IN RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION NW/S Quarry Road., E. of Falls Road **(15027 Falls Road)** 5th Election District 3rd Council District	* * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY 04-010-SPHX
Butler Stone Quarry, Inc. Petitioner	* *	
and	*	
IN RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION NW/S Quarry Road., E. of Falls Road **(15027 Falls Road)** 5th Election District 3rd Council District	* * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY 04-011-SPHX
AT&T Wireless PCS, LLC Petitioner	* *	

CONSENT ORDER OF DISMISSAL WITH STIPULATIONS

The above-captioned cases came before the Board of Appeals on October 14, 2004. Both cases concern zoning requests relating to the Butler Stone Quarry facility located at 15027 Falls Road. More particularly, Case No. 04-010-SPHX is a request by Butler Stone Quarry, Inc. ("Butler Stone Quarry") for special exception approval to continue controlled excavation at the Butler Stone Quarry property.[1] Case No. 04-011-SPHX is a request by AT&T Wireless PCS, LLC ("AT&T Wireless") for special hearing approval to allow dual use of the Butler Stone Quarry property for controlled excavation and wireless telecommunications activities. Case No. 04-011-SPHX also includes AT&T Wireless' special exception request for a wireless telecommunications facility at the Butler Stone Quarry.

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1 Additional related relief is more fully described in the Zoning Commissioner's order in Case No. 04-101-SPHX.

PROCEDURAL BACKGROUND

Both cases were heard before the Baltimore County Zoning Commissioner on August 28, 2003. On October 3, 2003, the Zoning Commissioner issued orders in both cases granting the aforementioned relief.

Ann Adams Parks, who resides at 15025 Falls Road, appealed the Zoning Commissioner's decisions in both cases to the Board of Appeals. Although both cases were and remain legally distinct, the underlying Petitioners and Ms. Parks commenced settlement discussions relating to Ms. Parks' concerns about both cases. At the request of all parties, both cases were scheduled to be heard on October 13, 2004, and continuing to October 14, 2004, if necessary. At the request of the parties, no testimony was taken on October 13, 2004 so that the parties could continue their settlement discussions.

On October 14, 2004, both cases were called and all parties to both cases appeared before the Board. At that time, counsel for Butler Stone Quarry, AT&T Wireless and Ms. Parks collectively informed the Board that both cases had settled by agreement of the parties. Counsel further informed the Board that settlement entailed a dismissal of Ms. Parks' appeals in both cases. As part of the settlements and related dismissals, the parties stipulated that the Zoning Commissioner's decisions in both cases should stand, subject to certain additional stipulations and conditions embodied in their tripartite settlement agreement. A copy of that agreement is attached to this Order as Exhibit A.

CONSENT DISMISSAL OF APPEALS SUBJECT TO CONDITIONS AND STIPULATIONS

Upon consideration of the representations of counsel, and further in consideration of Exhibit A, this Board disposes of the pending appeals in Case Nos. 04-010-SPHX and 04-011-SPHX as follows:

- Ms. Parks' appeal of Case No. 04-010-SPHX is hereby dismissed;
- Ms. Parks' appeal of Case No. 04-011-SPHX is hereby dismissed;
- The Zoning Commissioner's Findings of Fact and Conclusions of Law in both cases shall be deemed final and binding;
- The attached Exhibit A shall be deemed part of the Zoning Commissioner's decision in each case as if set forth fully therein.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Donald I. Mohler, III

John P. Quinn

November 4, 2004

WHEREAS, Butler Stone filed on or about July 3, 2003 with the Zoning Commissioner of Baltimore County in Case No. 04-010-SPHX petitions for special exception and special hearing to permit the use of the Butler Stone Parcels, among other things, as a controlled excavation under the Baltimore County Zoning Regulations; and

WHEREAS, Butler Stone and AT&T Wireless filed on or about July 3, 2003 with the Zoning Commissioner of Baltimore County in Case No. 04-011-SPHX petitions for special exception and special hearing to permit the use of the Butler Stone Parcels, among other things, for a wireless telecommunications pole (the "Monopole") under the Baltimore County Zoning Regulations; and

WHEREAS, by orders dated October 3, 2004 the Zoning Commissioner of Baltimore County, after hearings, granted each of the zoning requests filed by Butler Stone and by AT&T Wireless in Case Nos. 04-010-SPHX and 04-011-SPHX; and

WHEREAS, Ann Adams Parks appealed each of those October 3, 2004 orders of the Zoning Commissioner of Baltimore County in Case Nos. 04-010-SPHX and 04-011-SPHX to the County Board of Appeals for Baltimore County.

NOW, THEREFORE, in consideration of the promises contained herein and of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The recitals set forth above are incorporated herein and made a part hereof.

2. This Agreement shall: (a) be recorded in the Land Records of Baltimore

County, (b) run with the land, and (c) be incorporated by the County Board of Appeals for Baltimore County into its Order of Dismissal granting the petitions for special exception and special hearing in Case Nos. 04-010-SPHX and 04-011-SPHX, to the end that compliance with this Agreement shall be a condition to the continuance of the relief granted to Butler Stone and AT&T Wireless in that Order.

3. Butler Stone will engage a reputable landscape contractor to seed, not later than October 31, 2004, at Butler Stone's expense, all silted areas which have accumulated in the field to the north of Ann Adams Parks' driveway as a result of run off from the Butler Stone Parcels.

4. Butler Stone immediately shall implement devices and procedures which shall prevent silt run off and unreasonable water run off from the Butler Stone Parcels onto the Parks Parcels. This includes, but is not limited to:

(a) preventing silt and unreasonable amounts of water from being cast from the Butler Stone Parcels onto the field to the north of the driveway to Ann Adams Parks' residence (the "Parks Driveway") as shown on the plan dated July 3, 2003 filed before the Zoning Commissioner in Case No. 04-011-SPHX titled "Butler Stone Quarry, Inc." "Plan to Accompany Zoning Petition for Special Exception and Special Hearing" "Drawing No. 911-017-006C-Z01" prepared by Daft-McCune-Walker, Inc. (the "Plan");

(b) preventing silt from running off the Butler Stone Parcels into the stream which emanates on the Butler Stone Parcels and passes across the Parks

Parcels (the "Stream") through "best management practices" (as that term is used in the engineering profession) and sediment and erosion control devices;

(c) Obtaining, at Butler Stone's expense, of a sediment control plan approved by the Maryland State Department of the Environment and the Baltimore County Soil Conservation District as follows: (i) within 75 days of the date of this Agreement, Butler Stone shall have its engineer (the "Butler Stone Engineer") prepare and submit its sediment control plan to Ann Adams Parks' engineer, Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore, MD 21209 (the "Parks Engineer"); (ii) within 2 weeks after receipt of that sediment control plan the Parks Engineer shall respond to the Butler Stone Engineer with his comments to the sediment control plan; (iii) within 2 weeks after receipt of the Parks Engineer's comments, the Butler Stone Engineer shall incorporate the reasonable comments of the Parks Engineer into the sediment control plan and submit the plan to the Maryland State Department of the Environment and the Baltimore County Soil Conservation District; and (iv) not later than February 11, 2005, Butler Stone shall apply for the sediment control plan to be approved by the Maryland State Department of the Environment and the Baltimore County Soil Conservation District. Butler Stone shall diligently pursue the approval of that plan and any comments thereto by the Maryland

State Department of the Environment, Baltimore County, the Baltimore County Soil Conservation District or any other agency shall be submitted to the Parks Engineer whose reasonable comments thereon shall be incorporated into the sediment control plan. The failure to obtain approval of that sediment control plan by the Maryland State Department of the Environment and the Baltimore County Soil Conservation District on or before November 15, 2005 shall be a breach of this Agreement;

(d) The immediate construction by Butler Stone of an earthen berm (the "Berm") on the 30 foot wide right of way (the "Right of Way") between the Butler Stone Parcels and the Parks Parcels as shown on the Plan. The Berm shall be located within the Right of Way but on the Parks Parcels' side thereof. The Berm shall begin at the westerly end of the S 67°09'39"W 245.63' line shown on the Plan and run continuously to the Parks Driveway. Butler Stone shall stabilize and seed the Berm and any earth on the Parks Parcels disturbed by the construction of the Berm and shall thereafter maintain the integrity of the Berm and the vegetation thereon; and

(e) preventing run off from entering the Parks Parcels from the Right of Way or the Butler Stone Parcels, through "best management practices" (as that term is used in the engineering profession) and sediment and erosion control devices, from that point where the Berm ends at the Parks Driveway

and south thereof to Black Rock Run as shown on the Plan.

All work performed pursuant to this paragraph 4 by Butler Stone shall: (a) be to the reasonable satisfaction of the Parks Engineer; (b) comply with all State and County regulations and permits relating to the Butler Stone Parcels; and (c) comply with all State and County water discharge requirements, including those applicable to the Stream and to Black Rock Run as shown on the Plan. Other than the Berm, no devices or procedures of Butler Stone or its successors or assigns shall be located on the Parks Parcels. The violation of any State or County standards applicable to the obligations of this paragraph shall be a violation of this Agreement and enforceable hereunder.

5. Upon not less than 120 days written notice from Ann Adams Parks or her successors in title, Butler Stone and its successors in title shall remove any junk and other debris from the Parks Parcels which was previously deposited by Butler Stone or its predecessors in title. Ann Adams Parks agrees that solely in the event of any such notice to remove by her or her successors in title, Butler Stone and its successors in title shall be given reasonable access to the Parks Parcels for purposes of such removal, provided that the location and terms of such access are first agreed upon in writing by the then owners of the Butler Stone Parcels and the Parks Parcels. Butler Stone agrees that the continued presence of any junk and other debris on the Parks Parcels shall remain actionable, and not be barred by any defense of the statute of limitations, until removal.

6. Butler Stone shall at all times comply with any and all State and County permits which it at any time holds relating to the Butler Stone Parcels.

7. The existing roadway within the Right of Way from Falls Road to the bridge adjacent to the Parks Driveway shall be graded smooth, patched and resurfaced not later than March 31, 2005. This undertaking and those provided for in paragraph 4 hereof shall be in addition to, and not in substitution of, the obligation of Butler Stone to maintain the Right of Way as provided in that deed dated August 29, 1963 from William E. Davis to G.E. Weaver Stone Co. recorded in the Land Records of Baltimore County at Liber 4194, folio 463. Further, the undertakings set forth in this Agreement shall not be construed to enlarge the rights of Butler Stone to the use of the Right of Way except to the extent expressly provided in this Agreement.

8. Ann Adams Parks shall be immediately provided with a key to the lock on Butler Stone's gate as presently located on the Right of Way (which Butler Stone acknowledges is shared in common with Ann Adams Parks).

9. Butler Stone and its successors and assigns shall at no time have more than one Monopole on the Butler Stone Parcels.

10. The Monopole shall be located on the Butler Stone Parcels on that 75 foot by 75 foot area as shown on the Plan.

11. The Monopole shall not exceed 90 feet in height.

12. The Monopole shall be designed, constructed and colored (and maintained as such) in the same manner as the monopole located as of the date of this Agreement at Branchwater Farms, Inc., 1800 Knox Avenue, Reisterstown, Maryland 21136-5634.

13. The Monopole shall at no time provide service to more than one cellular

telephone service provider, that being AT&T Wireless PCS, LLC, its successor or assign.

14. Ann Adams Parks agrees that she shall give 10 days written notice to Butler Stone and/or AT&T of any alleged violation of this Agreement prior to instituting any legal proceeding relating to this Agreement. Butler Stone and AT&T agree that the expiration of any applicable statute of limitations relating to any such claim is hereby extended by 20 days. The provisions of this paragraph shall not limit in any way the right of Ann Adams Parks and her personal representatives, successors and assigns from recovering any damages suffered at any time before, during or after such 10 day period.

15. In the event of any breach of this Agreement or the requirements of any order of the County Board of Appeals for Baltimore County, Ann Adams Parks shall be entitled to seek any and all remedies available at law or in equity (including the Baltimore County zoning laws) or before any administrative body and, if she is granted such remedies, she shall be entitled to recover her reasonable attorneys' fees and costs in any proceeding brought by her to enforce this Agreement or any order of the County Board of Appeals for Baltimore County in which she prevails.

16. Other than her right to contest the relief sought in Case Nos. 04-010-SPHX and 04-011-SPHX, which is relinquished subject to the terms of this Agreement, Ann Adams Parks reserves unto herself and her personal representatives, successors and assigns any and all claims (for personal injury or otherwise) which she now has or she or they might have at any time in the future against Butler Stone Quarry, Inc., AT&T Wireless PCS, LLC or their successors, assigns or affiliates relating in any way to any

use of the Butler Stone Parcels.

17. This Agreement: (a) shall continue in perpetuity; (b) shall run with the land and shall benefit and be binding upon Ann Adams Parks, Butler Stone Quarry, Inc. and AT&T Wireless PCS, LLC and their personal representatives, successors and assigns, and the Butler Stone Parcels and the Parks Parcels; (c) contains the entire understanding between the parties hereto and shall not be changed, altered, or modified, except by a writing signed by the parties; and (d) is entered into in the State of Maryland and shall be governed by and interpreted under the laws of the State of Maryland.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, and intending to be legally bound, the parties have hereunto set their hands and seals on the date set forth first above.

WITNESS OR ATTEST:

K. DONALD PROCTOR

Ann Adams Parks (SEAL)

BUTLER STONE QUARRY, INC.

By: _____(SEAL)
D. Scott Matthews, President

AT&T WIRELESS PCS, LLC

By: AT&T Wireless Services, Inc.,
its Managing Member

By:_____(SEAL)
Joseph Sarnecki, Vice-President,
Northeast Regional Operations

IN WITNESS WHEREOF, and intending to be legally bound, the parties have hereunto set their hands and seals on the date set forth first above.

WITNESS OR ATTEST:

_____ _____(SEAL)
Ann Adams Parks

BUTLER STONE QUARRY, INC.

_____ By: _____(SEAL)
D. Scott Matthews, President

AT&T WIRELESS PCS, LLC

By: AT&T Wireless Services, Inc.,
its Managing Member

_____ By: _____(SEAL)
Joseph Sarnecki, Vice-President,
Northeast Regional Operations

IN WITNESS WHEREOF, and intending to be legally bound, the parties have hereunto set their hands and seals on the date set forth first above.

WITNESS OR ATTEST:

_____ _____(SEAL)
Ann Adams Parks

BUTLER STONE QUARRY, INC.

_____ By: _____(SEAL)
D. Scott Matthews, President

AT&T WIRELESS PCS, LLC

By: AT&T Wireless Services, Inc.,
its Managing Member

Janette Walley By: _____(SEAL)
Joseph Sarnecki, Vice-President,
Northeast Regional Operations

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 21st day of October, 2004, before me, the subscriber, a notary public of the State of Maryland, personally appeared Ann Adams Parks, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes contained therein and that the same is her act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Seal]

Gwendolyn B. Harrell
Notary Public

GWENDOLYN B. HARRELL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 1, 2008

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 22 day of October, 2004, before me, the subscriber, a notary public of the State of Maryland, personally appeared D. Scott Matthews who acknowledged himself to be the President of Butler Stone Quarry, Inc., a corporation, and on behalf of said corporation acknowledged that [s]he as such officer, being authorized so to do, executed the foregoing instrument for the purposes contained therein by signing the name of the corporation by himself as such officer and that the same is the act and deed of the corporation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Seal]

Notary Public

My Commission Expires: March 1, 2007

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 20 day of October, 2004, before me, the subscriber, a notary public of the State of ~~Maryland~~ New Jersey, personally appeared Joseph Sarnecki who acknowledged himself to be the Vice-President of Northeast Regional Operations of AT&T Wireless Services, Inc., the managing member of AT&T Wireless PCS, LLC, a limited liability company, and on behalf of said corporation acknowledged that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes contained therein by signing the name of the company by himself as such officer and that the same is the act and deed of the company.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Seal]

Janette Walby
Notary Public

My Commission Expires: 2/20/09

JANETTE ELISE WALBY
NOTARY PUBLIC OF NEW JERSE
MY COMMISSION EXPIRES FEB. 20, 2009

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

October 2, 2003

Karl Nelson, Esquire
Saul Ewing, LLP
100 South Charles Street
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION
NW/S Quarry Road, E of Falls Road
(15027 Falls Road)
5th Election District – 3rd Council District
Butler Stone Quarry, Inc. - Petitioners
Cases Nos. 04-010-SPHX and 04-011-SPHX

Dear Mr. Nelson:

Enclosed please find copies of the decisions rendered in the above-captioned matters. In both cases, the Petitions for Special Hearing and Special Exception have been granted, in accordance with the enclosed Orders.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Chris Steuart, Butler Stone Quarry, Inc.
15027 Falls Road, Butler, Md. 21023
Mr. Timothy Brenner, AT&T Wireless PCS, LLC
11710 Beltsville Drive, Beltsville, Md. 20705
Mr. Mac McCulloch, 104 Church Lane, Suite 209, Pikesville, Md. 21208
Mr. Jack Dillon, Valleys Planning Council, 207 Courtland Avenue, Towson, Md. 21204
Ms. Ann Adams Parks, 15025 Falls Road, Butler, Md. 21023
Ms. Ann Hagerty Boyce, P.O. Box 65, Butler, Md. 21023
Mr. Lawrence Collins, 16760 Gorsuch Mill Road, Upperco, Md. 21155
Ms. Kim L. Eldredge-Wight, 15400 Duncan Hill Road, Sparks, Md. 21152
Mr. & Mrs. Thomas Elder, 15425 Duncan Hill Road, Sparks, Md. 21152
Ms. Pat Rienhoff, 2115 Belfast Road, Sparks, Md. 21152
Mr. H. Hamilton Hackney, 1916 Belfast Road, Butler, Md. 21023
Mr. Joseph Sterne, 2003 Belfast Road, Butler, Md. 21023
Mr. & Mrs. J. Ridgely Parks, 2150 Belfast Road, Butler, Md. 21023
Mr. Michael Levanis, 2136 Belfast Road, Butler, Md. 21023
People's Counsel; Case File

Printed on Recycled Paper

IN RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION – NW/S Quarry Road, E of Falls Road **(15027 Falls Road)** 5th Election District 3rd Council District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	Case No. 04-011-SPHX
Butler Stone Quarry, Inc. Petitioners	*	

* * * * * * * * * * *

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, Butler Stone Quarry, Inc., through their attorney, Karl Nelson, Esquire. The Petitioners request a special hearing to approve the dual use of the subject property for a controlled excavation (quarry) and a wireless telecommunications structure (monopole) that will occupy a 75' x 75' area (0.13 acres) thereon. In addition, the Petitioners request a special exception for a 90'-tall wireless telecommunications pole with accompanying ground-based equipment cabinets (up to three) to be located on the subject property. The requested relief is more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The public hearing in this matter was held in conjunction with Case No. 04-010-SPHX in which Petitions for Special Hearing and Special Exception were filed to legitimize the longstanding use of the subject property as a quarry. In the instant case, relief is requested to allow the installation of a wireless communications tower within a 75' x 75' area on the property.

