

3/17/08

IN THE MATTER OF  
THE APPLICATION OF  
MICHAEL AND NANCY DiPAULA -LEGAL  
OWNERS; NEW CINGULAR WIRELESS PCS  
LLC - C.P. /PETITIONERS FOR SPECIAL  
HEARING AND VARIANCE ON PROPERTY  
LOCATED ON THE SE/S OF  
PLEASANTVILLE RD, 1886' NE OF  
BALDWIN MILL ROAD  
(13713 PLEASANTVILLE ROAD)  
11<sup>TH</sup> ELECTION DISTRICT  
3<sup>RD</sup> COUNCILMANIC DISTRICT

\* BEFORE THE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
Case No. 06-620-SPHX

\* \* \* \* \*

**ORDER OF DISMISSAL OF PETITIONS**

This case comes to the Board on appeal filed by J. Carroll Holzer, Esquire, on behalf of the Long Green Valley Association, et al, from the December 29, 2006 Order of the Deputy Zoning Commissioner in which the subject Petitions were granted with restrictions.

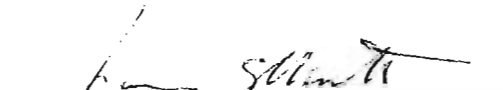
**WHEREAS**, the Board is receipt of a letter of withdrawal of Petitions filed February 29, 2008, via facsimile by Karl J. Nelson, Esquire, Counsel for Petitioners, (a copy of which is attached hereto and made a part hereof); and

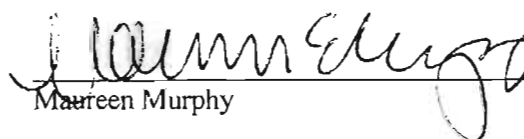
**WHEREAS**, said Counsel for Petitioner requests that the Petition for Special Hearing and Petition for Variance filed in the above-referenced matter be withdrawn as of February 29, 2008,

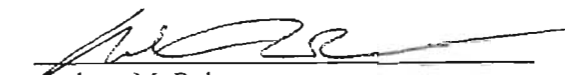
**IT IS THEREFORE**, this 17<sup>th</sup> day of March, 2008, by the County Board of Appeals of Baltimore County

**ORDERED** that said Petitions filed in Case No. 06-620-SPHX are **WITHDRAWN AND DISMISSED**, rendering moot the appeal filed in this matter; and that the Deputy Zoning Commissioner's Order of December 29, 2006, including any relief granted therein, is rendered null and void.

**COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
Lawrence S. Wescott

  
Maureen Murphy

  
Andrew M. Belt

## FACSIMILE COVER SHEET

**SAUL  
EWING**Attorneys at Law  
A Delaware LLP500 East Pratt Street  
Baltimore, MD 21202-3133**From:** Karl J. Nelson  
**Pages (including cover):** 2  
**Client/Matter #:** 946945.138  
**User #:** 4461**Date:** February 29, 2008  
**Direct Phone:** (410) 332-8663  
**Direct Fax:** (410) 332-8184  
**Sender's Floor:**

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| To:                               | Fax Number   | Phone Number |
|-----------------------------------|--------------|--------------|
| Kathleen C. Bianco, Administrator | 410-887-3182 | 410-887-3180 |

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| CC: Name | Fax Number | Phone Number |
|----------|------------|--------------|
|----------|------------|--------------|

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**Comments:** RE: Case No. 06-620-SPHX

- ☒ The Original will be sent by regular mail.  
☐ The Original will be sent by overnight delivery.  
☐ No Original will be sent.

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**IMPORTANT NOTICE**

This transmission is intended only for the addressees named above and may contain information that is privileged, confidential, or otherwise protected from disclosure to anyone else. Any review, dissemination or use of this transmission or its contents by persons other than the addressees is strictly prohibited. If you have received this facsimile in error, please telephone us immediately at (410) 332-8640 and return the original to us by mail at the address stated above.

**SAUL  
EWING**  
Attorneys at Law  
A Delaware LLP

Karl J. Nelson  
Phone: (410) 332-8665  
Fax: (410) 332-8184  
knelson@saui.com  
www.saul.com

February 29, 2008

**VIA FACSIMILE & U.S. MAIL**

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

RE: Withdrawal of Case No. 06-620-SPHX  
*In the Matter of: Michael & Nancy DiPaula;*  
*New Cingular Wireless PCS, LLC*  
13713 Pleasantville Road

Dear Kathleen:

I received notice that my client will no longer pursue Case No. 06-620-SPHX, which is currently scheduled to be heard by the Board on March 11, 2008. Accordingly, please withdraw that case from the hearing docket and dismiss it.

I apologize for any inconvenience this development may have caused. Please do not hesitate to contact me should you require any additional information.

Very truly yours,



Karl J. Nelson

KJN/lh

cc: J. Carroll Holzer, Esquire  
Mark Faris

500 East Pratt Street • Baltimore, MD 21202-3133 • Phone: (410) 332-8600 • Fax: (410) 332-8862

BALTIMORE CHESTERBROOK HARRISBURG NEWARK PHILADELPHIA PRINCETON WASHINGTON WILMINGTON

A DELAWARE LIMITED LIABILITY PARTNERSHIP

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\*\*\* TOTAL PAGE.02 \*\*\*

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County Board of Appeals of Baltimore County

JEFFERSON BUILDING  
SECOND FLOOR, SUITE 203  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND, 21204  
410-687-6180  
FAX: 410-687-6182

March 17, 2008

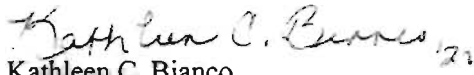
Karl J. Nelson, Esquire  
SAUL EWING LLC  
Lockwood Place  
500 E. Pratt Street  
Baltimore, MD 21202

RE: *In the Matter of: Michael & Nancy DiPaula, Legal Owners;*  
*New Cingular Wireless PCS, LLC – C.P. /Petitioners*  
Case No. 06-620-SPHX /Order of Dismissal of Petitions

Dear Mr. Nelson:

Enclosed please find a copy of the Order of Dismissal of Petitions issued this date by the County Board of Appeals of Baltimore County in the above-captioned matter in which the subject Petitions have been withdrawn and dismissed.

Very truly yours,

  
Kathleen C. Bianco  
Administrator

Enclosure

c: J. Carroll Holzer, Esquire  
Long Green Valley Assn.  
Roger Hayden, President  
Tim Cypull  
Charlotte Pine  
Ed Gibbons  
Michael and Nancy DiPaula  
New Cingular Wireless PCS, LLC  
Jack E. Barber  
Prabhu Maragathavannan  
Michael Zellers  
Darryl Fletcher  
Office of People's Counsel  
Pat Keller, Planning Director

Nino Milanese  
Jeff Mellott

Zenon Maliszewski

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



1/26/07  
IN RE: PETITIONS FOR SPECIAL HEARING  
& SPECIAL EXCEPTION  
SE Side of Pleasantville Rd.  
(13713 Pleasantville Road)

11th Election District  
3rd Councilmanic District  
Michael & Nancy DiPaula  
Legal Owners  
New Cingular Wireless,  
Lessee

\* BEFORE THE DEPUTY  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\*  
\* Case No.: 06-620-SPHX

\* \* \* \* \*

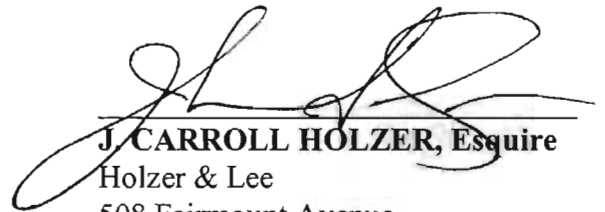
**NOTICE OF APPEAL**

LONG GREEN VALLEY ASSOCIATION, ROGER HAYDEN, PRESIDENT, P.O.  
BOX 91, BALDWIN, MD 21013, and individuals TIM CYPULL, 13801 PLEASANTVILLE  
ROAD, BALDWIN, MD 21013; CHARLOTTE PINE, 13310 FORK ROAD, BALDWIN, MD  
21013, and ED GIBBONS, 13815 PLEASANTVILLE ROAD, BALDWIN, MD 21013,  
Appellants in the above captioned matter, by and through their attorney, J. Carroll Holzer and  
Holzer and Lee, feeling aggrieved by the decision of the Deputy Zoning Commissioner in Case  
No. 06-620-SPHX, hereby note an appeal to the County Board of Appeals from Findings of Fact  
and Conclusions of Law of the Deputy Zoning Commissioner of Baltimore County dated  
December 29, 2006 attached hereto, and incorporated herein as **Exhibit #1**.

Filed concurrently with this Notice of Appeal is Appellants' check made payable to  
Baltimore County to cover the costs of the appeal. Appellants were parties below and fully  
participated in the proceedings.

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JAN 26 2007  
Per. *SLM*

Respectfully submitted,



**J. CARROLL HOLZER, Esquire**

Holzer & Lee

508 Fairmount Avenue

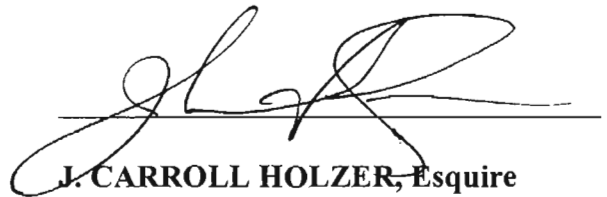
Towson, Maryland 21286

410-825-6961

Attorney for Appellants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 26<sup>th</sup> day of January, 2007, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to Karl Nelson, Esquire, 500 East Pratt Street, Baltimore, MD 21202; County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204; and People's Counsel for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, M, 21204.



**J. CARROLL HOLZER, Esquire**

1/26/07  
IN RE: PETITIONS FOR SPECIAL HEARING  
& SPECIAL EXCEPTION  
SE Side of Pleasantville Rd.  
(13713 Pleasantville Road)

11th Election District  
3rd Councilmanic District  
Michael & Nancy DiPaula  
Legal Owners  
New Cingular Wireless,  
Lessee

\* BEFORE THE DEPUTY  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\*  
\* Case No.: 06-620-SPHX

\* \* \* \* \*

**NOTICE OF APPEAL**

LONG GREEN VALLEY ASSOCIATION, ROGER HAYDEN, PRESIDENT, P.O.  
BOX 91, BALDWIN, MD 21013, and individuals TIM CYPULL, 13801 PLEASANTVILLE  
ROAD, BALDWIN, MD 21013; CHARLOTTE PINE, 13310 FORK ROAD, BALDWIN, MD  
21013, and ED GIBBONS, 13815 PLEASANTVILLE ROAD, BALDWIN, MD 21013,  
Appellants in the above captioned matter, by and through their attorney, J. Carroll Holzer and  
Holzer and Lee, feeling aggrieved by the decision of the Deputy Zoning Commissioner in Case  
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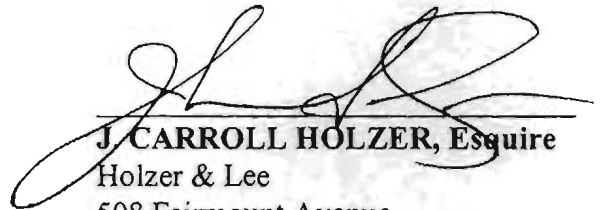
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participated in the proceedings.

RECEIVED

JAN 26 2007

Per. *ELN*

Respectfully submitted,



**J. CARROLL HOLZER, Esquire**

Holzer & Lee

508 Fairmount Avenue

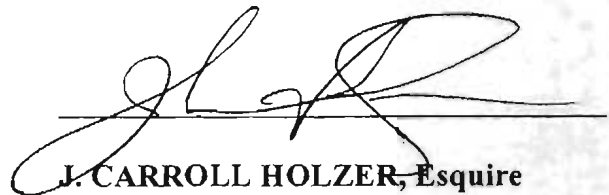
Towson, Maryland 21286

410-825-6961

Attorney for Appellants

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**J. CARROLL HOLZER, Esquire**

12/29/06

IN RE: PETITIONS FOR SPECIAL EXCEPTION \*  
& SPECIAL HEARING  
SE side of Pleasantville Road, \*  
1,886 feet NE of c/l of Baldwin Mill Road \*  
11<sup>th</sup> Election District \*  
3<sup>rd</sup> Councilmanic District \*  
(13713 Pleasantville Road) \*

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Michael and Nancy DiPaula  
Legal Owner  
New Cingular Wireless,  
Lessee

\*

\*

CASE NO. 06-620-SPHX

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception and Special Hearing filed by the legal owners of the subject property, Michael and Nancy DiPaula, and New Cingular Wireless, Lessee. The Petitioner is requesting special exception and special hearing relief for property located at 13713 Pleasantville Road. The Special Hearing is to permit continued use of the property located for agricultural, residential and equestrian purposes. The Petitioners are also requesting a Special Exception is to permit a wireless telecommunications facility to be located on the subject property.

The property was posted with Notice of Hearing on October 26, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 28, 2006, to notify any interested persons of the scheduled hearing date.

### Applicable Law

Section 502.1 of the B.C.Z.R. Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;

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- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

**Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated July 7, 2006 which indicates the proposed monopole will not compromise the scenic qualities of Pleasantville Road or the rural character of the community. Also is a copy of the Tower Committee Report dated May 1, 2006. Copies of these comments are attached hereto and made a part hereof.

**Interested Persons**

Appearing at the hearing on behalf of the special exception and special hearing requests were Michael and Nancy DiPaula, property owners, and from New Cingular Wireless, Dakleigh Thorne, Jack Barber, Prabhu Maragathavannan, and Michael Zellers. Karl Nelson, Esquire, represented the Petitioners. Attending as interested citizens and in support of the requests were Nino Milanese, Darryl Fletcher, Jeff Mellott and Zenon Maliszewski.

