Farms, Inc., Owners; AT&T Wireless PCS, LLC, Lessees	*	

DECISION AND ORDER

This case came before the Board of Appeals on November 13, 2003 as an appeal of the Petition for Special Hearing and Special Exception granted by the Zoning Commissioner on June 26, 2003. The appeal was filed by the Office of People's Counsel, which was represented at the November 13 hearing by Carole Demilio, Esquire. Petitioner Omnipoint Communications CAP Operations, LLC ("Omnipoint") was represented by Karl J. Nelson, Esquire. At the outset of the November 13 hearing, above-referenced counsel stipulated that two members of the Board, rather than three, could hear this matter and informed the Board that the appeal had been settled, subject to the Board's review and approval. Counsel then proffered the terms of the settlement for the record. As explained below, the Board hereby accepts those proffers and resolves the appeal as set forth below.

THE NATURE OF THE APPEAL

This case commenced when Petitioner filed two petitions for consideration by the Zoning Commissioner. Both petitions concerned Omnipoint's proposed 110' "stealth" wireless telecommunications structure to be located at 1800 Knox Avenue, approximately 300' south of Tufton Avenue. The property where the tower will be located is over 45 acres in size, is zoned RC2, and is in active agricultural use. In addition to farm activities, the property is used by its owners for the breeding of Border Collies. To this end, the property owners sought and obtained

special exception approval in Case No. 01-062-XA to utilize the property for kenneling purposes.

In the instant case, Petitioner requested two forms of relief. First, Petitioner requested special exception approval to erect and operate a 110' stealth monopole at the subject property. The site plan shows that the monopole will be disguised as a flag pole. It shall be painted to blend visually with the natural environment. Additionally, Petitioner sought to amend the original special exception plan granted in Case No. 01-062-XA to allow continued use of the overall property of the property as a kennel, in combination with the telecommunications facility that will occupy the small compound area depicted on the site plan.

Petitioner's original special exception plan, as submitted to the Zoning Commissioner, showed a 5 acre special exception area to comply with the County's interpretation of Baltimore County Zoning Regulation ("B.C.Z.R.") § 426.9.C.2. Although Petitioner did not request specific relief from the "5 acre requirement" as interpreted by Baltimore County's planning staff, the Zoning Commissioner determined in his June 26 order that § 426.9.C.2 did not require a 5 acre special exception area to be delineated inside of a parcel that, itself, exceeds 5 acres in size.

The Office of People's Counsel timely appealed the Zoning Commissioner's ruling. After the appeal was filed, counsel conferred and came to an agreed resolution relating to this appeal, subject to the Board's approval.

As noted above, all parties appeared before the Board on November 13, 2003 to apprise the Board of the terms of the proposed resolution. By proffer, counsel for the parties stated as follows:

- Petitioner agreed that, to the extent its original special hearing request could be construed as requiring an interpretation of the 5 acre requirement set forth in B.C.Z.R. § 426.9.C.2, any such interpretational request is withdrawn;

- The parties agreed that Petitioner's withdrawal relating to the interpretation of § 426.9.C.2 was without prejudice to any parties' position concerning the correct

2. The proposed amendments to Petitioner's special exception request are approved;

3. The use must be in accord with and as shown on the amended site plan, Petitioner's Exhibit 1;

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

S. We

interpretation of that ordinance section;

- Petitioner amended its special exception request to specifically designate a 5 acre area as the "special exception area" for purposes of § 426.9.C.2;

- Petitioner further noted that the proposed special exception area contains no other uses or buildings;

- Petitioner submitted its Exhibit 1, an amended site plan documenting the changes described above and showing a revision date of October 23, 2003;

- Petitioner then requested that the special exception be granted and governed by the site plan submitted as Petitioner's Exhibit 1;

- The record shows that Petitioner has worked with The Valleys Planning Council to achieve compatibility with the surrounding area, and that the Office of Planning and Zoning supports the project;

- Based on all of the above, the Office of People's Counsel withdrew its opposition, both parties agreeing that the special exception and special hearing requests are governed by the amended site plan submitted as Petitioner's Exhibit No. 1.

Having heard counsels' proffers, reviewed the pertinent file information, Petitions, and site plans, the Board finds that the proposed resolution, embodied by the above proffers and amended site plan, should be approved. The Board is satisfied that the proposed special exception and special hearing, as amended, meet the requirements of B.C.Z.R. § 426 and 502.1.

ORDER

Therefore, it is this 21st day of November, 2003, ORDERED by the County Board of Appeals of Baltimore County, that the Petition for Special Exception and Petition for Special Hearing, both as amended, be and hereby are, GRANTED, subject to the following:

1. To the extent that Petitioner's special hearing request concerning continued use of the property for kenneling operations could be construed as requesting an interpretation of B.C.Z.R. § 426.9.C.2, such request is withdrawn without prejudice;

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

November 21, 2003

Carole S. Demilio
Deputy People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Branchwater Farms, Inc. – Legal Owners*
/Case No. 03-476-SPHX

Dear Ms. Demilio:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco /trs

Kathleen C. Bianco
Administrator

Enclosure

c: Karl J. Nelson, Esquire
Branchwater Farms, Inc.
/ Mr. and Mrs. Suchting – Legal Owners
AT&T Wireless, PCS –Tim Brenner
Gezahegn Kifle /Kathleen Pedersen /AT&T
Oakleigh Thorne /AT&T
Hillorie Morrison /Omnipoint Comm. CAP Operations
Mac McCulloh, Project Manager /Tower Resource Mgmt
Jack Dillon /Valleys Planning Council
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1800 Knox Ave.

which is presently zoned RC-2

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

~~Removal of the 11' x 74' area from Special Exception # 01-062-XA for use as a wireless telecommunications facility, and continued use of the remaining 5 acre Special Exception Area (if necessary) for all current uses.~~

Special Hearing to confirm the continued use of the kennels as granted under the special exception case # 01-062-XA, combined with the wireless telecommunications facility; and to amend the site plan previously approved in zoning case # 01-062-XA.

Property is to be posted and advertised as prescribed by the zoning regulations. KSN

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:

AT&T Wireless PCS, LLC by Tim Brenner

Name - Type or Print

Timothy C. B

Signature

11710 Beltsville Drive 301-586-3308

Address Telephone No.

Beltsville, MD 20705

City State Zip Code

Legal Owner(s):

Branchwater Farms, Inc.

Name - Type or Print

William H. Suchting William H. Suchting

Signature

Doreen B Suchting Doreen B Suchting

Name - Type or Print

Signature

1800 Knox Avenue 410-771-0071

Address Telephone No.

Reisterstown, MD 21136

City State Zip Code

Attorney For Petitioner:

Karl Nelson

Name - Type or Print

Signature

Saul Ewing, LLP

Company

100 S. Charles St. 410-332-8663

Address Telephone No.

Baltimore, MD 21201

City State Zip Code

Representative to be Contacted:

Karl Nelson

Name

100 S. Charles St. 410-332-8663

Address Telephone No.

Baltimore, MD 21201

City State Zip Code

ORDER RECEIVED FOR FILING

Date 4/21/03

By

REV 9/15/98

Case No. 03-476-SPHX

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTM Date 4/14/03

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1800 Knox Ave.

which is presently zoned RC-2

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A wireless telecommunications facility to be located on the property currently known as "Branchwater Farms" (1800 Knox Ave.). AT&T Wireless PCS, LLC has leased space from the owners of Branchwater Farms for this purpose. The proposed project consists of a 110' AGL flagpole-style monopole and ground based equipment cabinets (up to 3). AT&T's antennas will be located inside the top 2 sections of the proposed tower. Construction will be consistent with the accompanying plans.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, 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:

AT&T Wireless PCS, LLC by Tim Brenner
Name - Type or Print

Timothy C. B
Signature

11710 Beltsville Dr. 301-586-3308
Address Telephone No.

Beltsville, MD 20705
City State Zip Code

Attorney For Petitioner:

Karl Nelson
Name - Type or Print

Signature

Saul Ewing
Company

100 Sou th Charles St. 410-332-8663
Address Telephone No.

Baltimore, MD 21201
City State Zip Code

Legal Owner(s):

Branchwater Farms, INc.
Name - Type or Print

William H. Suchting
Signature

Doreen B. Suchting
Name - Type or Print

Signature

1800 Knox Ave. 410-771-0071
Address Telephone No.

Reisterstown, MD 21136
City State Zip Code

Representative to be Contacted:

Karl Nelson
Name

100 South Charles St. 410-332-8663
Address Telephone No.

Baltimore, MD 21201
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTM Date 4/14/03

ORDER RECEIVED FOR FILING
Date 4/14/03
By

Case No. 03-476-SPHX

REV 09/15/98

Description to Accompany

Zoning Petition for Special Exception

5.0 Acre Parcel

Northwest of Knox Avenue

West of Falls Road

Eighth Election District, Baltimore County, Maryland

DMW

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,
Golf Course Architects,
Engineers, Surveyors &
Environmental Professionals

Beginning for the same at the end of the following course and distance measured from the intersection of the centerline of Falls Road with the centerline of Knox Avenue (1) Northwesterly 60 feet, more or less, to the point of beginning, thence leaving the said point of beginning and running for the six following courses and distances, viz: (1) North 89 degrees 46 minutes 57 seconds West 268.31 feet, thence (2) North 04 degrees 53 minutes 18 seconds West 165.60 feet, thence (3) North 37 degrees 53 minutes 07 seconds East 681.60 feet, thence (4) South 52 degrees 06 minutes 53 seconds East 293.00 feet, thence (5) South 37 degrees 53 minutes 07 seconds West 444.69 feet to a point of curvature, and thence (6) Southwesterly by a line curving to the left, having a radius of 610.00 feet, for a distance of 197.97 feet (the arc of said curve being subtended by a chord bearing South 28 degrees 35 minutes 16 seconds West 197.10 feet) to the point of beginning; containing 5.0 acres of land, more or less.

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

December 4, 2002

Project No. 96035.BM (L96035.BM)

STATE OF MARYLAND
ANTHONY JOSEPH MILLER
PROFESSIONAL LAND SURVEYOR
REGISTERED
12/3

#476

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: #03-476-XSPH
1800 Knox Farms
W/side Knox Avenue, 60 feet south intersection of centerline Knox Avenue and Falls Road
8th Election District-2nd Councilmanic District
Legal Owner(s): Branchwater Farms, Inc.; William and Dorothy Suchting.
Contract Purchaser: AT&T Wireless PCS, LLC by Tim Brenner.

Special Exception: to permit a wireless telecommunications facility. **Special Hearing:** to confirm the continued use of the kennels as granted under special exception case 01-062-XA, combined with the wireless telecommunications facility; and to amend the site plan previously approved in zoning case 01-062-XA.

Hearing: Wednesday, June 11, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake 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.

JT/5/793 May 27 C606340

CERTIFICATE OF PUBLICATION

5/29/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/27/, 2003.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23610

DATE 4/11/03

ACCOUNT 001-000-6150

AMOUNT $ 75.00

RECEIVED FROM: Mac McCullough

FOR: 1800 Knox Ave.
Special Hearing 03-476-XSPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. 03-476-SPHX

Petitioner/Developer AT&T Wireless

Date of Hearing/Closing June 11, 2003

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

Ladies and Gentlemen:

This letter is to certify under penalties of perjury that the necessary sign(s) required by law were posted conspicuously for the property known as 1800 Knox Avenue

The signs were posted on MAY 23, 2003
(Month, Day, Year)

Sincerely,

Michael McGarity
(Signature of Sign Poster and Date)

MICHAEL MCGARITY
(Printed Name)

Daft- McCune- Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21286
(Address)

410-296-3333
(Telephone Number)

ZONING NOTICE

Case No.: 03-476-XSPH

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

Place: Baltimore County Office Building - Room 106
114 West Chesapeake Avenue
Towson, MD 21204

Date/Time: Wednesday, June 11, 2003 @ 2:00 p.m.

Request: Special exception to permit a wireless telecommunications facility.
Special Hearing to confirm the continued use of the kennels as granted under special exception case 01-062-XA, combined with the wireless telecommunications facility; and to amend the site plan previously approved in zoning case 01-062-XA.

IMPROVEMENTS MAY BE AFFECTED BY WEATHER OR OTHER CONDITIONS. ALL ACCOMMODATIONS NECESSARY - TO CONFIRM HEARING CALL 410-887-3391

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

HANDICAPPED ACCESSIBLE

ZONING NOTICE

Case No: 03-476-XSPH

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

Place: Baltimore County Office Building - Room 106
111 West Chesapeake Avenue
Towson, MD 21204

Date/Time: Wednesday, June 11, 2003 @ 2:00 p.m.