Appearing at the requisite public hearing in support of the requests were Chris Steuart, Principal of Butler Stone Quarry, Inc., owners of the subject property, Katie Pederson and Gezahegn Kufle, representatives of Bechtel Corporation for AT&T Wireless PCS, LLC, Contract Lessees; Mac McCulloch, Project Manager for Tower Resource Management, Inc.; and Karl Nelson, Esquire, attorney for the Petitioners. Appearing as interested persons/Protestants were Jack

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Date 10/3/03
By

Dillon on behalf of the Valleys Planning Council; Ann Adams Parks; Thomas & Eugenia Elder; Pat Rienhoff; H. Hamilton Hackney; Joseph Sterne; J. Ridgely Parks & Kimberly Stevenson Parks; Michael LeVanis; Ann Hagerty Boyce; Lawrence Collins; Kim L. Eldredge-Wight; and Robin M. I. Hundley, nearby residents of the area.

As noted above, the public hearing in this matter was held in conjunction with Case No. 04-010-SPHX. As noted in that case, the subject property is an irregular shaped parcel located on the east side of Falls Road (Maryland Route 25), just north of Butler Road in Butler. The property contains a gross area of 23.43 acres, more or less, zoned R.C.2, and has been used and operated as a quarry for many years. The current corporate owner, Butler Stone Quarry, Inc., has owned the property since 1991; however, testimony and evidence presented demonstrated that the property has been mined as a quarry for over 100 years. Many prominent buildings in Baltimore County are made of stone mined from the subject property.

As is well known, recent improvements in technology have resulted in the proliferation of wireless communication. In order to provide the necessary infrastructure to support wireless communications, the providers of such services are developing sites throughout Baltimore County with antenna. This Zoning Commissioner has entertained numerous cases over the years regarding the installation of such antenna. In fact, there have been so many cases that the County Council has enacted a section within the B.C.Z.R. that specifically addresses this land use (see Section 426 thereof). Essentially, the regulations suggest that the providers of the service utilize existing buildings and structures to locate their antenna. When existing structures cannot be located, it is recommended that antenna be placed on commercial properties.

In the instant case, the Petitioners have contracted to lease a 75' x 75' area on the subject property to AT&T Wireless PCS for the purpose of erecting a 90' telecommunications pole. On behalf of the Petitioners, Mr. Nelson indicated that there is presently a gap in coverage for AT&T customers in this area and given the limited range of signals from pole to pole, calls can be dropped. In order to fill this gap and fulfill its responsibilities as prescribed by the FCC that requires AT&T to provide service in this region, the Petitioners undertook a study to determine

how to provide coverage in this area. Owing to the rural nature of the locale, it was determined that there were no tall structures and few commercial properties in the area on which to locate a tower. Most of the property in this region is zoned R.C.2. Ultimately, the Petitioners identified the subject property and studies were undertaken which determined that the site was appropriate and that the construction of a tower where proposed would remedy the existing gap in coverage.

Significant testimony and evidence was offered regarding the Petitioners' studies. It is also to be noted that the Petitioners worked with the Valleys Planning Council, which actively participated in the selection of the site. The location of the pole where proposed was selected due to the existence of a mature line of trees and a ridge that will allow the tower to blend into the landscape. Additionally, it was determined that a 90' pole height was the minimum required.

As noted above, numerous citizens appeared at the hearing as interested persons/ Protestants. These individuals raised a series of questions but seemed satisfied with the responses and the information provided by the applicants. The proposed pole will be a tall, thin structure without guide wires or lighting. Moreover, trees in the area reach a height of 80 feet and the tower will extend only 10 feet beyond. It appears that the Petitioners have made appropriate efforts to minimize impacts to the surrounding locale. Moreover, a letter was submitted from the Valleys Planning Council which indicates that they are not opposed to the erection of a tower on this site.

Based upon all of the testimony and evidence offered, I am persuaded to grant the requested relief. I find that the Petitioners have met the requirements of Section 502.1 of the B.C.Z.R. and the applicable provisions of Section 426 thereof. It is clear that the Petitioners have made every effort to identify a suitable location and have taken steps to minimize the impacts to the surrounding locale in the design, placement and construction of the proposed tower. For all of these reasons, I am persuaded to grant the requested relief.

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 3rd day of October, 2003 that the Petition for Special Hearing to approve the dual use of

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Date 11/3/03
By

the subject property for a controlled excavation (quarry) and a wireless telecommunications structure (monopole) that will occupy a 75' x 75' area (0.13 acres), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception for a 90' wireless telecommunications pole with accompanying ground-based equipment cabinets (up to three) to be located on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

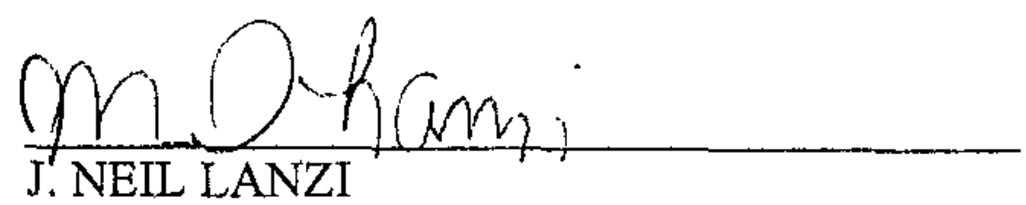
CERTIFIED FOR FILING
10/3/03

RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION 15027 Falls Road 5th Election District, 3rd Councilmanic District Butler Stone Quarry, Inc.	*	BEFORE THE
		*	COUNTY BOARD OF APPEALS
		*	OF
		*	BALTIMORE COUNTY
	Petitioner	*	04-010-SPHX

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

ENTRY OF APPEARANCE

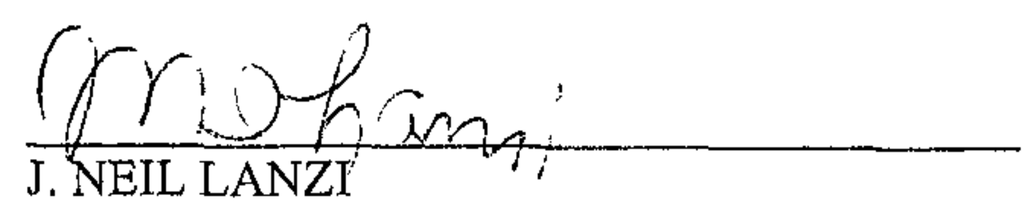
Please enter the appearance of J. Neil Lanzi for Petitioner in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter.



J. NEIL LANZI
Counsel for the Petitioner
409 Washington Avenue, Suite 617
Towson, Maryland 21204
(410) 296-0686

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May, 2004, a copy of the foregoing Entry of Appearance was mailed to K. Donald Proctor, Esquire, Proctor & McKee, P.A., Suite 505, 102 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Appellant/Protestant, Karl Nelson, Esquire, Saul, Ewing, LLP, 100 South Charles Street, Baltimore, Maryland 21201, Counsel for AT&T Wireless, PCS and Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.



J. NEIL LANZI

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 15027 Falls Road, Butler, MD 21023
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 the dual use of a 75-foot x 75-foot (0.13 acres) area for a wire telecommunications structure (monopole) and a controlled excavation (quarry).

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:

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

Signature

11710 Beltsville Drive — (301) 586-3308
Address — Telephone No.

Beltsville — Maryland — 20705
City — State — Zip Code

Legal Owner(s):

Butler Stone Quarry, Inc.
Name - Type or Print

Signature

Lynda Steuart
Name - Type or Print

Signature

15027 Falls Road — (410) 771-4200
Address — Telephone No.

Butler — Maryland — 21023
City — State — Zip Code

Attorney For Petitioner:

Karl Nelson
Name - Type or Print

Signature

Saul Ewing, LLP
Company

100 South Charles Street — (410) 332-8663
Address — Telephone No.

Baltimore — Maryland — 21201
City — State — Zip Code

Representative to be Contacted:

Karl Nelson
Name

100 South Charles Street — (410) 332-8663
Address — Telephone No.

Baltimore — Maryland — 21201
City — State — Zip Code

ORDER RECEIVED FOR FILING
Date 10/3/03
By

Case No. 04-011SPHX

Date 8/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By DWM Date 7.3.03

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 15027 Falls Road

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 90' wireless telecommunications pole to be located at the Butler Stone Quarry in Butler, Maryland. AT&T Wireless PCS, LLC has leased space from the Quarry for this purpose. The project consists of a proposed 90' AGL pole (90 feet measures to the top of structural steel), and ground-based equipment cabinets (up to 3). The facility will be constructed in accordance with accompanying site 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
Name - Type or Print

Tim Brenner
Signature

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

Beltsville, MD 20705
City State Zip Code

Legal Owner(s):

Butler Stone Quarry, Inc.
Name - Type or Print

Lynda Steuart
Signature

Lynda Steuart
Name - Type or Print

Signature

15027 Falls Road / 410-771-4200
Address Telephone No.

Butler, MD 21023-0146
City State Zip Code

Attorney For Petitioner:

Karl J. Nelson
Name - Type or Print

Saul Ewing, LLP
Signature

Company

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

Baltimore, MD 21201
City State Zip Code

Representative to be Contacted:

Karl J. Nelson
Name

100 S. Charles St. / 410-332-8663
Address Telephone No.

Baltimore, MD 21201
City State Zip Code

ORDER RECEIVED FOR FILING
Date 10/8/03
By

Case No. 04-011 SPHX

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 7·3·03

Description to Accompany

Zoning Petition for Special Exception and Special Hearing

0.13 Acre Parcel

Northwest Side of Quarry Road

East of Falls Road

Fifth 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 four following courses and distances measured from the intersection of the centerline of Falls Road and the centerline of Butler Road, (1) Northwesterly, along the centerline of Falls Road, 550 feet, more or less, to the intersection of an existing gravel drive and 30-foot wide right-of-way known as Quarry Road (deed reference RRG 4194/463), thence (2) Northwesterly 525 feet, more or less, along Quarry Road to the south side of Blackrock Run, thence (3) continuing along the centerline of Quarry Road and along the outline of the lands of Butler Stone Quarry, 1147 feet, more or less, and thence leaving said road and outline, (4) North 70 degrees 23 minutes 56 seconds West 174.78 feet to the point of beginning, thence leaving the point of beginning and running for the four following courses and distances, viz: (1) South 65 degrees 53 minutes 58 seconds West 75.00 feet, thence (2) North 24 degrees 06 minutes 02 seconds West 75.00 feet, thence (3) North 65 degrees 53 minutes 58 seconds East 75.00 feet, and thence (4) South 24 degrees 06 minutes 02 seconds East 75.00 feet to the point of beginning; containing 0.13 acres of land, more or less.

011

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

June 30, 2003

Project No. 96035.BJ (L96035.BJ-1)

STATE OF MARYLAND
ANTHONY JOSEPH VITTI
No. 10951
Registered
PROFESSIONAL LAND SURVEYOR

7/1/03

Md. Reg. # 10951

011

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: 011

Petitioner: AT&T

Address or Location: 15027 Falls Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Karl Nelson, Esq.

Address: 100 S. Charles St.
Balto. Md. 21201

Telephone Number: 410-332-8663

Revised 2/20/98 - SCJ

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: #04-011-SPHX
15027 Falls Road
E/side of Falls Road, 550 feet +/- northwest of Butler Road
5th Election District – 3rd Councilmanic District
Legal Owner(s): Lynda Stewart
Contract Purchaser: AT&T Wireless PCS, LLC, Tim Brenner

Special Hearing: to permit the dual use of a 75-foot x 75-foot (0.13 acres) area for a wire telecommunications structure (monopole) and a controlled excavation (quarry).

Special Exception: to permit a 90-foot wireless communications pole to be located at the Butler Stone Quarry in Butler, Maryland. AT&T Wireless PCS, LLC has leased space from the Quarry for this purpose. The project consists of a proposed *90' AGL pole (90 feet measures to the* top of structural steel, and ground-based equipment cabinets up to 3). The facility will be constructed in accordance with accompanying site plans.

Hearing(s): Thursday, August 28, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

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

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

JT 8/650 Aug 12 C620159

CERTIFICATE OF PUBLICATION

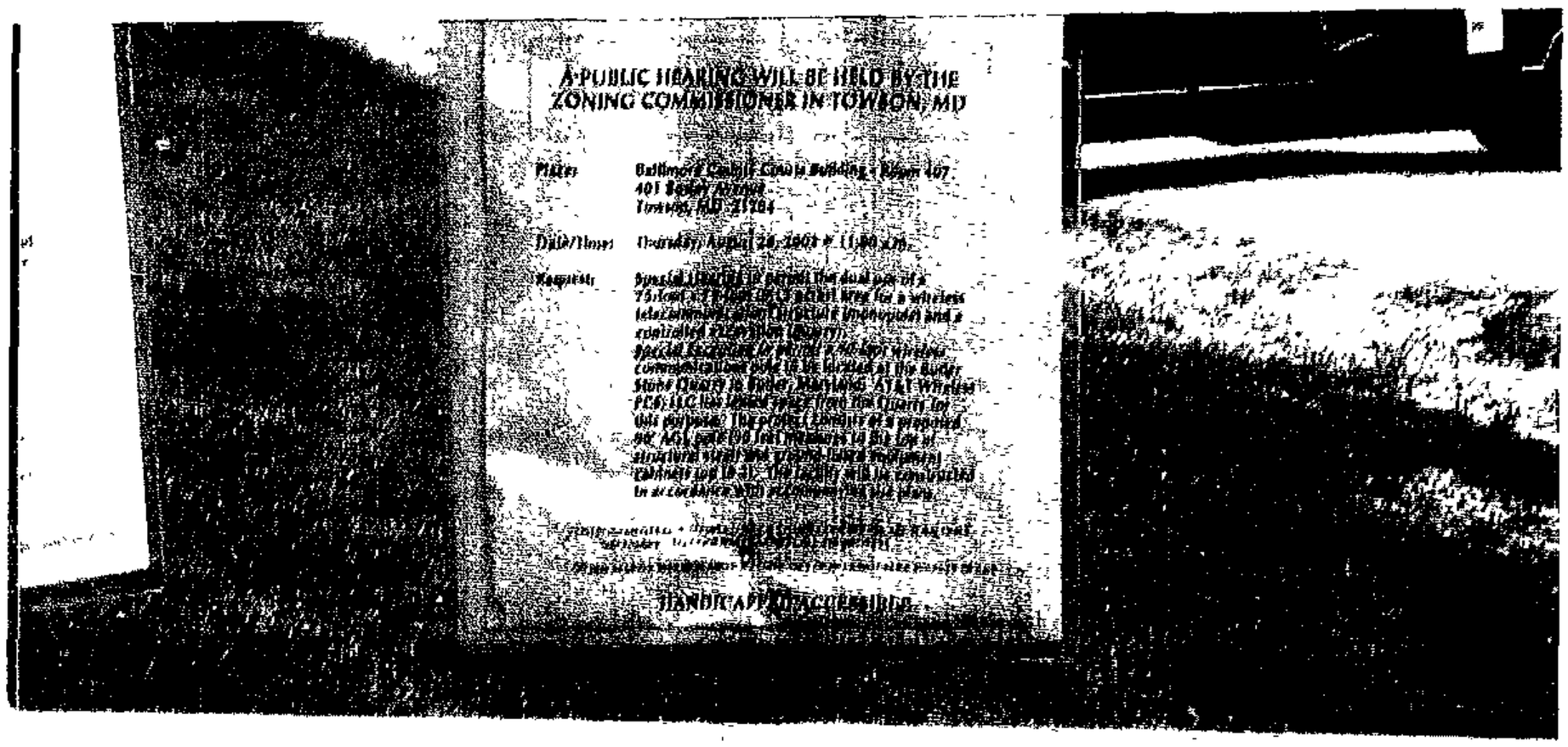
8/14/, 2003

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 8/12/, 2003.

