

1/17/06

RE: PETITION FOR SPECIAL EXCEPTION *	BEFORE THE COUNTY
800 Baltimore Yacht Club Rd; W/side Baltimore	
Yacht Club Road, 1,767' N Holly Neck Road*	BOARD OF APPEALS
15 th Election & 6 th Councilmanic Districts	
Legal Owner(s): Baltimore Yacht Club *	FOR
Holding Company by Robert Reuter President	
Contract Purchaser(s): Mid-Atlantic Tower *	BALTIMORE COUNTY
Management, Inc	
Petitioner(s) *	05-610-X

* * * * *

DECISION AND ORDER TO CORRECT HEADING OF
ORDER DATED DECEMBER 23, 2005

This Order is entered for the sole purpose of correcting and replacing the heading on the original order in this matter dated December 23, 2005 which inadvertently read "Before the Zoning Commissioner for Baltimore County" with the proper heading "Before the County Board of Appeals for Baltimore County".

This case came before the Board of Appeals on December 21, 2005 as an appeal of the Special Exception granted by the Zoning Commissioner on August 3, 2005. The appeal was filed by the Office of People's Counsel, which was represented at the December 21 hearing by Carole Demilio, Esquire. Petitioners Baltimore Yacht Club Holding Company and Mid-Atlantic Tower Management, Inc. were represented by Karl J. Nelson, Esquire. At the outset of the December 21 hearing, above-referenced counsel stipulated that the appeal had been settled, subject to the Board's review and approval. Counsel then proffered the terms of the settlement for the record. As explained below, the Board hereby accepts those proffers and resolves the appeal as set forth below.

THE NATURE OF THE APPEAL

This case involves Mid-Atlantic Tower Management's efforts to construct a 110' wireless communications monopole on property owned by Baltimore Yacht Club Holding Company. The

property is located at 800 Baltimore Yacht Club Road, and is zoned BMYC. A communications monopole is allowed on this BMYC-zoned property pursuant to Section 426.5.D of the Baltimore County Zoning Regulations (B.C.Z.R.).

Petitioners' special exception request was granted by the Zoning Commissioner in his Order dated August 3, 2005. The Office of People's Counsel filed a timely appeal, and the case proceeded to this Board.

As noted above, all parties appeared before the Board on December 21, 2005 to apprise the Board of the terms of their proposed resolution. By proffer, counsel for the parties stated their request that the Board reaffirm the Zoning Commissioner's August 3, 2005 Order, subject to several additional conditions. Those additional conditions are:

- The monopole structure should be camouflaged in a scheme consistent with photographs provided by Petitioners to the Office of People's Counsel. A copy of such a photograph is attached to this Decision and Order as Exhibit 1;
- Any structural arms upon which antennas are to be mounted should be of a variety known as the "cobra arm" or "candelabra" variety, consistent with the photograph attached hereto as Exhibit 2;
- The remaining terms and conditions of the Zoning Commissioner's August 3, 2005 Order should be deemed in full force and effect.

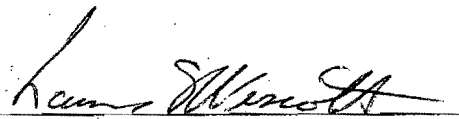
Having heard counsels' proffers, reviewed the pertinent file information, Petitions, and site plans, the Board finds that the proposed resolution, embodied by the above proffers, should be approved. The Board is satisfied that the proposed special exception meets the requirements of B.C.Z.R. §§ 426 and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

ORDER

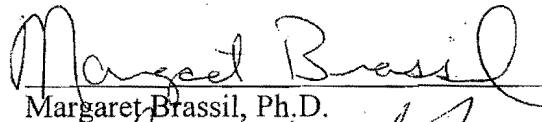
Therefore, it is this 17th day of January, 2006, ORDERED by the County Board of Appeals of Baltimore County, that the Petition for Special Exception is hereby GRANTED, subject to the following:

1. The monopole, when constructed, shall be camouflaged in a manner consistent with the camouflaging technique depicted in Exhibit 1 to this Decision and Order;
2. Any antennas mounted on the monopole shall be mounted using structural arms of cobra/candelabra type, as depicted in Exhibit 2 to this Decision and Order; and
3. The Zoning Commissioner's August 3, 2005 Findings of Fact and Conclusions of Law is adopted in all other respects, and is incorporated by reference herein.

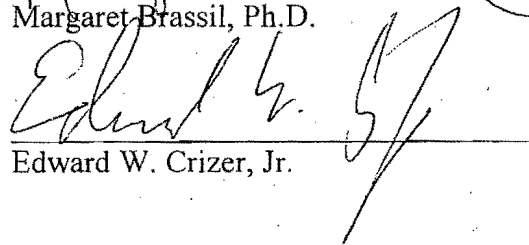
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY,



Lawrence S. Wescott, Panel Chair



Margaret Brassil, Ph.D.



Edward W. Crizer, Jr.

12/23/05

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
800 Baltimore Yacht Club Rd; W/side Baltimore
Yacht Club Road, 1,767' N Holly Neck Road* ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Baltimore Yacht Club * FOR
Holding Company by Robert Reuter President
Contract Purchaser(s): Mid-Atlantic Tower * BALTIMORE COUNTY
Management, Inc
Petitioner(s) * 05-610-X

* * * * *

DECISION AND ORDER

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- The remaining terms and conditions of the Zoning Commissioner's August 3, 2005 Order should be deemed in full force and effect.

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

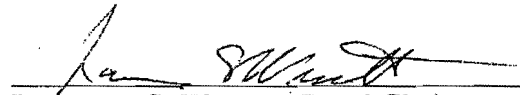
ORDER

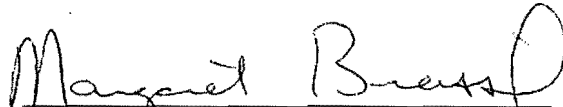
Therefore, it is this 23 day of December, 2005, ORDERED by the County Board of Appeals of Baltimore County, that the Petition for Special Exception is hereby GRANTED, subject to the following:

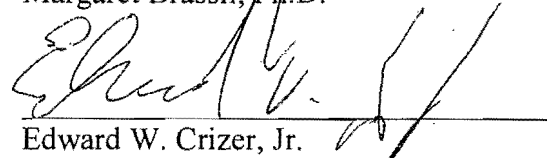
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3. The Zoning Commissioner's August 3, 2005 Findings of Fact and Conclusions of Law is adopted in all other respects, and is incorporated by reference herein.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY,


Lawrence S. Wescott, Panel Chair


Margaret Brassil, Ph.D.


Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

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

December 23, 2005

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

Karl J. Nelson, Esquire
SAUL EWING LLC
Lockwood Place
500 E. Pratt Street
Baltimore, MD 21202

RE: *In the Matter of: BALTIMORE YACHT CLUB HOLDING CO.*
-Legal Owners /Petitioners Case No. 05-610-X

Dear Counsel:

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

Very truly yours,


Kathleen C. Bianco
Administrator

Enclosure

c: Baltimore Yacht Club Holding Co.
Bob Rueter
Pam Crawford
Proveen Errabelli
Bob Morelock
Yemane Mehari
Joshua Schakola
Tim Dennis
Van Thompson
Kurt Huppert
Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner
Timothy M. Kotroco, Director /PDM



8/3/05

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
W/S Baltimore Yacht Club Road, 1,440' N *
of the c/l Holly Neck Road * ZONING COMMISSIONER
(800 Baltimore Yacht Club Road) *
15th Election District * OF BALTIMORE COUNTY
6th Council District *
Case No. 05-610-X
Baltimore Yacht Club Holding Co. *
Petitioner(s) *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the subject property, Baltimore Yacht Club Holding Company, and the Contract Lessees, Mid-Atlantic Tower Management, Inc., through their attorney, Karl Nelson, Esquire. The Petitioner requests a special exception to permit a 110-foot high wireless communications monopole on the subject property, pursuant to Section 426.5.D of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Robert Reuter, President of the Baltimore Yacht Club Holding Company, the corporate entity for the Baltimore Yacht Club which owns the subject property, and Van Thompson, Vice President, and Tim Dennis with Mid-Atlantic Tower Management, Inc., Contract Lessees, and Karl Nelson, Esquire, attorney for the Petitioners. Also appearing were several expert witnesses, including Robert E. Morelock, with Site Resources, Inc., land planning and design consultants; Praveen Errabelli, Professional Engineer on behalf of Cingular Wireless; Yemane Mehari and Joshua Schakola on behalf of Nextel

ORDER RECEIVED FOR FILING
Date 8/3/05
By [Signature]

Communications; and, Pamela Crawford, a Site Acquisition Specialist for Wireless Facilities, Inc. Appearing in opposition to the request was Kurt Huppert, a nearby resident.