Request: Special exception to permit a wireless telecommunications facility.
Special Hearing to confirm the continued use of the kennels as granted under special exception case 01-062-XA, combined with the wireless telecommunications facility; and to amend the site plan previously approved in zoning case 01-062-XA.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 410-887-3391

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

HANDICAPPED ACCESSIBLE

APPEAL SIGN POSTING REQUEST

CASE NO. 03-476-[redacted] SPHX

Branchwater Farms - LEGAL OWNERS

1800 Knox Avenue, Reisterstown MD

8th ELECTION DISTRICT APPEALED: 7/3/2003

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 6)

17H3

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-476-XSPH

Branchwater Farms - LEGAL OWNERS

1800 Knox Avenue, Reisterstown MD

8th ELECTION DISTRICT APPEALED: 7/3/2003

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 6)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.: 03-476-XSPH

Petitioner/Developer:

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

1800 Knox Ave.

The sign was posted on 7/17, 2003

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

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: 03-476-XSPH

✓Petitioner: AT&T Wireless PCS, LLC

✓Address or Location: 1800 KNox Ave, Reisterstown, MD 21136

PLEASE FORWARD ADVERTISING BILL TO:

✓Name: Bechtel Telecommunication (Ref. AT&T Site # 911-017-001)

✓Address: 4600 Powder Mill Road, Beltsville, MD 20705 , Suite 200

✓Telephone Number: 1301-931-4472

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 27, 2003 Issue - Jeffersonian

Please forward billing to:
Bechtel Telecommunication
4600 Powder Mill Road, Suite 200
Beltsville, MD 20705

1-301-931-4472

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: 03-476-XSPH
1800 Knox Farms
W/side Knox Avenue, 60 feet south intersection of centerline Knox Avenue and Falls Road
8th Election District – 2nd Councilmanic District
Legal Owners: Branchwater Farms, Inc., William and Dorothy Suchting
Contract Purchaser: AT & T Wireless PCS, LLC by Tim Brenner

Special Exception to permit a wireless telecommunications facility. Special Hearing to confirm the continued use of the kennels as granted under special exception case 01-062-XA, combined with the wireless telecommunications facility; and to amend the site plan previously approved in zoning case 01-062-XA.

Hearings: Wednesday, June 11, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake 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

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

April 22, 2003

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: 03-476-XSPH
1800 Knox Farms
W/side Knox Avenue, 60 feet south intersection of centerline Knox Avenue and Falls Road
8th Election District – 2nd Councilmanic District
Legal Owners: Branchwater Farms, Inc., William and Dorothy Suchting
Contract Purchaser: AT & T Wireless PCS, LLC by Tim Brenner

Special Exception to permit a wireless telecommunications facility. Special Hearing to confirm the continued use of the kennels as granted under special exception case 01-062-XA, combined with the wireless telecommunications facility; and to amend the site plan previously approved in zoning case 01-062-XA.

Hearings: Wednesday, June 11, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon
Director

AJ:kim

C: Karl Nelson, Saul Ewing, LLP, 100 S. Charles Street, Baltimore 21201
Branchwater Farms, Inc., William and Doreen Suchting, 1800 Knox Avenue, Reisterstown 21136
AT&T Wireless, Tim Brenner, 11710 Beltsville Drive, Beltsville 20705

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 27, 2003.**
(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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on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

October 28, 2003

NOTICE OF REASSIGNMENT

CASE #: 03-476-SPHX — **IN THE MATTER OF: BRANCHWATER FARMS, INC. –Petitioner**
1800 Knox Avenue 8th Election District; 3rd Councilmanic District

6/2/03 – Petitions for Special Hearing /Special Exception **GRANTED** by ZC with restrictions.

which had been scheduled to be heard on 2/10/04 has been **REASSIGNED** to an earlier hearing date by joint request of Counsel; and has been

REASSIGNED FOR: **THURSDAY, NOVEMBER 13, 2003 at 9:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Counsel for Petitioners : Karl J. Nelson, Esquire
Petitioners : Branchwater Farms, Inc.
/ Mr. and Mrs. Suchting – Legal Owners
AT&T Wireless, PCS –Tim Brenner

Gezahegn Kifle /Kathleen Pedersen /AT&T
Oakleigh Thorne /AT&T
Hillorie Morrison /Omnipoint Comm. CAP Operations
Mac McCulloh, Project Manager /Tower Resource Mgmt
Jack Dillon /Valleys Planning Council

Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Postponed to 11/13/03 @ 9 am by request of parties

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

October 1, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-476-SPHX

IN THE MATTER OF: BRANCHWATER FARMS, INC. –Petitioner
1800 Knox Avenue 8th Election District; 3rd Councilmanic District

6/2/03 – Petitions for Special Hearing /Special Exception **GRANTED** by ZC with restrictions.

ASSIGNED FOR: **TUESDAY, FEBRUARY 10, 2004 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Verbal request in CBA office 10/28/03

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Counsel for Petitioners : Karl J. Nelson, Esquire
Petitioners : Branchwater Farms, Inc.
/ Mr. and Mrs. Suchting – Legal Owners
AT&T Wireless, PCS –Tim Brenner

Gezahegn Kifle /Kathleen Pedersen /AT&T
Oakleigh Thorne /AT&T
Hillorie Morrison /Omnipoint Comm. CAP Operations
Mac McCulloh, Project Manager /Tower Resource Mgmt
Jack Dillon /Valleys Planning Council

Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

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Exhibit

Petitioner

✓ 1. Amended Site Plan to accompany Pet. for SE

The Valleys Planning Council, Inc
207 Courtland Avenue, Towson, Maryland 21204
Mailing Address P.O. Box 5402, Towson, Maryland 21285-5402
Phone: 410-337-6877, Fax: 410-296-5409

June 11, 2003

Mr. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Pet No 4

Re: Special Exception Case No 03-476 XSPH
Knox Farms
1800 Knox Avenue
Wireless telecommunication facility

Dear Mr. Schmidt:

The Valleys Planning Council has been working with the property owner, the applicant and Tower Resources Management to find a location that will provide the coverage needed by AT&T while achieving the objective of minimizing the visual impact in this area.

This property is located in the Worthington Valley at the southwest corner of Falls Road and Tufton Avenue. Access to the farm however is from Knox Avenue. This entire area is within the boundaries of the Worthington Valley National Register Historic District and Tufton and Falls Roads are identified in the Baltimore County Master Plan 2010 as part of the County's Scenic Routes as well as being included as part of Maryland Scenic Byways Program.

I am pleased to report that after several attempts we have selected a location and design that accomplishes the objective outlined above. The proposed tower location on the farm is near the main activity area and the proposed flagpole tower will not look out of place at this location. The flagpole will be painted a color that will blend into the color of the tree bark of the trees rising behind the tower and the tower will not exceed 110 feet in height. The manner in which the topography rises behind the tower will provide an excellent camouflage of the tower from almost any vantagepoint off site.

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE – W/S Falls Road, 390' S of Tufton Avenue (1800 Knox Avenue) 8th Election District 3rd Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 01-062-XA

For these reasons The Valleys Planning Council does not oppose the request for a cellular tower at this location subject to the description above. We respectfully request that you approve this request.

Thank you for your consideration in this matter.

Sincerely

Jack Dillon
Executive Director

Cc: Mr. Karl Nelson
VPC Ex. Committee

area of 45.294 acres, more or less, zoned R.C.2, and is presently in active agricultural use. The property is improved with a two-story frame dwelling, known as 1800 Knox Avenue, and also features a one-story frame office building, a livestock corral, with an attached 9' x 36' kennel, and accessory kennel shed. The Petitioners have owned the property since 1979 and have farmed this property as well as others in the area for many years. It was indicated that a portion of the property is in crops (soybean, wheat and corn), and that the property is used for raising livestock (cattle, sheep, etc.). Apparently, a number of years ago, Mrs. Suchting began to raise Border Collies on the property. Originally, the dogs were raised as working animals in connection with the operation of the farm. That is, they were used to help control livestock. However, the raising of Border Collies has grown over the years and the Petitioners now own 30 dogs (5 males and 25 females) which are used for breeding purposes. It was indicated that as a litter of puppies are born, most of the animals are sold, but some are retained as working dogs. The animals are sold both as pets, and as working dogs, i.e., to other farmers, to Police Departments for criminal investigations, etc.

The site plan shows that the property is improved with a single family dwelling, in which the Petitioners reside, and a series of outbuildings as identified above. These outbuildings are used for both the active agricultural operations and the raising of the dogs. There is a 60' x 52' concrete building, a 95' x 50' barn, which will be expanded to accommodate dog runs, and a small 10' x 18' kennel shed, and another small building in which an office and paperwork are maintained for both the agricultural and kennel operations.

The Petitioners seek approval of the use of the site for a kennel. A kennel is defined in Section 101 of the B.C.Z.R. as "Any building, other structure, or land, or any portion thereof which is used, intended to be used, or arranged for the housing of more than three (3) dogs, not counting puppies less than 4 months old, for the purposes of show, breeding, or sale, or as pets, excluding a farm or pet shop." Amended relief is also requested to allow an animal boarding place (Class A) on the property. An animal boarding place is defined in Section 101 as "Any building, other structure, or land, or any portion thereof which is used, intended to be used, or arranged for the boarding, breeding, or other care of animals for profit, but excluding a farm,

kennel, pet shop, veterinarian's office, or veterinarium." A Class A animal boarding place is an animal boarding place exclusively for dogs, cats, birds, or other household pets. In this regard, it was indicated that Mrs. Suchting will occasionally board dogs which had been sold from the property. That is, purchasers will return the dogs to the site when they go on vacation and need to board their animals. Variance relief is also requested because the small, 18' x 12' kennel shed building is located within 110 feet of the side property line. It is to be noted that this property line abuts Knox Avenue and Falls Road.

Based on the testimony and evidence offered, I am persuaded to grant the special exception and variance relief. There was no indication that the use does not meet the requirements of Section 502.1 of the B.C.Z.R. The property has been used for agricultural purposes for many years and the boarding and raising of Border Collies has been an integral part of this farming operation. There was no indication that the dogs, which have been bred and maintained on the property for many years, have caused any detrimental impact to the health, safety or general welfare of the surrounding locale. Moreover, I find that the property is unique by way of its configuration. The building involved is sufficiently set back from any nearby residence so as to not be detrimental to adjacent properties. There were no Protestants present and there were no adverse comments submitted by any Baltimore County reviewing agency. Thus, I find that the relief requested should be granted.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of October, 2000 that the Petition for Special Exception (as amended) to permit a kennel and an animal boarding place on the subject property, zoned R.C.2, pursuant to Section 1A01.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 421.1 thereof to permit part of the kennel to be located 110 feet from the property line in lieu of the

required 200 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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

June 6, 2003

Karl Nelson
Saul Ewing, LLP
100 S. Charles Street
Baltimore, MD 21201

Dear Mr. Nelson:

RE: Case Number: 03-476-XSPH, 1800 Knox Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 14, 2003.

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.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Branchwater Farms, Inc. William and Doreen Suchting, 1800 Knox Ave., Reisterstown 21136
AT & T Wireless PCS, LLC, Tim Brenner, 11710 Beltsville Dr., Beltsville 20705

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 30, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For April 28, 2003
Item Nos. 465, 466, 467, 468, 469,
470, 473, 474, 475, 476, and 477

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 8, 2003

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

SUBJECT: 1800 Knox Avenue

INFORMATION:

Item Number: 03-476

Petitioner: Branchwater Farm

Zoning: RC 2

Requested Action: Special Hearing/Special Exception

SUMMARY OF RECOMMENDATIONS:

The petitioner consulted with the Valleys Planning Council regarding the siting and design details of the subject flagpole structure. The Office of Planning does not oppose the petitioner's request providing the following conditions are met:

1. Paint the flagpole-type structure brown to visually blend into the surrounding environment.
2. Retain all existing trees and vegetation along Falls Road and Knox Avenue.

Prepared by: Martha A Cumpston

Section Chief: Lyn Lanham

AFK/LL:MAC:

Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 24, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 21, 2003

Item No.: 465, 467-477 474

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Acting Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.18.03

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

RE: Baltimore County
Item No. 476 LTM

Dear. Ms. Hart:

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,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 8, 2003

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

RECEIVED
MAY - 9 2003
ZONING COMMISSIONER

SUBJECT: 1800 Knox Avenue

INFORMATION:

Item Number: 03-476

Petitioner: Branchwater Farm

Zoning: RC 2

Requested Action: Special Hearing/Special Exception

SUMMARY OF RECOMMENDATIONS:

The petitioner consulted with the Valleys Planning Council regarding the siting and design details of the subject flagpole structure. The Office of Planning does not oppose the petitioner's request providing the following conditions are met:

1. Paint the flagpole-type structure brown to visually blend into the surrounding environment.
2. Retain all existing trees and vegetation along Falls Road and Knox Avenue.