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Appearing in opposition to the requests were Ed Gibbons, Tim Cypull, and Charlotte Pine. Protestants were represented by J. Carroll Holzer, Esq. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

**Testimony and Evidence**

Mr. Maragathavannan, a radio frequency engineer, was accepted as an expert and testified that the Petitioners are proposing to erect a stealth type cell tower transmitter on the subject property. The tower will be disguised as a pine tree. The transmitter antenna array will be centered 125 feet above the ground. The tower will be 130 feet high.

He testified that he has responsibility to recommend technical solutions to Cingular for cell phone coverage problems which in the subject case center on Long Green Pike, Pleasantville Road and the Baldwin town center. He presented a computer generated propagation map which shows the predicted signal strength in the subject area. See Petitioner's exhibit 1 where green indicates the signal strength is sufficient to have continuous communication and properly handoff callers to the next cell tower. He noted the lack of coverage in the subject area as indicated by white where callers would likely experience dropped calls. Part of the coverage problem concerns the undulating nature of the terrain in that area which cuts off line of sight transmission and reception.

He next considered increasing the transmitted power of the existing cell towers in the area whose locations are shown by the three leaf symbols on Petitioner's exhibit 1. These existing towers include facilities owned by Cingular such as Fairwind Farms, Fallston, Clayton, and Mount Vista. In addition Cingular leases antenna space on two towers located on BGE poles shown in blue. However he determined that simply increasing the power on these facilities would not provide needed coverage and the only viable option was to erect a new cell tower in the area.

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In regard to any new site he testified that the Company's first choice is to locate new antennae on existing structures. Cingular employees thereafter made a search for possible sites but could not find any suitable structures in this rural area on which to mount a new antenna array. Eventually they found the proposed site at Fox Folly Farm which is shown on Petitioner's exhibit 1 as the red three leaf symbol.

He evaluated the site first examining the coverage with a 150 foot tower on the subject site which resulted in good coverage. However he was encouraged to lower the height to the extent possible and so studied coverage with 100 foot, 115 foot and 125 foot mid array heights. Only the 125 foot height met the coverage objectives as the antenna must be above the tree line to be effective. This tower is proposed to be located in a heavily wooded area of the property.

In the end his studies revealed that the 125 foot mid array height at the subject location would provide the needed coverage as shown on Petitioner's exhibit 2, the mylar overlay showing predicted coverage from the proposed tower. He opined that this coverage pattern would be adequate to meet coverage objectives.

Mr. Maragathavannan noted that the proposed tower will not reach Mountain Road which is a separate area of service. Mr. Nelson indicated that there is a proposed monopole tower on Mountain Road in Harford County which the Court of Appeals has recently declared Cingular has the right to build. This tower is located at Grandview Church, is 178 feet high and will produce coverage as shown in Petitioner's exhibit 3. However as shown this tower will not provide adequate coverage in the subject area as shown. Only the proposed tower (shown on overlay exhibit 2) will provide such coverage in the subject area.

Upon questioning by Mr. Holzer, Mr. Maragathavannan described the distances to each of the cell towers to the subject site, the height of each existing tower, and the method of attachment to BGE poles. He noted that the existing towers cannot be raised in height to violate

the FCC Guidelines, but that he did not actually evaluate raising these towers as part of the subject study nor evaluate alternative locations for the subject tower. He indicated that he was given the location of the site by the Cingular real estate group. As such he was not sure that this was the only location in the area which would provide proper coverage. He noted that towers must clear the tree line by 10 to 15 feet to be effective, that stealth towers which look like pine trees are located in clumps of trees so as to blend into the surroundings, and in the subject case, 125 feet in height is the minimum that gives proper coverage.

Mr. Maragathavannan indicated that Cingular prepared a report for the Tower Review Committee which is protestant's exhibit 1, that the report includes coverage predictions for coverage with the new tower on Rt. 152 (aka Grandview Church) on pages 7 and 8, and that the report also contains coverage predictions for various size towers on the subject site. On redirect, Mr. Maragathavannan confirmed that the subject tower is still needed even if the tower on Rt. 152 is operating.

Mr. Barber, Cingular's site acquisition consultant, described the size of the Fox Folly Farm site as much larger than most sites with 119 acres, the residential, equestrian and agricultural uses presently being made of the subject property and the surrounding area. He presented an aerial photograph of the area as Petitioner's exhibit 4. He indicated that the proposed tower will be erect in a stand of old growth tall trees 90 to 100 feet in height, and described the ridge line which transects the property and on which the owner's home is located. He noted that the proposed tower will be on the downslope of the ridge so as to reduce its visibility as shown on the Plat to Accompany, Petitioner's exhibit 5. He noted that property line setbacks far exceed the 200 feet required by the regulations, the stealth pine tree tower is depicted on exhibit 5B in its tree setting, and noted the antenna array peaks up over the live trees in the stand as shown.

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He described tests made by Cingular to determine if the stealth pole can be seen from the ground. First the Cingular team floats a tethered balloon to exactly the height of the tower, 130 feet, and takes photographs of the balloon from various locations where the public may view the tower. They then superimpose the shape of the proposed tower on the photograph at the height of the balloon to indicate what a viewer may see of the tower. Petitioner's exhibit 6 shows the results of this work in photographs from various locations in the area such as Pleasantville Road, Fork Road and Long Green Drive etc. Exhibit 6E shows the balloon from a field on the subject site and 6F shows the tower superimposed at that height. In regard to the base site facilities, Mr. Baker described the 50 feet x 50 feet compound containing the transmitter equipment, the board on board fence surrounding the compound and opined that the base site would blend into the surrounding woods.

Mr. Baker reviewed his instructions in searching for potential sites, the preference to co locate on other companies towers, erect new towers on existing structures, and on commercial locations. He opined that none of these preferable options were available in this rural area of the County. He noted that other sites lacked size so that area variances would be needed, did not have the desired elevation, or would result in high visibility from the roads and homes in the area. He lauded the subject site for its very large size, good elevation for the tower and yet the tower will be seen by as few persons as possible. He opined that the proposed site and tower as shown on Petitioner exhibit 6 meets the regulations specified in Section 426 of the BCZR.

Mr. Baker admitted that he did not take the photographs shown on exhibit 6 nor was he on site when they were taken. He admitted that Pleasantville Road is a scenic road but denied that the proposed tower is in the viewshed.

Dr. DiPaula, the owner of the subject property, indicated he purchased the property in 1980, the importance to him to maintain scenic vistas, and how he became aware of the lack of

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cell phone coverage on the property when a neighbor fell unconscious and no one could call for emergency help. He noted that he attended the balloon tests, and was satisfied that the tower will not be visible by the neighborhood. He also became aware that neighbors in the area expressed concern over cell phone coverage in the area.

Mr. Nelson noted that the Zoning Review Office requires cell tower applicants to file for a special hearing to allow the continued use of the property for agricultural, residential and equestrian purposes. He does not believe this is legally necessary but went along with the request. Mr. Holzer opined that if the special hearing is granted, this would not show approval of equestrian uses and become a back door special exception for a riding stable. Dr. DiPaula explained that he was not requesting approval of a commercial riding stable, that he owned several horses used by his family and allowed a few friends to keep horses on the property as a favor to them. He has no commercial interest in operating a riding stable. Both attorneys agreed that there was no point to include equestrian uses in the request for special hearing and that this reference should be eliminated.

Mr. Holzer inquired when the balloon tests were conducted, and was told in April and May of 2006 by Dr. DiPaula. No neighbors witnessed the balloon tests.

Mr. Fletcher indicated his concern with poor cell phone reception in the Long Green Valley and recalled an accident in a nearby park in which no one could call for help. Mr. Milanese also noted the poor cell phone coverage in the valley, expressed support for better coverage in general, and this tower in particular. At this point the Petitioners presented a Petition in Support of the proposed use, Petitioner's exhibit 7, signed by approximately 70 neighbors and travelers in the area. Mr. Mellott indicated that he sees the lack of cell phone coverage in the area as a threat to the safety of the community and recalled that reception is so poor that persons

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[Signature]



needing to call on the cell phones often stop on the top of hills in the area to make calls causing congestion on the roadways.

Mr. Holzer rested the protestants' case without presenting testimony or evidence beyond protestants exhibit 1, the Tower Review Committee Report.

### **Findings of Fact and Conclusions of Law**

#### **Special Hearing**

In regard to the request for special hearing, Mr. Nelson agreed during the hearing to eliminate the word "equestrian" from the original request to permit continued use of the property located for agricultural, residential and equestrian purposes. I certainly have no evidence that continued use of the property for agricultural or residential purposes after installation of a cell tower would in any way adversely affect the community or fail to meet the spirit and intent of the RC 2 zoning. Both residential and agricultural uses are permitted as of right. Consequently I will grant the special hearing request.

#### **Special Exception**

I realize that this case will be fully litigated before the Board of Appeals. The only evidence in opposition to the request for special exception is the Tower Review Committee Report, Community exhibit 1. I presume that eventually Mr. Hozler will argue the new tower on Rt. 152 in Harford County (aka Grandview Church) whose effect is shown on figure 7 of that exhibit provides adequate coverage so that the subject tower is not needed. I wait with anticipation the Board's decision on whether or not need is a factor to be considered under Section 426. In the subject case, the only evidence before me is the testimony of the Petitioner's engineer that the subject tower is needed even if the new tower becomes operational.

One other issue which may arise at the Board is whether or not the Petitioner has an obligation to evaluate other sites within the area. The Petitioner's engineer testified that he

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evaluated only the subject site. The real estate consultant described his efforts to obtain Dr. DiPaula's agreement to lease the subject site. However Section 426.9 A 2 seems to require some demonstration that other sites were considered. In addition the seminal case of *Shultz vs Pritz*, 291 Md 1, 432 A2d 1319 (1981) recognized that uses requiring special exceptions will generate impacts on the community such as traffic, noise, dust, etc. The Court prescribed the test to judge such impacts as whether those impacts will impact at this location above and beyond such impacts if proposed elsewhere in the zone. This seems to imply that the Petitioner is to evaluate the impacts at the subject location and others in the zone. Again I await the Board's direction in these matters. I have no evidence that other locations in the area are possible.

Considering the testimony and evidence presented in the subject case, I find the proposed tower is allowed by special exception in an RC 2 zone such as applicable to this property. I further find the proposed use meets the criteria of Section 502.1 of the BCZR, is within the spirit and intent of the RC 2 regulations and will not adversely affect the community.

Additionally I find that the site plan meets the setback requirements of Section 426.6 A and that the screening requirements and compatibility requirements of Section 426.6. I further find the Petitioner has made a diligent attempt to locate the antenna on an existing tower or nonresidential building or structure but there are no suitable structures in this rural area. I also find that the construction of a tower at the proposed location is warranted due to the location, elevation, engineering, technical feasibility or inability to obtain a lease or ownership of a location elsewhere. Finally I find the tower has been designed to accommodate antennas of at least two other providers; and the height of the tower is no higher than what is required to enable present and future co-location of other providers.

I consider RC zones to be residential in nature and so further find that there are no available, suitable sites for the tower in any medium or high intensity commercial zone again

because of the rural nature of this location. Baldwin hardly measures up to a medium or high intensity commercial zone. In addition this tower is located on a lot which exceeds the minimum area in an R.C. zone many times. In addition the proposed antenna is disguised as a pine tree, which is found in the area of the tower.

From the above I conclude that the proposed tower at the subject location will not adversely affect the community. From the photographs it is clear the disguised tower will hardly be visible from the roadways or from adjoining properties. Several neighbors took the time to attend the hearing and testify in favor of the request and presented a Petition in Support, Petitioner's exhibit 7 signed by many neighbors and travelers in the valley.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for special exception, and special hearing should be granted.

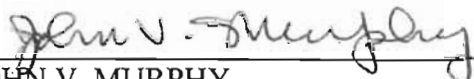
THEREFORE, IT IS ORDERED, this 29th day of December, 2006, by the Deputy Zoning Commissioner, that the Special Hearing request is to permit continued use of the property located at 13713 Pleasantville Road for agricultural, and residential purposes be and is hereby GRANTED; and

IT IS FURTHER ORDERED THAT the request for Special Exception to permit a wireless telecommunications facility pursuant to Petitioner's exhibit 5 sheets 1 and 2 including a 130 feet AGL stealth Monopine style monopole and an unmanned 11.5' X 20" ground based equipment shelter within a 50' X 50' fenced compound be and is GRANTED; subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

RECEIVED FOR FILING  
12-25-06  
[Signature]

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
\_\_\_\_\_  
JOHN V. MURPHY  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

JVM:pz

RECEIVED FOR FILING  
JAN 12 2 9 06  
Pz



BALTIMORE COUNTY  
MARYLAND

JAMES T. SMITH, JR.  
County Executive

December 29, 2006

WILLIAM J. WISEMAN III  
Zoning Commissioner

KARL NELSON, ESQUIRE  
SAUL EWING  
500 EAST PRATT STREET  
BALTIMORE, MD 21202

Re: Petition for Special Exception and Special Hearing  
Case No. 06-620-SPHX  
Property: 13713 Pleasantville Road

Dear Mr. Nelson:

Enclosed please find the decision rendered in the above-captioned case.

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,

John V. Murphy  
Deputy Zoning Commissioner  
for Baltimore County

JVM:pz  
Enclosure

- cc: Michael and Nancy Dipaula, 13713 Pleasantville Road, Baldwin MD 21013  
Jack Barber, New Cingular Wireless PLS LLC, 7150 Standard Dr, Hanover MD 21076  
Prabhu Maragathavannan, Cingular Wireless PLS LLC, 7150 Standard Dr, Hanover MD 21076  
Michael Zellers, 2205 Old Bosley Road, Timonium MD 21093  
Nino Milanese, 13339 Long Green Pike, Hydes MD 21082  
Darryl Fletcher, 15 Kincaid Ct, Baldwin MD 21013  
Jeff Mellott, 5638 Sweet Air, Baldwin Md 21013  
Zenon Maliszewski, 11537 Long Green Pike, Glen Arm MD 21057  
J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Ave, Towson, MD 21286  
Ed Gibbons, 13815 Pleasantville Road, Baldwin MD 21013  
Tim Cypull, 13801 Pleasantville Road, Baldwin MD 21013  
Charlotte Pine, 13310 Fork Road, Baldwin MD 21013





# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 13713 Pleasantville 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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve  
A continued use of the property located at 13713 Pleasantville Road; Baldwin, Maryland 21013 for agricultural, residential and equestrian purposes. New Cingular Wireless PCS, LLC has leased space from the property owners for the installation of an unmanned telecommunications facility, and is requesting a Special Exception, under separate application.