Testimony and evidence offered revealed that the subject property is an irregularly shaped waterfront parcel at the northern end of Baltimore Yacht Club Road that forms a peninsula adjacent to Sue Creek and Middle River in Essex. The property contains a gross area of 10.06 acres more or less, zoned B.M.Y.C., and is improved with a clubhouse and swimming pool in the northern portion of the site, with docks and piers and accessory buildings related to the marina along the western portion of the property. As shown on the site plan, most of the southern portion of the site is unimproved and wooded. The Petitioners have owned and utilized the property as a yacht club for over 40 years. Recently, the Club entered into a conditional lease with Mid-Atlantic Tower Management, for an 80' x 80' area in the southern portion of the tract for a wireless telecommunications facility. As shown on the site plan, the Petitioners propose to locate a 110-foot monopole within a 60' x 60' fenced equipment compound area approximately 200 feet from the southern property line. The compound area will contain the necessary infrastructure related to the use of the pole.

A Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Resource Management (DEPRM) indicating that a portion of the proposed compound appeared to be located within a forest buffer or tidal wetlands. Mr. Morelock, a registered landscape architect with 26 years of experience in wireless planning, analyzed the buffer area and produced Petitioner's Exhibit 9, which delineates the forest buffer line. As shown on that plan, the proposed 80' x 80' special exception area is located 10 feet north of the forest buffer line.

ORDER RECEIVED FOR FILING

Date

By

Wireless communication towers and facilities are governed by Section 426 of the B.C.Z.R. Section 426.5 thereof provides that wireless communication towers are permitted in the B.M.Y.C. zone by special exception only. Thus, the applicants filed the requisite Petition for Special Exception and must participate in a public hearing. The Zoning Commissioner can grant special exception relief, only if the requirements set out in Section 502.1 of the B.C.Z.R. are satisfied.

In addressing this burden under law, the Petitioners produced the testimony of Praveen Errabelli, a radio frequency system design consultant for Cingular Wireless. Mr. Errabelli testified that Cingular is licensed by the Federal Communications Commission (FCC) to provide wireless communication facilities in the Baltimore Metropolitan area. Under its license, Cingular must provide an unbroken network for its users and clients. Mr. Errabelli testified that Cingular currently has poor coverage on Routes 702 and Back River Neck Road south of Holly Neck. The poor coverage extends eastward on Holly Neck Road out to the marina/ waterfront area at the end of that road. Cingular requires a new "cell site" comprised of antennae and related ground equipment in the Holly Neck Road area to "hand-off" to Cingular's existing site in North Point and a pending site at the Essex Co-Op building.

It is a well-known fact that the wireless communication industry has exploded in recent years and now a great majority of the population uses wireless telephones and other means of communication. In order to provide the necessary infrastructure, Cingular has constructed a tower network, each of which has limited power and range. As a mobile communication user travels, his/her call is handed off from one tower to the next. In the event of insufficient coverage, a "hole" in the network can exist wherein calls are dropped and/or cannot be received/made.

Ms. Pamela Crawford, Cingular's Real Estate Acquisition Consultant, canvassed the search area and determined that there were no tall existing structures in the area, but for an existing Sprint

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Date 8/3/15
By [Signature]

monopole located approximately 1.7 miles to the west of the search area. Ms. Crawford also indicated that she was unable to locate any commercially used or zoned properties in the area that could meet the required setbacks. While Ms. Crawford was performing her search, Van Thompson contacted her from Mid-Atlantic Tower who advised her that his company had entered into a lease agreement with the Baltimore Yacht Club to construct a wireless facility on Baltimore Yacht Club premises. Ms. Crawford provided to Mr. Errabelli the coordinates of the aforementioned Sprint monopole, along with the Baltimore Yacht Club coordinates. Mr. Errabelli used computer-modeling techniques to determine whether either site would resolve Cingular's coverage problems. He determined that the existing Sprint monopole was too far to the west to provide the necessary coverage. The Baltimore Yacht Club site, however, was well placed to meet Cingular's coverage objectives. Accordingly, Cingular determined to proceed with that site for development with a wireless telecommunications facility (monopole).

Petitioners' Counsel then proffered the testimony of Mr. Thompson from Mid-Atlantic. Mid-Atlantic Tower Management is in the business of placing towers in locations where multiple carriers have needs. The company earns its revenue from leasing space on its tower to carriers. Accordingly, it selects locations where antenna co-location is likely. In this case, for example, Cingular Wireless has already agreed to place its antenna on the proposed facility. Nextel also intends to place antenna on the facility after it is constructed. Mid-Atlantic Tower is currently in discussions with other carriers and expects to have other carriers on the project when it is completed. In addition to the commercial wireless carriers, the monopole will be available to Wi-Fi communications systems.

Mr. Thompson's proffered testimony further indicated that Mid-Atlantic Tower contacted the Holly Neck Conservation Association, Inc. early in Mid-Atlantic's development efforts. The

ORDER RECEIVED FOR FILING
Date 8/3/06
By [Signature]

Association was kept apprised of the project and ultimately the Association voted to support the request. The Petitioner produced a letter from the Association, dated March 23, 2005, indicating that Association members had, in fact, voted to support the project. That letter was introduced as Petitioner's Exhibit 7.

At the completion of Petitioners' proffer, Mr. Huppert offered his comments. He stated his belief that the Baltimore Yacht Club property is unique in the area and that it offers unusual vistas to Middle River. He stated that he has no opposition to communication towers, generally, or the placement of a tower somewhere in the area. He believes, however, that the subject site is not the best location for such a facility. Mr. Huppert conceded that the Holly Neck Conservation Association voted to support the proposal; however, he remains concerned by the potential visual impacts of a tower at this site.

In response to Mr. Huppert's concerns, and those raised in the ZAC comment submitted by the Office of Planning that the facility should be "stealth", a discussion ensued about the relative visual impact of the proposed monopole. Mr. Thompson's proffer was offered that certain stealthing techniques were obviously inappropriate at the proposed location. For example, common stealthing tools, such as tree poles and bell towers, would be inappropriate because of the mass of those structures. Because the proposed facility will rise approximately 60 feet above the surrounding vegetation, the mass of a 110-foot tree pole or bell tower would create more visual impact than the proposed monopole. In this regard, it should be noted that the Federal Aviation Administration (FAA) completed an aeronautical study and determined that the proposed structure will not require marking or lighting for aviation safety (see Petitioner's Exhibit 8).

The other possible stealthing technique discussed was to place the carrier's antenna inside the monopole. Mr. Thompson's proffered testimony was that such a placement would have

ORDER RECEIVED FOR FILING
Date 8/3/05
By [Signature]

numerous technical and aesthetic drawbacks. First, the pole itself would need to be significantly wider in order to accommodate the antennae inside the pole. Secondly, from a technical perspective, the number of carriers that would utilize the pole and the types of antennae they would employ would necessarily need to be determined at the time the pole is constructed. This is because the interior of the pole must be shaped to fit the particular antennae in use. Such design constraints create a situation where subsequent co-locators cannot place their equipment inside the facility. Moreover, the existing carriers cannot upgrade or alter their equipment. Such upgrades and antenna are common, particularly as carriers seek to provide different sorts of services, such as high-speed data transmission.

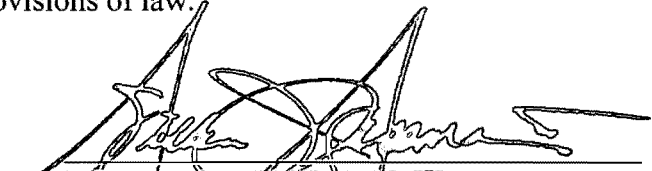
Upon due consideration of the testimony and evidence offered, I am persuaded that the Petitioners have met the requirements under the law of both Sections 502.1 and 426.9 of the B.C.Z.R. Indeed, much of the testimony and evidence offered by the Petitioners was undisputed as to these requirements. It 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. Moreover, based on the testimony and evidence offered I am persuaded to grant relief in the form requested by Petitioners in terms of the monopole design. I find that stealthing with a large mass structure would create more visibility to the structure and that placing antennae inside the structure would be contrary to the County's co-location policy and likely create the need for additional towers in the future.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of August 2005 that the Petition for Special Exception to permit a 110-foot high wireless communications monopole on the subject property, pursuant to Section 426.5.D of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The tower shall be painted a color as recommended by the Office of Planning to reduce visibility to the extent possible.
3. When applying for any permits, the site plan/landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that any appeal from this Order shall be filed within thirty (30) days, in accordance with the applicable provisions of law.