Prepared by: Martha A Cumpton

Section Chief: Lyn Lerhan

AFK/LL:MAC:

RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
	1800 Knox Farms; W/side Knox Avenue, 60' S intersection c/line Knox Ave & Falls Rd	*	ZONING COMMISSIONER
	8th Election & 2nd Councilmanic Districts	*	FOR
	Legal Owner(s): Branchwater Farms, Inc; William H. & Doreen B. Suchting	*	BALTIMORE COUNTY
	Contract Purchaser(s): AT&T Wireless, PCS Tim Brenner	*	03-476-SPHX

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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
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 24th day of April, 2003, a copy of the foregoing Entry of Appearance was mailed to Karl Nelson, Esquire, 100 South Charles Street, Baltimore, MD 21201, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

July 9, 2003

Karl Nelson
Saul Ewing, LLP
100 S. Charles Street
Baltimore, MD 21201

Dear Mr. Nelson:

RE: Case No.: 03-476-X SPH, 1800 Knox Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on July 3, 2003, by Peter Zimmerman of Baltimore County Peoples Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Branchwater Farms, Inc. Mr. and Mrs. Suchting, 1800 Knox Ave., Reisterstown 21136
AT & T Wireless, Tim Brenner, 11710 Beltsville Dr., Beltsville 20705

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Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 3, 2003

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING & EXCEPTION
W/S Falls Road, 390' S of Tufton Road
(1800 Knox Road)
8th Election District; 3rd Council District
Branchwater Farms, Inc, Owners; AT&T Wireless PCS, LLC, Lessees – Petitioner(s)
Case No.: 03-476-SPHX

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated June 26, 2003 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio/RMW

Carole S. Demilio
Deputy People's Counsel

RECEIVED
JUL 03 2003
Per..RMW

PMZ/CSD/rmw

cc: Karl J. Nelson, Esquire, Saul Ewing & Associates, 100 S Charles Street, Balto, MD 21201

APPEAL

Petition for Special Hearing and Exception
1800 Knox ~~Road~~ Ave
W/side Falls Road, 390' South of Tufton Road
8th Election District – 3rd Councilmanic District
Branchwater Farms, Inc.-Legal Owners

Case No.: 03-476-[redacted] SPHX

✓ Petition for Special Hearing and Exception (April 14, 2003)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (April 22, 2003)

✓ Certification of Publication (May 27, 2003)

✓ Certificate of Posting (May 23, 2003) by Michael McGarity

✓ Entry of Appearance by People's Counsel (April 24, 2003)

✓ Petitioner(s) Sign-In Sheet
One Sheet

✓ Protestant(s) Sign-In Sheet
None

✓ Citizen(s) Sign-In Sheet
One Sheet

RECEIVED
JUL 09 2003
BALTIMORE COUNTY
BOARD OF APPEALS

Zoning Advisory Committee Comments

Petitioners' Exhibit
✓1. Coverage Map
2. Not Located
3. Not Located
✓4. Letter to Zoning Commissioner from Jack Dillon
✓5. Coverage Plot Map
✓6. Site Plan to accompany Petition for Special Exception and Special Hearing

✓ Protestants' Exhibits:
✓None

✓ Miscellaneous (Not Marked as Exhibit)
✓1. Findings of Fact and Conclusions of Law (Oct. 12, 2000)
✓2. Flood Insurance Rate Map
✓3. 2000 Comprehensive Zoning Map

~~Deputy Zoning Commissioner's~~/Zoning Commissioner's Order (June 26, 2003 - Granted)

✓ Notice of Appeal received on July 3, 2003 from Peter Zimmerman, Peoples Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Karl Nelson, Saul Ewing, LLP, 100 S. Charles St., Baltimore 21201
Branchwater Farms, Mr. and Mrs. Suchting, 1800 Knox Av., Reisterstown 21136
AT&T Wireless, PCS, Tim Brenner, 11710 Beltsville Dr., Beltsville 20705

date sent July 9, 2003 klm

√E

MR AND MRS SUCHTING
BRANCHWATER FARMS INC
1800 KNOX AVENUE
REISTERSTOWN MD 21136

TIM BRENNER
AT&T WIRELESS
11710 BELTSVILLE DRIVE
BELTSVILLE MD 20705

GEZAHEGN KIFLE
KATHLEEN PEDERSEN
AT&T
WIRELESS PCS
4600 POWDER MILL ROAD
BELTSVILLE, MD 20705

KARL J NELSON ESQUIRE
SAUL EWING & ASSOCIATES
100 SOUTH CHARLES STREET
BALTIMORE, MD 21201

OAKLEIGH THORNE
10605 CONCORD STREET
KENSINGTON MD 20895

MAC MCCULLOCH
TOWER RESOURCE MANAGEMENT INC
104 CHURCH LANE
SUITE 209
PIKESVILLE MD 21208

JACK DILLON
VALLEYS PLANNING COUNCIL
PO BOX 5402
TOWSON MD 21285

Case No. 03-476-SPHX

In the Matter of: Branchwater Farms, Inc.; AT&T Wireless

SPH – To confirm continued use of subject property as a kennel, pursuant to relief granted in prior 01-062-XA; to approve amendment to previously approved site plan;
SE – Wireless telecommunications facility (110' AGL flagpole-style monopole and ground-based equipment cabinets.

6/26/03 – Z.C.'s decision in which Petitions for Special Hearing and Special Exception were GRANTED with restrictions.

10/01/03 – Notice of Assignment sent to following; scheduled for hearing on Tuesday, February 10, 2004 at 10 a.m.

Office of People's Counsel
Karl J. Nelson, Esquire
Branchwater Farms, Inc.
/ Mr. and Mrs. Suchting – Legal Owners
AT&T Wireless, PCS –Tim Brenner
Gezahegn Kifle /Kathleen Pedersen /AT&T
Oakleigh Thorne /AT&T
Hillorie Morrison /Omnipoint Comm. CAP Operations
Mac McCulloh, Project Manager /Tower Resource Mgmt
Jack Dillon /Valleys Planning Council
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

10/28/03 – Per verbal joint request of Counsel (Ms. Demilio and Mr. Nelson), this mater has been specially reassigned to Thursday, November 13, 2003 at 9:00 a.m. – agreement reached by Counsel. Notice of Reassignment sent this date to all parties; case reassigned to Thursday, November 13, 2003 at 9 a.m. FYI copy to 2-4-3 advising of early start on 11/13/03.

11/13/03 – Board convened for hearing as specially assigned by request of counsel to this matter (settlement); (Wescott and Worrall – 2 members by agreement of parties); completed this date; Mr. Nelson to submit proposed order pursuant to agreement of parties.

11/20/03 – Opened e-mail from Karl Nelson, Esquire – draft of proposed order for Board's review /signature; printed and awaiting signature.

From: "Nelson, Karl J." <knelson@saul.com>
To: <kbianco@co.ba.md.us>
Date: 11/19/03 3:08:41 PM
Subject: #784086 v1 - decision and order re: branchwater

Kathy:

Here is the proposed order relating to case no. 03-476-SPHX. I have run it by People's Counsel and incorporated their changes. It is, therefore, a consensus document.

Please let me know if you need anything else. Thanks again for your help.

"Saul Ewing LLP <saul.com>" made the following annotations:

~~~~~~~~~~~~~~~~~~~~~~~~~~

THIS E-MAIL MAY CONTAIN PRIVILEGED, CONFIDENTIAL, COPYRIGHTED, OR OTHER LEGALLY PROTECTED INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT (EVEN IF THE E-MAIL ADDRESS ABOVE IS YOURS), YOU MAY NOT USE, COPY, OR RETRANSMIT IT. IF YOU HAVE RECEIVED THIS BY MISTAKE PLEASE NOTIFY US BY RETURN E-MAIL, THEN DELETE. THANK YOU. SAUL EWING'S WEB SITE IS WWW.SAUL.COM .

~~~~~~~~~~~~~~~~~~~~~~~~~~

Verified and printed final 11-20-2003

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: February 6, 2004

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
CR-98-367-A	*CR-98-367-A CYCLE III 1998*	ELIAS RIZAKOS	WINDSOR MILL ROAD / CRESSON AVENUE
03-476-SPHX	*03-476-SPHX*	BRANCHWATER FARMS INC	1800 KNOX AVENUE

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

Department of Permits and Development Management

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

Baltimore County

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

February 3, 2005

C. William Clark
Nolan, Plumhoff & Williams
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204-4528

Dear Mr. Clark:

RE: Spirit and Intent, Case # 03-476-SPHX, Branchwater Farms, 1800 Knox Avenue, Reisterstown, MD 21136, 8th Election District

Your recent letter to Timothy Kotroco, Director of Permits and Development Management, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

1. The proposed modification to the site plan in Case # 03-476-SPHX, specifically the additional agricultural storage building and gravel area, is approved as being in the spirit and intent of the Baltimore County Zoning Regulations (BCZR), subject to any restrictions contained in the Zoning Commissioner's order and the prior order in Case # 01-062-XA and subject to any requirements contained in Section 404.11, BCZR.

2. However, please be aware that any future proposed buildings, structures or uses will be considered a material change to the site plan in Case 03-476-SPHX and will require a special hearing before the Zoning Commissioner to amend the plan.

3. A verbatim copy of this response must be affixed to your building permit site plan prior to permit application. In addition, your permit application must be modified to list the pole barn as a commercial agricultural building, not an accessory structure.

4. A copy of this response and the modified plan will be recorded and made a permanent part of the zoning case file.

5. This approval is for zoning only, and you will be required to comply with all other County and State regulations relative to this property.

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,

Jeffrey N. Perlow
Planner II
Zoning Review

JNP

c: Zoning Hearing File 03-476-SPHX
File-Spirit & Intent Letters

Thomas J. Renner
William P. Englehart, Jr.
Robert L. Hanley, Jr.
Robert S. Glushakow
Douglas L. Burgess
C. William Clark
Catherine A. Potthast
E. Bruce Jones**
Cornelia M. Koetter*

* Also admitted in D.C
**Also admitted in New Jersey

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

J. EARLE PLUMHOFF
(1940-1988)

NEWTON A. WILLIAMS
(RETIRED 2000)

RALPH E. DEITZ
(1918-1990)

Received 1/31/05
Due 2/16/05
To: JNP
1/28/05
wa

January 26, 2005

VIA HAND DELIVERY
Mr. Timothy M. Kotroco, Director
Department of Permits
and Development Management
111 West Chesapeake Avenue
Towson, Md 21204

Re: William and Doreen Suchting, Branchwater Farms
1800 Knox Avenue
Reisterstown, MD 21136; Building Permit

Dear Mr. Kotroco:

Please be advised that undersigned counsel represents Mr. and Mrs. Suchting who operate Branchwater Farms. I understand that they recently applied for a building permit to build another barn upon their property at 1800 Knox Avenue but were advised that they may need to file for a Petition for Special Hearing to amend a previously approved Petition for Special Exception. I write today to try to clarify the situation and see whether or not with this additional information they can proceed to obtain the permit without the necessity of any additional hearings. As you will see from the enclosed site plan, this property contains 45.294 acres and is a working farm. It is zoned RC-2.

In Case No.: 01-062-XA, a petition for Special Exception to permit a kennel and a variance to permit the kennel to be located 110 feet from the property line in lieu of the required 200 feet was approved by the Zoning Commissioner. Enclosed please find a copy of the Opinion of Lawrence E. Schmidt concerning the same. As that Opinion indicated the property was an Active agricultural use. However, over the years, the Suchtings started raising boarder collies, used as working animals in connection with the operation of the farm to control the livestock. However, the Suchtings then began to sell some of the animals as pets as well as selling some for working dogs to other farmers, to the police

departments and the like as well as retaining some dogs as working dogs for their farm. The property contains a number of outbuildings, some of which were used in the raising of the dogs and boarding them as well as other dogs. The buildings used in that manner are labeled as such on the plan. Clearly, the Zoning Commissioner's approval contemplated that the kennel and the animal boarding unit, while requiring a special exception and a variance, were ancillary or accessary uses to the farm. An appeal was filed from the Zoning Commissioner's approval of the Special Exception and Special Hearing but ultimately dismissed.

Subsequent to that, AT&T Wireless Services, Inc. contracted with the Suchtings for a 5.0 acre special exception area upon which to erect a cellular telephone tower. Enclosed please find a copy of the plan to accompany zoning Petition for Special Exception and Special Hearing. That Special Exception was assigned Case No.: 03-476-SPHX and was subsequently approved by the Zoning Commissioner. The 5.0 acre special exception area is not an area that was farmed nor does it include any of the area indicated on the prior plan for use in connection with the kennel.

On January 13, 2005, Mr. Suchting made an application for a permit to construct a one story pole barn on the property. A copy of that application for permit is enclosed. Also enclosed please find a copy of the site plan showing the location of the proposed storage building. The proposed building would be used as storage for the farm. The proposed location is clearly outside the special exception area for the cellular tower and is not in an area marked for the kennel use. It seems to me that this ought to be able to proceed without the necessity of filing for a hearing to amend the prior Special Exception for the cellular tower since it is not located in that area, nor does it replace any of the buildings marked on the prior plan as being part of the kennels.