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:

NEW CINGULAR WIRELESS PCS, LLC  
Name - Type or Print

[Signature]  
Signature

7150 STANDARD DRIVE 443.226.1529  
Address Telephone No.  
HANOVER MD 21074  
City State Zip Code

## Attorney For Petitioner:

KARL NELSON  
Name - Type or Print City

Signature

SALL EWING, LLP  
Company

500 E. PRATT ST 410.332.8663  
Address Telephone No.  
BALTIMORE MD 21202  
City State Zip Code

## Legal Owner(s):

MICHAEL & PAULA  
Name - Type or Print

[Signature]  
Signature

NANCY & PAULA  
Name - Type or Print  
[Signature]  
Signature

13713 PLEASANTVILLE RD  
Address Telephone No.  
BALDWIN MD 21013  
City State Zip Code

## Representative to be Contacted:

JACK E. BARBER  
Name

7150 STANDARD DR 443.226.1529  
Address Telephone No.  
HANOVER MD 21074  
City State Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By \_\_\_\_\_ Date \_\_\_\_\_

REV 9/15/98

Case No. 06-620-SPHX

12-29-06  
MD



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 13713 Pleasantville Road

which is presently zoned PG-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A wireless telecommunications facility to be located at 13713 Pleasantville Road; Baldwin, Maryland 21013. New Cingular Wireless PCS, LLC has leased space from the property owners for this purpose. The proposed project consists of a 130' AGL stealth Monopine style monopole and an unmanned 11.5'x 20' ground based equipment shelter within a 50'x 50' fenced compound. Cingular antennas will be located at the top of the antenna structure. Construction will be consistent with the accompanying plans.

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

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

NEW CINGULAR WIRELESS PCS LLC  
Name - Type or Print  
Jack E. Barber  
Signature  
7150 STANDARD DR. 443.226.1539  
Address Telephone No.  
HANOVER MD 21076  
City State Zip Code

## Attorney For Petitioner:

KARL NELSON  
Name - Type or Print  
SAUL EWING  
Signature  
500 EAST PRATT ST. 410.332.8663  
Company Address Telephone No.  
BALTIMORE MD 21202  
City State Zip Code

## Legal Owner(s):

MICHAEL DI PAULIA  
Name - Type or Print  
MICHAEL DI PAULIA  
Signature  
NANCY DI PAULIA  
Name - Type or Print  
Tony A Di Paul  
Signature  
13713 PLEASANTVILLE RD 410.592-873  
Address Telephone No.  
BALDWIN MD 21013  
City State Zip Code

## Representative to be Contacted:

JACK E. BARBER  
Name  
7150 STANDARD DR. 443.226.1539  
Address Telephone No.  
HANOVER MD 21076  
City State Zip Code

## OFFICE USE ONLY

Case No. OG-620-SPUX

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By JM Date 06-06-06

REV 09/15/98

ORDER RECEIVED FOR FILING  
JUN 29 2006  
PB

## Description

### To Accompany Petition for A Special Exception

#### Pleasantville Road

#### Eleventh Election District, Baltimore County, Maryland



Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue  
Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

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

Beginning for the same at the end of the following seven courses and distances measured from the point formed by the intersection of the centerline of Pleasantville Road with the centerline of Baldwin Mill Road, (1) Northeasterly along the centerline of Pleasantville Road 3081 feet, more or less, thence (2) South 76 degrees 52 minutes 40 seconds East 156.93 feet, thence (3) South 88 degrees 40 minutes 40 seconds East 802.15 feet, thence (4) South 37 degrees 39 minutes 40 seconds East 541.10 feet, thence (5) South 59 degrees 45 minutes 00 seconds East 216.70 feet, thence (6) North 26 degrees 34 minutes 50 seconds East 286.09 feet, and thence (7) South 63 degrees 25 minutes 10 seconds East 429.88 feet to the point of beginning, thence leaving said point of beginning, referring all courses of this description to the Grid Meridian established in the Maryland Coordinate System, (8) South 83 degrees 14 minutes 58 seconds East 466.10 feet, thence (9) South 06 degrees 45 minutes 02 seconds West 466.10 feet, thence (10) North 83 degrees 14 minutes 58 seconds West 466.10 feet, thence (11) North 06 degrees 45 minutes 02 seconds East 466.10 feet to the point of beginning; containing 5.00 acres of land, more or less.

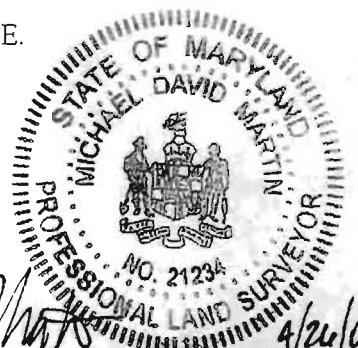
THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES  
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 26, 2006

Project No. 05162 (L05162-1)

06 G20-SP1X

*Michael D. Martin*  
4/26/06



## Description

To Accompany Petition for A Special ~~Exception~~ *HEARING*

### Pleasantville Road

### Eleventh Election District, Baltimore County, Maryland



**Daft•McCune•Walker, Inc.**

200 East Pennsylvania Avenue  
Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

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

Beginning for the same at the end of the following course and distance measured from the point formed by the intersection of the centerline of Pleasantville Road with the centerline of Baldwin Mill Road, (1) Northeasterly along the centerline of Pleasantville Road 1886 feet, more or less, to the point of beginning, thence running the forty-six following courses and distances, referring all courses of this description to the Grid Meridian established in the Maryland Coordinate System: (1) North 31 degrees 05 minutes 40 seconds East 674.55 feet, thence (2) North 27 degrees 10 minutes 10 seconds East 519.66 feet, thence (3) South 76 degrees 52 minutes 40 seconds East 156.93 feet, thence (4) South 88 degrees 40 minutes 40 seconds East 802.15 feet, thence (5) South 37 degrees 39 minutes 40 seconds East 541.10 feet, thence (6) South 59 degrees 45 minutes 00 seconds East 216.70 feet, thence (7) North 26 degrees 34 minutes 50 seconds East 638.10 feet, thence (8) North 26 degrees 04 minutes 50 seconds East 835.83 feet, thence (9) South 68 degrees 00 minutes 10 seconds East 338.65 feet, thence (10) South 68 degrees 00 minutes 10 seconds East 146.64 feet thence (11) South 81 degrees 18 minutes 10 seconds East 736.93 feet, thence (12) North 89 degrees 02 minutes 00 seconds East 385.60 feet, thence (13) South 57 degrees 28 minutes 30 seconds West 171.00 feet, thence (14) North 42 degrees 23 minutes 45 seconds West 51.76 feet, thence (15) South 47 degrees 54 minutes 30 seconds West 119.66 feet, thence (16) South 68 degrees 52



minutes 30 seconds West 78.33 feet, thence (17) South 36 degrees 31 minutes 30 seconds West 156.75 feet, thence (18) South 62 degrees 00 minutes 30 seconds West 59.50 feet, thence (19) South 36 degrees 34 minutes 30 seconds West 142.50 feet, thence (20) South 21 degrees 04 minutes 30 seconds West 76.00 feet, thence (21) South 12 degrees 04 minutes 30 seconds West 176.50 feet, thence (22) South 68 degrees 04 minutes 30 seconds West 53.00 feet, thence (23) South 10 degrees 49 minutes 30 seconds West 158.50 feet, thence (24) South 79 degrees 04 minutes 30 seconds West 27.00 feet, thence (25) South 18 degrees 19 minutes 30 seconds West 28.00 feet, thence (26) South 69 degrees 04 minutes 30 seconds West 54.50 feet, thence (27) South 12 degrees 55 minutes 30 seconds East 41.25 feet, thence (28) South 58 degrees 19 minutes 30 seconds West 66.00 feet, thence (29) South 23 degrees 34 minutes 30 seconds West 81.00 feet, thence (30) South 19 degrees 19 minutes 30 seconds West 195.00 feet, thence (31) South 16 degrees 04 minutes 30 seconds West 435.00 feet, thence (32) South 08 degrees 54 minutes 10 seconds West 78.10 feet, thence (33) South 20 degrees 34 minutes 10 seconds West 107.65 feet, thence (34) South 36 degrees 37 minutes 10 seconds West 141.00 feet, thence (35) South 60 degrees 46 minutes 20 seconds West 62.30 feet, thence (36) South 04 degrees 22 minutes 40 seconds West 72.25 feet, thence (37) South 30 degrees 21 minutes 50 seconds East 159.00 feet, thence (38) South 00 degrees 26 minutes 30 seconds East 193.19 feet, thence (39) North 49 degrees 59 minutes 30 seconds West 995.45 feet, thence (40) South 72 degrees 33 minutes 53 seconds West 995.45 feet, thence (41) North 40 degrees 20 minutes 30 seconds West 794.86 feet, thence (42) South 47 degrees 28 minutes 30 seconds West 203.66 feet, thence (43) North 57 degrees 32 minutes 00 seconds West 234.11 feet, thence (44) North 57 degrees 54 minutes 30

seconds West 379.63 feet, thence (45) South 75 degrees 40 minutes 30 seconds West 238.35 feet, and thence (46) North 58 degrees 29 minutes 30 seconds West 164.80 feet to the point of beginning; containing 119.92 acres of land, more or less.

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

April 26, 2006

Project No. 05162 (L05162)



*Michael D. Martin* 4/26/06



## 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: # 06-620-SPHX

13713 Pleasantville Road

Southeast side of Pleasantville Road, 1,886 feet north-east of centerline of Baldwin Mill Road

11th Election District — 3rd Councilmanic District

Legal Owner(s): Michael & Nancy DiPaula

Contract Purchaser: New Cingular Wireless, PCS, LLC

**Special Exception:** to permit a wireless telecommunications facility to be located at 13713 Pleasantville Road. New Cingular Wireless PCS, LLC, has leased space from the property owners for this purpose. The proposed project consists of a 130 feet AGL stealth Monopine style monopole and an unmanned 11.5' X 20' ground based equipment shelter within a 50' X 50' fenced compound. Cingular antennas will be located at the top of the antenna structure. Construction will be consistent with the accompanying plans. **Special Hearing:** for the continued use of the subject property for agricultural, residential and equestrian purposes. For installation of an unmanned telecommunications facility, and is requesting a Special Exception.

Hearing: Tuesday, December 12, 2006 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.

JT 11/25 Nov. 28

117331

## CERTIFICATE OF PUBLICATION

11/30/2006

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 11/28/2006.

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

*S. Wilkinson*

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 1130

DATE 06-06-06 ACCOUNT RC01-006-GLC

AMOUNT \$ 705.00

RECEIVED FROM: NEW CINGULAR WIRELESS

FOR: SPECIAL EXCEPTION SPECIAL HANDLING  
13713 PLEASANTVILLE RD  
BALDWIN TOWNSHIP MD 21013

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

| BUSINESS                   | ACTIVITY  | TIME                    | DATE |
|----------------------------|-----------|-------------------------|------|
| 8/06/2006                  | 8/06/2006 | 10:27:37                | 9    |
| POS M003                   | WALKIN    | 1100 DEP                |      |
| RECEIPT # 300005           | 8/06/2006 | 08:00                   |      |
| Dept                       | 5         | 528 ZONING VERIFICATION |      |
| CR NO.                     | 007130    |                         |      |
| Recpt Tot                  |           | 1705.00                 |      |
| 1705.00                    | CR        | 1.00                    | CA   |
| Baltimore County, Maryland |           |                         |      |

CASHIER'S VALIDATION

# CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 8/2/06

Case Number: 06-620-SPHX

Petitioner/Developer: KARL NELSON ~ MR. & MRS. DIPAULA ~ JACK BARBER

Date of Hearing (Closing): 08/22/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted  
conspicuously on the property located at: 13713 PLEASANTVILLE ROAD

The sign(s) were posted on: 08/02/06

*SEE - ATTACHED PHOTOS*

*Linda O'Keefe*  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley Maryland 21030  
(City, State, Zip Code of Sign Poster)

410-666-5366  
(Telephone Number of Sign Poster)

13713  
Pleasantville Rd

# ZONING NOTICE

CASE # 06-620-SPHX

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

ROOM 407 COUNTY COURTS BLDG.  
PLACE: 401 BOSLEY AVENUE, TOWSON, 21204

DATE AND TIME: TUESDAY, AUGUST 22, 2006  
AT 9:00 A.M.

REQUEST: SPECIAL EXCEPTION TO PERMIT A  
WIRELESS TELECOMMUNICATIONS  
FACILITY TO BE LOCATED AT 13713 PLEASANTVILLE  
ROAD. NEW CINGULAR WIRELESS PCS, LLC, HAS  
LEASED SPACE FROM THE PROPERTY OWNERS  
FOR THIS PURPOSE. THE PROPOSED PROJECT  
CONSISTS OF A 130 FEET AGL STEALTH MONO-  
PINE STYLE MONOPOLE AND AN UNMANNED  
11.5' X 20' GROUND BASED EQUIPMENT SHELTER  
WITHIN A 50' X 50' FENCED COMPOUND.

● 13713 PLEASANTVILLE RD.

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

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

# ZONING NOTICE

CASE # 06-620-SPHX

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

ROOM 407, COUNTY COURTS BUILDING  
PLACE: 401 BOSLEY AVENUE, TOWSON, 21204

DATE AND TIME: TUESDAY, AUGUST 22, 2006  
AT 9:00 A.M.