WILLIAM J. WISEMAN, III
ZONING COMMISSIONER FOR
BALTIMORE COUNTY

WJW:bjs

ORDER RECEIVED FOR FILING
Date 8/3/05
By [Signature]

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
William J. Wiseman III, Zoning Commissioner

August 3, 2005

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

Re: Petition for Special Exception
Case No. 05-610-X
Property: 800 Baltimore Yacht Club Road

Dear Mr. Nelson:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".

William J. Wiseman, III
Zoning Commissioner for Baltimore County

WJW,III:raj
Enclosure

Copies to:

Bob Rueter, 812 E. Seminary Ave., Towson, MD 21286
Pam Crawford, 1840 Michael Farhday Dr., Ste. 200, Reston, VA 20190
Proveen Errabelli, 1210 Westerlee Pl., Apt 1C, Catonsville, MD 21228
Bob Morelock, 14315 Jarrettsville Pike, Phoenix, MD 21131
Yemane Mehari, 7591 Undberg Dr., Alexandria, VA 22306
Joshua Schakola, 313 Golden Eagle Way, Belcamp, MD 21017
Tim Dennis, 38974 Old Stage Pl., Waterford, VA 20197
Van Thompson, 375 Broadleaf Ct., Millersville, MD 21108
Kurt Huppert, 213 Sherwood Rd., Cockeysville, MD 21030

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



CBCA



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 800 Baltimore Yacht Club Rd.

which is presently zoned BMYC

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 110-foot high wireless communications monopole pursuant to BCZR subsection 426.5D

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:

Mid-Atlantic Tower Management, Inc.
Van Thompson, VP

Name - Type or Print

Van Thompson

Signature

38974 Old Stage Place

(703) 778-8400

Address

Telephone No.

Waterford, VA 20197

City

State

Zip Code

Attorney for Petitioner:

Karl Nelson

Name - Type or Print

Karl Nelson

Signature

Saul Ewing, LLP

Company

100 S. Charles Street

(410) 332-8663

Address

Telephone No.

Baltimore, MD 21201

City

State

Zip Code

Legal Owner(s):

Baltimore Yacht Club Holding Company

ROBERT REUTER, PRESIDENT

Name - Type or Print

Robert Reuter Pres

Signature

Name - Type or Print

Signature

P.O. Box 7728

(410) 426-8801

Address

Telephone No.

Baltimore, MD 21221

City

State

Zip Code

Representative to be Contacted:

Robert E. Morelock

Site Resources, Inc.

Name

14315 Jarrettsville Pike

(410) 683-3388

Address

Telephone No.

Phoenix, MD 21131

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 05-610-X

Reviewed By

D.T.

Date

5/20/05



**ZONING DESCRIPTION
FOR THE SPECIAL EXCEPTION AREA**

800 Baltimore Yacht Club Road

Beginning at a point located on centerline of Baltimore Yacht Club Road, said point being approximately 1,767 feet measured northerly along the centerline of Baltimore Yacht Club Road from its intersection with Holly Neck Road, thence leaving the centerline of Baltimore Yacht Club Road and running North 90° West 167' plus or minus to the point of beginning of the Special Exception Area.

Thence leaving the said point of beginning and running for the following 4 courses and distances, viz: (1) South 63° 20' 38" West 80.00 feet, (2) North 26° 39' 22" West 80.00 feet; (3) North 63° 20' 38" East 80.00 feet, and (4) South 26° 39' 22" East 80.00 feet to the place of beginning.

Being a portion of all that 10.9-acre parcel of land known as 800 Baltimore Yacht Club Road situate, lying and in the Fifteenth Election District of Baltimore County, Maryland; said Special Exception Area containing 0.147 acres more or less

Note: This description has been prepared for zoning purposes only and does not represent an actual survey of the property. This description shall not be used for the purpose of conveyance.



14315 Jarrettsville Pike · P.O. Box 249 · Phoenix, MD 21131-0249

(410) 683-3388 · fax (410) 683-3389

05-610-X

**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: #05-610-X
800 Baltimore Yacht Club Road
W/side of Baltimore Yacht Club Road, 1,767 feet north of Holly Neck Road
15th Election District
6th Councilmanic District
Legal Owner(s):
Baltimore Yacht Club Holding Company,
Robert Reuter, President

Special Exception: to allow a 110-foot high wireless communications monopole.
Hearing: Tuesday, July 19, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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.
6/3/2 June 30 57009

CERTIFICATE OF PUBLICATION

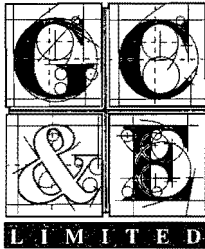
7/11, 2005

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 6/30, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 05-610-X
PETITIONER/DEVELOPER:
Baltimore Yacht Club Holding Co.
DATE OF HEARING: July 19, 2005

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

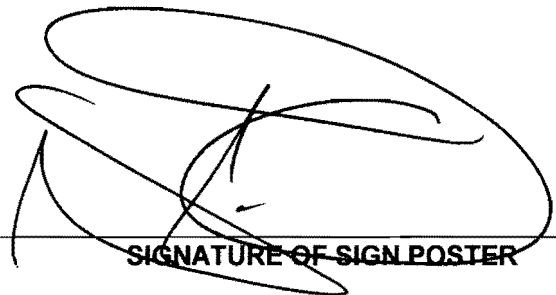
LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:

800 Baltimore Yacht Club Road



SIGNATURE OF SIGN POSTER

John Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 06/30/2005



ZONING NOTICE

CASE # :05-610-X

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

PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD 21204

TIME & DATE : 9:00 am Tuesday, July 19, 2005

Special Exception: to allow a 110-
foot high wireless communications
monopole

DISPENSEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONSIDER HEARINGS
CALL 410-301-1000 THE DAY BEFORE THE SCHEDULED HEARING DATE
HEARINGS ARE HANDICAPPED ACCESSIBLE

06/30/2005



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

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

May 31, 2005

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: 05-610-X

800 Baltimore Yacht Club Road

W/side of Baltimore Yacht Club Road, 1,767 feet north of Holly Neck Road

15th Election District – 6th Councilmanic District

Legal Owners: Baltimore Yacht Club Holding Company, Robert Reuter, President

Special Exception to allow a 110-foot high wireless communications monopole.

Hearing: Tuesday, July 19, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Karl Nelson, Saul Ewing, 100 S. Charles Street, Baltimore 21201

Robert Reuter, P.O. Box 7728, Baltimore 21221

Van Thompson, Mid-Atlantic Tower Mgmt., 38974 Old Stage Place, Waterford VA 20197

Robert Morelock, Site Resources, Inc., 14315 Jarrettsville Pike, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 4, 2005**
- (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.



APPEAL SIGN POSTING REQUEST

CASE NO. 05-610-X

800 BALTIMORE YACHT CLUB ROAD

15TH ELECTION DISTRICT

APPEALED: 8/23/2005

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, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 05-610-X

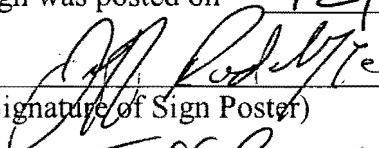
LEGAL OWNER: BALTIMORE YACHT CLUB HOLDING COMPANY

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

800 BALTIMORE YACHT CLUB ROAD

The sign was posted on 12/19, 2005

11:30 AM

By: 

(Signature of Sign Poster)

JEFF RADCLIFFE

(Print Name)

COUNTY BOARD OF APPEALS

FACSIMILE TRANSMITTAL SHEET

TO:
KARL NELSON ESQUIRE

FROM:
KATHLEEN BIANCO

FAX NUMBER:
FAX 410-332-8862

DATE:
DECEMBER 16, 2005

COMPANY:

TOTAL NO. OF PAGES INCLUDING
COVER:
TWO (2)

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:
05-610-A

RE:
**ASSIGNMENT NOTICE - BALTIMORE
YACHT CLUB SPECIAL ASSIGNMENT**

YOUR REFERENCE NUMBER:

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

PERSONAL AND CONFIDENTIAL

Attached for your information is a copy of the Notice of Assignment sent out this date per my conversation with Ms. Demilio in the subject matter. Per that conversation, this case has been specially assigned for Wednesday, December 21, 2005 at 1:00 p.m. as indicated on the attached notice.