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

P. Wilkinson

LEGAL ADVERTISING



CERTIFICATE OF POSTING

RE: Case No. **04-011-SPHX**

Petitioner/Developer **AT&T Wireless PCS, LLC**

Date of Hearing/Closing **April 28, 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 **15027 Falls Road**

The signs were posted on August 12, 2003
(Month, Day, Year)

Sincerely,

(Signature of Sign Poster and Date)

MICHAEL McCARITY
(Printed Name)

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

410-296-3333
(Telephone Number)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 30655

DATE 10/28/03 ACCOUNT 001-006-650

AMOUNT $ 200.00

RECEIVED FROM: Kenneth C. Proctor

FOR: appeal - 24 Ba

24-018-SPH X & 24-01-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRAWER
10/28/2003 10/28/2003 10:57:02 2
REG MGM WALKIN DOR IND
RECEIPT # 246560 10/28/2003
Dept 5 528 ZONING VERIFICATION
CK NO. 030655
Recpt Tot $200.00
$200.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

011

No. 25063

DATE 7.3.03

ACCOUNT 001-001-6150

AMOUNT $ 705.00

RECEIVED FROM: AT&T.

FOR: SPH Y

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
[illegible]
705.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-010-SPHX AND 04-011-SPHX

LYNDA STEUART
BUTLER STONE QUARRY, INC.

15027 FALLS ROAD, BUTLER, MD

5TH ELECTION DISTRICT APPEALED: 10/28/2003

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********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.: 04-010-SPHX AND 04-011-SPHX

Petitioner/Developer:

LYNDA STEUART
BUTLER STONE QUARRY, INC.

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

15027 FALLS ROAD, BUTLER, MD

The sign was posted on 12/9, 2003

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

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 16, 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: 04-011-SPHX
15027 Falls Road
E/side of Falls Road, 550 feet +/- northwest of Butler Road
5th Election District – 3rd Councilmanic District
Legal Owner: Lynda Steuart
Contract Purchaser: AT&T Wireless PCS, LLC, Tim Brenner

Special Hearing to permit the dual use of a 75-foot x 75-foot (0.13 acres) area for a wire telecommunications structure (monopole) and a controlled excavation (quarry). Special Exception to permit a 90-foot wireless communications pole to be located at the Butler Stone Quarry in Butler, Maryland. AT&T Wireless PCS, LLC has leased space from the Quarry for this purpose. The project consists of a proposed 90' AGL pole (90 feet measures to the top of structural steel, and ground-based equipment cabinets up to 3). The facility will be constructed in accordance with accompanying site plans.

Hearings: Thursday, August 28, 2003, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Karl Nelson, Saul Ewing, LLP, 100 S. Charles Street, Baltimore 21201
Butler Stone Quarry, Inc., 15027 Falls Road, Lynda Steuart, 15027 Falls Rd., Butler 21023
AT&T Wireless PCS, LLC, 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, AUGUST 12, 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.

Printed with Soybean Ink
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

Administratively PP's to 6/10 and 6/15/04 no (4) on 4/28 & no (7) on 4/29 - pursuant to Substitute

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue February 6, 2004

NOTICE OF ASSIGNMENT

CASE #: 04-011-SPHX

IN THE MATTER OF: BUTLER STONE QUARRY, INC.; LYNDA STEUART – Legal Owner; AT&T Wireless PCS LLC –Contract Lessee /Petitioner 15027 Falls Road
5th Election District; 3rd Councilmanic District

10/03/03 – Z.C.'s Order in which requested relief was GRANTED.

ASSIGNED FOR: **WEDNESDAY, APRIL 28, 2004 at 10:00 a.m. /Day #1**
THURSDAY, APRIL 29, 2004 at 10:00 a.m. /Day #2 as needed

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: Counsel for Appellant /Protestant : K. Donald Proctor, Esquire
Appellant /Protestant : Ann Adams Parks

Counsel for Petitioners : Karl Nelson, Esquire
Petitioner /Contract Lessee : AT&T Wireless PCS LLC /Tim Brenner
Bechtel Corp. for AT&T /Katie Pederson
Gezahegn Kufle

Petitioner /Legal Owner : Lynda Steuart /Butler Stone Quarry
Chris Steuart

Mac McCulloch /Tower Resource Management, Inc.

Jack Dillon /Valleys Planning Council
Ann Hagerty Boyce
Tom and Eugenia Elder
Pat Rienhoff

Michael LeVanis
Lawrence Collins
Kim L. Eldredge-Wight
Robin M. I. Hundley

Joseph Sterne
Hamilton Hackney
J. Ridgely Parks and
Kimberly Stevenson Parks

Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
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

Reassigned to 6/15 (1) and 6/23 (2) per mg. of counsel

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 2, 2004

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 04-011-SPHX

IN THE MATTER OF: BUTLER STONE QUARRY, INC.; LYNDA STEUART – Legal Owner; AT&T Wireless PCS LLC –Contract Lessee /Petitioner 15027 Falls Road
5th Election District; 3rd Councilmanic District
10/03/03 – Z.C.'s Order in which requested relief was GRANTED.

which had been scheduled for hearing on 4/28 and 4/29/04 has been administratively **POSTPONED** due to conflict on part of CBA member; and has been

REASSIGNED FOR: **THURSDAY, JUNE 10, 2004 at 10:00 a.m. /Day #1**
TUESDAY, JUNE 15, 2004 at 10:00 a.m. /Day #2 as needed

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: Counsel for Appellant /Protestant : K. Donald Proctor, Esquire
Appellant /Protestant : Ann Adams Parks

Counsel for Petitioners : Karl Nelson, Esquire
Petitioner /Contract Lessee : AT&T Wireless PCS LLC /Tim Brenner
Bechtel Corp. for AT&T
c/o Karl Nelson, Esquire

Petitioner /Legal Owner : Lynda Steuart /Butler Stone Quarry
Chris Steuart

Mac McCulloch /Tower Resource Management, Inc.

Jack Dillon /Valleys Planning Council
Ann Hagerty Boyce
Tom and Eugenia Elder
Pat Rienhoff

Michael LeVanis
Lawrence Collins
Kim L. Eldredge-Wight
Robin M. I. Hundley

Joseph Sterne
Hamilton Hackney
J. Ridgely Parks and
Kimberly Stevenson Parks

Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
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

pp'd to 8/19 and 8/26/04 - see 04-010-SPHX

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 15, 2004

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 04-011-SPHX

IN THE MATTER OF: BUTLER STONE QUARRY, INC.; LYNDA STEUART – Legal Owner; AT&T Wireless PCS LLC –Contract Lessee /Petitioner 15027 Falls Road
5th Election District; 3rd Councilmanic District
10/03/03 – Z.C.'s Order in which requested relief was GRANTED.

which had been reassigned to be heard on 6/10 and 6/15/04 has been **REASSIGNED** as follows upon confirmation with counsel to allow Case No. 04-010-SPHX to be heard on 6/10/04; and Case No. 04-011-SPHX having been

REASSIGNED FOR: **TUESDAY, JUNE 15, 2004 at 10:00 a.m. /Day #1**
WEDNESDAY, JUNE 23 2004 at 10:30 a.m. /Day #2 as needed

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: Counsel for Appellant /Protestant : K. Donald Proctor, Esquire
Appellant /Protestant : Ann Adams Parks

Counsel for Petitioners : Karl Nelson, Esquire
Petitioner /Contract Lessee : AT&T Wireless PCS LLC /Tim Brenner
Bechtel Corp. for AT&T
c/o Karl Nelson, Esquire

Petitioner /Legal Owner : Lynda Steuart /Butler Stone Quarry
Chris Steuart

Mac McCulloch /Tower Resource Management, Inc.

Jack Dillon /Valleys Planning Council
Ann Hagerty Boyce
Tom and Eugenia Elder
Pat Rienhoff

Michael LeVanis
Lawrence Collins
Kim L. Eldredge-Wight
Robin M. I. Hundley

Joseph Sterne
Hamilton Hackney
J. Ridgely Parks and
Kimberly Stevenson Parks

Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
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

PP'd to 10/13 and 10/14/04 Lange and Proctor

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue May 13, 2004

THIRD NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 04-011-SPHX

IN THE MATTER OF: BUTLER STONE QUARRY, INC.; LYNDA STEUART – Legal Owner; AT&T Wireless PCS LLC –Contract Lessee /Petitioner 15027 Falls Road
5th Election District; 3rd Councilmanic District
10/03/03 – Z.C.'s Order in which requested relief was GRANTED.

which had been reassigned to be heard on 6/15 and 6/23 has been **REASSIGNED** as follows upon confirmation with counsel and Petitioner to reassign Case No. 04-010-SPHX to 6/15/04; Case No. 04-011-SPHX has therefore been

REASSIGNED FOR: **THURSDAY, AUGUST 19, 2004 at 10:00 a.m. /Day #1**
THURSDAY, AUGUST 26, 2004 at 11:00 a.m. **/Day #2 as needed**

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: Counsel for Appellant /Protestant : K. Donald Proctor, Esquire
Appellant /Protestant : Ann Adams Parks

Counsel for Petitioners : Karl Nelson, Esquire
Petitioner /Contract Lessee : AT&T Wireless PCS LLC /Tim Brenner
Bechtel Corp. for AT&T
c/o Karl Nelson, Esquire

Petitioner /Legal Owner : Lynda Steuart /Butler Stone Quarry
Chris Steuart

Mac McCulloch /Tower Resource Management, Inc.

Jack Dillon /Valleys Planning Council
Ann Hagerty Boyce
Tom and Eugenia Elder
Pat Rienhoff

Michael LeVanis
Lawrence Collins
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J. Ridgely Parks and
Kimberly Stevenson Parks

Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue June 8, 2004

FOURTH NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 04-011-SPHX

IN THE MATTER OF: BUTLER STONE QUARRY, INC.; LYNDA STEUART – Legal Owner; AT&T Wireless PCS LLC –Contract Lessee /Petitioner 15027 Falls Road
5th Election District; 3rd Councilmanic District
10/03/03 – Z.C.'s Order in which requested relief was GRANTED.

which had been reassigned to be heard on 8/19 and 8/26 has been **POSTPONED AND REASSIGNED** at the request of counsel for Appellant /Protestant and Counsel for Legal Owner due to schedule conflicts and assignment after Case No. 04-010-SPHX; and, having confirmed agreement of counsel as to reassignment dates, has been

Pulled 10/12/04 by agreement

REASSIGNED FOR: ~~**WEDNESDAY, OCTOBER 13, 2004 at 10:00 a.m. /Day #1**~~
Leaving: **THURSDAY, OCTOBER 14, 2004 at 10:00 a.m.** ~~**/Day #2 as needed**~~

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: Counsel for Appellant /Protestant : K. Donald Proctor, Esquire
Appellant /Protestant : Ann Adams Parks

Counsel for Petitioners : Karl Nelson, Esquire
Petitioner /Contract Lessee : AT&T Wireless PCS LLC /Tim Brenner
Bechtel Corp. for AT&T
c/o Karl Nelson, Esquire

Counsel for Petitioner /Legal Owner : J. Neil Lanzi, Esquire
Petitioner /Legal Owner : Lynda Steuart /Butler Stone Quarry
Chris Steuart

Mac McCulloch /Tower Resource Management, Inc.

Jack Dillon /Valleys Planning Council
Ann Hagerty Boyce
Tom and Eugenia Elder
Pat Rienhoff

Michael LeVanis
Lawrence Collins
Kim L. Eldredge-Wight
Robin M. I. Hundley

Joseph Sterne
Hamilton Hackney
J. Ridgely Parks and
Kimberly Stevenson Parks

Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

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Baltimore County
Department of Permits and
Development Management

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

August 25, 2003

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

Dear Mr. Nelson:

RE: Case Number: 04-011-SPHX, 15027 Falls Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 3, 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
Butler Stone Quarry, Lynda Steuart, 15027 Falls Road, Butler 21023
AT & T Wireless, PCS, Tim Brenner, 11710 Beltsville Dr., Beltsville 20705

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

July 16, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 14, 2003

Item No.: 002-014 (OLW)

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

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on Recycled Paper

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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7-16-03

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

RE: Baltimore County
Item No. 011 JCM

Dear Ms. Hart:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/~~US~~ 25
are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

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

Very truly yours,

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 9, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For July 21, 2003
Item Nos. 001, 002, 003, 005, 006,
007, 008, 009, 010, 011, 013, and 014

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

RWB:CEN:jrb

cc: File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

MDP
Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

July 15, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda,07/21/03 re: case numbers 04-1-SPH, 04-2-A, 04-3-SPHA, 4-4-SPH, 4-5-SPH, 4-6-SPHA, 4-7-SPHA, 4-8-A, 4-9-A, 4-10-SPHX, 4-11-SPHX, 4-12-SPH, 4-13-A, 4-14-SPHA**

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/14/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Planning Services

cc: Mike Nortrup

RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
	15027 Falls Road; E/side Falls Road, 550' +/- NW of Butler Road	*	ZONING COMMISSIONER
	5th Election & 3rd Councilmanic Districts	*	FOR
	Legal Owner(s): Butler Stone Quarry, Inc, Lynda Steuart	*	BALTIMORE COUNTY
	Contract Purchaser(s): AT&T Wireless, PCS, LLC, Tim Brenner Petitioner(s)	*	04-010-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
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 22nd day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to Karl Nelson, Esquire, Saul Ewing, LLP, 100 S Charles Street, Baltimore, MD 21201, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
JUL 22 2003
Per.....

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

November 13, 2003

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

RE: Case 04-011-SPHX 15027 Falls Road

Dear Mr. Nelson:

Please be advised that an appeal on remand of the above-referenced case was filed in this office on October 28, 2003. 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
Director

RECEIVED
NOV 13 2003
BALTIMORE COUNTY
BOARD OF APPEALS

TK:rjc

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
Linda Steuart Butler Stone Quarry, Inc. 15027 Falls Road Butler, MD 21023
AT&T Wireless PCS LLC Tim Brenner 11710 Beltsville Drive Beltsville MD 20705
People's Counsel

OFESSIONAL CORPORATION
SUITE 505
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4542

www.proctorlaw.com

. DONALD PROCTOR
dproctor@proctorlaw.com

TELEPHONE 410-823-2258
FACSIMILE 410-823-2268

October 28, 2003

By Hand Delivery
Timothy M. Kotroco, Director
Baltimore County Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland, 21204

Re: Petitions for Special Hearing & Special Exception
NW/S Quarry Road, E of Falls Road
(15027 Falls Road)
5th Election District - 3rd Council District
Butler Stone Quarry. Inc. - Petitioners
Case Nos. 04-010-SPHX and 04-011-SPHX

Dear Mr. Kotroco:

Please enter appeals on behalf of Ann Adams Parks, who resides at 15025 Falls Road, to the County Board of Appeals from the Findings of Fact and Conclusions of Law and accompanying orders entered by the Zoning Commissioner in each of the above-referenced cases on October 3, 2003.

Enclosed is our check in the amount of $800.00 payable to Baltimore County to cover the $400.00 filing fee for each case.

Please date stamp the enclosed copy of this appeal for our records.