REQUEST: CINGULAR AS AN EXISTING  
LOCATED AT THE TOP OF THE MONOPOLE  
STRUCTURE. CONSTRUCTION WILL BE  
IN ACCORDANCE WITH THE TOWSON ZONING  
ORDINANCES. THE PROPOSED PROJECT  
CONSISTS OF A 130 FEET AGL STEALTH MONO-  
PINE STYLE MONOPOLE AND AN UNMANNED  
11.5' X 20' GROUND BASED EQUIPMENT SHELTER  
WITHIN A 50' X 50' FENCED COMPOUND.

● 13713 PLEASANTVILLE RD.  
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391  
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW  
HANDICAPPED ACCESSIBLE



# CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 11/24/06

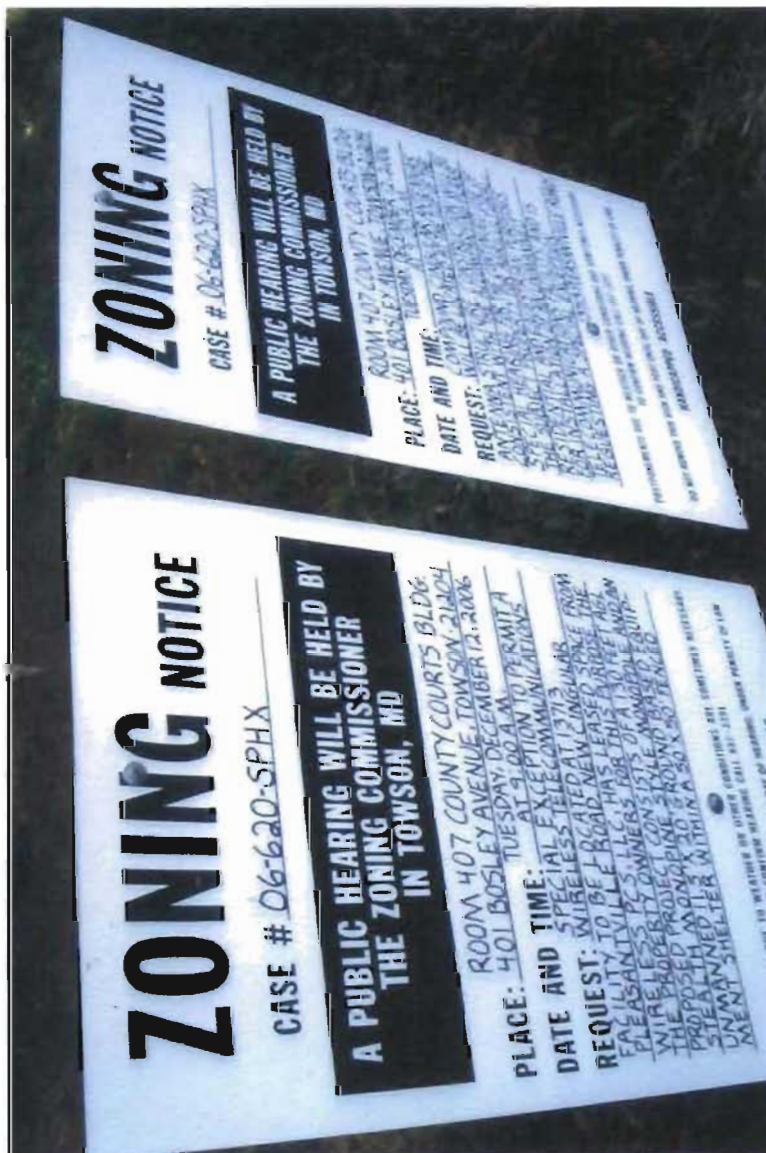
Case Number: 06-620-SPHX

Petitioner/Developer: JACK BARBER ~OF CINGULAR WIRELESS

Date of Hearing (Closing): 12/12/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 13713 PLEASANTVILLE ROAD

The sign(s) were posted on: 10/26/06



*Linda O'Keefe*  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley Maryland 21030  
(City, State, Zip Code of Sign Poster)

410-666-5366  
(Telephone Number of Sign Poster)



**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/neighbor 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: OG-G20-SPHX  
Petitioner: NEW CINGULAR WIRELESS, PCS LLC  
Address or Location: 13713 PLEASANTVILLE ROAD, BALDWIN, MD 21013

PLEASE FORWARD ADVERTISING BILL TO:

Name: JACK E. BARBER / VELOCITEL, INC.  
Address: 7150 STANDARDS DRIVE  
HANDOVER, MD 21076  
\_\_\_\_\_  
Telephone Number: (443) 226-1529

Revised 2/20/98 - SCJ

OG-G20-SPHX



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*

June 15, 2006

**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: 06-620-SPHX**

13713 Pleasantville Road

Southeast side of Pleasantville Road, 1,886 feet northeast of centerline of Baldwin Mill Road

11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Michael & Nancy DiPaula

Contract Purchaser: New Cingular Wireless, PCS, LLC

Special Exception to permit a wireless telecommunications facility to be located at 13713 Pleasantville Road. New Cingular Wireless PCS, LLC, has leased space from the property owners for this purpose. The proposed project consists of a 130 feet AGL stealth Monopine style monopole and an unmanned 11.5' X 20' ground based equipment shelter within a 50' X 50' fenced compound. Cingular antennas will be located at the top of the antenna structure. Construction will be consistent with the accompanying plans. Special Hearing for the continued use of the subject property for agricultural, residential and equestrian purposes. For installation of an unmanned telecommunications facility, and is requesting a Special Exception.

Hearing: Wednesday, August 9, 2006 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, 500 E. Pratt Street, Baltimore 21202  
Mr. & Mrs. DiPaula, 13713 Pleasantville 21013  
Jack Barber, 7150 Standard Drive, Hanover 21076

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 25, 2006.**
- (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.



TO: PATUXENT PUBLISHING COMPANY  
Tuesday, July 25, 2006 Issue - Jeffersonian

Please forward billing to:

Jack Barber  
Velocitel  
7150 Standard Drive  
Hanover, MD 21076

443-226-1529

---

## 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: 06-620-SPHX**

13713 Pleasantville Road

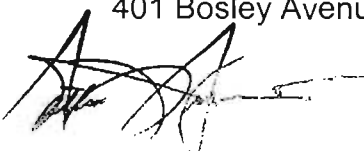
Southeast side of Pleasantville Road, 1,886 feet northeast of centerline of Baldwin Mill Road  
11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Michael & Nancy DiPaula

Contract Purchaser: New Cingular Wireless, PCS, LLC

Special Exception to permit a wireless telecommunications facility to be located at 13713 Pleasantville Road. New Cingular Wireless PCS, LLC, has leased space from the property owners for this purpose. The proposed project consists of a 130 feet AGL stealth Monopine style monopole and an unmanned 11.5' X 20' ground based equipment shelter within a 50' X 50' fenced compound. Cingular antennas will be located at the top of the antenna structure. Construction will be consistent with the accompanying plans. Special Hearing for the continued use of the subject property for agricultural, residential and equestrian purposes. For installation of an unmanned telecommunications facility, and is requesting a Special Exception.

Hearing: Wednesday, August 9, 2006 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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*

July 10, 2006

**NEW 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: 06-620-SPHX**

13713 Pleasantville Road

Southeast side of Pleasantville Road, 1,886 feet northeast of centerline of Baldwin Mill Road  
11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Michael & Nancy DiPaula

Contract Purchaser: New Cingular Wireless, PCS, LLC

Special Exception to permit a wireless telecommunications facility to be located at 13713 Pleasantville Road. New Cingular Wireless PCS, LLC, has leased space from the property owners for this purpose. The proposed project consists of a 130 feet AGL stealth Monopine style monopole and an unmanned 11.5' X 20' ground based equipment shelter within a 50' X 50' fenced compound. Cingular antennas will be located at the top of the antenna structure. Construction will be consistent with the accompanying plans. Special Hearing for the continued use of the subject property for agricultural, residential and equestrian purposes. For installation of an unmanned telecommunications facility, and is requesting a Special Exception.

Hearing: Tuesday, August 22, 2006 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, 500 E. Pratt Street, Baltimore 21202  
Mr. & Mrs. DiPaula, 13713 Pleasantville 21013  
Jack Barber, 7150 Standard Drive, Hanover 21076

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 8, 2006.**
- (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.





TO: PATUXENT PUBLISHING COMPANY  
Tuesday, August 8, 2006 Issue - Jeffersonian

Please forward billing to:

Jack Barber  
Velocitel  
7150 Standard Drive  
Hanover, MD 21076

443-226-1529

---

## CORRECTED 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: 06-620-SPHX**

13713 Pleasantville Road

Southeast side of Pleasantville Road, 1,886 feet northeast of centerline of Baldwin Mill Road

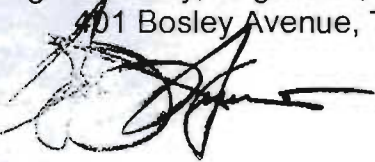
11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Michael & Nancy DiPaula

Contract Purchaser: New Cingular Wireless, PCS, LLC

Special Exception to permit a wireless telecommunications facility to be located at 13713 Pleasantville Road. New Cingular Wireless PCS, LLC, has leased space from the property owners for this purpose. The proposed project consists of a 130 feet AGL stealth Monopine style monopole and an unmanned 11.5' X 20' ground based equipment shelter within a 50' X 50' fenced compound. Cingular antennas will be located at the top of the antenna structure. Construction will be consistent with the accompanying plans. Special Hearing for the continued use of the subject property for agricultural, residential and equestrian purposes. For installation of an unmanned telecommunications facility, and is requesting a Special Exception.

Hearing: Tuesday, August 22, 2006 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY  
Tuesday, December 28, 2006 Issue - Jeffersonian

Please forward billing to:

Jack Barber  
Velocitel  
7150 Standard Drive  
Hanover, MD 21076

443-226-1529

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## 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: 06-620-SPHX**

13713 Pleasantville Road

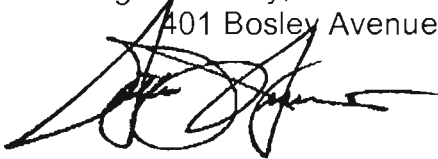
Southeast side of Pleasantville Road, 1,886 feet northeast of centerline of Baldwin Mill Road  
11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Michael & Nancy DiPaula

Contract Purchaser: New Cingular Wireless, PCS, LLC

Special Exception to permit a wireless telecommunications facility to be located at 13713 Pleasantville Road. New Cingular Wireless PCS, LLC, has leased space from the property owners for this purpose. The proposed project consists of a 130 feet AGL stealth Monopine style monopole and an unmanned 11.5' X 20' ground based equipment shelter within a 50' X 50' fenced compound. Cingular antennas will be located at the top of the antenna structure. Construction will be consistent with the accompanying plans. Special Hearing for the continued use of the subject property for agricultural, residential and equestrian purposes. For installation of an unmanned telecommunications facility, and is requesting a Special Exception.

Hearing: Tuesday, December 12, 2006 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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 31, 2006

**NEW 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: 06-620-SPHX**

13713 Pleasantville Road

Southeast side of Pleasantville Road, 1,886 feet northeast of centerline of Baldwin Mill Road  
11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Michael & Nancy DiPaula

Contract Purchaser: New Cingular Wireless, PCS, LLC

Special Exception to permit a wireless telecommunications facility to be located at 13713 Pleasantville Road. New Cingular Wireless PCS, LLC, has leased space from the property owners for this purpose. The proposed project consists of a 130 feet AGL stealth Monopine style monopole and an unmanned 11.5' X 20' ground based equipment shelter within a 50' X 50' fenced compound. Cingular antennas will be located at the top of the antenna structure. Construction will be consistent with the accompanying plans. Special Hearing for the continued use of the subject property for agricultural, residential and equestrian purposes. For installation of an unmanned telecommunications facility, and is requesting a Special Exception.

Hearing: Tuesday, December 12, 2006 at 9:00 a.m. in Room 407, County Courts Building,  
401 E. Joppa Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over the hearing information.

Timothy Kotroco  
Director

TK:klm

C: Karl Nelson, 500 E. Pratt Street, Baltimore 21202  
Mr. & Mrs. DiPaula, 13713 Pleasantville 21013  
Jack Barber, 7150 Standard Drive, Hanover 21076

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 27, 2006.**
- (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.



Requested: 6/21/07

**APPEAL SIGN POSTING REQUEST**

CASE NO. 06-~~620~~-SPHX

13713 PLEASANTVILLE ROAD

11<sup>th</sup> ELECTION DISTRICT

APPEALED: 1/26/2007

**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.: 06-620-SPHX**

**LEGAL OWNER: MICHAEL & NANCY DIPAU**

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

13713 PLEASANTVILLE ROAD

The sign was posted on 7/9/, 2007.

*MAP 21 D2*

By: *[Signature]*

(Signature of Sign Poster)

*Jeff Radcliffe*  
(Print Name)



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**

November 9, 2007

**NOTICE OF ASSIGNMENT**

CASE #: 06-620-SPHX

IN THE MATTER OF: MICHAEL & NANCY DiPAULA –Legal Owners;  
NEW CINGULAR WIRELESS PCS, LLC – C.P.  
13713 Pleasantville Road 11<sup>th</sup> E, 3<sup>rd</sup> C

12/29/06 – Petition for Special Hearing –GRANTED; Petition for Special  
Exception –GRANTED with restrictions by Order of Deputy Zoning  
Commissioner J. Murphy.