Please call me if you have any questions.

Attachment

Copy: C. Demilio

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



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

December 15, 2005

NOTICE OF ASSIGNMENT

CASE #: 05-610-X

IN THE MATTER OF: *BALTIMORE YACHT CLUB HOLDING*
COMPANY -Petitioner
800 Baltimore Yacht Club Road 15th E; 6th C

8/03/05 – ZC's Order in which requested relief was granted with restrictions.

This matter has been specially assigned by agreement of Counsel to the following date and time; and has been

ASSIGNED FOR: **WEDNESDAY, DECEMBER 21, 2005 at 1:00 p.m.**

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

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

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

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel
Counsel for Petitioners : Karl Nelson, Esquire
Petitioners : Baltimore Yacht Club Holding Co.

Bob Rueter
Pam Crawford
Proveen Errabelli
Bob Morelock
Yemane Mehari
Joshua Schakola
Tim Dennis
Van Thompson
Kurt Huppert

Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner
Timothy M. Kotroco, Director /PDM



**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

July 11, 2005

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

Dear Mr. Nelson:

RE: Case Number: 05-610-X, 800 Baltimore Yacht Club Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 20, 2005.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Baltimore Yacht Club Holding Company, Robert Reuter President, P.O. Box 7728 Baltimore 21221
Mid-Atlantic Tower Management, Inc. Van Thompson, VP. 38974 Old Stage Place Waterford VA 20197
Robert E. Morelock Site Resources, Inc. 14315 Jarrettsville Pike Phoenix 21131

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

June 2, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: June 6, 2005

Item No.: 595, ~~608-632~~

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant J.D. Mezick
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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



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

Maryland Department of Transportation

Date: 6.3.05

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

RE: Baltimore County
Item No. 610 DT

Dear Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 6, 2005

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

SUBJECT: 800 Baltimore Yacht Club Road

INFORMATION:

Item Number:

5-610

Petitioner: Robert Reuter

Zoning: BM-YC

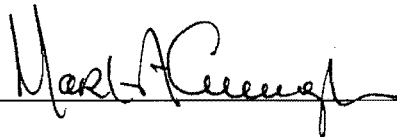
Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

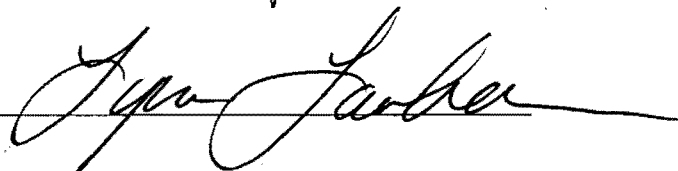
The Office of Planning does not oppose the petitioner's request to permit a 110-foot high wireless communication monopole provided said monopole is a stealth type, and does not detract from the scenic shoreline.

For further information concerning the matters stated here in, please contact David Pinning at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DM} Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 13, 2005
Item No. 607, 610, 614, 615, 616, 618,
620, 621, 623, 625, 628, 630, 631, 632

DATE: June 6, 2005

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-06062005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. JDO
DEPRM

DATE: June 28, 2005

SUBJECT: Zoning Item # 05-610
Address 800 Baltimore Yacht Club Road

Zoning Advisory Committee Meeting of June 6, 2005

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

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

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

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

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

Additional Comments:

Staff cannot support the proposal as submitted. A portion of the proposed compound will impact a Forest Buffer for tidal wetlands. Staff suggests that the project be relocated to an area within the Buffer Management Area (BMA) that is already impervious (i.e. area to the north/west of the proposed tower).

Reviewer: Mike Kulis

Date: June 28, 2005

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
800 Baltimore Yacht Club Rd; W/side Baltimore
Yacht Club Road, 1,767' N Holly Neck Road* ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Baltimore Yacht Club * FOR
Holding Company by Robert Reuter President
Contract Purchaser(s): Mid-Atlantic Tower * BALTIMORE COUNTY
Management, Inc
Petitioner(s) * 05-610-X

* * * * *

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 and documentation filed in the case.

RECEIVED

JUN - 2 2005

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of June, 2005, a copy of the foregoing Entry of Appearance was mailed Robert E Morelock, Site Resources, Inc, 14315 Jarrettsville Pike, Phoenix, MD 21131 and Karl Nelson, Esquire, Saul Ewing, LLP, 100 S. Charles Street, Baltimore, MD 21201, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 23, 2005

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

Hand-delivered

Re:

PETITION FOR SPECIAL EXCEPTION
W/S Baltimore Yacht Club Road, 1,440' N of the c/l Holly Neck Road
(800 Baltimore Yacht Club Road)
15th Election District; 6th Council District
Baltimore Yacht Club Holding Company- Petitioners
Case No.: 05-610-X

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated August 3, 2005 by the Baltimore County Zoning Commissioner in the above-entitled case

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

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel

RECEIVED

AUG 23 2005

Per...*K. Nelson*...

PMZ/CSD/rmw

cc: Karl Nelson, Esquire

**Department of Permits and
Development Management**



Baltimore County

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

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

October 26, 2005

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

Dear Mr. Nelson:

RE: Case: 05-610-X, 800 Baltimore Yacht Club Road

Please be advised that an appeal of the above-referenced case was filed in this office on August 23, 2005 by People's Counsel of Baltimore County. 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,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Bob Rueter, 812 E. Seminary Avenue, Towson 21286
Pam Crawford, 1840 Michael Faraday Dr., Ste. 200, Reston VA 20190
Proveen Errabelli, 1210 Westerlee Place, Apt. 1C, Catonsville 21228
Bob Morelock, 14315 Jarrettsville Pike, Phoenix 21131
Yemane Mehari, 7591 Undberg Drive, Alexandria VA 22306
Joshua Schakola, 313 Golden Eagle Way, Belcamp 21017
Tim Dennis, 38974 Old Stage Place, Waterford VA 20197
Van Thompson, 375 Broadleaf Court, Millersville 21108
Kurt Huppert, 213 Sherwood Road, Cockeysville 21030

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



APPEAL

Petition for Special Exception
800 Baltimore Yacht Club Road
W/S Baltimore Yacht Club Road, 1,440' N of c/line of Holly Neck Road
15th Election District – 6th Councilmanic District
Baltimore Yacht Club Holding Co. - Petitioners

Case No.: 05-610-X

- ✓ Petition for Special Exception (May 20, 2005)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (May 31, 2005)
- ✓ Certification of Publication (The Jeffersonian – June 30, 2005)
- ✓ Certificate of Posting (June 30, 2005) by John Dill (Gerhold, Cross & Etzel)
- ✓ Entry of Appearance by People's Counsel (June 2, 2005)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- ✓ Protestant(s) Sign-In Sheet - None
- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments

RECEIVED
OCT 28 2005

**BALTIMORE COUNTY
BOARD OF APPEALS**

Petitioners' Exhibit

- ✓ 1. Site Plan
- ~~2.~~ Not able to locate in file
- ~~3.~~ Not able to locate in file
- ✓ 4. Search Area Map – Back River Neck _ RF Justification
- ~~5.~~ Not able to locate in file
- ~~6.~~ Not able to locate in file
- ✓ 7. Holly Neck Conservation Association Letter of Support
- ✓ 8. FAA – Determination of No Hazard to Air Navigation
- ✓ 9. Diagram Locating Forest Buffer Line
- ✓ 10. Photo Simulation
- ✓ 11. Tower Review Committee Recommendation

✓ Protestants' Exhibits – None in file

- ✓ Zoning Commissioner's Order (GRANTED - August 3, 2005)
- ✓ Notice of Appeal received on August 23, 2005 from People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM
Karl Nelson, 100 S. Charles Street, Baltimore 21201
Bob Rueter, 812 E. Seminary Avenue, Towson 21286
Pam Crawford, 1840 Michael Faraday Dr., Ste. 200, Reston VA 20190
Proveen Errabelli, 1210 Westerlee Place, Apt. 1C, Catonsville 21228
Bob Morelock, 14315 Jarrettsville Pike, Phoenix 21131
Yemane Mehari, 7591 Undberg Drive, Alexandria VA 22306
Joshua Schakola, 313 Golden Eagle Way, Belcamp 21017
Tim Dennis, 38974 Old Stage Place, Waterford VA 20197
Van Thompson, 375 Broadleaf Court, Millersville 21108
Kurt Huppert, 213 Sherwood Road, Cockeysville 21030

date sent October 26, 2005, klm

Case No. 05-610-X

In the Matter of: BALTIMORE YACHT CLUB HOLDING
COMPANY - Petitioner
800 Baltimore Yacht Club Road 15th E; 6th C

SE – To permit 110' high wireless communications monopole on
subject property per § 426.5.D of BCZR.