Sincerely,

K. Donald Proctor

RECEIVED
OCT 2 9 2003
BALTIMORE COUNTY
BOARD OF APPEALS

KDP:gbh

Enclosures

APPEAL

Petition For Special Hearing, Special Exception
15027 Falls Road
E/side of Falls Road, 550 feet +/- northwest of Butler Road
5th Election District – 3rd Councilmanic District
Butler Stone Quarry, Inc. Lynda Steuart - Legal Owner
Case No.: 04-011-SPHX

✓ Petition for Special Hearing and Special Exception (dated 07/03/08)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (dated 07/16/03)

✓ Certification of Publication (The Jeffersonian issue dated 08/12/03)

✓ Certificate of Posting (Michael McGarity posted dated 08/12/03)

✓ Entry of Appearance by People's Counsel (dated 07/22/03)

✓ Petitioner(s) Sign-In Sheet (1 page)

✓ Protestant(s) Sign-In Sheet (1 page)

✓ Citizen(s) Sign-In Sheet (1 page)

✓ Zoning Advisory Committee Comments

✓ Petitioners' Exhibits: ✓ (Exhibit 1 Coverage Threshold)
✓ Plat Attached – Exhibit 1A – overlay
✓ Exhibit 2 (Arial Photo)
✓ Exhibits 3A - 3D – Photo Simulation #1 - #4 (these were stuck together)

✓ Protestants' Exhibits:
1. Photo dated 5-7-02

✓ Miscellaneous (Not Marked as Exhibits): (CD AT&T (Wireless Butler Stone)

RECEIVED
NOV 13 2003
BALTIMORE COUNTY
BOARD OF APPEALS

✓ Deputy Zoning Commissioner's Order (dated 10/3/03 - GRANTED)

✓ Notice of Appeal filed 10/28/03 by K. Donald Proctor on behalf of Ann Carle

c: Karl Nelson, Saul Ewing, LLP 100 S. Charles Street Baltimore MD 21201
AT&T Wireless PCS, LLC Tim Brenner 11710 Beltsville Drive Beltsville MD 20705
K. Donald Proctor, Proctor & McKee, P.A. 102 West Pennsylvania Avenue, Suite 505, Towson, MD 21204-4542
Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel for Baltimore County, Baltimore County Maryland

date sent:11/13/03 rjc

HAMILTON HACKNEY
1916 BELFAST ROAD
BUTLER MD 21023

J RIDGELY PARKS AND
KIMBERLY STEVENSON PARKS
2150 BELFAST ROAD
BUTLER MD 21023

KATIE PEDERSON
~~4600 POWDER MILL ROAD~~
~~BELTSVILLE MD 20705~~ 2/23 insufficient address

GEZAHEGN KUFLE 2/20 attempted not known
~~8750 GEORGIA AVENUE~~
SILVER ~~SPRING MD 20910~~

CHRIS STEUART
PO BOX 143
BUTLER MD 21023

KIM L ELDREDGE-WIGHT
15400 DUNCAN HILL ROAD
SPARKS MD 21152

MAC McCULLOH
TOWER RESOURCE MGMT
FOR AT&T WIRELESS
8401 CORPORATE DRIVE
SUITE 380
LANDOVER MD 20785-2224

NT INC

ROBIN M I HUNDLEY
2005 BELFAST ROAD
SPARKS MD 21152

ANN HAGERTY BOYCE
PO BOX 65
BUTLER MD 21023

JOSEPH STERNE
2003 BELFAST ROAD
SPARKS MD 21152

TOM AND EUGENE ELDER
15425 DUNCAN HILL ROAD
SPARKS MD 21152

LYNDA STEUART
BUTLER STONE QUARRY, INC.
15027 FALLS ROAD
BUTLER, MD 21023
OWNER/PETITIONER

PAT RIENHOFF
2115 BELFAST ROAD
SPARKS MD 21152

MICHAEL LEVANIS
2131 BELFAST ROAD
SPARKS MD 21152

SAUL EWING LLP
100 SOUTHY CHARLES STREET
BALTIMORE MD 21201
ATTORNEY FOR PETITIONER

LAWRENCE COLLINS
16760 GORSUCH MILL ROAD
UPPERCO MD 21155

KARL NELSON
100 SOUTH CHARLES STREET
BALTIMORE MD 21201
REPRESENTATIVE TO BE CONTACTED FOR PETITIONER

ANN ADAMS PARKS
15025 FALLS ROAD
BUTLER MD 21023
APPELLANT

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

K DONALD PROCTOR ESQUIRE
PROCTOR & MCKEE PA
102 WEST PENNSYLVANIA AVENUE
TOWSON MD 21204-4542
ATTORNEY FOR APPEALLANT

JACK DILLON
VALLEYS PLANNING COUNCIL
207 COURTLAND AVENUE
TOWSON MD 21204

VE

5/10/04 – T/C from Don Proctor – conflict with 6/10/04; will need to reschedule 04-010-SPHX.
- T/C to D. Proctor – conflict is with Court of Special Appeals. T/C to Chris Steuart, Petitioner – discussed dates and scheduling situation – (1) to hear 04-010 first and then 04-011 and (2) need therefore to move both cases in order for 04-010 to be heard first.
-- Will postpone 04-010-SPHX from 6/10/04 to 6/15/04; will move 04-011-SPHX from 6/15 and 6/23/04 to 8/19/04 and 8/26/04 as indicated to Mr. Proctor and Mr. Steuart. Awaiting FAX from Mr. Proctor requesting postponement.

5/11/04 – Received hard copy of letter from Mr. Proctor; also telephoned Karl Nelson, counsel for AT&T in 04-011-SPHX; advised of letter from D. Proctor in 04-010-SPHX and need to reassign cases. He is also available for the August dates for reassignment of 04-011-SPHX. Notices will go out this week reassigning cases as indicated with counsel and Petitioner.

5/13/04 – Third Notice of PP and Reassignment sent to parties; case postponed from 6/15/04 and 6/23/04 and reassigned to Thursday, August 19, 2004 (day #1) and Thursday, August 26, 2004 at 11:00 a.m. (day #2 if needed) as discussed and agreed by counsel and Petitioner.

5/25/04 – Entry of Appearance and postponement request filed by J. Neil Lanzi, Esquire, in case 04-010-SPHX. This request, if granted, will affect the 8/19/04 hearing date for the instant case, since 04-010-SPHX will be heard first. Will confirm availability of sitting panel prior to reassignment of 04-010-SPHX from 6/15/04 to 8/19/04, with additional date to be assigned for 04-011-SPHX.

6/04/04 – T/C from Neil Lanzi – indicated that it was his understanding that Mr. Proctor also has a problem with at least one of the August dates – he will confirm this on 6/07 and get back to this office no later than 6/08/04. N. Lanzi also indicated that 9/01/04 would not be good for him – trial date.

6/08/04 – T/C to N. Lanzi ; l.m. re possible dates in October; t/c to D. Proctor – he has problem with one date in August; would move all three dates to begin in October; namely, 10/06 (04-010) and 10/13 and 10/14 for 04-011. Mr. Proctor okay on these three dates; called K. Nelson (only involved in 04-011); okay with 10/13 and 10/14; t/c with N. Lanzi – okay on all three October dates.
- Fourth Notice of PP and Reassignment sent to parties; reassigned to Wednesday, October 13 (day #1) and Thursday, October 14, 2004 (day #2) both at 10:00 a.m. FYI copy to 4-6-1 to mark these dates on calendar. (This hearing will follow 10/06/04 hearing in 04-010-SPHX.)

10/05/04 – **NOTE TO FILE: A Notice of PP and Reassignment was sent this date in Case No. 04-010-SPHX reassigning that matter to 10/13/04 and 10/14/04. Any changes necessary in 04-011-SPH due to this reassignment will be handled on 10/13/04. NOTE that this reassignment was done with the agreement of all parties, including counsel for AT&T. Copy of letter to counsel is included in this file.**

10/12/04 – Conference call this date with D. Proctor, J. Gontrum, and K. Nelson regarding change in schedule for Butler Stone Quarry – will not convene on 10/13/04 as originally planned; need additional time to complete settlement in this matter. Will pull 10/13/04 from the schedule; will convene on Thursday, 10/14/04 (as assigned for additional day if needed) for the purpose of (1) putting this settlement on the record; or (2) going forward with 04-010-SPHX should the settlement not be reached. Notified Board and Carolyn; sent confirmation via FAX to counsel (3) in this matter.

10/14/04 – Board convened for hearing (Wescott, Mohler, Quinn); settlement put on the record; appeals in 04-010-SPHX and 04-011-SPHX to be withdrawn upon final signatures on Consent Order of the parties. A final Consent Order will be presented to the CBA within one week of today's date for signature and issuance. The conditions outlined in the consent order /agreement will be the conditions added to the decision of the Zoning Commissioner, which will remain the final Order in this matter.

Case No. 04-011-SPHX

In the Matter of: Butler Stone Quarry, Inc.; Lynda Steuart –Legal Owner; AT&T Wireless PCS, LLC –Contract Lessee /Petitioners

SPH – To approve dual use of subject property for controlled excavation (quarry) and wireless telecommunications structure (monopole) that will occupy 75' x 75' area; SE – for 90' tall wireless telecommunications pole with accompanying ground-based equipment cabinets (up to three) to be located on subject property.

10/03/03–Z.C.'s Order in which requested relief was GRANTED.

2/06/04 -Notice of Assignment sent to following; assigned for hearing on Wednesday, April 28, 2004 and Thursday, April 29, 2004, both dates beginning at 10 a.m.:

K. Donald Proctor, Esquire
Ann Adams Parks
Karl Nelson, Esquire
AT&T Wireless PCS LLC /Tim Brenner
Bechtel Corp. for AT&T /Katie Pederson
Gezahegn Kufle
Lynda Steuart /Butler Stone Quarry
Chris Steuart
Mac McCulloch /Tower Resource Management, Inc.
Jack Dillon /Valleys Planning Council
Ann Hagerty Boyce
Tom and Eugenia Elder
Pat Rienhoff
Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM
Michael LeVanis
Lawrence Collins
Kim L. Eldredge-Wight
Robin M. I. Hundley
Joseph Sterne
Hamilton Hackney
J. Ridgely Parks and Kimberly Stevenson Parks

NOTE: Notices for Gezahegn Kufle and Katie Pederson /Bechtel for AT&T – returned "attempted unknown" and "insufficient address" – notice for Bechtel sent c/o Karl Nelson, Esquire on all future notices, etc.

4/02/04 – Notice of PP and Reassignment sent to parties this date via USPS. Administratively postponed due to Board member scheduling conflicts with dates as assigned; reassigned to Thursday, June 10 at 10 a.m. and Tuesday, June 15, 2004 at 10 a.m. (limited as to available members to substitute in this matter).

4/14/04 – T/Cs from Karl Nelson and Don Proctor regarding postponement of Case No. 04-010-SPHX from its 4/22/04 hearing date and reassignment of same to be heard prior to Case No. 04-011-SPHX. Request for call back.

4/15/04 – T/C to Karl Nelson and Don Proctor – requesting postponement of 4/22/04- both counsel believe that the hearing dates should be closer together (referencing 04-011-SPHX administratively postponed from 4/28 and 4/29 to June dates due to Board conflict). Hearing date of 4/22/04 to be postponed and, as agreed by and verified with Mr. Proctor and Mr. Nelson, reassigned to 6/10/04 (04-011-SPHX reassigned for day #1 to 6/15;04 and for day #2 to 6/2304 in order to keep theses cases in the same order of hearing as previously assigned, with 04-010-SPHX being heard first, followed by 04-011-SPHX).

-- Second Notice of PP and Reassignment sent to parties; case reassigned for day #1 to Tuesday, June 15, 2004 at 10:00 a.m. and for day #2 to Wednesday, June 23, 2004 at 10:30 a.m. Copy of notices for 04-010-SPHX and 04-011-SPHX sent to counsel this date via FAX and by USPS.

Case No. 04-011-SPHX

In the Matter of: Butler Stone Quarry, Inc.; Lynda Steuart –Legal Owner; AT&T Wireless PCS, LLC –Contract Lessee /Petitioners

SPH – To approve dual use of subject property for controlled excavation (quarry) and wireless telecommunications structure (monopole) that will occupy 75' x 75' area; SE – for 90' tall wireless telecommunications pole with accompanying ground-based equipment cabinets (up to three) to be located on subject property.

10/03/03–Z.C.'s Order in which requested relief was GRANTED.

2/06/04 -Notice of Assignment sent to following; assigned for hearing on Wednesday, April 28, 2004 and Thursday, April 29, 2004, both dates beginning at 10 a.m.:

K. Donald Proctor, Esquire
Ann Adams Parks
Karl Nelson, Esquire
AT&T Wireless PCS LLC /Tim Brenner
Bechtel Corp. for AT&T /Katie Pederson
Gezahegn Kufle
Lynda Steuart /Butler Stone Quarry
Chris Steuart
Mac McCulloch /Tower Resource Management, Inc.
Jack Dillon /Valleys Planning Council
Ann Hagerty Boyce
Tom and Eugenia Elder
Pat Rienhoff
Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM
Michael LeVanis
Lawrence Collins
Kim L. Eldredge-Wight
Robin M. I. Hundley
Joseph Sterne
Hamilton Hackney
J. Ridgely Parks and
Kimberly Stevenson Parks

County Board of Appeals of Baltimore County

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

October 5, 2004

John B. Gontrum, Esquire
WHITEFORD TAYLOR & PRESTON LLP
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

RE: *In the Matter of: Butler Stone Quarry*
Case No. 04-010-SPHX

Dear Mr. Gontrum:

In response to your letter dated October 4, 2004, received by this office via facsimile, and recent telephone conversations, this letter will confirm the postponement of Case No. 04-010-SPHX from 10/06/04 to Wednesday, October 13, 2004 at 10:00 a.m. and Thursday, October 14, 2004 at 10:00 a.m.

Please note that at the present time Case No. 04-011-SPHX, assigned for 10/13/04 and 10/14/04, remains on those dates, with any necessary changes to be made on October 13, 2004.

Enclosed is a copy of the Notice of Postponement and Reassignment in this matter.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

for file copy
04-011-SPHX

Enclosure

c: K. Donald Proctor, Esquire
Karl Nelson, Esquire

Printed with Soybean Ink
on Recycled Paper

COUNTY BOARD OF APPEALS

FACSIMILE TRANSMITTAL SHEET

TO: JOHN GONTRUM, ESQUIRE (1) K DONALD PROCTOR, ESQUIRE (2) KARL NELSON, ESQUIRE (3)	FROM: KATHLEEN BIANCO
FAX NUMBER: 410-832-2015 (1) 410-823-2268 (2) 410-332-8862 (3)	DATE: OCTOBER 12, 2004
COMPANY:	TOTAL NO. OF PAGES INCLUDING COVER: ONE (1)
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: BUTLER STONE QUARRY INC HEARING DATE CHANGE	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW X FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

PERSONAL AND CONFIDENTIAL

This will confirm our conference call this date in which you requested the following change in the Board's schedule for the subject matter:

- Wednesday, October 13, 2004 has been pulled from the Board's schedule. The Board will not convene on 10/13/04 in this matter.
- Thursday, October 14, 2004 becomes the first day of hearing in the subject cases. The Board will convene at 10:00 a.m. that day as scheduled to either put a settlement on the record or, in the event that does not happen, then to begin the hearing with Case No. 04-010-SPHX.

PLEASE CALL ME AT 410-887-3180 UPON RECEIPT OF THIS FAX TO CONFIRM THE ABOVE.

kathi

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

04-010 and
04-011

NOTE TO FILE:

DON PROCTOR, ATTORNEY CALLED ON THE ABOVE CAPTIONED MATTER.

REQUESTED THAT THE HEARING TAKE PLACE AFTER MARCH.

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

May 24, 2004

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204
Attn: Kathleen C. Bianco, Administrator

RECEIVED
MAY 25 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Re: In the Matter of: Butler Stone Quarry, Inc.;
Lynda Steuart - Legal Owner/Petitioner
Case No.: 04-010-SPHX

Dear Ms. Bianco:

Enclosed please find my Entry of Appearance on behalf of Butler Stone Quarry, Inc., Petitioner in the above captioned case. By this letter, I am respectfully requesting a postponement from the hearing currently scheduled for June 15, 2004 at 10:00 a.m. I have spoken with K. Donald Proctor, Esquire who represents Ann Adams Parks and have been advised his client will join in the postponement request. It is my understanding there is a companion case, Case No. 04-011-SPHX, which has a hearing set for August 19 and August 26, 2004. It is my further understanding the parties agreed Case 04-010-SPHX should be heard first and therefore it may be necessary to re-schedule the August hearing dates as well.

Thank you for your attention to this matter.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: K. Donald Proctor, Esquire
Karl Nelson, Esquire
People's Counsel
Butler Stone Quarry, Inc.