Upon your review of this letter and the plans and information conveyed with it, please contact me, if you have any questions. I trust that you can approve this to go forward without the necessity of a hearing. Until then, I remain.

Very truly yours,

C. William Clark

CWC/jkc
Enclosures
cc: Mr. and Mrs William H. Suchting (w/o enclosures)

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Gezahegn Kifle	4600 Powdermill Rd ~~Beltsville~~	Beltsville, MD 20705	gkifle@bechtel.com
Hillorie Morrison mobile	12050 Beltsville Ave	Beltsville MD 20705	hillorie.morrison@t-mobile.com
Mac McCulloch	104 Church La, suite 209	Pikesville, MD 21208	mmcculloch@trmcom.com
William H. Suchting	1800 Knox Ave.	Reisterstown Md 21136	
OAKLEIGH J. THORNE	10605 Concord St.	Kensington MD 20895	
Kathleen R. Pedersen	4600 Powder Mill Rd Belts	Beltsville MD 21230	krpeders@bechtel.com

PLEASE PRINT CLEARLY

CASE NAME Knox Farms
CASE NUMBER 03-472 X-SPH
DATE 6-11-03

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Jack Dillon (VPC)	PO Box 5402	Towson MD 21285	Dillonvpc@comcast.net

The Valleys Planning Council, Inc
207 Courtland Avenue, Towson, Maryland 21204
Mailing Address P.O. Box 5402, Towson, Maryland 21285-5402
Phone: 410-337-6877, Fax: 410-296-5409

June 11, 2003

Mr. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Ped Not

Re: Special Exception Case No 03-476 XSPH
Knox Farms
1800 Knox Avenue
Wireless telecommunication facility

Dear Mr. Schmidt:

The Valleys Planning Council has been working with the property owner, the applicant and Tower Resources Management to find a location that will provide the coverage needed by AT&T while achieving the objective of minimizing the visual impact in this area.

This property is located in the Worthington Valley at the southwest corner of Falls Road and Tufton Avenue. Access to the farm however is from Knox Avenue. This entire area is within the boundaries of the Worthington Valley National Register Historic District and Tufton and Falls Roads are identified in the Baltimore County Master Plan 2010 as part of the County's Scenic Routes as well as being included as part of Maryland Scenic Byways Program.

I am pleased to report that after several attempts we have selected a location and design that accomplishes the objective outlined above. The proposed tower location on the farm is near the main activity area and the proposed flagpole tower will not look out of place at this location. The flagpole will be painted a color that will blend into the color of the tree bark of the trees rising behind the tower and the tower will not exceed 110 feet in height. The manner in which the topography rises behind the tower will provide an excellent camouflage of the tower from almost any vantagepoint off site.

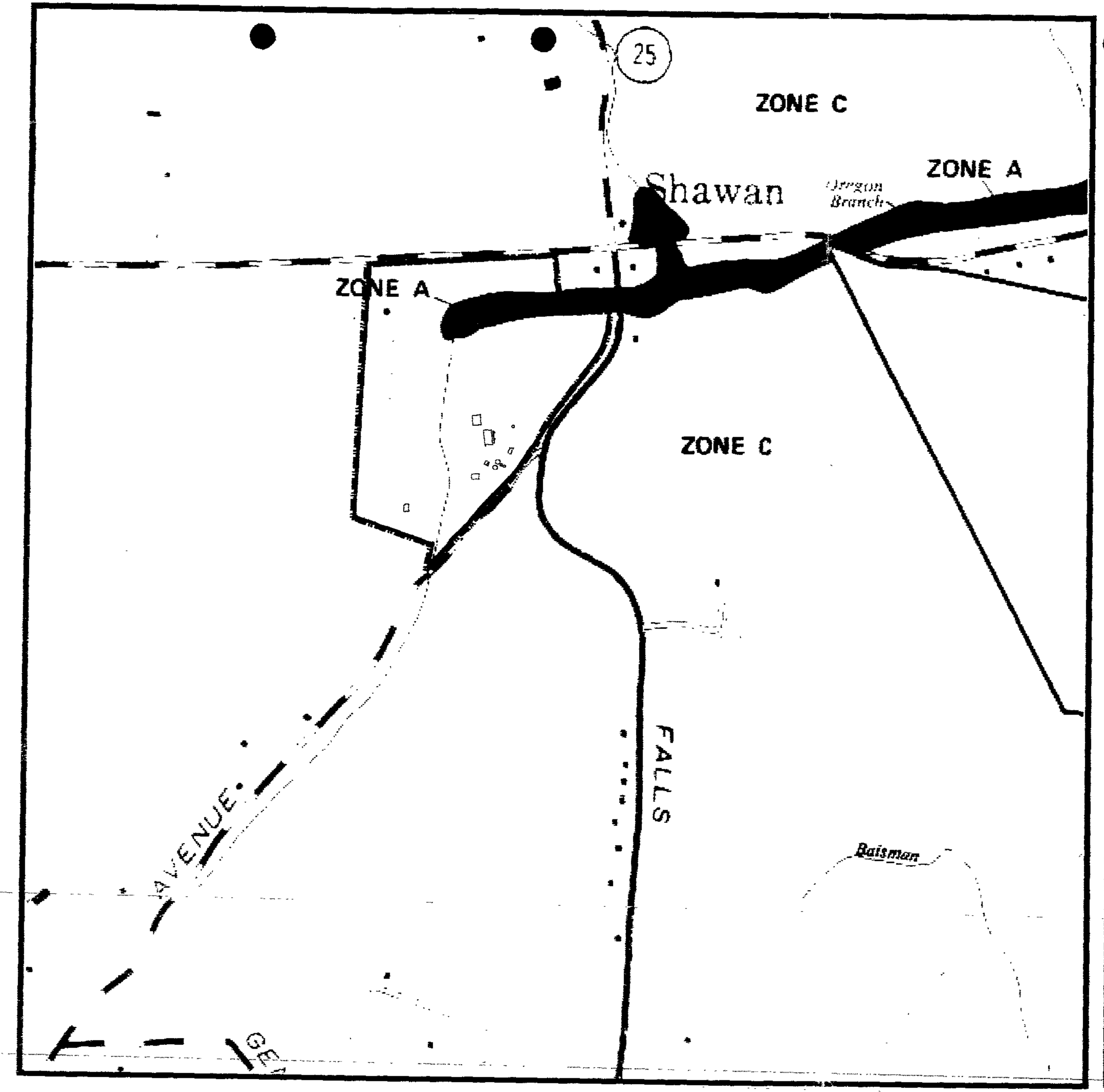
For these reasons The Valleys Planning Council does not oppose the request for a cellular tower at this location subject to the description above. We respectfully request that you approve this request.

Thank you for your consideration in this matter.

Sincerely

Jack Dillon
Executive Director

Cc: Mr. Karl Nelson
VPC Ex. Committee



KEY TO MAP

100-Year Flood Boundary

500-Year Flood Boundary

Zone Designations* With Date of Identification e.g., 1/2/74

100-Year Flood Boundary

500-Year Flood Boundary

ZONE B

ZONE B

Base Flood Elevation Line With Elevation In Feet** — 513 —

Base Flood Elevation In Feet Where Uniform Within Zone** (EL 987)

Elevation Reference Mark RM7 ×

River Mile • M1.5

**Referenced to Baltimore County Datum

*EXPLANATION OF ZONE DESIGNATIONS

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
AO	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.

This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

For adjoining map panels, see separately printed Index To Map Panels.

INITIAL IDENTIFICATION
APRIL 18, 1975
FLOOD HAZARD BOUNDARY MAP REVISIONS
JUNE 4, 1976

FLOOD INSURANCE RATE MAP EFFECTIVE
MARCH 2, 1981
FLOOD INSURANCE RATE MAP REVISIONS

FIRM
FLOOD INSURANCE RATE MAP

BALTIMORE COUNTY, MARYLAND
(UNINCORPORATED AREAS)

PANEL 230 OF 575
(SEE MAP INDEX FOR PANELS NOT PRINTED)

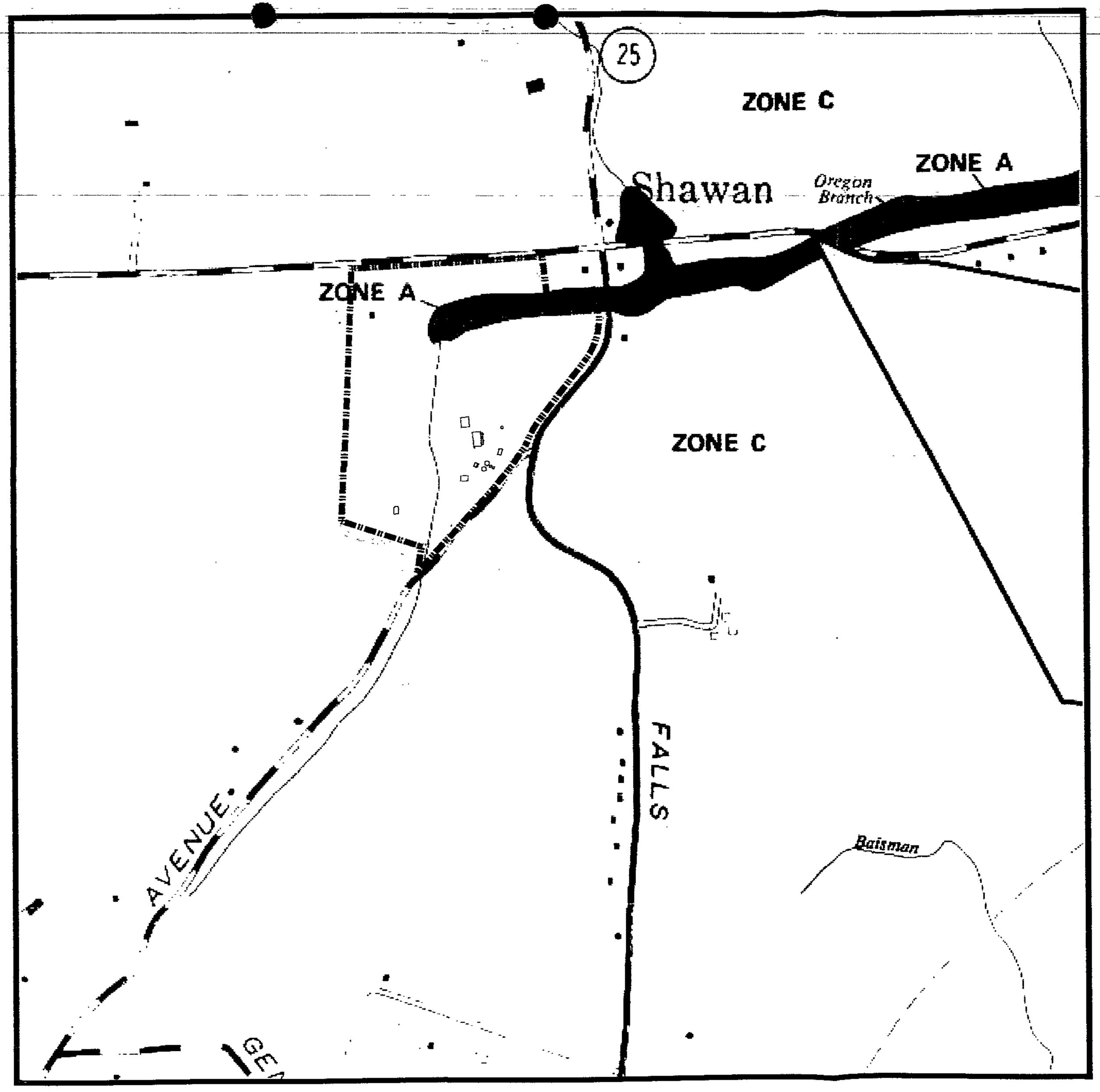
COMMUNITY-PANEL NUMBER
240010 0230 B

EFFECTIVE DATE:
MARCH 2, 1981

federal emergency management agency
federal insurance administration

#476

017-001B
BRANCHWATER FARMS
1800 KNOX AVENUE
REISTERSTOWN, MD 21136



KEY TO MAP

500-Year Flood Boundary	
100-Year Flood Boundary	
Zone Designations* With Date of Identification e.g., 12/2/74	ZONE B / ZONE B
100-Year Flood Boundary	
500-Year Flood Boundary	
Base Flood Elevation Line With Elevation In Feet**	513
Base Flood Elevation In Feet Where Uniform Within Zone**	(EL 987)
Elevation Reference Mark	RM7 ×
River Mile	• M1.5