8/03/05 – ZC's Order in which requested relief was granted with
restrictions.

12/15/05 – At request of Counsel, this matter will be specially assigned for brief hearing following lunch break on
12/21/05 for the purpose of putting settlement in this matter on the record; agreed as to special exception;
agreement reached as to restrictions to be imposed per C. Demilio, Deputy People's Counsel.

-- Notice of Assignment sent to parties this date; assigned for Wednesday, December 21, 2005 at 1 p.m.
Copy hand-delivered to Ms. Demilio; via fax to Mr. Nelson.

12/21/05 – Board convened for specially assigned hearing (Wescott, Brassil, Crizer); agreement and proposed order
presented by counsel; special exception is not an issue with People's Counsel; rather restrictions to comply
with the law regarding camouflage of the wireless tower. The matter concluded and a proposed order with
attachments was submitted to the Board for review and signature.

12/28/05

Linda:

If you have the file in this case (order went out last week), just file this with it – making sure the address is changed on the cover page of the file and on any envelopes that may be in the file.

This is the decision that Peter is seeking to have reissued – I'd want to be sure we send any other orders to the correct address – although now that he/she lives in Columbia, I don't know that it would matter at this point anyway.

thanks

k

Kathi,

This was w/ my group of files
to be entered into Pandora. It
has been entered.

L

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
BOB RUETER ✓	812 E. SEMINARY AVE	TOWSON MD 21286	Stete_mech@ehols.com
PAM CRAWFORD ✓	1840 Michael Faraday Dr Suite 200	Reston, VA 20190	Pamela.Crawford@wfinet.com
Praveen Errabelli ✓	1210 Westlee Place, Apt #10	Catonsville, MD 21228	Praveen.errabelli@cingular.com
BOB MORELOCK ✓	14315 JARRETTVILLE PIKE	PHOENIX, MD 21131	rmorelock@sitesourcesinc.com
YVONNE MELWY ✓	7591 UNDERBEC DR.	ALEXANDRIA, VA 22306	Yvonne.Melwy@Nextel.com
JOSHUA SCHAKOLA ✓	313 Golden Eagle Way	Belcamp, MD 21017	jshakola@abc11.com
Tim Dennis ✓	38974 Old Stage Pl. J...	Waterford, VA 20197	Tim@MATower.com
Van Thompson ✓	375 Broadleaf CT	Millersville MD 21108	Van@MATower.com



ROBERT E. MORELOCK
Associate Principal

(410) 683-3388
fax (410) 683-3389

rmorelock@sitesourcesinc.com

14315 Jarrettsville Pike, P.O. Box 249
Phoenix, MD 21131-0249



PAMALA CRAWFORD

RF Engineer

**SITE ACQUISITION
SPECIALISTS**

Pamela.Crawford@wfinet.com

Wireless Facilities, Inc.
1840 Michael Faraday Drive
Suite 200
Reston, VA 20190, USA
Direct +1 410 712 7782
Fax +1 410 714 282 5419
Mobile +1 214 282 5419
p.crawford@wfinet.com
www.wfinet.com

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Kurt Happert

2508 Holly Beach Rd

Essex, MI 21221

kegrands@Comcast.net

IMPORTANT MESSAGE

FOR Bette
DATE 7/22 TIME 9:10 A.M.
ADDRESS Kurt Happert P.M.
M 213 Sherwood Rd.
OF Cockeysville 21030
PHONE 21030
AREA CODE NUMBER EXTENSION
☐ FAX
☐ MOBILE
AREA CODE NUMBER TIME TO CALL

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE
(7/19 leaving) # 05-610-X

Mail his copy of order to above
address not what he put
down on sign-in
sheet.

SIGNED



FORM 3002P
MADE IN U.S.A.

Case No.:

05-610 X

CBCA
BALTO. YACHT CLUB

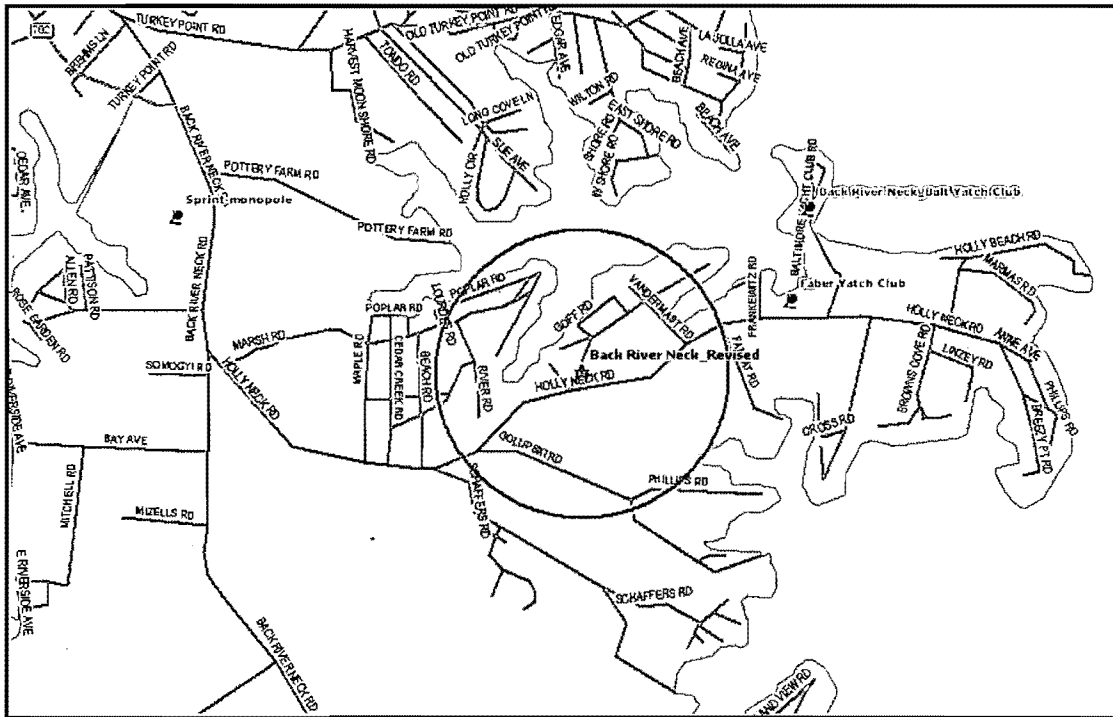
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	Computer Generated PROPAGATION MAP.	
No. 3	PREDICTION OVERLAY OF COVERAGE AFTER INSTALLING ESSSP BLDG	
No. 4	SEARCH AREA MAP	
No. 5	OVERLAY - SPRINT MONOPOLY (WILL NOT COVER - Concentration of) Houses	
No. 6	OVERLAY - Computer Based Projection from Balto. Yacht Club.	
No. 7	Holly Neck CONSERVATION ASSOC SUPPORT	
No. 8	FAA - NO HAZARD TO AIR NAVIGATION	
No. 9	MORLOCK DIAGRAM LOCATING FOREST BUFFER LINE	
No. 10	PHOTO SIMULATION at 110 feet	
No. 11	TOWER REVIEW COMMITTEE RECOMMENDATION	
No. 12		

BACK RIVER NECK_RF Justification



Ring Radius = 0.40 Miles

Coverage objective:

The coverage objective of this proposed “**Back River Neck**” site is to provide good coverage along Back River Neck Road, Holly Neck Road and to the Marinas in the area. Coverage in the area surrounding it is currently well below the acceptable signal strength. As a result, residents of this area and commuters are experiencing very poor signal strength and dropped calls. This proposed site will provide good coverage to commercial, residential and daily commuters in this area and hence diminishing dropped calls. It should provide good coverage to the Marinas in this area.