Karl J. Nelson, Esquire
SAUL EWING
100 S. Charles Street
Baltimore, MD 21201\

410-332-8600

FAX 410-332-8862

K. Donald Proctor, Esquire
PROCTOR & McKEE PA
102 W. Pennsylvania Avenue
Suite 505
Towson, MD 21204

410-823-2258
410-823-2268 FAX

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

N.L. ✓
D.P. ✓ 10/06 04-010
K.N. ✓ 10/13
✓ 10/14 } 04-011
(only in 04-011)

Poss ok to 8/19
Cal 9/01 for 011 #2

T/c fr. Neil - 6/04

9/01 = IN CT. - TRIAL

he will ck w/ Don P. on Monday 6/7 - thinks there's problem for

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

DATE: December 21, 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
04-010-SPHX	*04-010-SPHX*	LYNDA STEUART/BUTLER STONE	15027 FALLS ROAD
04-011-SPHX	*04-011-SPHX*	LYNDA STEUART/BUTLER STONE	15027 FALLS ROAD
04-118-A	*04-118-A*	HOWARD BOLLING	5005 OLD COURT ROAD
04-423-A	*04-423-A*	CRAIG AND SUSAN BANCROFT	303 GAILRIDGE ROAD

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Karl Nelson	100 S. Charles St.	Balt., MD 21202	knelson@saul.com
Mac McCulloch	104 Church Lane, suite 209	Pikesville, MD 21208	mmccullock@trmcom.com
Katie Pedersen	4600 Powder Mill Rd.	Beltsville MD	krpeders@bechtel.com
Chris Stewart	P.O. Box 143	Butler MD 21023	DEVELOPMENTSERVICES@comcast.NET
Gezahegn Kufle	8750 Georgia Ave. ~~Silver Spring~~	Silver Spring, MD 20910	gkufle@bechtel.com

Case Number _____

PLEASE *PRINT* LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Jack Dillon	207 - Carlton Ave	Towson MD	21204
ANN ADAMS PARKS	15025 FALLS RD	BUTLER MD	21023
TOM ELDER	15425 DUNCANHILL RD	SPARKS, MD	21152
Eugenia Elder	" "	"	"
Pat Rienhoff	2115 Belfast Rd	Sparks MD	21152
H. Hamilton Hackney	1916 Belfast Rd.	Butler	21023
Joseph Sterne	2003 Belfast Rd	Sparks Md	21152
J. RIDGELY PARKS	2150 BELFAST Rd	BUTLER MD	21023
Michael LeVanic	2136 Belfast Rd	Sparks MD	21152

Revised 4/17/00

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ANN ADAMS PARKS	15025 FALLS RD	BUTLER MD 21023	
THOMAS ELDER	15425 DUNCAN HILL RD	SPARKS, MD 21152	
EUGENIA ELDER	" " " "	" " "	EFEE@BCPL.NET
PAT RIENHOFF	2115 Belfast RD	Sparks, MD 21152	prienhoff@aol.com
Ann Hagerty Boyce	PO BOX 65	Butler Rd 21023 ~~PO BOX 65~~	ah4d[redacted]ht @aol.
J. RIDGEN PARKS	2150 BELFAST ROAD	BUTLER MD 21023	
H. Hamilton Hackney	1916 " "	" "	
JOSEPH STERNE	2003 " "	SPARKS Md. 21152	
Kimberly Stevenson Parks	2150 Belfast Rd	Butler MD 21023	kparks@mcdaniel.edu
LAWRENCE COLLINS	16710 GORSUCH MILL RD.	UPPERCO, MD 21155	lcollins@consolidatedequities.com
Kim L. Eldredge-Wight	15400 Duncan Hill Rd.	Sparks, MD 21152	
Robin M. I. Hundley	2005 Belfast Road	Sparks MD 21152	
Michael G. LeVanis	2131 Belfast Road	Sparks, MD 21152	CANDC41@AOL.COM

Protestants No 2

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

August 27, 2003

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

Re: 4-11-SPHX
Linda Stewart/Butler Quarry
AT&T Wireless PCS

Dear Mr. Schmidt:

The Valleys Planning Council has been actively working with several wireless telephone providers and Tower Resource Management to find ways of mitigating the visual impacts of cellular towers on the landscape. AT&T is one provider that has been responsive to our concerns and we believe that the proposal being presented today by them achieves our objective.

The property is located on the East Side of Falls Road, 550 feet northeast of Butler Road in the 5th Election District of Baltimore County. The property is well known in this area as the Butler Stone Quarry.

The request for a 90-foot wireless communications tower is a result of direct efforts by the VPC to have a tower that will not have a dramatic impact on the area. The tower is to have either a monopole design with the antenna installed tight against the pole or a flagpole design with the antenna inside the pole. The siting of this tower uses the existing topography to essentially hide the tower within the trees in the background. The tower will be painted a color to blend with the tree bark of the trees rising behind the tower and the tower will not exceed 90 feet in height, nor will it be lighted.

This property is within the Western Run-Belfast National Register Historic District and this portion of Falls Road is identified in the Baltimore County Master Plan 2010 as part of the County's Scenic Routes as well as being included as part of the Maryland Scenic Byways Program. We believe it is imperative to maintain as much of the natural landscape as possible and to avoid inappropriate intrusions into the skyline.

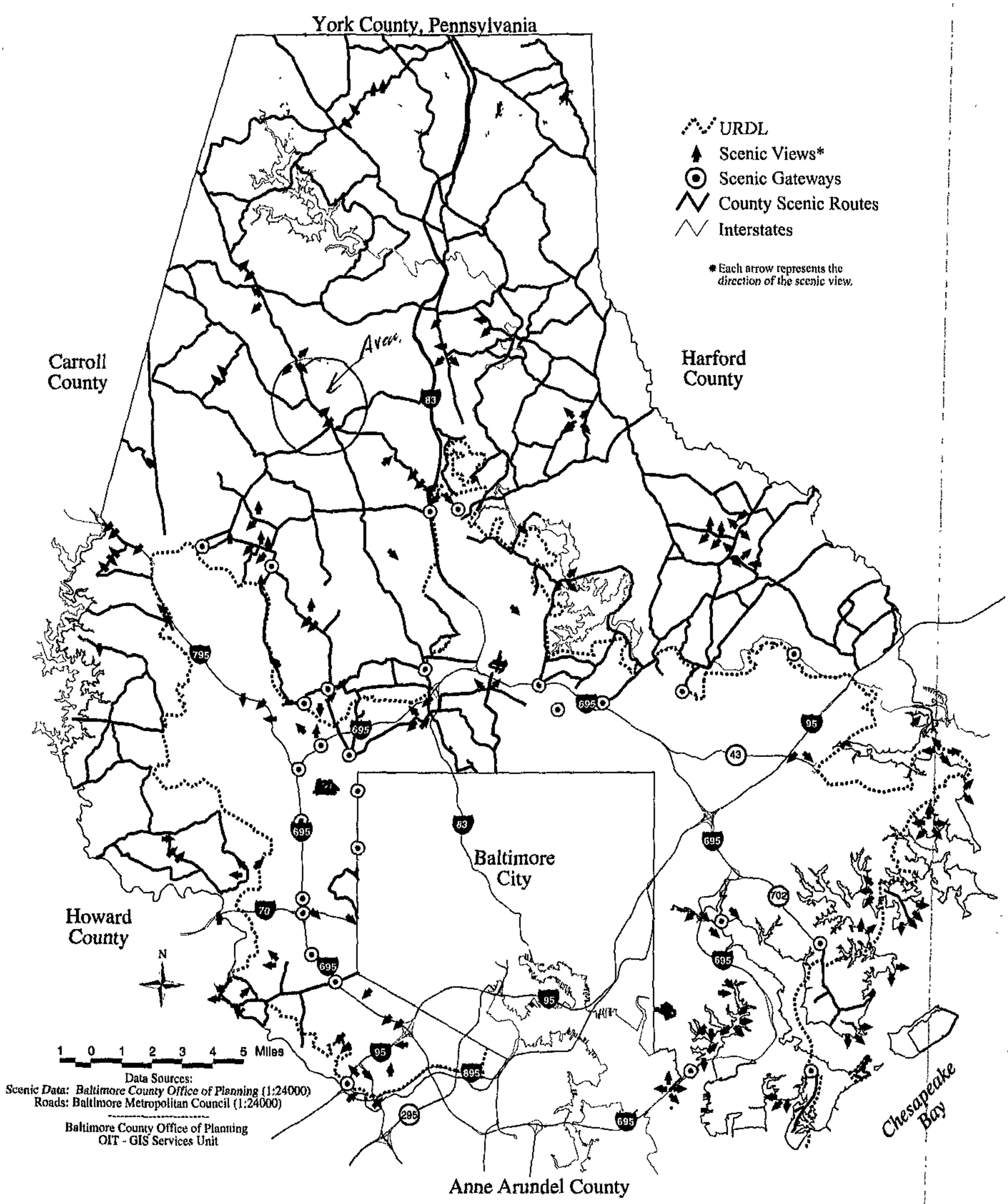
For these reasons The Valleys Planning Council does not oppose the request for a cellular tower at this location subject to the description above. We respectfully request that you approve this request.

Thank you for your consideration in this matter.

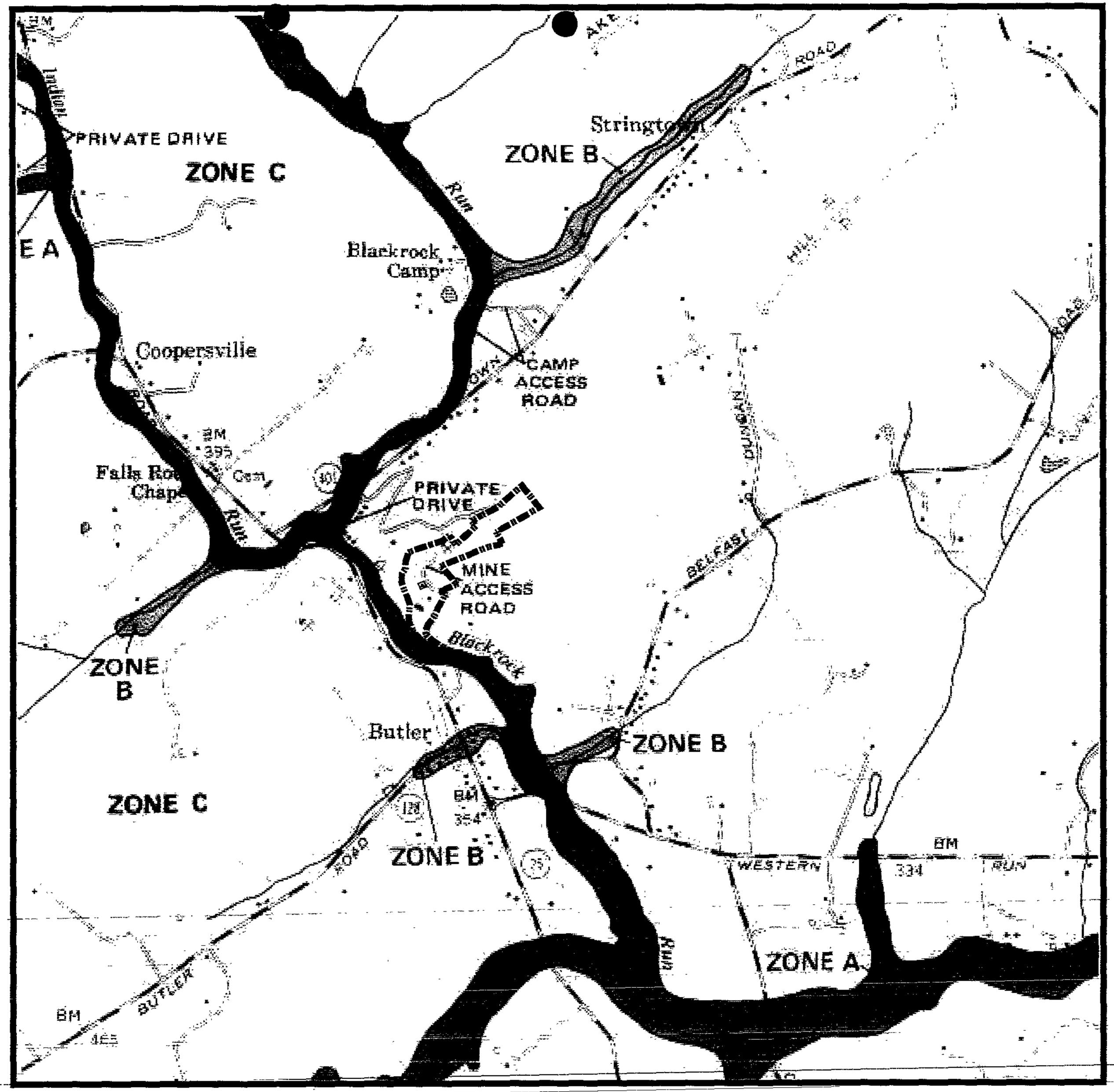
Sincerely,

Jack Dillon
Executive Director

Cc: Mr. Karl Nelson, Esquire
VPC Executive Committee



MAP 37
SCENIC RESOURCES



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

**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:

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

BALTIMORE COUNTY, MARYLAND
(UNINCORPORATED AREAS)

PANEL 125 OF 575
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
240010 0125 B