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#476

017-001B
BRANCHWATER FARMS
1800 KNOX AVENUE
REISTERSTOWN, MD 21136

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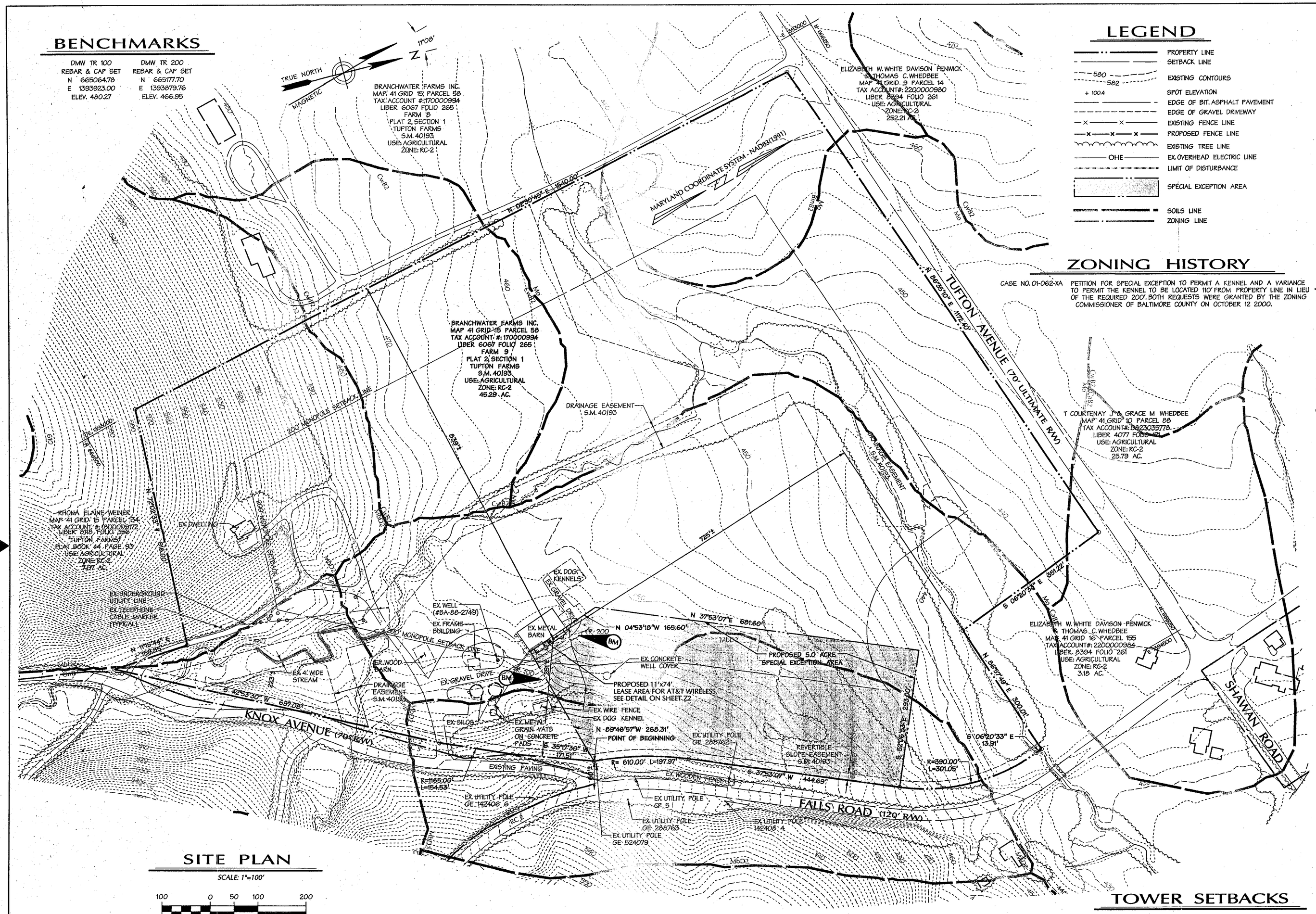
BENCHMARKS

DMW TR 100	DMW TR 200
REBAR & CAP SET	REBAR & CAP SET
N 665064.78	N 665177.70
E 1393923.00	E 1393879.76
ELEV. 480.27	ELEV. 466.95



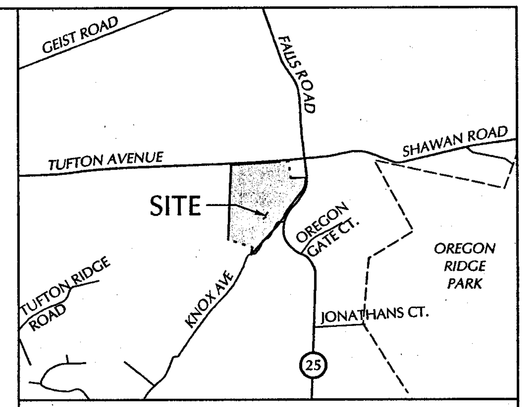
SITE PLAN

SCALE: 1"=100'

100 0 50 100 200

LEGEND

- PROPERTY LINE
- SETBACK LINE
- 580 / 582 — EXISTING CONTOURS
- + 1004 — SPOT ELEVATION
- EDGE OF BIT. ASPHALT PAVEMENT
- EDGE OF GRAVEL DRIVEWAY
- EXISTING FENCE LINE
- PROPOSED FENCE LINE
- EXISTING TREE LINE
- OHE — EX. OVERHEAD ELECTRIC LINE
- LIMIT OF DISTURBANCE
- SPECIAL EXCEPTION AREA
- SOILS LINE
- ZONING LINE



VICINITY MAP

SCALE: 1"=2000'
ADC MAP 17 GRID H-2

ZONING HISTORY

CASE NO. 01-062-XA — PETITION FOR SPECIAL EXCEPTION TO PERMIT A KENNEL AND A VARIANCE TO PERMIT THE KENNEL TO BE LOCATED 110' FROM PROPERTY LINE IN LIEU OF THE REQUIRED 200'. BOTH REQUESTS WERE GRANTED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY ON OCTOBER 12 2000.

GENERAL NOTES

1. CURRENT OWNER AND STREET ADDRESS: BRANCHWATER FARMS INC. 1800 KNOX AVENUE REISTERSTOWN, MD 21136
2. CONTRACT LESSEE/APPLICANT: AT&T WIRELESS SERVICES, INC. 11710 BELTSVILLE DRIVE BELTSVILLE, MARYLAND 20705
3. SITE AREA: 45.29 AC ACRE (1972779.52 SQ. FT.)
4. EXISTING USE: FARM
5. SITE ADDRESS: 1800 KNOX AVENUE REISTERSTOWN, MD 21136
6. SITE DATA: TAX MAP 41 GRID 15 PARCEL 58
   DEED REFERENCE: 6067/265
   TAX ACCOUNT #: 1700009994
   COUNCILMANIC DISTRICT: 02
   ELECTION DISTRICT: 08
   ZONED: RC-2
7. PROPOSED FLAGPOLE/MONOPOLE LOCATION
   LATITUDE: N 39°29'32.95" (NAD 27) N 39°29'33.33" (NAD 83)
   LONGITUDE: W 76°42'41.17" (NAD 27) W 76°42'40.07" (NAD 83)
   GROUND ELEVATION: 467.4'± AMSL (NAVD 88)
   PROPOSED FLAGPOLE/MONOPOLE HEIGHT: 110'± AGL
   TOTAL ELEVATION: 577.4'± AMSL (NAVD 88)
8. THE TOPOGRAPHIC INFORMATION SHOWN HEREON, IN THE AREA OF THE PROPOSED COMPOUND, IS THE RESULT OF A DMW SURVEY PERFORMED ON 08/13/2002. ALL OTHER TOPOGRAPHIC INFORMATION IS TAKEN FROM BALTIMORE COUNTY 1995 GIS. THE PROPERTY INFORMATION AND LOCATION HAVE BEEN COMPILED FROM DEEDS, PLATS AND OTHER SOURCES DEEMED RELIABLE. HOWEVER, THIS PLAN IS NOT THE RESULT OF A BOUNDARY SURVEY AND, THEREFORE, IS SUBJECT TO CHANGE.
9. NO WATER OR SANITARY UTILITIES ARE REQUIRED FOR THE PROPOSED FACILITY.
10. ZONING INFORMATION IS TAKEN FROM 2000 BALTIMORE COUNTY 1"=200' ZONING MAPS. NW 18 - 19E
11. THERE ARE NO NEW SIGNS PROPOSED FOR THIS FACILITY.
12. NO ADDITIONAL SITE, ANTENNA LIGHTS OR STROBOSCOPIC LIGHTS ARE PROPOSED FOR THIS FACILITY, UNLESS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.
13. EXISTING UTILITY LOCATION INFORMATION SHOWN ON THESE PLANS IS FOR THE CONTRACTORS 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.
14. THE CONTRACTOR IS TO NOTIFY MISS UTILITY (800)-257-7777 A MINIMUM OF 3 WORKING DAYS PRIOR TO ANY CONSTRUCTION OR EXCAVATION. THE CONTRACTOR IS TO ALSO NOTIFY A PRIVATE UTILITY CONTRACTOR FOR ALL ON-SITE UTILITY LOCATIONS.
15. 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 240010-0230-B REVISED MARCH 2, 1981.
16. PROPOSED WORK INCLUDES INSTALLATION OF AN EQUIPMENT CABINET ON A 4'-9¼" x 6'-3" CONCRETE PAD, AND THE PLACEMENT OF A 110' TALL STEALTH FLAGPOLE/MONOPOLE TO BE PAINTED BROWN, WITH ANTENNAS LOCATED INSIDE POLE AT TOP.
17. REQUIRED NUMBER OF EMPLOYEES: 0 (UNMANNED FACILITY)
18. PARKING SPACES PROVIDED: 0 (UNMANNED FACILITY)
19. FLOOR AREA RATIO: N/A
20. GROUND DISTURBANCE LIMITED TO 900± SQ. FT.
21. CLASS "A" SCREENING TO BE PROVIDED AS REQUIRED BY THE BALTIMORE COUNTY LANDSCAPE MANUAL.
22. NO CRG, DRC, OR WAIVERS ON RECORD FOR THIS SITE.
23. BUILDING PERMIT ON RECORD FOR THIS SITE: 56625
24. PROPOSED PROJECT IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
25. THE PROPOSED FACILITY IS NOT LOCATED IN THE NATIONAL HISTORIC REGISTER DISTRICT.
26. THE PROPOSED FACILITY WILL NOT INTERFERE WITH OR BE DETRIMENTAL TO ANY SCENIC VIEWSHED.
27. APPLICANT AGREES TO SECTION 426.6 D. & E. IN BALTIMORE COUNTY ZONING REGULATIONS.

TOWER SETBACKS

	REQUIRED	PROVIDED
FRONT	200'	251'±
SIDE	200'	725'±
REAR	200'	839'±

Rd No 6

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

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

BRANCHWATER FARMS
017-001B
1800 KNOX AVENUE
REISTERSTOWN, MD 21136
2nd COUCILMANIC DISTRICT
8th ELECTION DISTRICT
BALTIMORE COUNTY, MD