**ASSIGNED FOR:**

**THURSDAY, JANUARY 3, 2008 at 10:00 a.m.**

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

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

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

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

**Kathleen C. Blanco**  
**Administrator**

c: Counsels for Appellants /Protestants  
Appellants /Protestants

: J. Carroll Holzer, Esquire  
: Long Green Valley Assn.  
Roger Hayden, President  
Tim Cypull  
Charlotte Pine  
Ed Gibbons

Counsel for Petitioner  
Legal Owner  
Contract Purchaser

: Karl Nelson, Esquire  
: Michael and Nancy DiPaula  
: New Cingular Wireless PCS, LLC  
Jack E. Barber  
Prabhu Maragathavannan

Michael Zellers Nino Milanese  
Darryl Fletcher Jeff Mellott Zenon Maliszewski

Office of People's Counsel  
Pat Keller, Planning Director  
William J. Wiseman III, Zoning Commissioner  
Timothy M. Kotroco, Director /PDM

*PP'd to date to be assigned  
2/19/08  
res of Counsel  
for Appellants*





## 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 21, 2007

### NOTICE OF POSTPONEMENT

CASE #: 06-620-SPHX

IN THE MATTER OF: MICHAEL & NANCY DiPAULA –Legal Owners;  
NEW CINGULAR WIRELESS PCS, LLC – C.P.  
13713 Pleasantville Road 11<sup>th</sup> E; 3<sup>rd</sup> C

12/29/06 – Petition for Special Hearing –GRANTED; Petition for Special  
Exception –GRANTED with restrictions by Order of Deputy Zoning  
Commissioner J. Murphy.

which was assigned to be heard on 1/03/08 has been **POSTPONED** at the request of Counsel for Appellants due to  
clients' schedule conflict; no objection by Counsel for Petitioner.

**A NEW DATE WILL BE ASSIGNED UPON CONFIRMATION WITH COUNSEL AS TO EVERYONE'S  
AVAILABILITY AND APPROPRIATE NOTICE SENT TO ALL PARTIES.**

**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  
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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: | Counsels for Appellants /Protestants | : J. Carroll Holzer, Esquire                |
|    | Appellants /Protestants              | : Long Green Valley Assn.                   |
|    |                                      | Roger Hayden, President                     |
|    |                                      | Tim Cypull                                  |
|    |                                      | Charlotte Pine                              |
|    |                                      | Ed Gibbons                                  |
|    | Counsel for Petitioner               | : Karl Nelson, Esquire                      |
|    | Legal Owner                          | : Michael and Nancy DiPaula                 |
|    | Contract Purchaser                   | : New Cingular Wireless PCS, LLC            |
|    |                                      | Jack E. Barber                              |
|    |                                      | Prabhu Maragathavannan                      |
|    | Michael Zellers                      | Nino Milanese                               |
|    | Darryl Fletcher                      | Jeff Mellott                                |
|    |                                      | Zenon Maliszewski                           |
|    | Office of People's Counsel           | William J. Wiseman III, Zoning Commissioner |
|    | Pat Keller, Planning Director        | Timothy M. Kotroco, Director /PDM           |







County Board of Appeals of Baltimore County

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

*Petitions  
w/d 2/29/08*

**Hearing Room #2, Second Floor**  
**Jefferson Building, 105 W. Chesapeake Avenue**

January 28, 2008

**NOTICE OF ASSIGNMENT**

CASE #: 06-620-SPHX

IN THE MATTER OF: MICHAEL & NANCY DiPAULA –Legal Owners;  
NEW CINGULAR WIRELESS PCS, LLC – C.P.  
13713 Pleasantville Road 11<sup>th</sup> E; 3<sup>rd</sup> C

12/29/06 – Petition for Special Hearing –GRANTED; Petition for Special  
Exception –GRANTED with restrictions by Order of Deputy Zoning  
Commissioner J. Murphy.

**ASSIGNED FOR:**

**TUESDAY, MARCH 11, 2008 at 10:00 a.m.**

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

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

**IMPORTANT:** No postponements will be granted without sufficient reasons; said requests  
must be in writing and in compliance with Rule 2(b) of the Board's Rules. No  
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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: Counsels for Appellants /Protestants  
Appellants /Protestants

: J. Carroll Holzer, Esquire  
: Long Green Valley Assn.  
Roger Hayden, President  
Tim Cypull  
Charlotte Pine  
Ed Gibbons

Counsel for Petitioner  
Legal Owner  
Contract Purchaser

: Karl Nelson, Esquire  
: Michael and Nancy DiPaula  
: New Cingular Wireless PCS, LLC  
Jack E. Barber  
Prabhu Maragathavannan

Michael Zellers Nino Milanese  
Darryl Fletcher Jeff Mellott

Zenon Maliszewski

Office of People's Counsel  
Pat Keller, Planning Director

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



**BALTIMORE COUNTY, MARYLAND**  
**Interoffice Correspondence**

**DATE:** May 1, 2006

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

**FROM:** Tower Review Committee

**SUBJECT:** New Tower – Cingular Wireless – 13713 Pleasantville Road

The Tower Review Committee met on March 28, 2006 and April 24, 2006 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 130-foot disguised monopole to be located on the property of Michael and Nancy DiPaula, 13713 Pleasantville Road, Baldwin, MD 21013.

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

**Findings:** Cingular Wireless has provided all requested information to the Tower Review Committee (TRC) to successfully demonstrate that no other co-location opportunities exist at or near this location that would suffice in providing their requested coverage of the intended area. The TRC agrees with this finding. As such, Cingular Wireless has proposed to install a new 130-foot monopole.

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

**Findings:** Cingular Wireless has stated, in a letter dated February 27, 2006 that the new pole will be constructed so as to support 2 additional wireless service providers in addition to Cingular Wireless.

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

**Findings:** This area is located in a RC 2 Zone. This tower will require a special exception hearing. No medium or high intensity commercial zones exist in this area.

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

**Findings:** Based on the pictures and simulations presented by Cingular Wireless and an on-site visit, we find that the visual impact will be minimal at the height proposed. The monopole will be disguised as a pine tree, surrounded by a wooded area, and visible from

OG-G20-SP4X

a limited radius. A serious attempt has been made to minimize the visual impact to the area.

### **Conclusion**

By a unanimous decision of the Tower Review Committee, it was agreed that the advisory comments provided above be forwarded to the Development Review Committee for further processing. It is the recommendation of the committee, that the 130-foot monopole would meet all the requirements of Section 426, while allowing much needed emergency and non-emergency communications for the citizens of the area. A reduction in the height will only reduce the coverage, eliminate the possibility of other wireless carrier co-location and delay new technology wanted and needed throughout this area of the County.

### **Additional Information**

None

### **Tower Review Committee**

Richard A. Bohn, Tower Coordinator  
Curtis Murray, Office of Planning  
Harry Wujek, Community Member TRC  
Richard Sterba, OIT Representative

CC: Jeffrey Barmach, Baltimore County Office of Law  
Jack Barber, Site Acquisition Manager, Velocitel, Inc.  
Robert Stradling, Director, Baltimore County Office of Information Technology

06-G20-SPaX

BW  
8/22  
9am  
proposed

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

**DATE:** July 7, 2006

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

**SUBJECT:** 13713 Pleasantville Road

**INFORMATION:**

**Item Number:** 6-620

**Petitioner:** Michael DiPaula

**Zoning:** RC 2

**Requested Action:** Special Exception

RECEIVED

JUL 11 2006

ZONING COMMISSIONER

**SUMMARY OF RECOMMENDATIONS:**

The stealth telecommunications monopole proposed for 13713 Pleasantville Road, is located on a master plan designated scenic route. This is an issue that would normally raise significant concerns. The subject five-acre special exception area for this petition, however, is located 1050 feet from Pleasantville Road and within a forest cluster of mature trees. This proposed site selection combined with the topographic features of the property will allow the monopole to be unseen from Pleasantville Road. The Office of Planning does not believe the proposed monopole will compromise the scenic qualities of Pleasantville Road or the rural character of the community, thus raising no opposition to the approval of the special exception.

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

**Prepared by:**

*Candis Murray*

**Division Chief:**

AFK/LL: CM

*John Maher*

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



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

Maryland Department of Transportation

Date: 6.13.06

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

RE: Baltimore County  
Item No. 620 JRA

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





**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

June 13, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: June 12, 2006

Item No.: 609, 610, 612, 613, 614, 615, 616, 617, 618, and 620.

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

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

Acting Lieutenant Don W. Muddiman  
Fire Marshal's Office  
410-887-4880  
MS-1102F

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



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

June 13, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: June 12, 2006

Item No.: 609, 610, 612, 613, 614, 615, 616, 617, 618, and 620.

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

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

Acting Lieutenant Don W. Muddiman  
Fire Marshal's Office  
410-887-4880  
MS-1102F

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
AND SPECIAL EXCEPTiON \*  
13713 Pleasantville Road; SE/S Pleasantville\* ZONING COMMISSIONER  
Road, 1,886' NE c/line Baldwin Mill Road  
11<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts \* FOR  
Legal Owner(s): Michael & Nancy DiPaula  
Contract Purchaser(s): New Cingular Wireless\* BALTIMORE COUNTY  
Petitioner(s) \*  
\* 06-620-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.

RECEIVED

JUN 14 2006

Per *SPD*

*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 14th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to Jack Barber, 7150 Standard Drive, Hanover, MD 21076 and to Karl Nelson, Esquire, Saul & Ewing, 500 East Pratt Street, Baltimore, MD 21202, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

# ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 06-620-SPHX

Date Completed/Initials

06/06/06

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder, complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)





**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*  
Karl Nelson, Esq.  
Saul Ewing  
500 East Pratt Street  
Baltimore, MD 21202

March 6, 2007  
TIMOTHY KOTROCO, *Director*  
*Department of Permits and  
Development Management*

Dear Mr. Nelson:

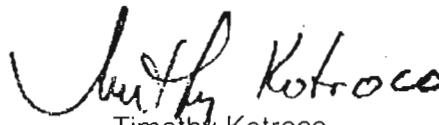
RE: Case: 06-620-SPHX, 13713 Pleasantville Road

Please be advised that an appeal of the above-referenced case was filed in this office on January 26, 2007 by J. Carroll Holzer, on behalf of the Long Green Valley Association and participants. 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

TK:klm

c: William J. Wiseman III, Zoning Commissioner  
Timothy Kotroco, Director of PDM  
People's Counsel  
Michael & Nancy DiPaula  
Jack Barber  
Prabhu Maragathavannan, Cingular Wireless  
Michael Zellers  
Nino Milanese  
Darryl Fletcher  
Jeff Mellott  
Zenon Maliszewski  
J. Carroll Holzer  
Ed Gibbons  
Tim Cypull  
Charlotte Pine  
J. Carroll Holzer

Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

[www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)



## APPEAL

Petition for Special Hearing & Special Exception  
13713 Pleasantville Road  
SE side of Pleasantville, 1886 ft. NE of Baldwin Mill Road  
11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owners: Michael & Nancy Dipaula  
Contract Purchaser: New Cingular Wireless PCS LLC

Case No.: 06-620-SPHX

Petition for Special Hearing & Special Exception (June 6, 2006) –  
Revised Special Hearing (12-29-06)

Zoning Description of Property

Notice of Zoning Hearing (10-31-06)

Certification of Publication (The Jeffersonian – November 28, 2006)

Certificate of Posting (October 26, 2006) by Linda O'Keefe

Entry of Appearance by People's Counsel (June 14, 2006)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

### Petitioners' Exhibit

1. Existing Cingular GSM Coverage
2. Proposed Coverage Knoebel Site
3. Existing Coverage with proposed ATC Tower at Grandview Church @178'
4. Aerial Map
- 5A. Plan to accompany Zoning Petition for Special Exception
- 5B. Plan to accompany Zoning Petition for Special Exception
6. Fox Folly Farm
6. Photographs (A thru F)
7. Petition in Support of Stealth Cell Tower

### Protestants' Exhibits:

1. RF Justification for Knoebel Site

Miscellaneous (Not Marked as Exhibit)  
None

Deputy Zoning Commissioner's Order (GRANTED w/restrictions – December 29, 2006)

Notice of Appeal received on January 26, 2007 from J. Carroll Holzer on behalf of the Long Green Valley Association

c: People's Counsel of Baltimore County, MS #2010  
Zoning Commissioner/Deputy Zoning Commissioner  
Timothy Kotroco, Director of PDM

*date sent March 7, 2007, klm*

CASE #: 06-620-SPHX

IN THE MATTER OF: MICHAEL & NANCY DiPAULA –Legal Owners;  
NEW CINGULAR WIRELESS PCS, LLC – C.P.  
13713 Pleasantville Road 11<sup>th</sup> E; 3<sup>rd</sup> C

SPH – To permit continued use of property for agricultural, residential and equestrian purposes;

SE – To permit a wireless telecommunications facility to be located on the subject property.

12/29/06 – Petition for Special Hearing –GRANTED; Petition for Special Exception –GRANTED with restrictions by Order of Deputy Zoning Commissioner J. Murphy.

---

11/09/07 – Notice of Assignment sent to following parties; case assigned for hearing on Thursday, January 3, 2008 at 10:00 a.m.:

J. Carroll Holzer, Esquire

Long Green Valley Assn.

Roger Hayden, President

Tim Cypull

Charlotte Pine

Ed Gibbons

Karl Nelson, Esquire

Michael and Nancy DiPaula

New Cingular Wireless PCS, LLC

Jack E. Barber

Prabhu Maragathavannan

Michael Zellers

Nino Milanese

Darryl Fletcher

Jeff Mellott

Zenon Maliszewski

Office of People's Counsel

Pat Keller, Planning Director

William J. Wiseman III, Zoning Commissioner

Timothy M. Kotroco, Director /PDM

---

11/26/07 – Copy of notices resent to the following at post office box numbers as opposed to the addresses shown in the file. The copies sent on November 9, 2007 were returned to this office with the post office box addresses for:

Mr. and Mrs. Michael DiPaula, PO Box 10028, Baldwin, MD 21013-1028; Tim Cypull, PO Box 34, Baldwin 21013-0034; and Edward Gibbons, PO Box 9686, Baldwin 21013-0686.

---

SPH – To permit continued use of property for agricultural, residential and equestrian purposes;

SE – To permit a wireless telecommunications facility to be located on the subject property.

12/29/06 – Petition for Special Hearing –GRANTED; Petition for Special Exception –GRANTED with restrictions by Order of Deputy Zoning Commissioner J. Murphy.