EFFECTIVE DATE:
MARCH 2, 1981

federal emergency management agency
federal insurance administration

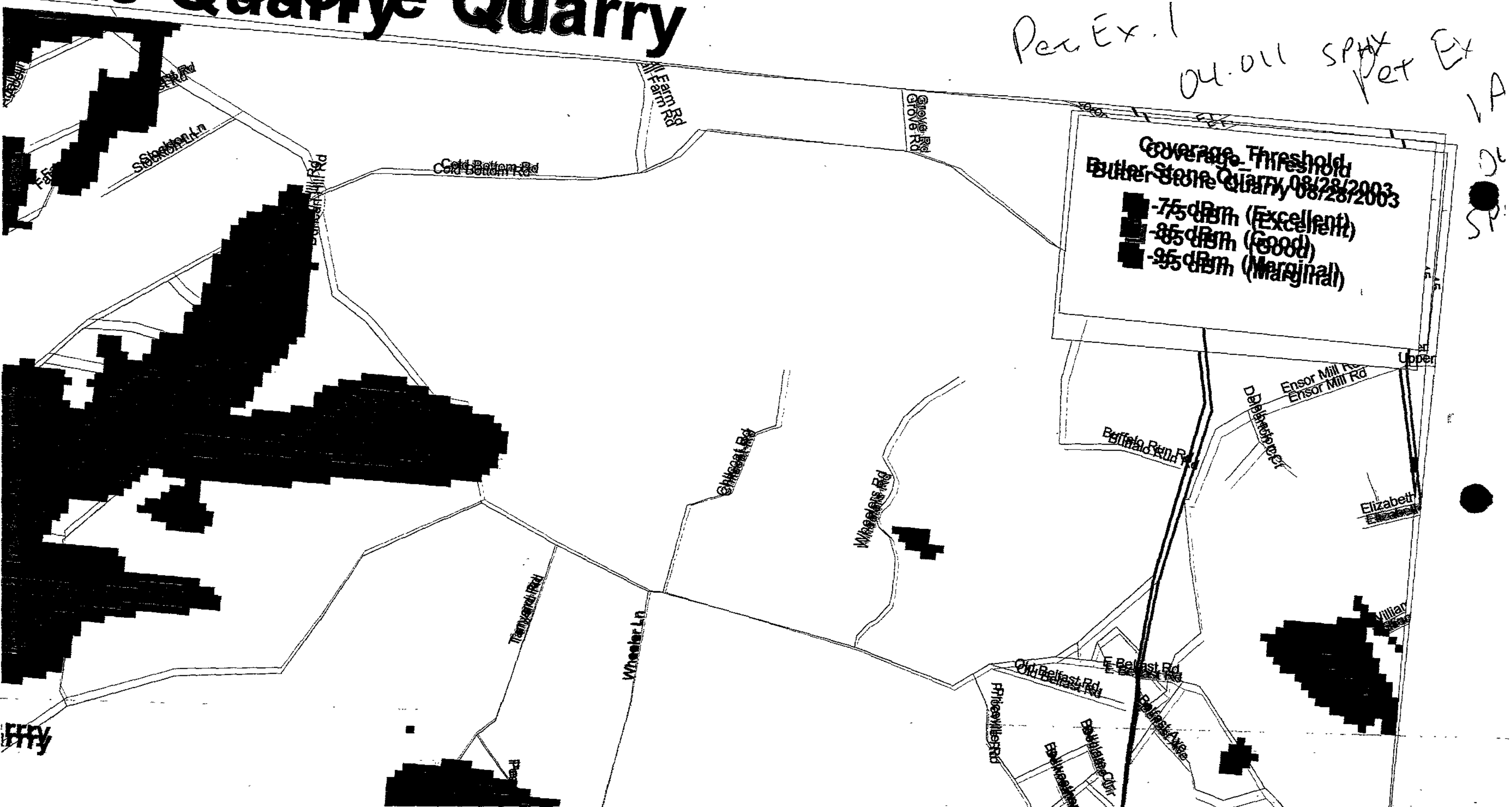
011

017-006C
BUTLER STONE QUARRY
15027 FALLS ROAD
BUTLER, MD 21023

Butler Stone Quarry

Per Ex. 1

04.011 SPHX Per Ex



Drive Test Coverage Plot Only For Butler Stone Quarry

Coverage Plot Without Butler Stone Quarry

Per Ex. 1 04-011 SPHX Ex 1A 04-011 SPHX

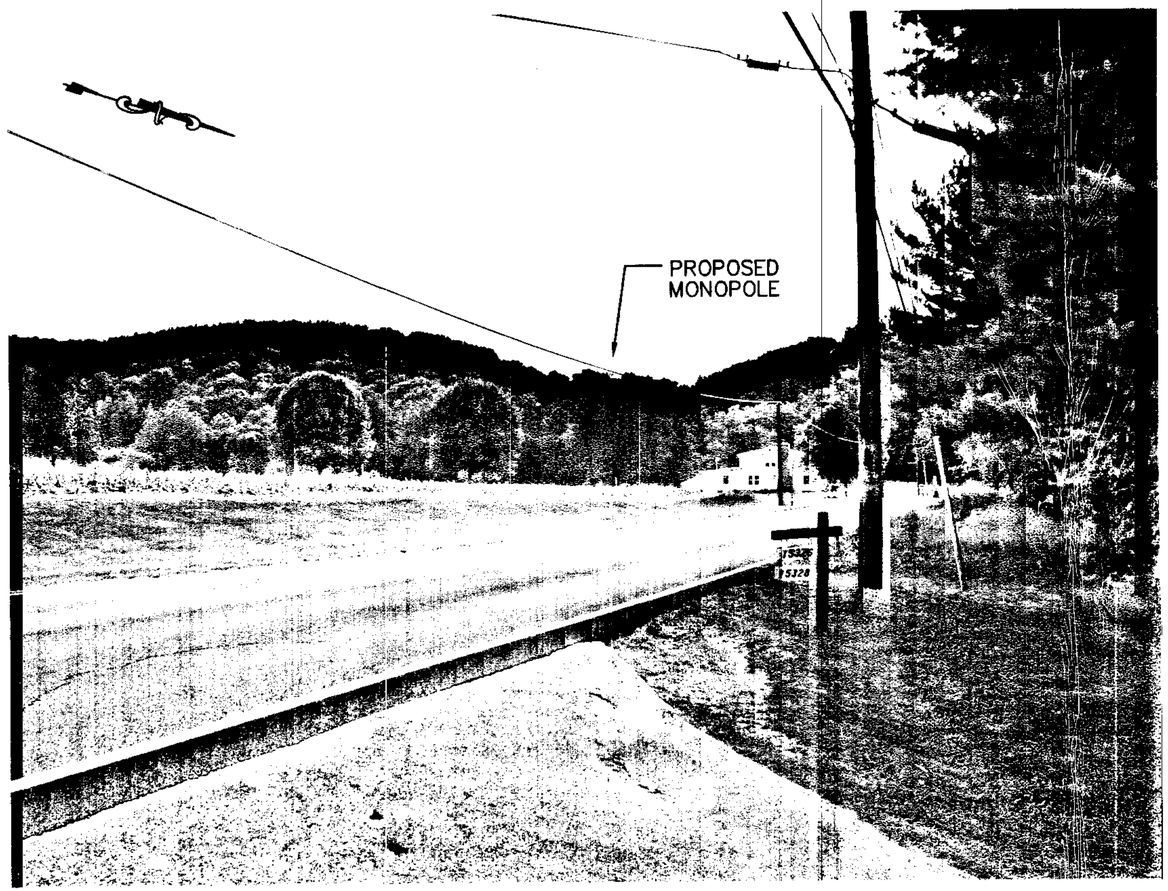
5-7-02

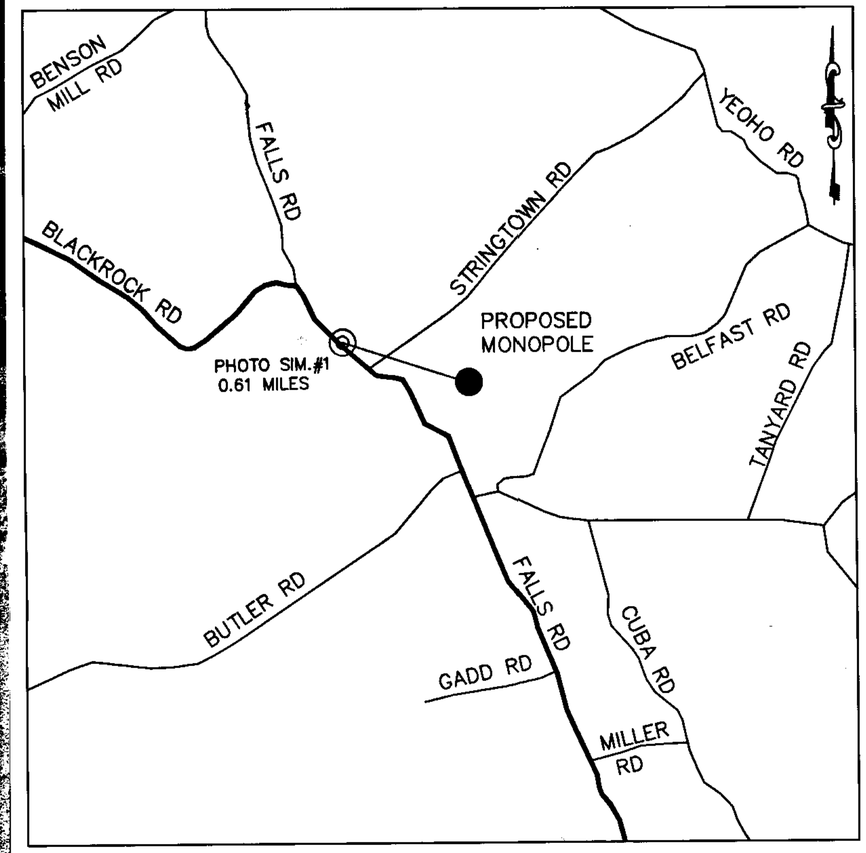
Prob. No 1

PHOTO SIMULATION #1

BUTLER QUARRIES MONOPOLE–SITE #17–006

Pet 3A
04-04



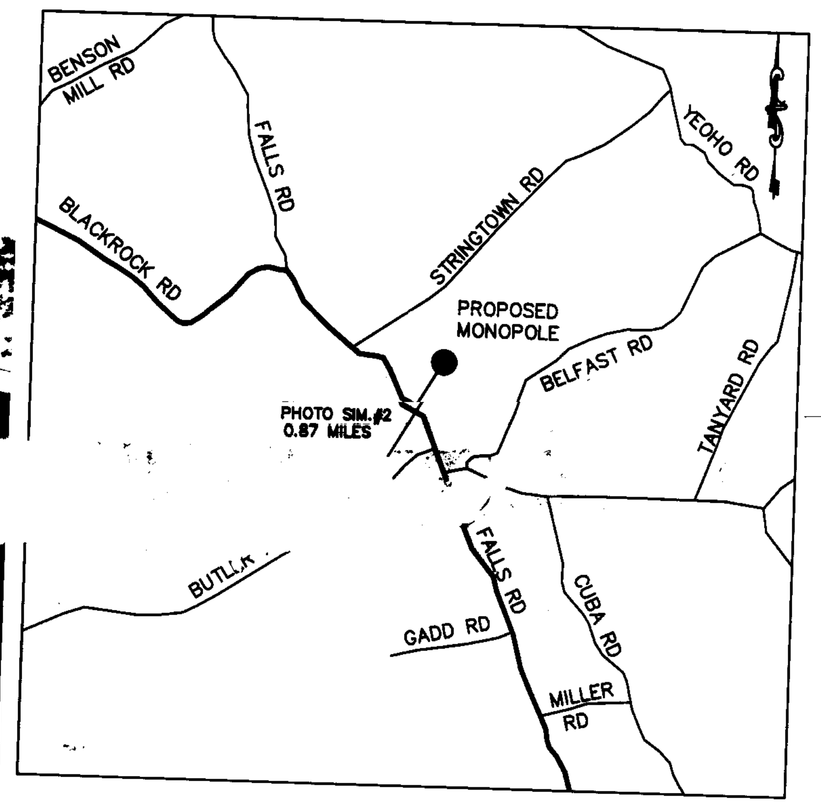


LATITUDE: 39°32'39" N
LONGITUDE: 76°44'18" W
AZIMUTH: 107°43'39"

PHOTO SIMULATION #2

BUTLER QUARRIES MONOPOLE–SITE #17–006

Pet. 3B
04-071



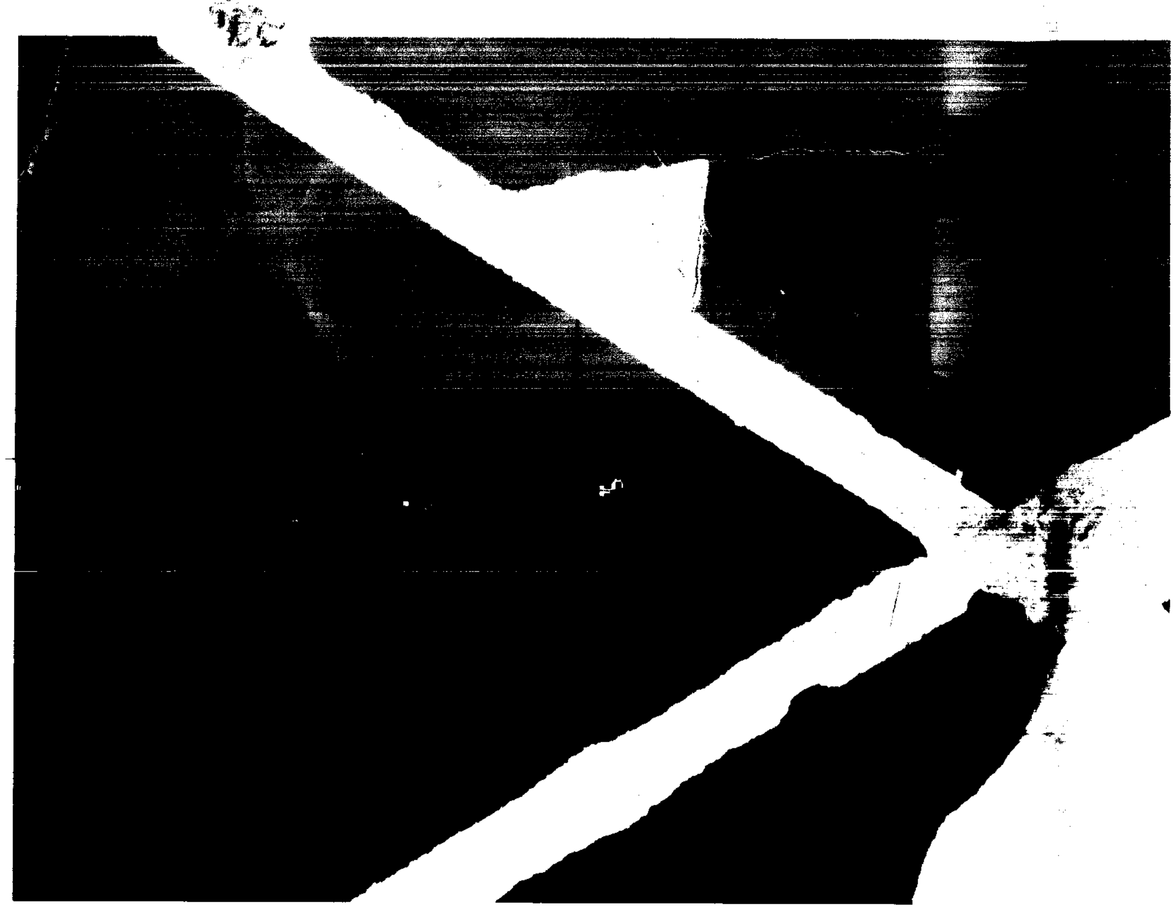
LATITUDE: 39°31'50" N
LONGITUDE: 76°44'08" W
AZIMUTH: 30°36'38"

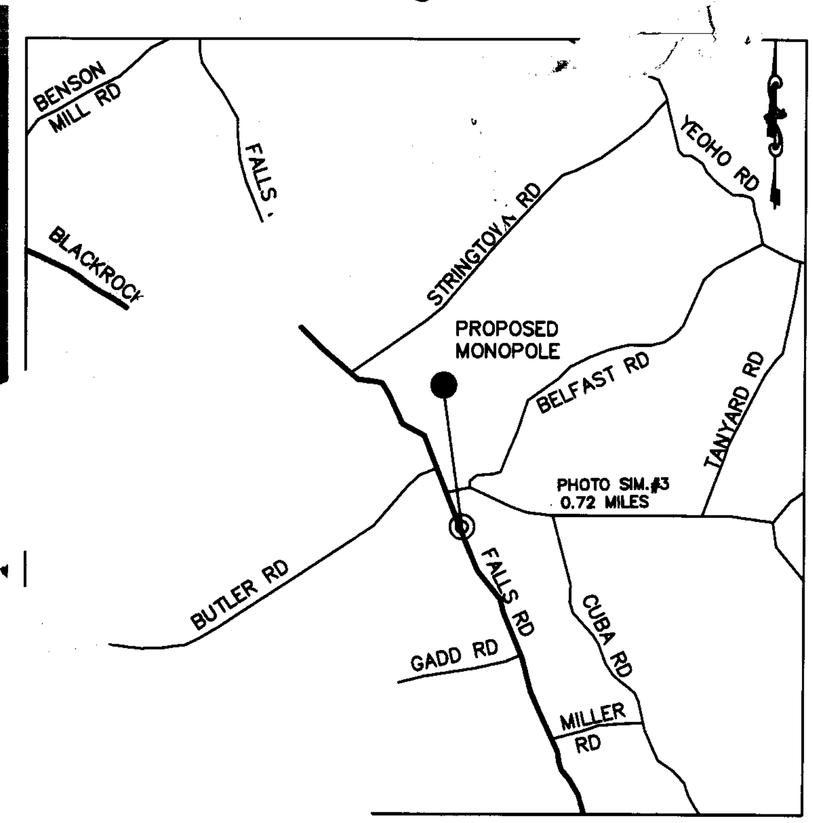
SIMULATION #3

QUARRIES MONOPOLE–SITE #17–006

Pet. 3C

04.011



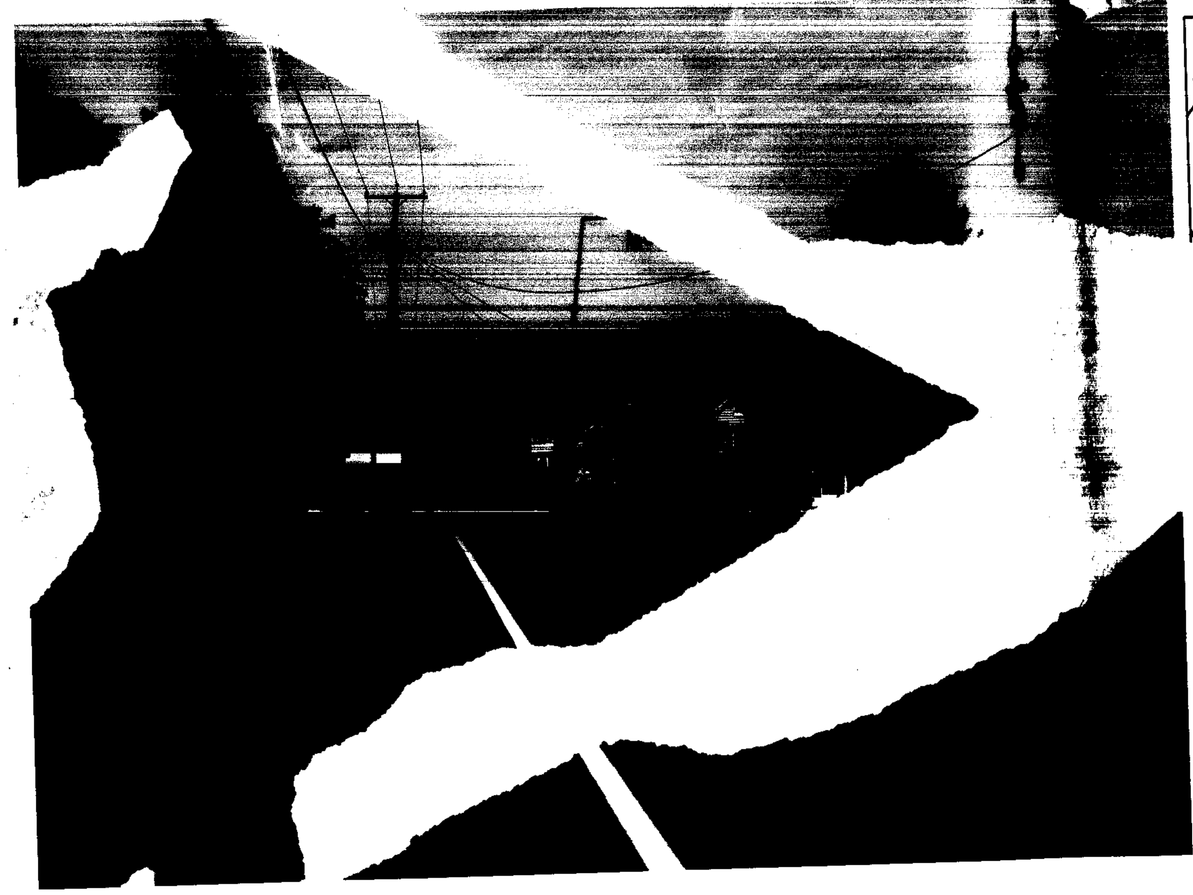


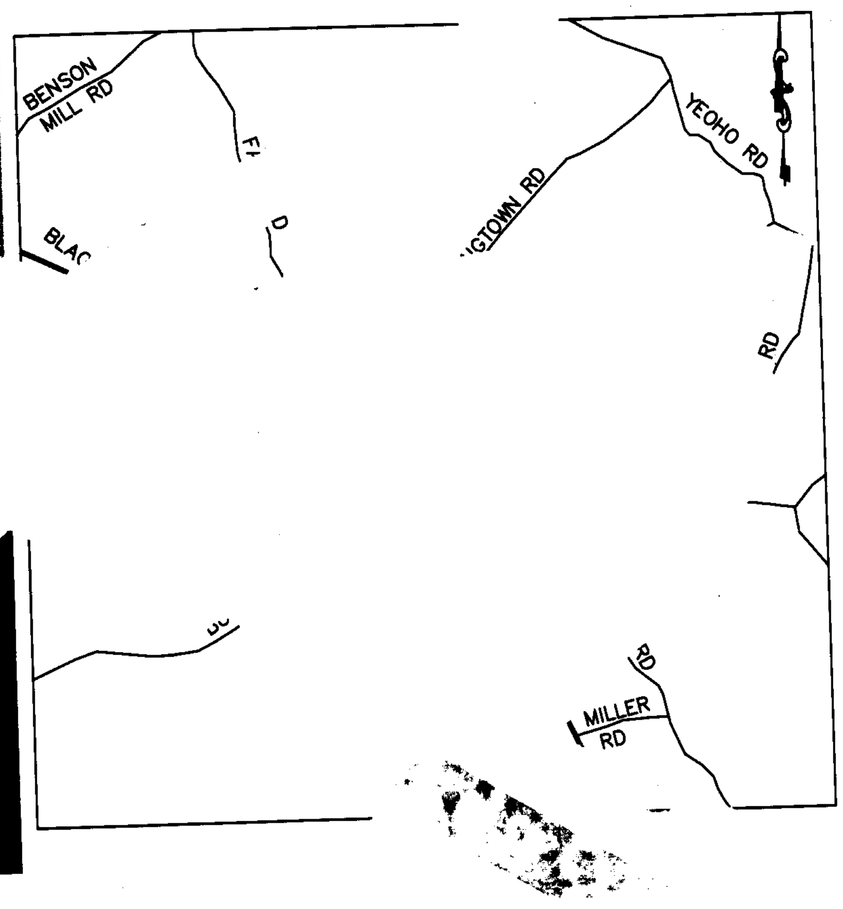
LATITUDE: 39°31'52" N
LONGITUDE: 76°43'32" W
AZIMUTH: 352°40'17"