AT&T
AT&T WIRELESS SERVICES, INC.
11710 BELTSVILLE DRIVE
BELTSVILLE, MARYLAND 20705

NO.	DATE	REVISIONS	BY	CHK	APP'D
0	04/08/03	ISSUED FOR SUBMISSION TO BALTIMORE COUNTY	KO	MDM	AJV

SCALE AS SHOWN — DESIGNED KO — DRAWN KO

STATE OF MARYLAND — ANTHONY J. VITALE — PROFESSIONAL LAND SURVEYOR — 4/8/03

PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING

JOB NO.	DRAWING NUMBER
96035.BM	911-017-001B-Z01

6 5 4 3 2

Tue Apr 8 09:26:35 2003 96035.dwg 96035.dwg

apr 14/8/2003 9:26:26 AM anagerty c:\tpm\96035bmhpm 96035.BM

LTM #476

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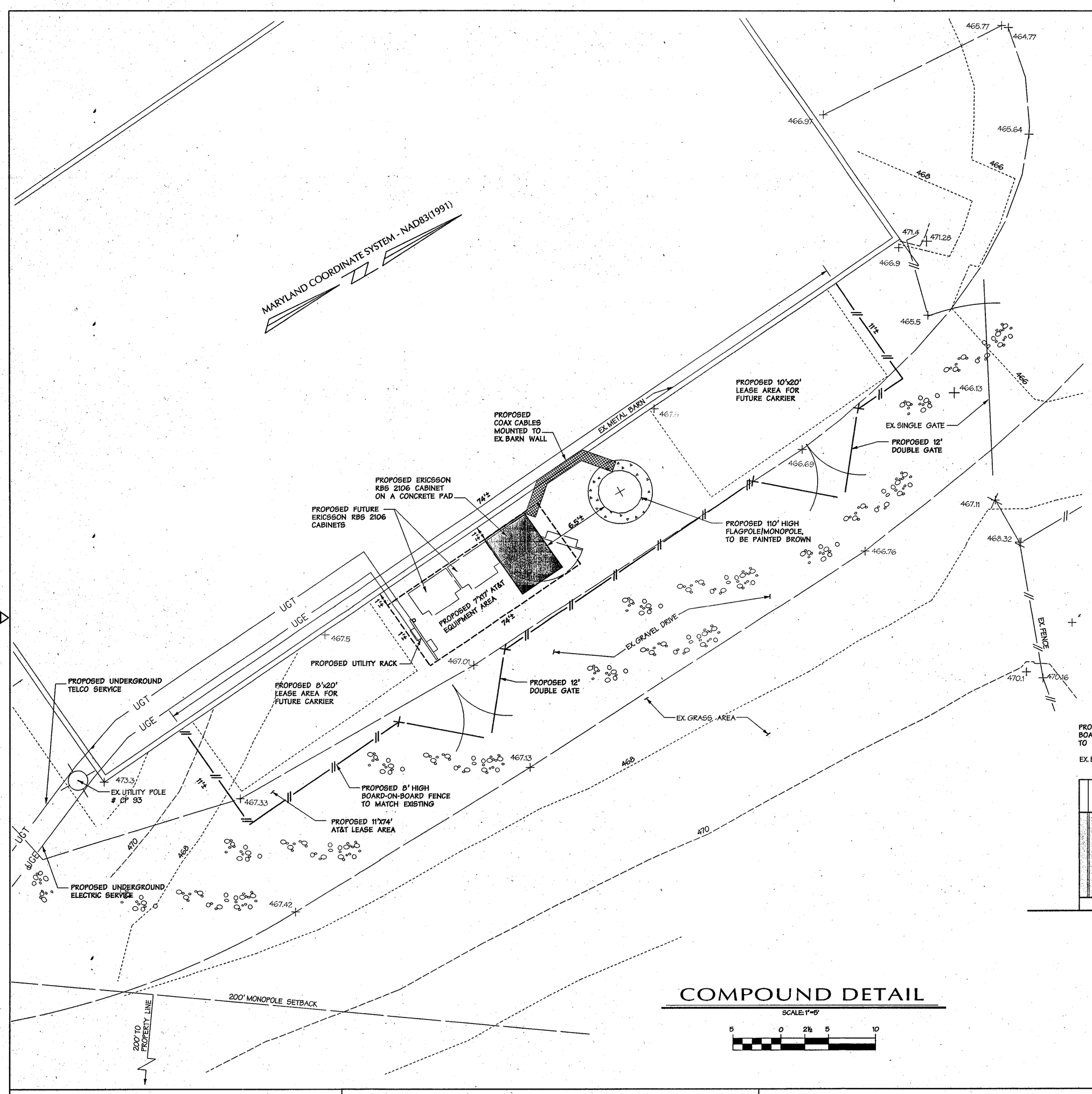
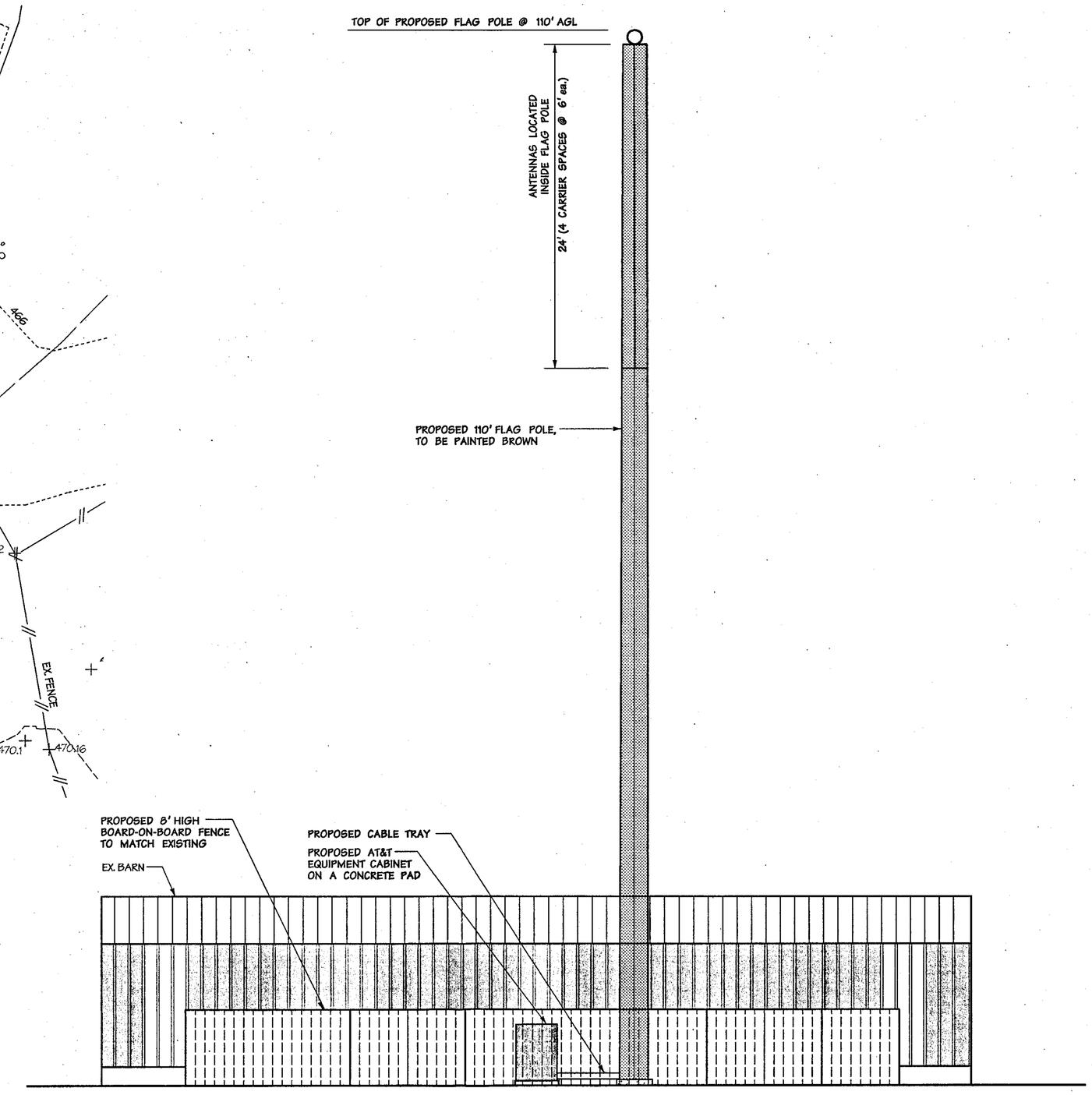


COMPOUND DETAIL

SCALE: 1"=5'

5 0 2½ 5 10



FLAG POLE ELEVATION

NOT TO SCALE

NOTE: ALL REFERENCES TO THE TOWER AND ITS FOUNDATION ARE DIRECTED TO THE DESIGN AND DETAIL DRAWINGS BY THE TOWER SUPPLIER.

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296–3333
Fax 296–4705.

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

BRANCHWATER FARMS
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2nd COUNCILMANIC DISTRICT
8th ELECTION DISTRICT
BALTIMORE COUNTY, MD

AT&T
AT&T WIRELESS SERVICES, INC.
11710 BELTSVILLE DRIVE
BELTSVILLE, MARYLAND 20705

NO.	DATE	REVISIONS	BY	CHK	APP'D
0	04/08/03	ISSUED FOR SUBMISSION TO BALTIMORE COUNTY	KO	MDM	AJV

SCALE AS SHOWN | DESIGNED KO | DRAWN KO

STATE OF MARYLAND ANTHONY J. JOSEPH No. 10981 Registered PROFESSIONAL LAND SURVEYOR 4/10/03

PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING

JOB NO.	DRAWING NUMBER
96035.BM	911–017–001B–Z02

6 5 4 3 2

Tue Apr 8 09:27:15 2003 96035\96035.dwg\96035a.dwg

mmcgowan 4/8/2003 9:27:13 AM mmcgowan c:\bpm\96035a.bpm 96035.BM

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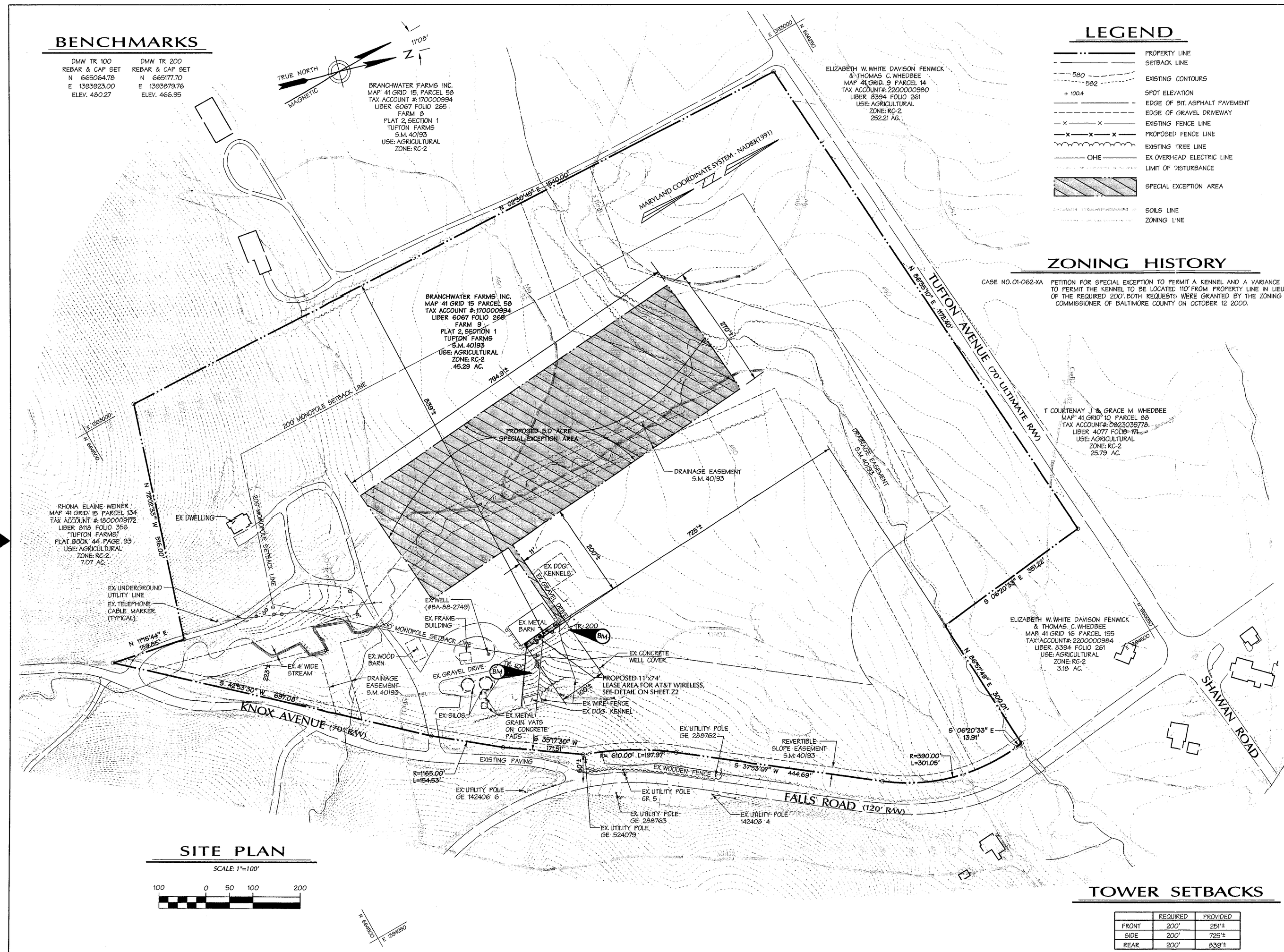


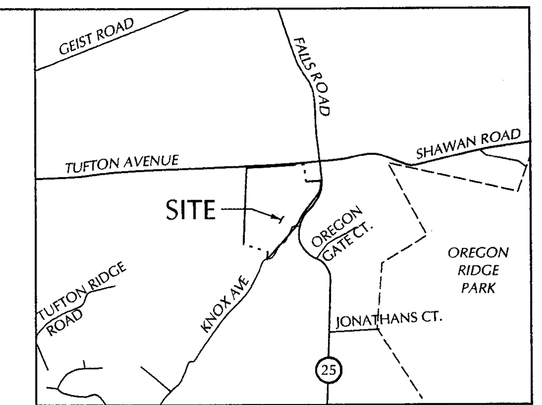
SITE PLAN

SCALE: 1"=100'

100 0 50 100 200

LEGEND

- PROPERTY LINE
- SETBACK LINE
- 580 / 582 — EXISTING CONTOURS
- + 100.4 — SPOT ELEVATION
- EDGE OF BIT. ASPHALT PAVEMENT
- EDGE OF GRAVEL DRIVEWAY
- EXISTING FENCE LINE
- PROPOSED FENCE LINE
- EXISTING TREE LINE
- OHE — EX. OVERHEAD ELECTRIC LINE
- LIMIT OF DISTURBANCE
- SPECIAL EXCEPTION AREA
- SOILS LINE
- ZONING LINE



VICINITY MAP

SCALE: 1"=2000'
ADC MAP 17 GRID H-2

BENCHMARKS

DMW TR 100
REBAR & CAP SET
N 665064.78
E 1393923.00
ELEV. 480.27

DMW TR 200
REBAR & CAP SET
N 665177.70
E 1393879.76
ELEV. 466.95

ZONING HISTORY

CASE NO. 01-062-XA PETITION FOR SPECIAL EXCEPTION TO PERMIT A KENNEL AND A VARIANCE TO PERMIT THE KENNEL TO BE LOCATED 110' FROM PROPERTY LINE IN LIEU OF THE REQUIRED 200'. BOTH REQUESTS WERE GRANTED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY ON OCTOBER 12 2000.