---

11/09/07 – Notice of Assignment sent to following parties; case assigned for hearing on Thursday, January 3, 2008 at 10:00 a.m.:

J. Carroll Holzer, Esquire  
Long Green Valley Assn.  
Roger Hayden, President

Tim Cypull  
Charlotte Pine  
Ed Gibbons  
Karl Nelson, Esquire  
Michael and Nancy DiPaula  
New Cingular Wireless PCS, LLC

Jack E. Barber  
Prabhu Maragathavannan  
Michael Zellers  
Darryl Fletcher  
Office of People's Counsel  
Pat Keller, Planning Director  
William J. Wiseman III, Zoning Commissioner  
Timothy M. Kotroco, Director /PDM

Nino Milanese  
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Mr. and Mrs. Michael DiPaula, PO Box 10028, Baldwin, MD 21013-1028; Tim Cypull, PO Box 34, Baldwin 21013-0034; and Edward Gibbons, PO Box 9686, Baldwin 21013-0686.

---

12/13/07 – FAX from J. Carroll Holzer, Counsel for Appellants, requesting postponement of 1/03/08 hearing; two of his clients will be unavailable that date.

---

12/20/07 – T/C w/Mr. Nelson; no objection to this request; advised both counsel that this matter would be assigned to 2/19/08 upon confirmation of availability. Notice to be sent.

---

12/21/07 – Notice of PP and Reassignment was FAXED to counsel only this date. However, by letter received via FAX this afternoon, Mr. Nelson advised that one of his key witnesses was unavailable on 2/19/08. Therefore a new date will be assigned and notice sent.  
-- A letter was sent to counsel this date, advising that the notice FAXED to them this afternoon is to be disregarded; that a new date will be reassigned upon confirmation and notice sent.  
-- Notice of Postponement of 1/03/08 date was sent to all parties this date. A new date will be assigned upon confirmation with counsel.

---

1/28/08 – Having confirmed the date with counsel, this matter has been assigned for hearing on Tuesday, March 11, 2008 at 10:00 a.m. Notice of Assignment sent this date to all parties.

---

CASE #: 06-620-SPHX

IN THE MATTER OF: MICHAEL & NANCY DiPAULA –Legal Owners;  
NEW CINGULAR WIRELESS PCS, LLC – C.P.  
13713 Pleasantville Road 11<sup>th</sup> E; 3<sup>rd</sup> C

Page 2

---

2/29/08 – FAX from Karl J. Nelson, Esquire, counsel for Petitioners, Mr. and Mrs. DiPaula –  
withdrawing Petitions filed in this matter. Order of Dismissal to be issued.

-----  
3/04/08 – Original letter of withdrawal of petitions filed this date; case pulled from 3/11/08 hearing date;  
Order of Dismissal of Petitions prepared for signature.  
-----



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

December 5, 2006

Jason T. Vettori, Esquire  
Gildea & Schmidt, LLC  
300 East Lombard Street, Suite 1440  
Baltimore, Maryland 21202

J. Carroll Holzer, Esquire  
J. Carroll Holzer, P.A.  
508 Fairmount Avenue  
Towson, Maryland 21286

Karl Nelson, Esquire  
Saul Ewing  
500 East Pratt Street  
Baltimore, Maryland 21202

**RE: Case No. 06-620-SPHX - PETITION FOR SPECIAL EXCEPTION**  
Michael & Nancy DiPaula / New Cingular Wireless, PCS, LLC

**Case No. 07-102-A - PETITION FOR VARIANCE**  
James S. Owings and Nicole S. Owings

Dear Counsel of Record:

This will serve to confirm telephone conversations regarding Mr. Holzer's request for me to decide which case to postpone in view of the scheduling conflict. The decision is easy. Case 06-620-SPHX had previously been postponed on two occasions and reset by agreement of counsel for the December 12, 2006 date. It is most unfortunate that Case 07-102-A, which was also continued at the request of Mr. Holzer, was reset on the same date and scheduled to last all day. It is a policy of this Office, however, to give precedent to the older case which was filed four months prior to the Owings petition.

By this letter, I am requiring counsel in Case 07-102-A to report to Room 106 in the County Office Building on December 12, 2006, at 9:00 a.m. with their calendars in hand. Provided that the posting and notice requirements have been satisfied, the case will be

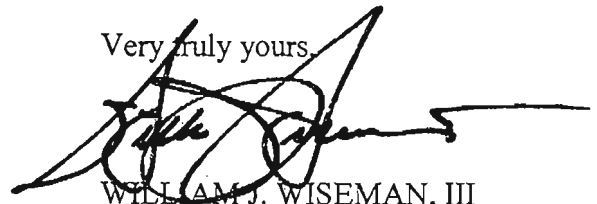


Counsel of Record  
December 5, 2006

rescheduled for a prompt hearing at the earliest opportunity and by copy of this letter, I am asking Ms. Kristen Matthews to be present so that a convenient date can be selected and all interested persons notified. Immediately after this case is opened and continued, Mr. Holzer is free to appear in Room 407 in the County Courts Building to represent his client, the Long Green Valley Association, in the telecommunications facility case.

I trust this decision will be accepted by the parties most affected as an attempt by this Office to try and reach an amicable resolution of the conflict.

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Wiseman, III', written over a horizontal line.

WILLIAM J. WISEMAN, III  
Zoning Commissioner for  
for Baltimore County

c: Timothy Kotroco, Director, PDM  
✓ John V. Murphy, Deputy Zoning Commissioner  
Kristen Matthews, PDM



## 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 21, 2007

**VIA FACSIMILE 410-332-8862 and USPS**

Karl Nelson, Esquire  
SAUL EWING  
500 E. Pratt Street  
Baltimore, MD 21202

RE: *In the Matter of: Michael & Nancy DiPaula;  
New Cingular Wireless PCS, LLC /Case No. 06-620-SPHX*

Dear Mr. Nelson:

This letter will confirm our telephone conversation this afternoon regarding postponement and reassignment of the subject matter, and your letter of December 21, 2007, indicating that one of your witnesses is unavailable on the proposed February reassignment date.

Prior to final confirmation of everyone's availability in February, a notice of reassignment was **FAXED ONLY TO YOU AND MR. HOLZER** this afternoon. **PLEASE DISREGARD THAT NOTICE.** A new date will be decided upon and notice sent once I have confirmed everyone's availability.

Enclosed is a Notice of Postponement, indicating that the matter has been pulled and will be reassigned a new date upon confirmation as to availability. A copy of the enclosed Notice is being sent to all parties listed.

**In summary, this letter will confirm that the January 3<sup>rd</sup> hearing has been pulled from the Board's schedule; that a new date will be assigned upon confirmation with counsel; and that appropriate notice will then be sent to all interested persons.**

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Kathleen C. Bianco", is written over a horizontal line.

Kathleen C. Bianco  
**Administrator**

c: J. Carroll Holzer, Esquire **VIA FACSIMILE 410-825-4923 and USPS**  
Office of People's Counsel



# COUNTY BOARD OF APPEALS

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

---

## FACSIMILE TRANSMITTAL SHEET

---

TO AND FAX NUMBER:

KARL NELSON, ESQUIRE

FAX : 410-332-8862

J CARROLL HOLZER, ESQUIRE

FAX : 410-825-4923

FROM:

KATHLEEN BIANCO

FAX: 410-887-3182

TELEPHONE: 410-887-3180

---

DATE:

DECEMBER 21, 2007

---

TOTAL NO. OF PAGES INCLUDING  
COVER:

~~TWO (2)~~

3

Re: POSTPONEMENT NOTICE – Michael  
and Nancy DiPaula; 06-620-SPHX

---

URGENT

FOR REVIEW

FOR YOUR RECORDS

PLEASE REPLY

PLEASE RECYCLE

---

## PERSONAL AND CONFIDENTIAL

---

PLEASE DISREGARD THE NOTICE FAXED TO YOU EARLIER TODAY.

SEE ATTACHED LETTER AND NOTICE OF POSTPONEMENT.

I WILL CONTACT YOU ON 12/27 OR 12/28 REGARDING REASSIGNMENT OF  
THIS MATTER.

PLEASE CALL ME IF YOU HAVE ANY QUESTIONS.

kathi

## FACSIMILE COVER SHEET

**SAUL  
EWING**Attorneys at Law  
A Delaware LLP500 East Pratt Street  
Baltimore, MD 21202-3133**From:** Karl J. Nelson  
**Pages (including cover):** 2  
**Client/Matter #:** 946945.138  
**User #:** 4461**Date:** December 21, 2007  
**Direct Phone:** (410) 332-8663  
**Direct Fax:** (410) 332-8184  
**Sender's Floor:****To: Name**  
Kathleen C. Bianco, Administrator**Fax Number**  
410-887-3182**Phone Number**  
410-887-3180**CC: Name****Fax Number****Phone Number****Comments:** Re: Case No. 06-620-SPHX

Note the attached

- ☐ The Original will be sent by regular mail.  
☐ The Original will be sent by overnight delivery.  
☐ No Original will be sent.

**IMPORTANT NOTICE**

This transmission is intended only for the addressees named above and may contain information that is privileged, confidential, or otherwise protected from disclosure to anyone else. Any review, dissemination or use of this transmission or its contents by persons other than the addressees is strictly prohibited. If you have received this facsimile in error, please telephone us immediately at (410) 332-8640 and return the original to us by mail at the address stated above.

951248 1 12/21/07

**SAUL  
EWING**Attorneys at Law  
A Delaware LLP

Karl J. Nelson

Phone: (410) 332-8663

Fax: (410) 332-8184

knelson@saule.com

www.saul.com

December 21, 2007

**VIA FACSIMILE**

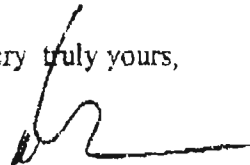
Kathleen C. Bianco, Administrator  
County Board of Appeals of Baltimore County  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

Re: In The Matter Of: Michael & Nancy DiPaula;  
New Cingular Wireless PCS, LLC  
13713 Pleasantville Road  
Case No.: 06-620-SPHX

Dear Kathy:

I received today the Notice of Reassignment for the above-referenced matter to February 19, 2008. I apologize for the communication confusion, but I was in the process of checking with my witnesses when I received the hearing notice. Unfortunately, a significant witness is unavailable for that date. I apologize for not bringing this information to your attention sooner, but I just learned it myself. Accordingly, I respectfully request that the case be reassigned. I apologize for any confusion this has created.

Very truly yours,



Karl J. Nelson

KJN/slm

cc: J. Carroll Holzer, Esquire  
Mark Faris

500 East Pratt Street • Baltimore, MD 21202-3133 • Phone: (410) 332-8600 • Fax: (410) 332-8862

BALTIMORE CHESTERBROOK HARRISBURG NEWARK PHILADELPHIA PRINCETON WASHINGTON WILMINGTON

A DELAWARE LIMITED LIABILITY PARTNERSHIP

93246 1/10/07

\*\* TOTAL PAGE.02 \*\*



February 29, 2008

VIA FACSIMILE & U.S. MAIL

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

RE: Withdrawal of Case No. 06-620-SPHX  
*In the Matter of: Michael & Nancy DiPaula;*  
*New Cingular Wireless PCS, LLC*  
13713 Pleasantville Road

Dear Kathleen:

I received notice that my client will no longer pursue Case No. 06-620-SPHX, which is currently scheduled to be heard by the Board on March 11, 2008. Accordingly, please withdraw that case from the hearing docket and dismiss it.

I apologize for any inconvenience this development may have caused. Please do not hesitate to contact me should you require any additional information.

Very truly yours,

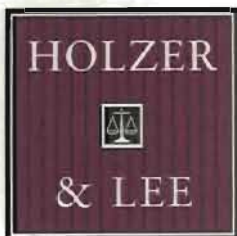


Karl J. Nelson

KJN/lh

cc: J. Carroll Holzer, Esquire  
Mark Faris





LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

November 8, 2006

#7606

**HAND DELIVERED**

Mr. Timothy Kotroco, Director  
Permits & Development Management  
111 Chesapeake Avenue  
Towson, Maryland 21204

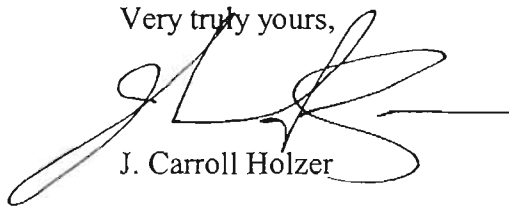
RE: Case No. 06-620-SPHX  
13713 Pleasantville Rd.; Legal Owners: Michael & Nancy DiPaula  
Contract Purchaser: New Cingular Wireless, PCS, LLC

Dear Mr. Kotroco:

Case No. 06-620-SPHX has been scheduled for Tuesday, December 12, 2006 in Room 407, County Courts Building before the Zoning Commissioner. However, on that same day, I have a hearing in the matter of 14950 Dover Road, Case No. 07-102 A in Room 106 of the County Office Building. (see attached Notice of Assignment).

On behalf of my clients, I respectfully request a postponement of Case No. 06-620-SPHX set for December 12, 2006 until a mutually convenient time for the Zoning Commissioner and the parties. If you need to call me, I can be reached at 410-825-6961. I appreciate your understanding and cooperation.

Very truly yours,



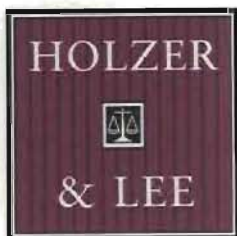
J. Carroll Holzer

JCH:mlg

Enclosure

cc: LGVA, Inc.  
William Wiseman, Esq.

*Kristen:  
Request Denied.  
Case was already postponed  
once before. This date was set  
and agreed to by Mr. Holzer.  
These 2 cases are back to back  
and he can just handle  
one after the other.  
(File notes room 407)  
Notices state 106 + 407*



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

August 14, 2006

#7606

*Kristen:  
OK to postpone  
K*

**HAND DELIVERED**

Mr. Timothy Kotroco, Director  
Permits & Development Management  
111 Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No. 06-620-SPHX  
13713 Pleasantville Rd.; Legal Owners: Michael & Nancy DiPaula  
Contract Purchaser: New Cingular Wireless, PCS, LLC

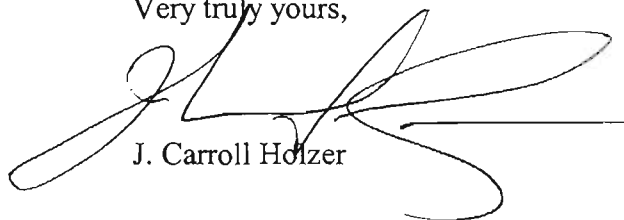
Dear Mr. Kotroco:

Please enter my appearance on behalf of the Long Green Valley Association, Inc. and President Roger Hayden, 13325 Fork Road, Baldwin, MD 21013 in the above captioned matter.