PHOTO SIMULATION #4

BUTLER QUARRIES MONOPOLE–SITE #17–006

3D
04-011





LATITUDE: 39°32'04" N
LONGITUDE: 76°43'39" W
AZIMUTH: 01°36'10"

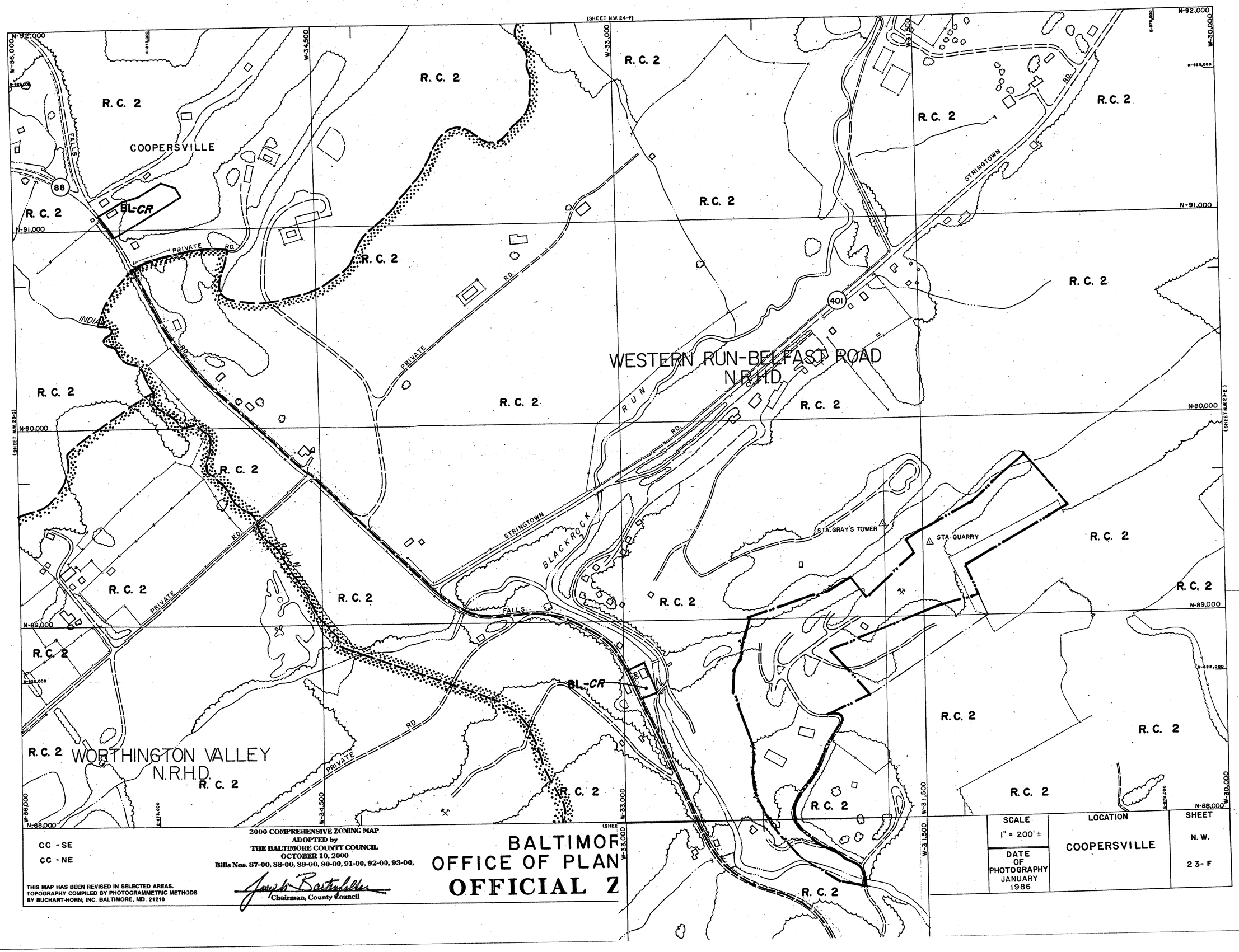
Produced by Baltimore County GIS Services Unit
Date of photography: Spring 2002
Date of map production: August 15, 2003

1 inch equals 200 feet

0 100 200 400 600 800 Feet

Pet. Ex. 2

64-04


(SHEET N.W. 24-F)
(SHEET N.W. 23-G)
(SHEET N.W. 23-E)
(SHEET
N-92,000
N-91,000
N-90,000
N-89,000
N-88,000
W-36,000
W-34,500
W-33,000
W-31,500
W-30,000
E-279,000
R. C. 2
COOPERSVILLE
FALLS
88
BL-CR
PRIVATE RD.
INDIAN
RUN
RD.
STRINGTOWN
401
WESTERN RUN-BELFAST ROAD
N.R.H.D.
BLACKROCK
STA. GRAY'S TOWER
STA. QUARRY
WORTHINGTON VALLEY
N.R.H.D.
CC - SE
CC - NE
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
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210
BALTIMOR
OFFICE OF PLAN
OFFICIAL Z
SCALE
1" = 200' ±
DATE OF PHOTOGRAPHY
JANUARY 1986
LOCATION
COOPERSVILLE
SHEET
N. W.
23- F

011

NW 23 F

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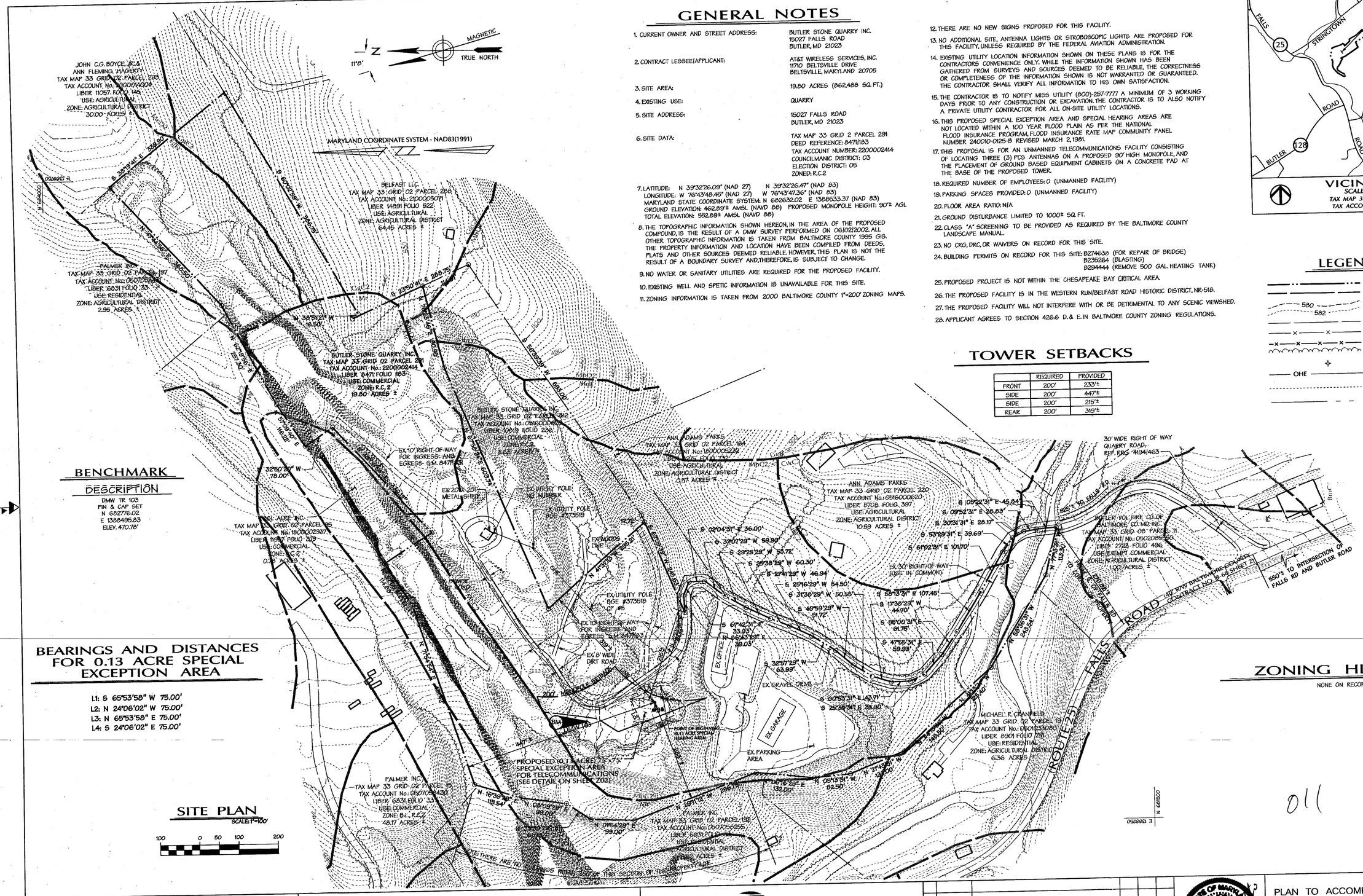

GENERAL NOTES

1. CURRENT OWNER AND STREET ADDRESS: BUTLER STONE QUARRY INC. 15027 FALLS ROAD BUTLER, MD 21023
2. CONTRACT LESSEE/APPLICANT: AT&T WIRELESS SERVICES, INC. 11710 BELTSVILLE DRIVE BELTSVILLE, MARYLAND 20705
3. SITE AREA: 19.80 ACRES (862,488 SQ. FT.)
4. EXISTING USE: QUARRY
5. SITE ADDRESS: 15027 FALLS ROAD BUTLER, MD 21023
6. SITE DATA: TAX MAP 33 GRID 2 PARCEL 291 DEED REFERENCE: 8471/163 TAX ACCOUNT NUMBER: 2200002414 COUNCILMANIC DISTRICT: 03 ELECTION DISTRICT: 05 ZONED: R.C.2
7. LATITUDE: N 39°32'26.09" (NAD 27) N 39°32'26.47" (NAD 83) LONGITUDE: W 76°43'48.45" (NAD 27) W 76°43'47.36" (NAD 83) MARYLAND STATE COORDINATE SYSTEM: N 682632.02 E 1368533.37 (NAD 83) GROUND ELEVATION: 462.89'± AMSL (NAVD 88) PROPOSED MONOPOLE HEIGHT: 90'± AGL TOTAL ELEVATION: 552.89'± 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 06/02/2002. 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. EXISTING WELL AND SPETIC INFORMATION IS UNAVAILABLE FOR THIS SITE.
11. ZONING INFORMATION IS TAKEN FROM 2000 BALTIMORE COUNTY 1"=200' ZONING MAPS.
12. THERE ARE NO NEW SIGNS PROPOSED FOR THIS FACILITY.
13. NO ADDITIONAL SITE, ANTENNA LIGHTS OR STROBOSCOPIC LIGHTS ARE PROPOSED FOR THIS FACILITY, UNLESS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.
14. 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.
15. 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.
16. THIS PROPOSED SPECIAL EXCEPTION AREA AND SPECIAL HEARING AREAS ARE NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 240010-0125-B REVISED MARCH 2, 1981.
17. THIS PROPOSAL IS FOR AN UNMANNED TELECOMMUNICATIONS FACILITY CONSISTING OF LOCATING THREE (3) PCS ANTENNAS ON A PROPOSED 90' HIGH MONOPOLE, AND THE PLACEMENT OF GROUND BASED EQUIPMENT CABINETS ON A CONCRETE PAD AT THE BASE OF THE PROPOSED TOWER.
18. REQUIRED NUMBER OF EMPLOYEES: 0 (UNMANNED FACILITY)
19. PARKING SPACES PROVIDED: 0 (UNMANNED FACILITY)
20. FLOOR AREA RATIO: N/A
21. GROUND DISTURBANCE LIMITED TO 1000± SQ. FT.
22. CLASS "A" SCREENING TO BE PROVIDED AS REQUIRED BY THE BALTIMORE COUNTY LANDSCAPE MANUAL.
23. NO CRG, DRC, OR WAIVERS ON RECORD FOR THIS SITE.
24. BUILDING PERMITS ON RECORD FOR THIS SITE: B274630 (FOR REPAIR OF BRIDGE) B235264 (BLASTING) B294444 (REMOVE 500 GAL. HEATING TANK)
25. PROPOSED PROJECT IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
26. THE PROPOSED FACILITY IS IN THE WESTERN RUN/BELFAST ROAD HISTORIC DISTRICT, NR-518.
27. THE PROPOSED FACILITY WILL NOT INTERFERE WITH OR BE DETRIMENTAL TO ANY SCENIC VIEWSHED.
28. APPLICANT AGREES TO SECTION 426.6 D. & E. IN BALTIMORE COUNTY ZONING REGULATIONS.

VICINITY MAP

SCALE: 1" = 2000'
TAX MAP 33 GRID 2 PARCEL 291
TAX ACCOUNT NO.: 2200002414

TOWER SETBACKS

	REQUIRED	PROVIDED
FRONT	200'	233'±
SIDE	200'	447'±
SIDE	200'	215'±
REAR	200'	319'±

LEGEND

- PROPERTY LINE
- SETBACK LINE
- 580 / 582 — EXISTING CONTOURS
- EDGE OF DRIVE OR ROAD
- EXISTING FENCE LINE
- PROPOSED FENCE LINE
- EXISTING TREE LINE
- UTILITY/POWER LINE
- OHE — EX. OVERHEAD ELECTRIC LINE
- PROPOSED LEASE AREA
- EX. BANK OF STREAM BED

BENCHMARK

DESCRIPTION

DMW TR 103
PIN & CAP SET
N 682776.02
E 1368495.83
ELEV. 470.78'

BEARINGS AND DISTANCES FOR 0.13 ACRE SPECIAL EXCEPTION AREA

L1: S 65°53'58" W 75.00'
L2: N 24°06'02" W 75.00'
L3: N 65°53'58" E 75.00'
L4: S 24°06'02" E 75.00'

SITE PLAN

SCALE: 1"=100'

100 0 50 100 200

ZONING HISTORY

NONE ON RECORD.