GENERAL NOTES

1. CURRENT OWNER AND STREET ADDRESS: BRANCHWATER FARMS INC. 1800 KNOX AVENUE REISTERSTOWN, MD 21136
2. CONTRACT LESSEE/APPLICANT: AT&T WIRELESS SERVICES 11710 BELTSVILLE DRIVE BELTSVILLE, MARYLAND 20705
3. SITE AREA: 45.29 AC ACRE (1972779.52 SQ. FT.)
4. EXISTING USE: FARM
5. SITE ADDRESS: 1800 KNOX AVENUE REISTERSTOWN, MD 21136
6. SITE DATA: TAX MAP 41 GRID 15 PARCEL 58
   DEED REFERENCE: 6067/265
   TAX ACCOUNT #: 1700009994
   COUNCILMANIC DISTRICT: 02
   ELECTION DISTRICT: 08
   ZONED: RC-2
7. PROPOSED FLAGPOLE/MONOPOLE LOCATION
   LATITUDE: N 39°29'32.95" (NAD 27) N 39°29'33.33" (NAD 83)
   LONGITUDE: W 76°42'41.17" (NAD 27) W 76°42'40.07" (NAD 83)
   GROUND ELEVATION: 467.4'± AMSL (NAVD 88)
   PROPOSED FLAGPOLE/MONOPOLE HEIGHT: 110'± AGL
   TOTAL ELEVATION: 577.4'± AMSL (NAVD 88)
8. THE TOPOGRAPHIC INFORMATION SHOWN HEREON, IN THE AREA OF THE PROPOSED COMPOUND, IS THE RESULT OF A DMW SURVEY PERFORMED ON 08/13/2002. ALL OTHER TOPOGRAPHIC INFORMATION IS TAKEN FROM BALTIMORE COUNTY 1995 GIS. THE PROPERTY INFORMATION AND LOCATION HAVE BEEN COMPILED FROM DEEDS, PLATS AND OTHER SOURCES DEEMED RELIABLE. HOWEVER, THIS PLAN IS NOT THE RESULT OF A BOUNDARY SURVEY AND, THEREFORE, IS SUBJECT TO CHANGE.
9. NO WATER OR SANITARY UTILITIES ARE REQUIRED FOR THE PROPOSED FACILITY.
10. ZONING INFORMATION IS TAKEN FROM 2000 BALTIMORE COUNTY 1"=200' ZONING MAPS.
11. THERE ARE NO NEW SIGNS PROPOSED FOR THIS FACILITY.
12. NO ADDITIONAL SITE, ANTENNA LIGHTS OR STROBOSCOPIC LIGHTS ARE PROPOSED FOR THIS FACILITY, UNLESS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.
13. EXISTING UTILITY LOCATION INFORMATION SHOWN ON THESE PLANS IS FOR THE CONTRACTORS 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.
14. THE CONTRACTOR IS TO NOTIFY MISS UTILITY (800)-257-7777 A MINIMUM OF 3 WORKING DAYS PRIOR TO ANY CONSTRUCTION OR EXCAVATION. THE CONTRACTOR IS TO ALSO NOTIFY A PRIVATE UTILITY CONTRACTOR FOR ALL ON-SITE UTILITY LOCATIONS.
15. 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 240010-0230-B REVISED MARCH 2, 1981.
16. PROPOSED WORK INCLUDES INSTALLATION OF AN EQUIPMENT CABINET ON A 4'-9¼" x 6'-3" CONCRETE PAD, AND THE PLACEMENT OF A 110' TALL STEALTH FLAGPOLE/MONOPOLE TO BE PAINTED BROWN, WITH ANTENNAS LOCATED INSIDE POLE AT TOP.
17. REQUIRED NUMBER OF EMPLOYEES: 0 (UNMANNED FACILITY)
18. PARKING SPACES PROVIDED: 0 (UNMANNED FACILITY)
19. FLOOR AREA RATIO: N/A
20. GROUND DISTURBANCE LIMITED TO 900± SQ. FT.
21. CLASS "A" SCREENING TO BE PROVIDED AS REQUIRED BY THE BALTIMORE COUNTY LANDSCAPE MANUAL.
22. NO CRG, DRC, OR WAIVERS ON RECORD FOR THIS SITE.
23. BUILDING PERMIT ON RECORD FOR THIS SITE: 56625
24. PROPOSED PROJECT IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
25. THE PROPOSED FACILITY IS NOT LOCATED IN THE NATIONAL HISTORIC REGISTER DISTRICT
26. THE PROPOSED FACILITY WILL NOT INTERFERE WITH OR BE DETRIMENTAL TO ANY SCENIC VIEWSHED.
27. APPLICANT AGREES TO SECTION 426.6 D.& E. IN BALTIMORE COUNTY ZONING REGULATIONS.
28. THERE ARE CURRENTLY NO BUILDINGS OR OTHER STRUCTURES LOCATED WITHIN THE PROPOSED 5.0 ACRE SPECIAL EXCEPTION AREA.

Pet Ex

TOWER SETBACKS

	REQUIRED	PROVIDED
FRONT	200'	251'±
SIDE	200'	725'±
REAR	200'	839'±

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

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

BRANCHWATER FARMS
017-001B
1800 KNOX AVENUE
REISTERSTOWN, MD 21136
2nd COUCILMANIC DISTRICT
8th ELECTION DISTRICT
BALTIMORE COUNTY, MD

AT&T
AT&T WIRELESS SERVICES
11710 BELTSVILLE DRIVE
BELTSVILLE, MARYLAND 20705

NO.	DATE	REVISIONS	BY	CHK	APP'D
1	10/23/03	REVISED 5.0 ACRE SPECIAL EXCEPTION AREA	KO	MDM	AJV
0	04/08/03	ISSUED FOR SUBMISSION TO BALTIMORE COUNTY	KO	MDM	AJV

SCALE AS SHOWN | DESIGNED KO | DRAWN KO

STATE OF MARYLAND ANTHONY JOSEPH VIOLA No. 10651 Registered PROFESSIONAL LAND SURVEYOR 10/27/03

PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION

JOB NO.	DRAWING NUMBER
96035.BM	911-017-001B-Z01

Mon Oct 27 09:47:55 2003\96035\96035.bm\96035bm.zl

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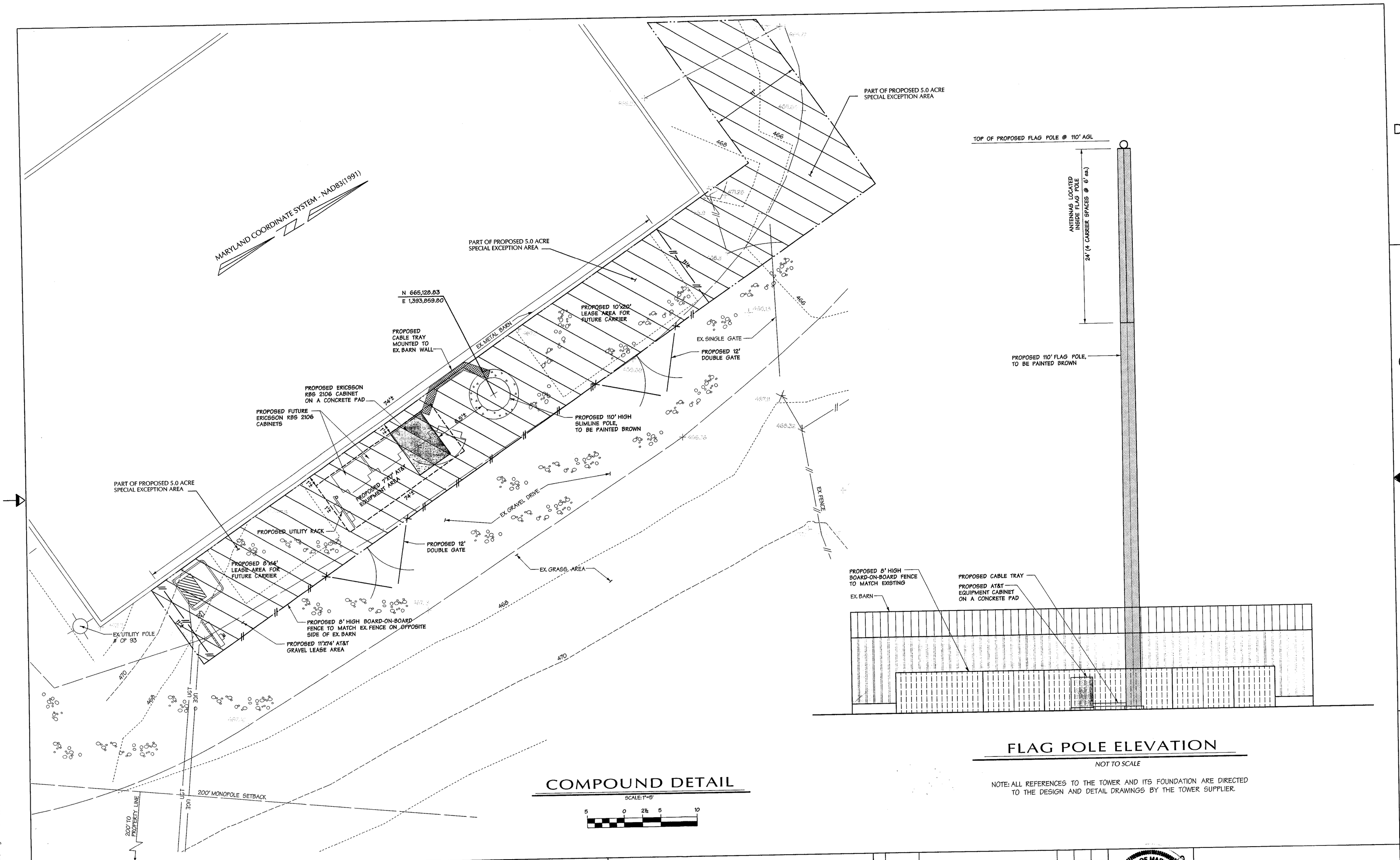

COMPOUND DETAIL

SCALE: 1"=5'

FLAG POLE ELEVATION

NOT TO SCALE

NOTE: ALL REFERENCES TO THE TOWER AND ITS FOUNDATION ARE DIRECTED TO THE DESIGN AND DETAIL DRAWINGS BY THE TOWER SUPPLIER.