It is my understanding that Case No. 06-620-SPHX has been scheduled for Tuesday, August 22, 2006 before the Zoning Commissioner. However, on that same day, I have a hearing before the County Board of Appeals in the matter of Longfield Estates II, Case No. CBA-05-115 (see attached Notice of Assignment).

On behalf of my clients, I respectfully request a postponement of the ZC Hearing set for August 22, 2006 until a mutually convenient time for the Zoning Commissioner and the parties. If you need to call me, I can be reached at 410-825-6961. I appreciate your understanding and cooperation.

Very truly yours,



J. Carroll Holzer

JCH:mlg

Enclosure

cc: LGVA, Inc.  
William Wiseman, Esq.



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1985

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

~~XXXXXXXXXXXXXXXXXXXX~~

jcholzer@cavtel.net

December 13, 2007  
#7606

**VIA FAX 410-887-3182**

Kathleen Bianco, Administrator  
Old Courthouse, Room 49  
400 Washington Ave.  
Towson, Maryland 21204

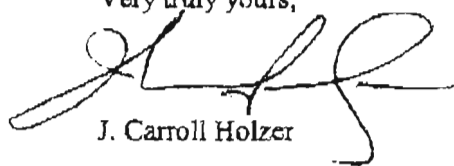
*RE: In the Matter of: Michael & Nancy DiPaula  
Case No.: 06-620-SPHX; Hearing January 3, 2007*

Dear Ms. Bianco:

My clients and I have received a Notice of Hearing in the above captioned matter for Thursday, January 3, 2008 at 10:00 a.m. Just before my recent illness, I received the attached letters from two of my clients indicating that they will not be available for the hearing on January 3, 2008. Therefore, I respectfully request that the hearing be postponed until a mutually convenient date.

I appreciate your assistance.

Very truly yours,



J. Carroll Holzer

JCH:mlg  
Enclosure

cc: Mr. Timothy Cypull  
Karl Nelson, Esq.  
Charlotte Pinc, Esq.  
Roger Hayden  
People's Counsel

**Roger B. Hayden**  
**13325 Fork Road**  
**Baldwin, MD 21013**

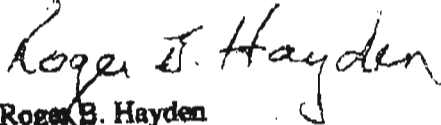
November 29, 2007

Carroll Holzer, Esquire  
508 Fairmont Avenue  
Towson, MD 21204

Dear Mr. Holzer:

Regarding the meeting on January 3, 2008; I have a previously scheduled business commitment which cannot be cancelled. I would prefer this hearing be postponed until I can be present to represent the Long Green Valley Association.

Respectfully yours,



Roger B. Hayden  
President  
Long Green Valley Association



JAMES A. PINE  
ATTORNEY AT LAW  
807 BALTIMORE AVENUE  
TOWSON, MARYLAND 21204-4035  
PHONE (410) 823-8200  
FAX (410) 823-0301

CHARLOTTE W. PINE  
ASSOCIATE

November 28, 2007

Re: Case 06-620-SPHX

Dear Mr. Holzer

I have received notice of hearing  
on January 3, 2008 in reference to  
proposed cell tower at 13713 Pleasantville  
Road Baldwin Md. 21013.

Unfortunately I will not be able  
to attend as I am scheduled to be out  
of State on business.

Please request a postponement.

Very truly yours

Charlotte Pine

C

DATE 12-12-06

## PETITIONER'S SIGN-IN SHEET

Cengizler \*

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 66-620-SPHX

DATE 12-12-06

## CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

ED GIBBONS

13815 PLEASANTVILLE RD.

BALDWIN, Md. 21013

TIM CYNELL

13801 PLEASANTVILLE RD.

BALDWIN, Md. 21013

TSCEARNI@VERIZON.COM

Charlotte Pine

13310 Fork Road

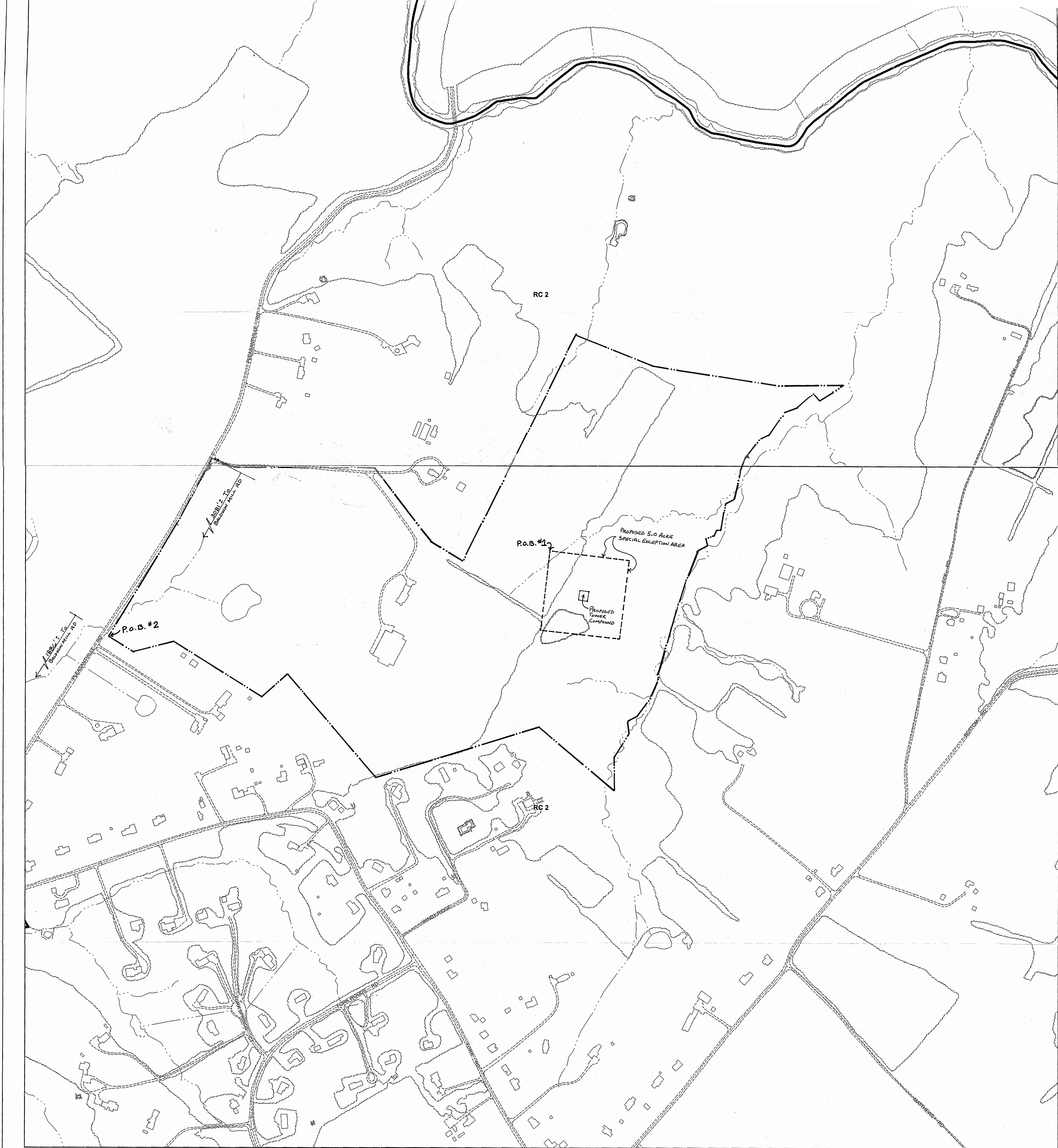
Baldwin Md 21013

J. Candu Halpern

508 Fairmont

Towson Md 21286





Plan Sheet: 045B2

Note:  
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

#### Legend

- Zoning
- Streams
- Vegetation
- Buildings
- Roads
- Rail Lines

### Baltimore County Office of Planning and Zoning Official Zoning Map

|       |       |       |       |       |
|-------|-------|-------|-------|-------|
| 044C1 | 045A1 | 045B1 | 045C1 |       |
| 044C2 | 045A2 | 045B2 | 045C2 |       |
| 044C3 | 045A3 | 045B3 | 045C3 | 046A3 |

Scale

1" = 200'

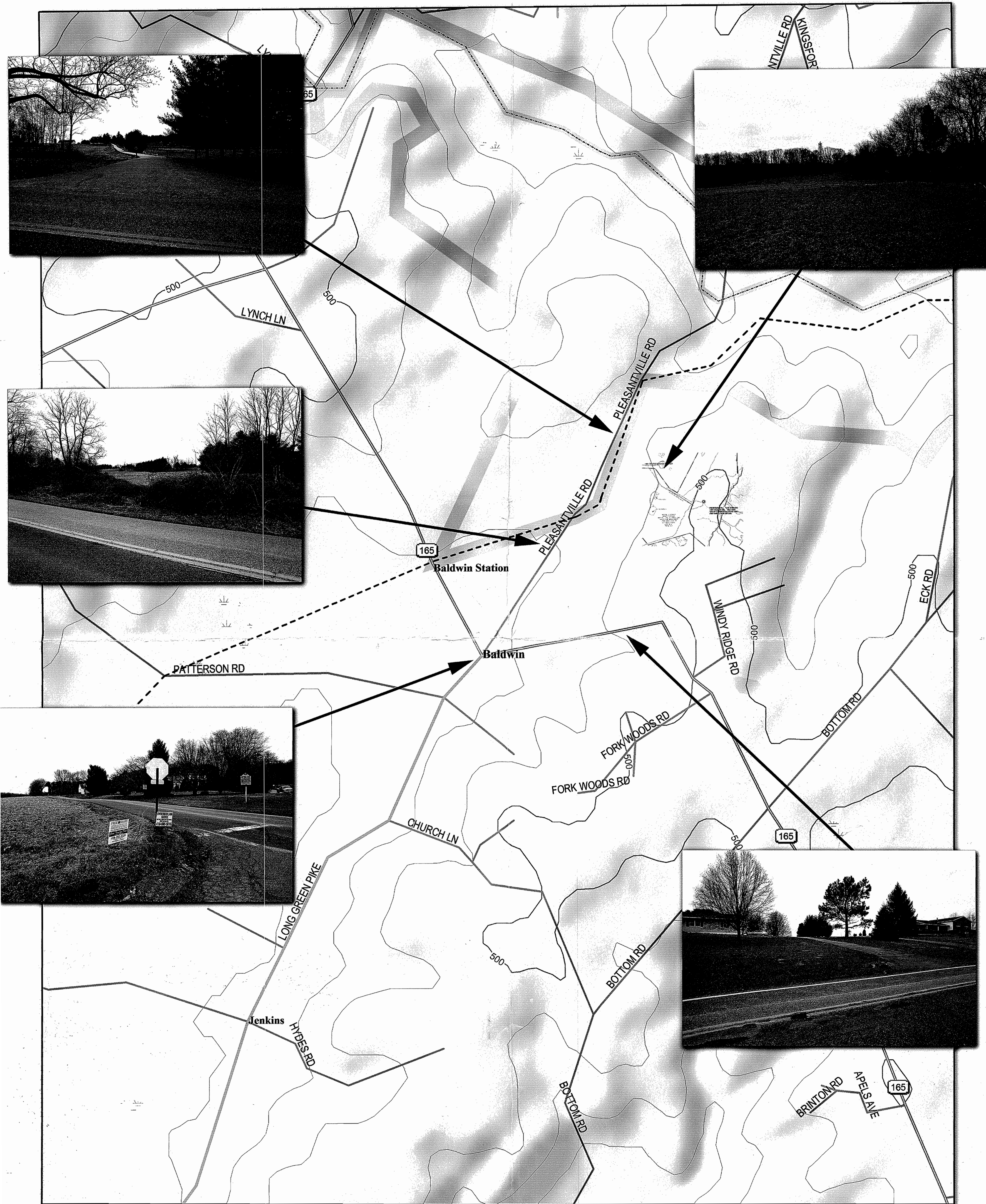
0 100 200 400  
Feet

1

Data Sources:  
Planometric Data - Baltimore County  
GIS Services Unit  
1:2400, from 1995/96 photography  
Zoning - Baltimore County Office of Planning  
1:2400, 2004

06 G200





# Fox Folly Farm, Pleasantville Road, Baldwin MD





MARYLAND COORDINATE SYSTEM (NAD83)



**SITE DATA**

Site Name: **KNOEBEL**  
Construction Number: **1740**  
Street Address: **13713 PLEASANTVILLE RD**  
City, State, Zip: **BALDWIN, MD 21013**  
County: **BALTIMORE**  
Property Owner: **MICHAEL & NANCY DIPAULA**  
Current Zoning: **RC 2**  
Deed Liber / Folio: **6206 / 71**  
Map: **45**  
Grid: **9**  
Parcel: **51**  
Lot Number: **1**  
Latitude: **39° 29' 58.37" (NAD 83)**  
Longitude: **76° 27' 23.98" (NAD 83)**  
Ground Elevation: **475'± AMSL**