The candidates reviewed for this search area (Fig 1) are:

1) **Faber Yacht Club:** 2420 Holly Neck Road, Baltimore MD 21221

Owner- William J Faber- 2420 Holly Neck Road, Baltimore MD 21221

Point of Contact- William J Faber – 410-686-5426

This is a raw land development by proposing a monopole in this property. It meets coverage objectives at a minimum RC of 100ft. This property however will not meet zoning setbacks. On these grounds this candidate is **REJECTED**.

xingular
raising the bar.™

PROPRIETARY AND CONFIDENTIAL CINGULAR WIRELESS AND AI

PETITIONER'S

EXHIBIT NO. 4

HOLLY NECK CONSERVATION ASSOCIATION, INC.

P.O. Box 16666 • Essex MD 21221-0666



March 23, 2005

Via E-Mail van@matower.com

Van Thompson
Mid-Atlantic Tower

Re: Proposed Cell Tower / Baltimore Yacht Club
Middle River, Maryland

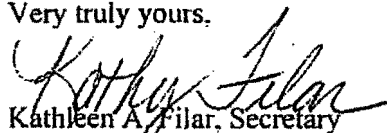
Dear Mr. VanThompson:

This letter will serve as confirmation that on Monday, March 21, 2005, the general membership of the Holly Neck Conservation Association, Inc. was addressed by you as a representative of Mid-Atlantic Tower.

You presented a proposal for a single pole cell tower with a maximum height of 110 feet to be erected on the Baltimore Yacht Club property. The tower was described as meeting all set back requirements without variance or waivers. The proposed tower will accommodate up to four cell phone carriers and one Wi-Fi service.

Based on the information presented by you at this meeting, the general membership in attendance passed a motion to support this project.

Very truly yours,



Kathleen A. Filar, Secretary
Holly Neck Conservation Association, Inc.

PETITIONER'S

EXHIBIT NO.

67



Federal Aviation Administration
Eastern Regional Office
1 Aviation Plaza-AEA-520
Jamaica, NY 11434

Aeronautical Study No.
2005-AEA-629-OE

Issued Date: 3/21/2005

VANCE THOMPSON - 002/MIDDLE RIVER
MID ATLANTIC TOWER DEVELOPMENT
375 BROADLEAF CT
MILLERSVILLE, MD. 21108

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure Type: Antenna Tower
Location: HOLLY BEACH, MD
Latitude: 39-17-14 NAD 83
Longitude: 76-23-48
Heights: 110 feet above ground level (AGL)
120 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 K Change 1.

This determination expires on 9/21/2006 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

PETITIONER'S

EXHIBIT NO. 8



EXHIBIT

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PHOTO - 8



BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

DATE: April 6, 2005

TO: Donald T. Rascoe, Development Manager
Department of Permits and Development Management

FROM: Tower Review Committee

SUBJECT: New Tower – Cingular – Baltimore Yacht Club

The Tower Review Committee met on March 29, 2005 and is making the following advisory comments to the Development Review Committee (DRC) in accordance with section 426.4 of the Baltimore County Zoning Regulations in reference to the proposed construction of a new 110-foot monopole to be located on the property of the Baltimore Yacht Club, 800 Baltimore Yacht Club Road, Baltimore, Baltimore County, Maryland, 21211.

- *Antennas should be placed on existing towers, buildings, and structures, including those of public utilities, where feasible.*

Findings: Cingular has provided all requested information to the Tower Review Committee (TRC) to successfully demonstrate that no other co-location opportunities exist at this location that would suffice in providing their requested coverage of the intended area. The TRC agrees with this finding. As such, Cingular has proposed to install a new 110-foot monopole that could hold four additional tower platforms below the top.

- *If a tower must be built, the tower should be: Constructed to accommodate at least three providers.*

Findings: Cingular has stated that the new pole will be constructed so as to support 4 additional platforms below the top. This would allow more than the required expansion into an area of the County devoid of co-location opportunities.

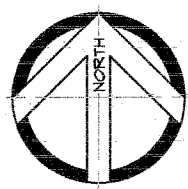
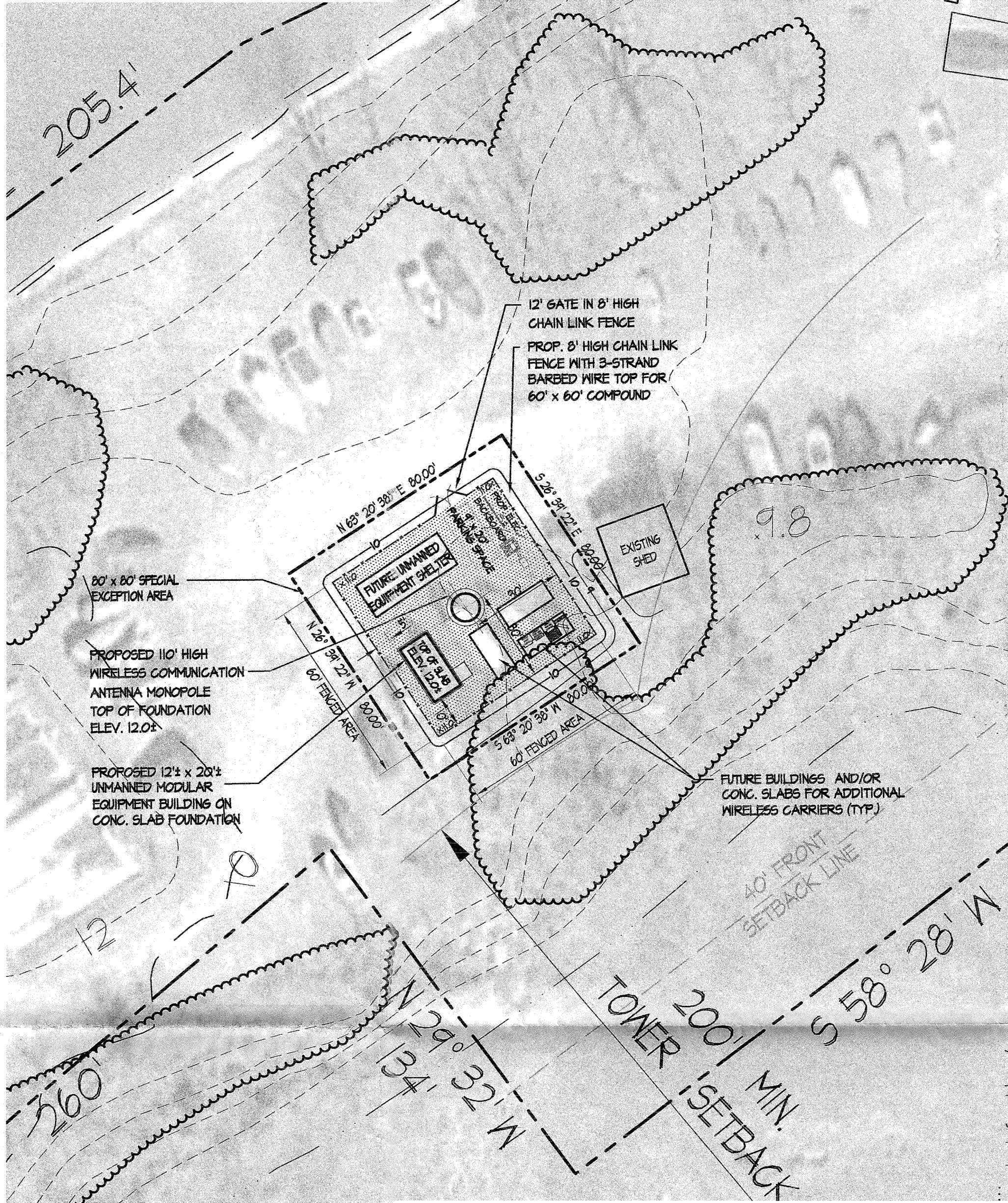
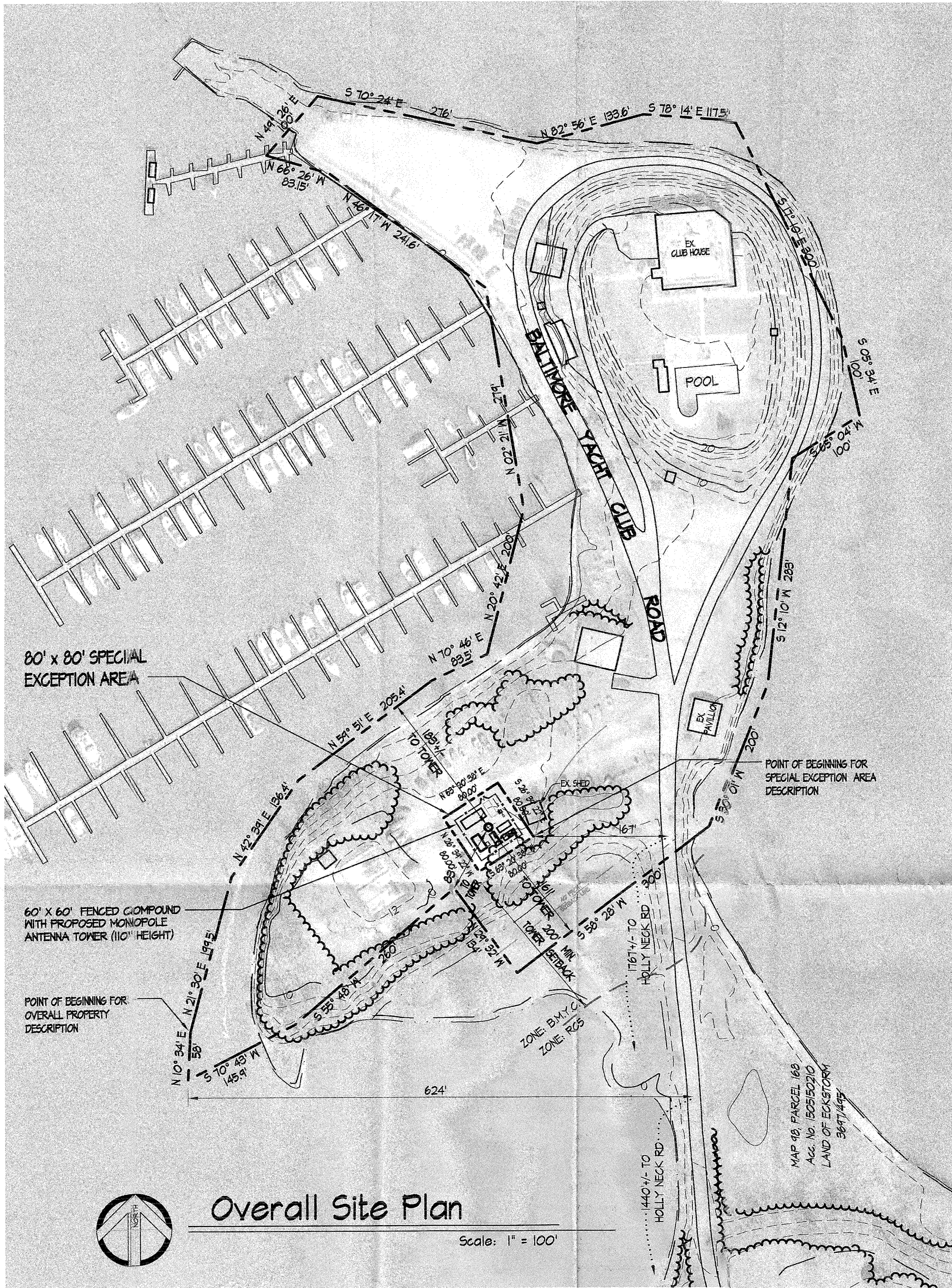
- *Erected in a medium or high intensity commercial zone when available.*