011

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

BUTLER STONE QUARRY, INC.
911-017-006C
15027 FALLS ROAD
BUTLER, MD 21023
5th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD

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

NO.	DATE	REVISIONS	BY	CHK	APP'D
1	07-03-03	ISSUED FOR SUBMISSION TO BALTIMORE COUNTY	MDM	AJV	

SCALE AS SHOWN | DESIGNED SWL | DRAWN SWL

STATE OF MARYLAND — STEVEN W. LOWE — No. 10001 — Registered PROFESSIONAL LAND SURVEYOR — 7/3/03

PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING

JOB NO.	DRAWING NUMBER
96035.BJ	911-017-006C-Z01

Wed Jul 2 14:27:09 2003 J:\96035\96035.bj\96035bj.z01

6 5 4 3 2

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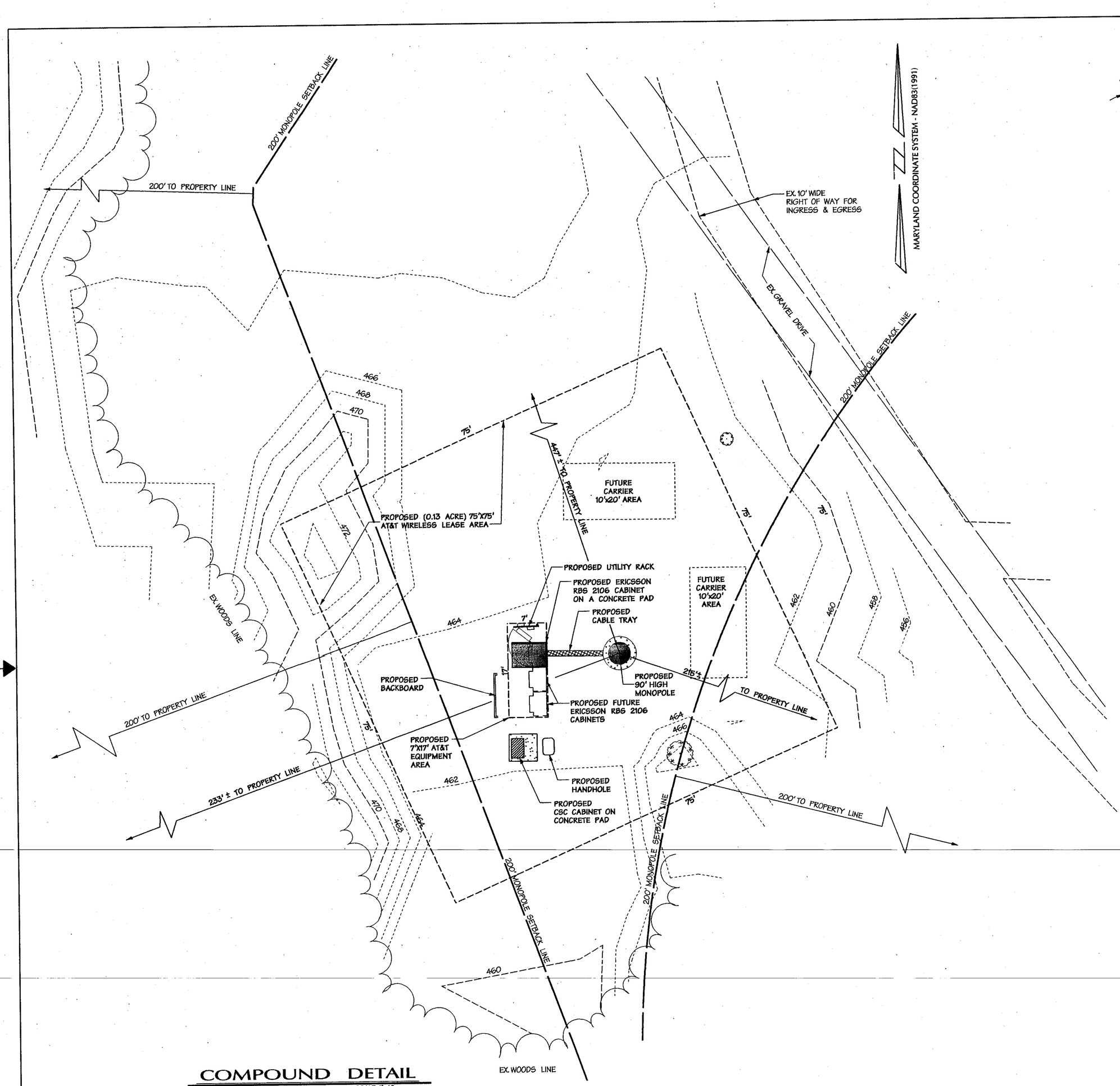
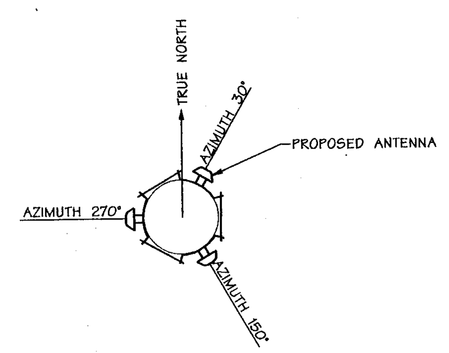


COMPOUND DETAIL

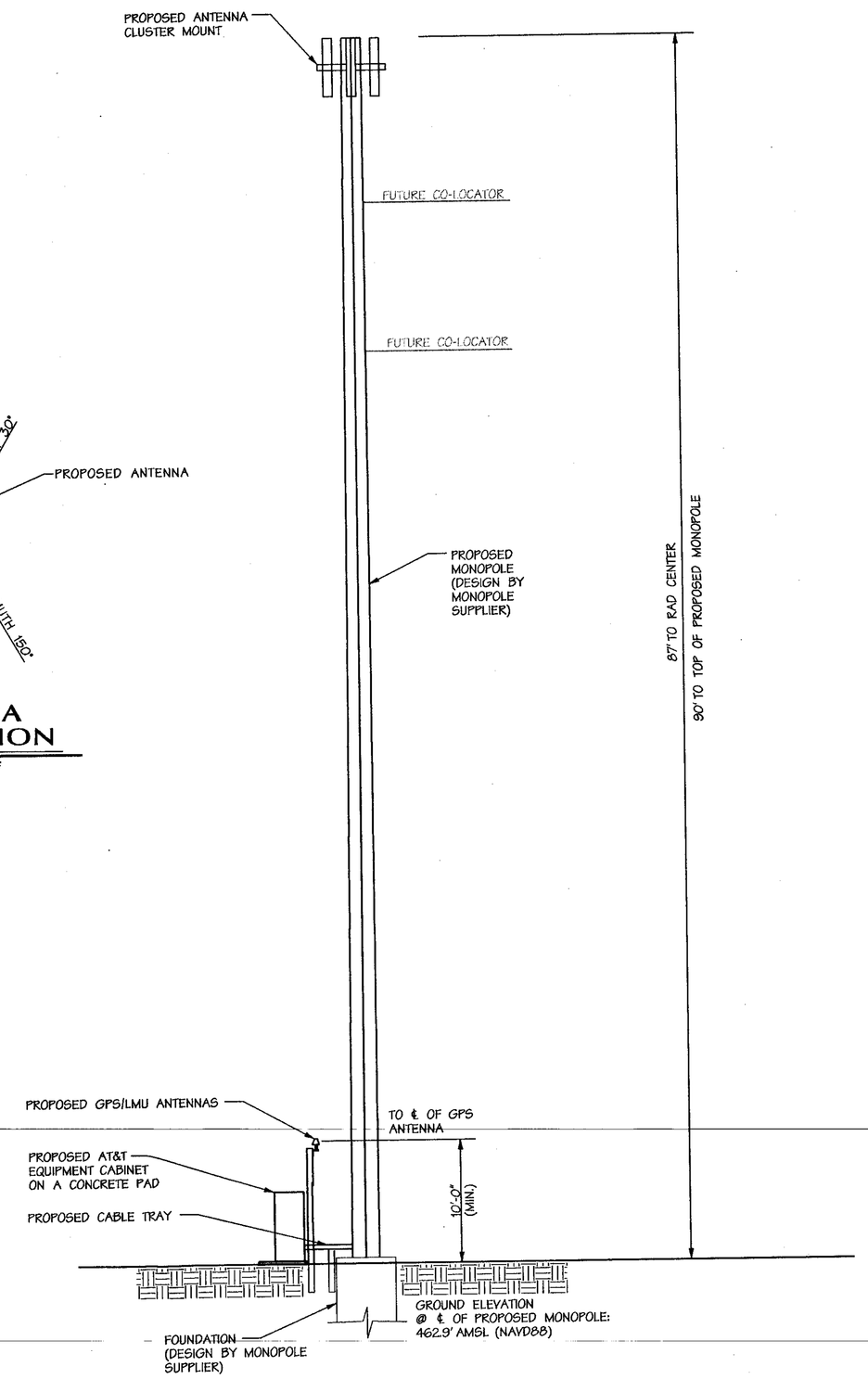
SCALE: 1"=10'

10 0 5 10 20



ANTENNA ORIENTATION

NOT TO SCALE



MONOPOLE ELEVATION

NOT TO SCALE

NOTE: ALL REFERENCES TO THE MONOPOLE AND ITS FOUNDATION ARE DIRECTED TO THE DESIGN AND DETAIL DRAWINGS BY THE MONOPOLE 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

BUTLER STONE QUARRY, INC.
911-017-006C
15027 FALLS ROAD
BUTLER, MD 21023

5th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MD

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

NO.	DATE	REVISIONS	BY	CHK	APP'D
1	07-03-03	ISSUED FOR SUBMISSION TO BALTIMORE COUNTY	MDM	AJV	

SCALE AS SHOWN | DESIGNED SWL | DRAWN SWL

STATE OF MARYLAND — PAUL D. SHAFFER — No. 10263 — Registered PROFESSIONAL LAND SURVEYOR — 7/3/03

PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING

JOB NO.	DRAWING NUMBER
96035.BJ	911-017-006C-Z02

Wed Jul 2 14:27:42 2003 N:\96035\96035.b\96035b.12

D C B A

6 5 4 3 2

AGREEMENT

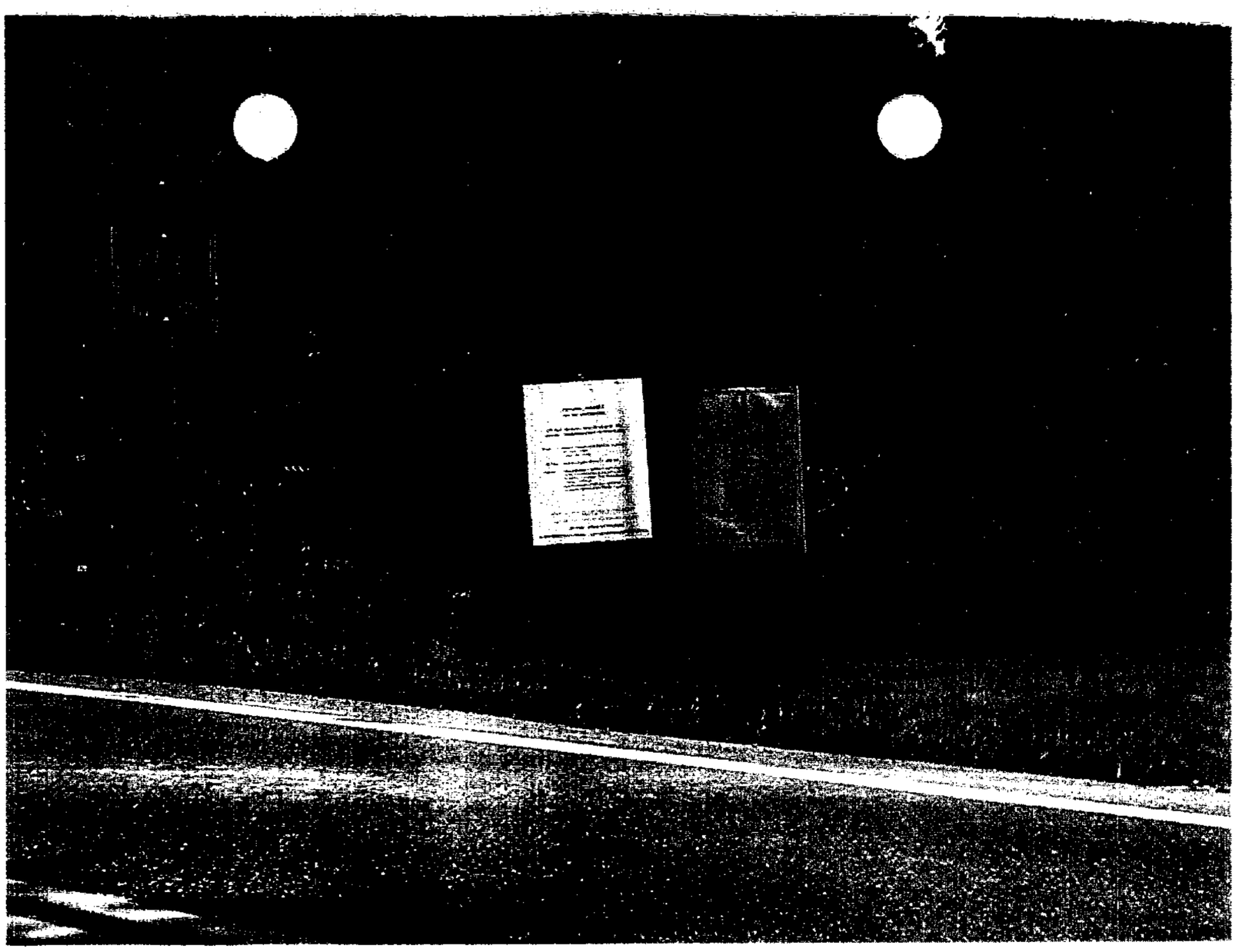
THIS AGREEMENT ("this Agreement") is made and entered into this 22 day of October, 2004, by and between ANN ADAMS PARKS ("Ann Adams Parks"), BUTLER STONE QUARRY, INC. ("Butler Stone") and AT&T WIRELESS PCS, LLC ("AT&T Wireless").

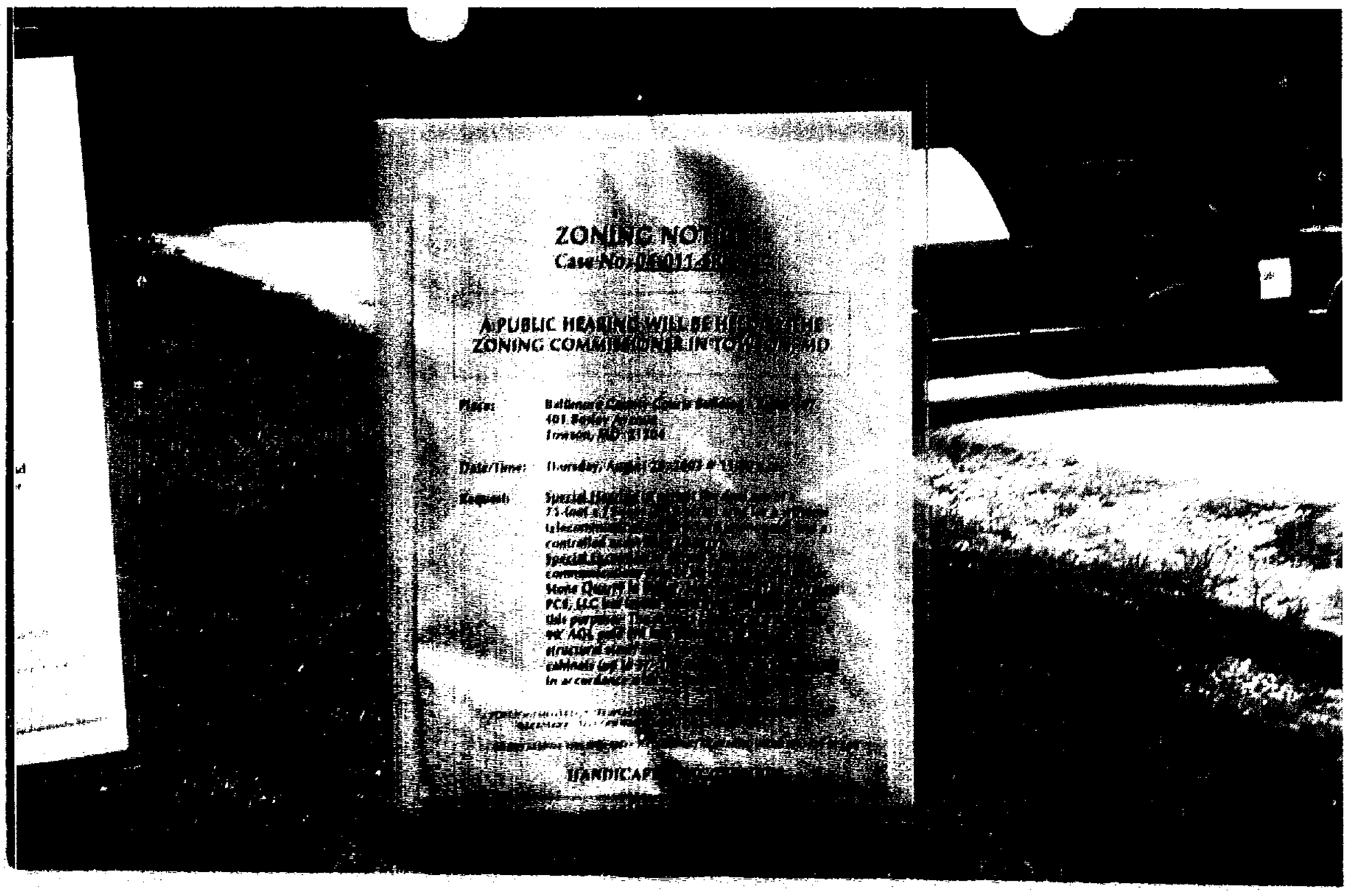
WHEREAS, Butler Stone is the owner of 2 parcels of land located in the 5th Election District of Baltimore County, 3rd Councilmanic District of Baltimore County known as 15027 Falls Road, Butler, Maryland 21023, the first of which was conveyed to Butler Stone by a deed dated May 3, 1990 and recorded in the Land Records of Baltimore County at Liber 8471, folio 183, and the second of which was conveyed to Butler Stone by a deed dated August 8, 1994 and recorded in the Land Records of Baltimore County at Liber 10819, folio 236 (the "Butler Stone Parcels"); and

WHEREAS, Ann Adams Parks is the owner of 2 parcels of land which abut the Butler Stone Parcels, the first of which was conveyed to her by a deed dated September 1, 1989 and recorded in the Land Records of Baltimore County at Liber 8275, folio 732 and by a confirmatory deed dated January 29, 1991 and recorded in the Land Records of Baltimore County at Liber 8708, folio 397, and the second of which was conveyed to her by a deed dated September 1, 1989 and recorded in the Land Records of Baltimore County at Liber 8275, folio 732 (the "Parks Parcels"); and

WHEREAS, Butler Stone has entered into a lease with AT&T Wireless for the construction of a wireless communication facility on the Butler Stone Parcels; and

EXHIBIT A




ZONING NO
Case No.
A PUBLIC HEARING WILL BE H
ZONING COMM
Place:
Date/Time:
Request:
State Quarry
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