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SCALE AS SHOWN | DESIGNED KO | DRAWN KO

STATE OF MARYLAND — ANTHONY J. VOBLAS — No. 10961 — Registered PROFESSIONAL LAND SURVEYOR — 10/27/03

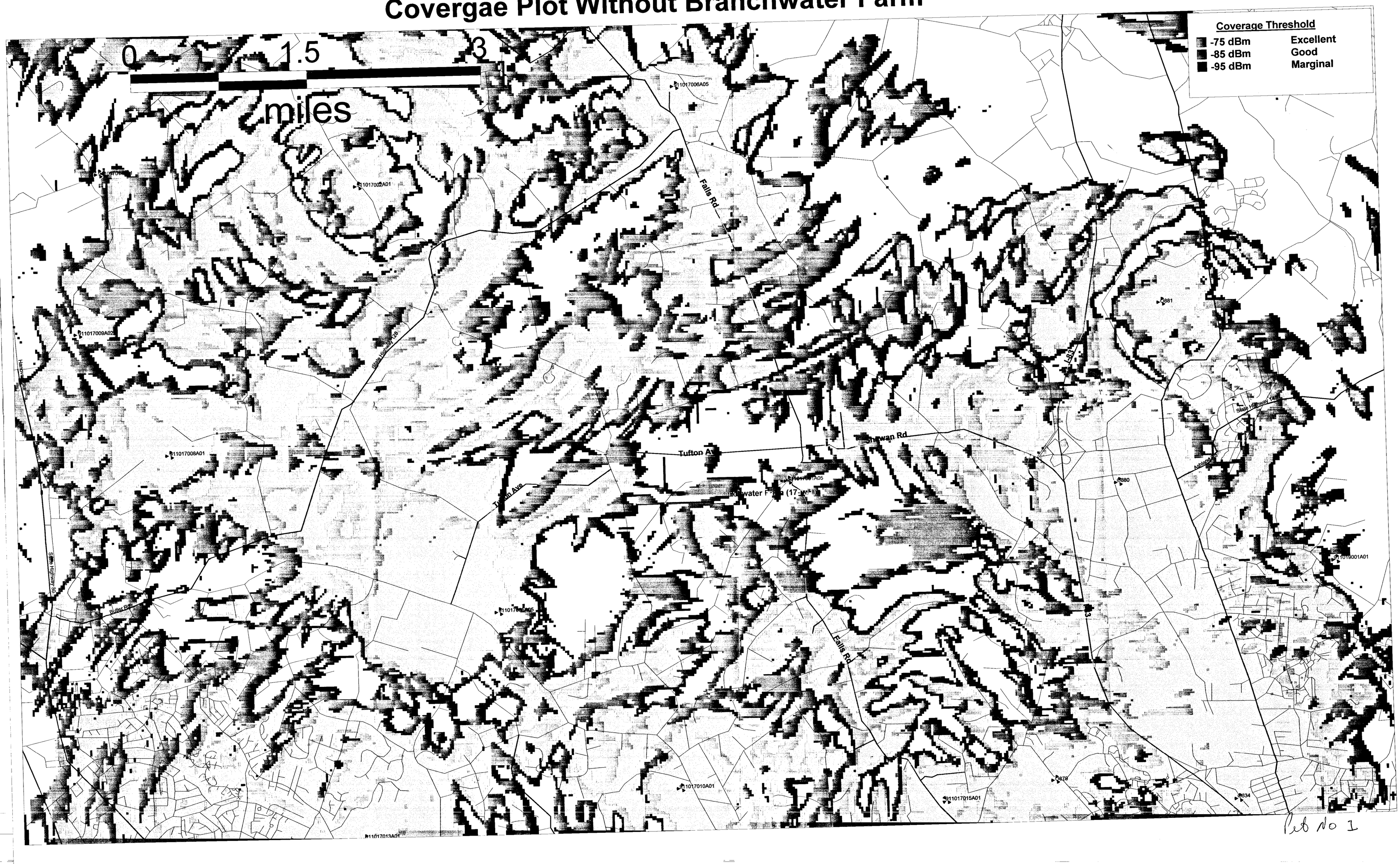
PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION

JOB NO.	DRAWING NUMBER
96035.BM	911-017-001B-Z02

Mon Oct 27 09:46:48 2003 96035\96035.dwl\96035bm.z2

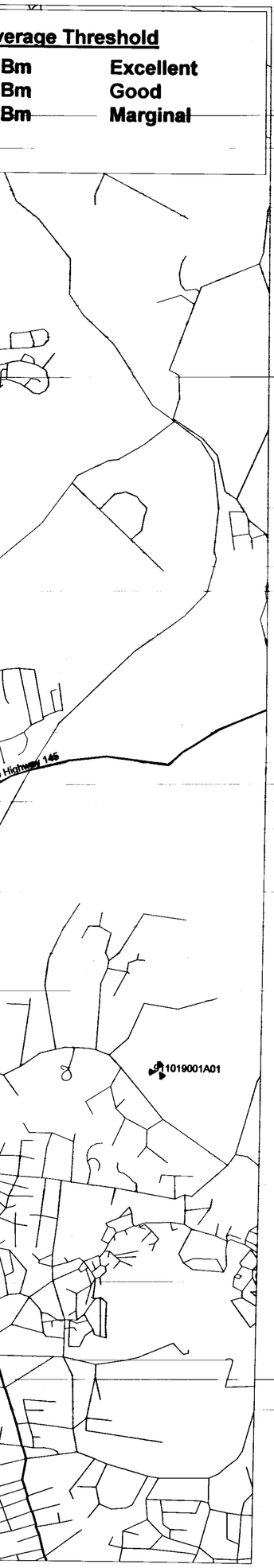
Mon 10/27/2003 9:46:46 AM \\ATHENS\VISTATION\CADNETN\DCF\daycoff mmcgarrity c:\tgm\96835bmh.tgm

Covergae Plot Without Branchwater Farm

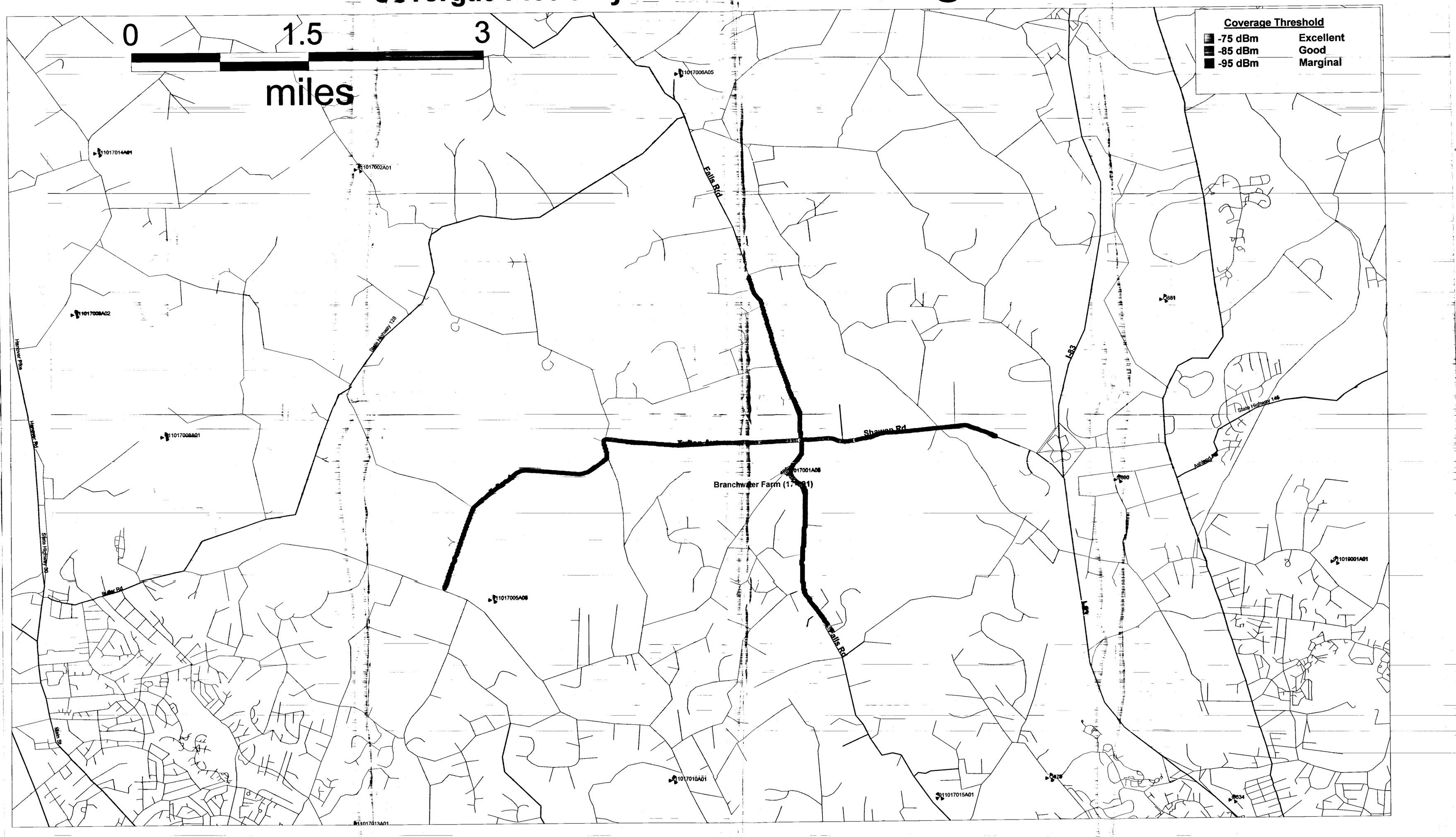


Pet No 1

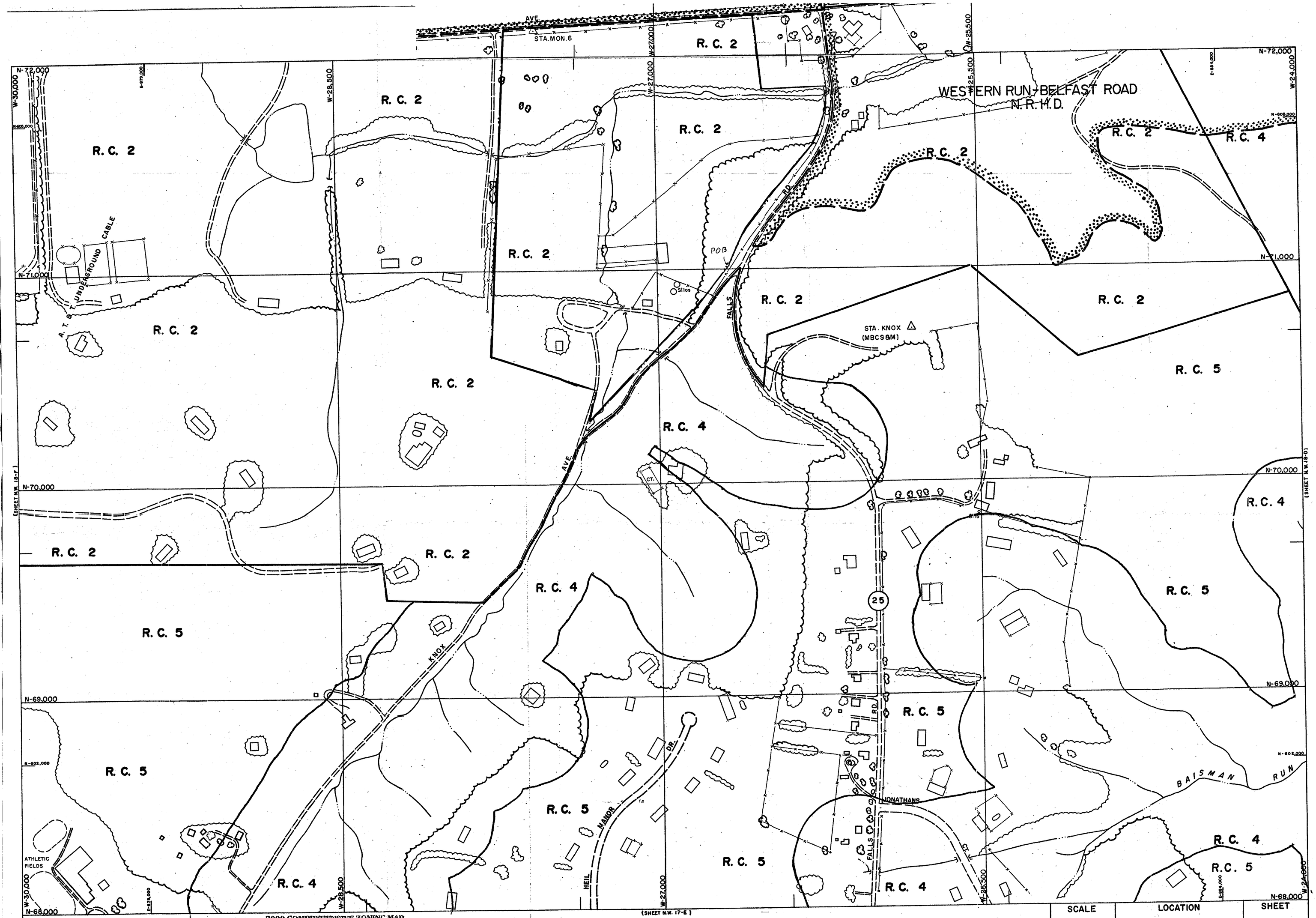
Pub Ex No 5


verage Threshold
Bm Excellent
Bm Good
Bm Marginal
Highway 145
1019001A01

Covergae Plot Only For Branchwater Farm @ 110 ft



Pet Ex No 5



V - SW

V - NW

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

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,

Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	SOUTH OF SHAWAN	N.W. 18-E
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 18 E

#476