Findings: This area is located in a BMYC or Transition Zone. This tower will require a special exception hearing.

- *Located and designed to minimize its visibility from residential and transitional zone.*

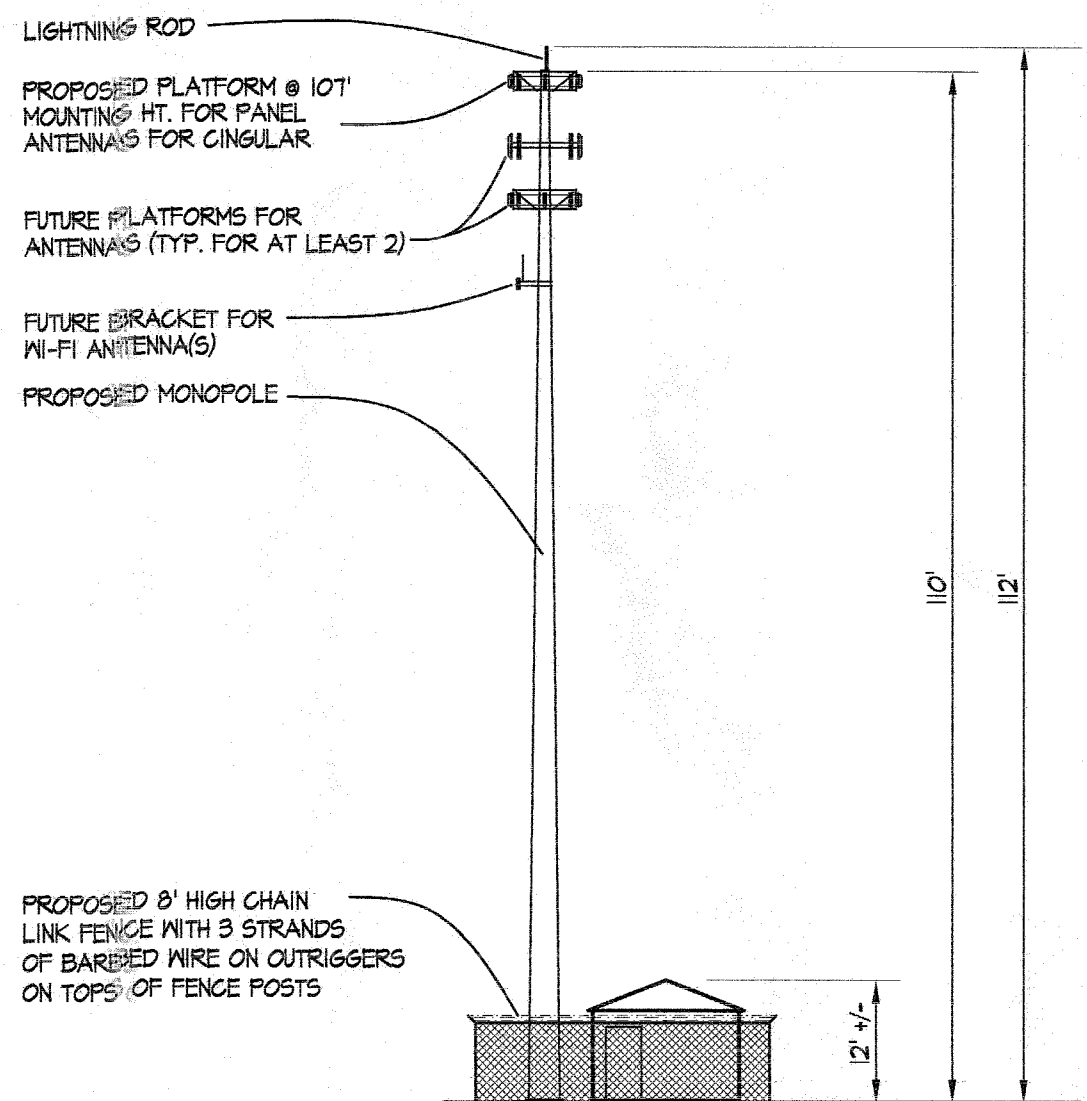
PETITIONER' S

EXHIBIT NO. 11



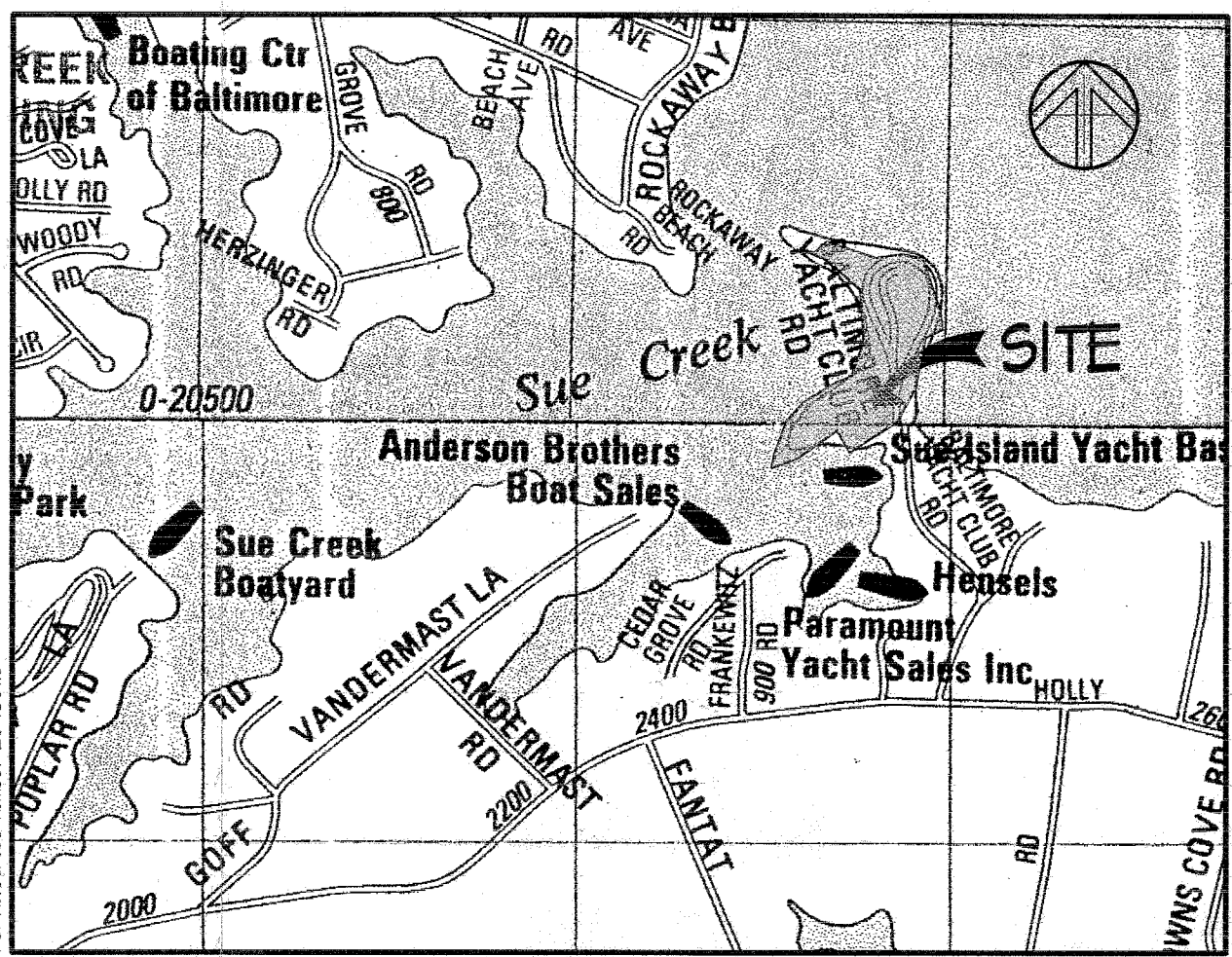
Enlarged Site Plan

Scale: 1" = 30'



Monopole Elevation Detail

Not to Scale



Vicinity Map

Scale: 1" = 1000'

NOTES

- Current Owner: Baltimore Yacht Club Holding Corporation
P.O. Box 1128
Baltimore, MD 21221-0728
(410) 682-2310
- Developer/Contract Lessee: Mid-Atlantic Tower Management, Inc.
36414 Old Stage Place
Waterford, VA 20147
(703) 778-8400
- Site Address: 800 Baltimore Yacht Club Road
Baltimore, MD 21211
- Total Site Area: 10.06 Ac +/-
Special Exception Area: 0.141 Ac +/-
- Existing Use: Marina and Outdoor Recreation Club
- Site Data:
Tax Map 98, Block 21, Parcel 451
Tax Acct. No.: 1502004891
Deed References: 1139/016
Election District: 15
County Council District: 6
Existing Zoning: B.M.Y.C.
Baltimore Co. 200' scale Zoning Map: 048B5 (new) 5M-1K (old)
ADC Map Coord.: Baltimore Co. Page 38, Grid D-13
- Water and sanitary sewer services are not required for the proposed unmanned wireless communications facility.
- The boundary, topography, utility, and site configuration information depicted on this plan is taken from a site plan prepared by Charles R. Emory, Jr., Consulting Engineers, dated October 2002. This information has been supplemented using current deeds, other available site plans, public information sources, and limited field measurements. The property boundary shown on this plan does not represent the result of any survey. Site Resources, Inc. does not warrant or guarantee the correctness or completeness of the site boundary, utility, or site feature location information shown hereon. Contractor shall call Miss Utility at 1-800-251-TITTY, at least 48 hours prior to beginning any construction, and shall verify to his own satisfaction the existence and location of all utilities before any construction activity begins.
- No additional site lighting and/or tower marking lights are proposed except as specifically required by the Federal Aviation Administration (FAA).
- The proposed facility will comply with the requirements of FAA Part 71, Objects Affecting Navigable Airspace, FAA Advisory Circular AC 70/7460-11, State of Maryland Code Title 11, Code 11-03.05. In addition, the applicant will file with the FAA Eastern Regional Office, FAA Form 7460-1 Notice of Proposed Construction/Alteration.
- The proposed unmanned wireless communications facility will have no employees. It will be visited approximately once per month for routine checks and on an as-needed basis for emergency repairs.
- Building area proposed: up to 2000 Sq. Ft.
- Number of employees: 0 (facility is unmanned)
- Parking required: 1 space
Additional parking provided: 1 space
No existing parking spaces will be blocked or affected by the proposed facility.
- No signs are proposed for this facility except a 4" x 12" site identification sign attached to the fence gate that will include Mid-Atlantic Tower Management, Inc. emergency contact information.
- Previous Permits: Mar. 30, 1990 #B041467 3 - 10,000 Gal. Fuel Tanks
May 11, 1990 #B002481 190' Bulkhead
Mar. 13, 1991 #B002010 Extend 14 Catwalks (Withdrawn)
Apr. 25, 1991 #B094604 26,000 S.F. Interior Alteration
- The subject communications facility will be enclosed within a locked 6'-high chain link fence.
- The proposed tower site creates less than 1% increase in overall site impervious area.
Percentage of building coverage proposed = 3.63%.
- Property is located in FIRM Zone C and FIRM Zone A10 as shown on FIRM 240001 0045 C.
Elevation 10' is the dividing line.
- Floor Area Ratio = 0.034
- There shall be no clearing, grading, construction, or other disturbance in wetland or buffer areas except as approved by Baltimore County Department of Environmental Protection and Resource Management.
- The purpose of this plan is to approve a Special Exception for a wireless communications monopole pursuant to B.C.Z.R. subsection 426BD on a 6,400 sq. ft. (0.141 Ac.) portion of the overall tract.

SITE RESOURCES
Incorporated
Comprehensive Land Planning & Site Design Services
14315 Arrettsville Pike • Phoenix, Maryland 21131
(410) 683-3388 • Fax (410) 683-3389



REVISIONS		
No.	Description	Date

Site Plan To Accompany Special Exception Petition

MID-ATLANTIC TOWER
Management, Inc.
SITE MANAGEMENT REFINED

Baltimore Yacht Club, MD Site
Baltimore County, Maryland
15th Election District

SITE DATA	
Site Name: Baltimore Yacht Club	
Construction Number: 	
Street Address: 800 Balt. Yacht Club Rd.	
City, State, Zip: Baltimore, MD 21221	
County: Baltimore	
Property Owner: Balt. Yacht Club Holding Corp	
Current Zoning: BMYC	
DEED Liber/Folio: 1139/016	
Tax Map: 98	
Block: 21	
Parcel/Lot Number: 451	
Latitude: N 39° 17' 14"	
Longitude: W 76° 23' 48"	
Ground Elevation: 10'	
Scale: As Shown	
Date: 18 MAY 05	
SRI Proj. No.: 04116	
Sheet: S1 of 1	

PETITIONER'S

EXHIBIT NO. 1

05-610-X