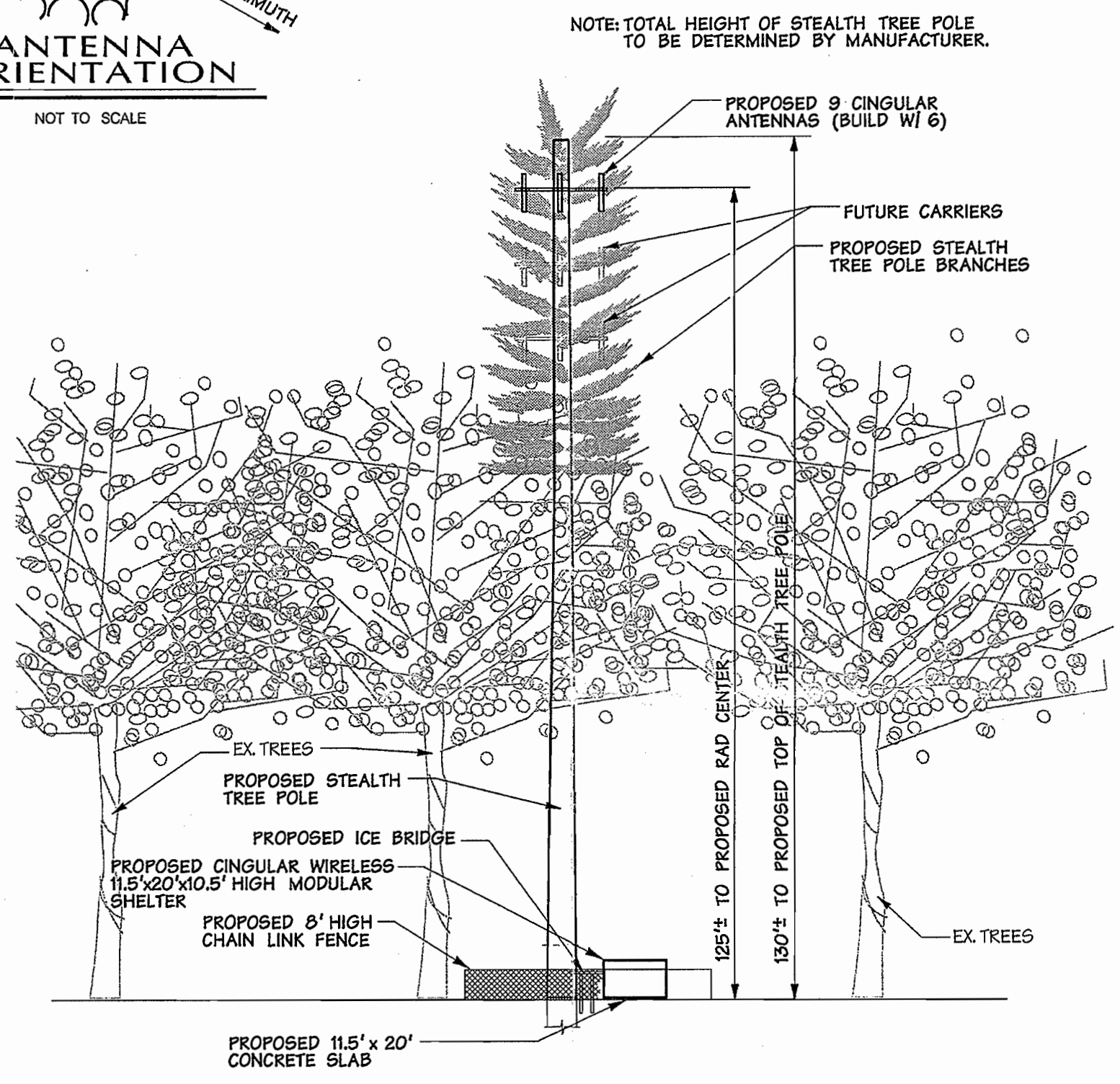
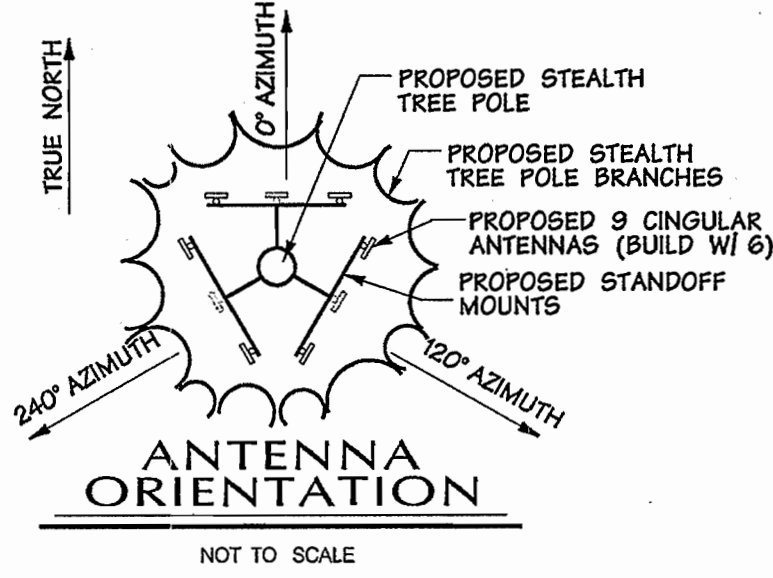
**KNOEBEL**  
**SITE # 1740**  
BALTIMORE COUNTY, MARYLAND  
13713 PLEASANTVILLE RD  
Plan to Accompany Zoning Petition  
for Special Exception  
ELECTION DISTRICT: 11 COUNCILMANIC DISTRICT: 3

| REVISIONS |                       |        |
|-----------|-----------------------|--------|
| No.       | Description           | Date   |
| 1         | ISSUED FOR SUBMISSION | 5-3-06 |
|           |                       |        |
|           |                       |        |
|           |                       |        |

Scale: **AS SHOWN**  
Date: **3-21-06**  
Project Number: **05162**  
Sheet **Z2**

BASE: MS6  
DRAWN: MSR  
DESIGNED: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
DATE CHECKED: \_\_\_\_\_

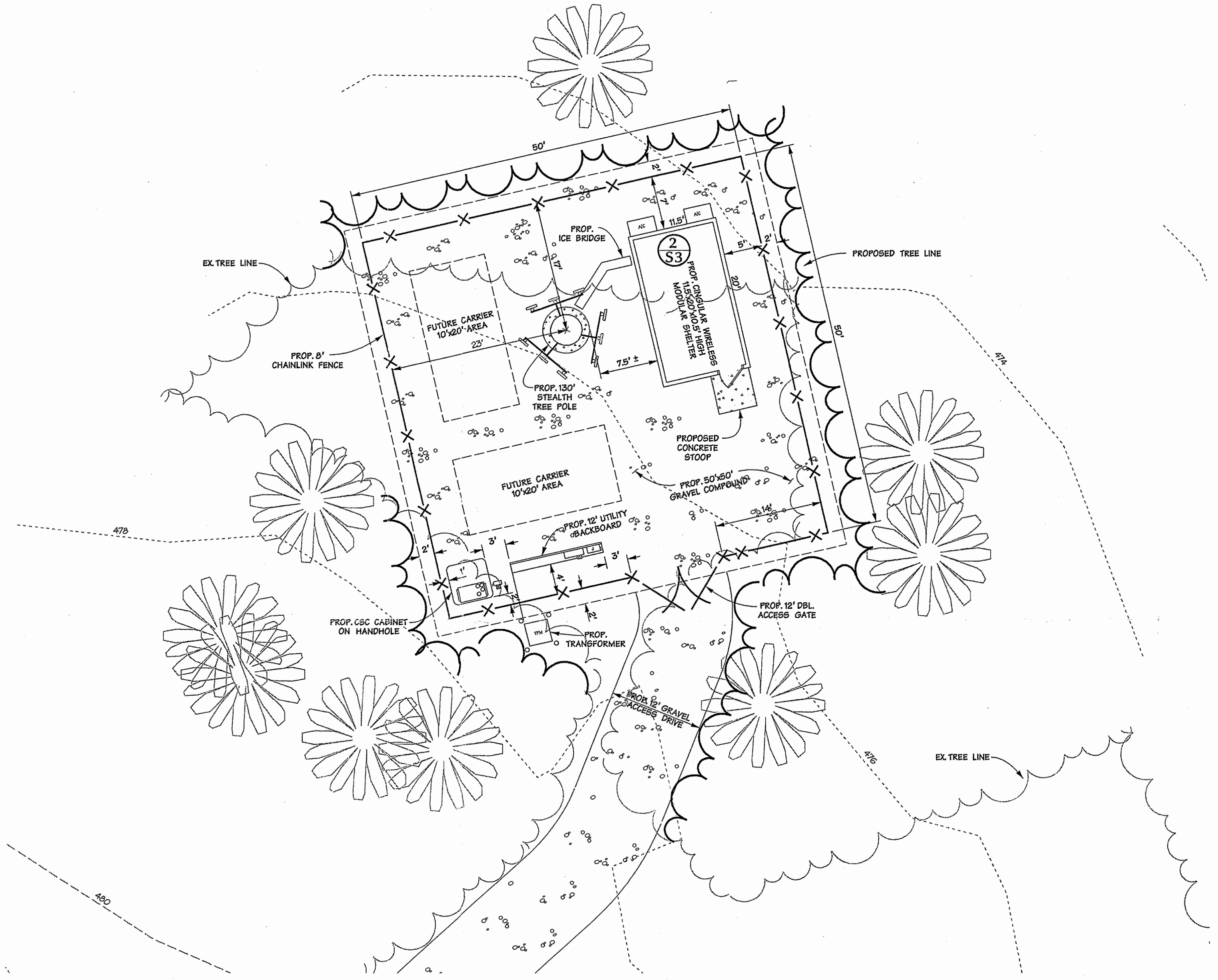
PETITIONER'S  
EXHIBIT NO. **52**



- NOTES:  
1. PROPOSED STEALTH TREE POLE TO BE FAA COMPLIANT.  
2. ALL REFERENCES TO THE MONOPOLE AND ITS FOUNDATION ARE DIRECTED TO THE DESIGN AND DETAIL DRAWINGS BY THE MONOPOLE SUPPLIER.  
3. THE INFORMATION SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY.

**TOWER ELEVATION**  
NOT TO SCALE

**COMPOUND DETAIL**  
Scale: 1"=10'  
10 5 0 10 20





BENCHMARK

DESCRIPTION

DMW TR401  
FIN & CAP  
N 66°8'39.91  
E 146°43'3.09  
ELEV. 457.82'

DMW TR405  
FIN & CAP  
N 66°8'16.71  
E 146°50'8.35  
ELEV. 484.23'

VICINITY MAP

SCALE: 1"=1000'

GENERAL NOTES

- Current Owner and street address: Michael L. & Nancy F. Dipaula  
13713 Pleasantville Rd  
Baldwin, MD 21013
- Contract Lessee/Applicant: Cingular Wireless  
7150 Standard Drive  
Hanover, Maryland 21076
- Site Area: 119.92 Acres
- Existing Use: Agricultural
- Site Address: 13713 Pleasantville Rd  
Baldwin, MD 21013  
Fork Rd., Baldwin Mill Rd.
- Adjoining Streets: Distance from property corner to nearest  
Intersecting public street centerline: 0.00'
- Site Data: Tax map 45, Grid 9, Parcel 51, Lot 1  
Deed Reference: 6206/71  
Plat Reference: 46/90  
Plat No. 6  
Plat Name: Theodore L. Cypull  
Tax Account Number: 1800014933  
Councilmanic District: 3  
Election District: 11  
Zoned: R.C. 2
- Proposed stealth tree pole location:  
Latitude: N 39°29'58.37" (NAD 83)  
Longitude: W 76°27'23.98" (NAD 83)  
Existing ground elevation: 475.0'± AMSL (NAVD 88)  
Proposed stealth tree pole height: 130'± AGL  
Total elev. from 605.0'± AMSL (NAVD 88)
- The topography shown hereon, in the area of the proposed wireless compound, is the result of a DMW, Inc. survey performed on December 9, 2005. All other topographic information is taken from Baltimore County 1997 GIS. Boundary information shown hereon is based upon a Plat Entitled "PLAT 6 PROPERTY OF THEODORE L. CYPULL" Dated 08-13-1980 and recorded among the Land Records of Baltimore County MD in Plat Book 46 - Folio 90. Together with field located monuments and rotated to fit the NAD 83 Coordinate System. This plan is not the result of a boundary survey and, therefore, is subject to change. This plan was prepared without the benefit of a title report. This plan is subject to all easements and restrictions either recorded or unrecorded and may or may not be shown hereon.
- This proposal is for an unmanned telecommunications facility consisting of a 130' high Stealth Tree Pole within a 50'x50' fenced gravel compound. An 11.5'x20'x0.5' high modular equipment shelter will be installed on a concrete pad within the compound at the base of the proposed tree pole. A utility company backboard, meter, csc cabinet and handhole will also be installed within the compound. A 12' wide gravel access drive will be installed from an ex dirt and gravel access road.
- Zoning information is taken from 2004, Baltimore County 1"-200" Zoning Maps (O45B1, O45B2).
- Ex Well & Septic on property as shown on plan. No public utilities exist.
- This proposed special exception area is not located within a 100 year flood plain as per the national flood insurance program, flood insurance rate map community panel numbers 240010-0175-B and 240010-0280-B revised March 2, 1981.
- Any proposed signs will comply with Sect. 450 of the BCZR.
- Ground disturbance limited to 6500± sq. ft.
- No CRG, DRC, or waivers are on record for this site.
- No building permits on record for this site based upon records in Baltimore County Office of Permits & Licenses.
- This proposed project is not within the Chesapeake Bay Critical Area.
- Class "A" screening to be provided if required by the Baltimore County.
- The proposed facility is not located within a County or National Historic District. The subject property is not listed as a Baltimore County Historical Property, and there are no historic buildings on site.
- Applicant agrees to section 426.6 D. & E. in Baltimore County Zoning Regulations.
- No additional site or antenna lights are proposed for this facility, unless required by the Federal Aviation Administration.
- 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.
- 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.
- Required number of employees: 0 (unmanned facility)
- No water or sanitary utilities are required for the proposed facility.
- The applicant shall provide a certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Baltimore County.
- There are no existing zoning cases on record for this property.
- Front averaging does not apply to the proposed use.
- FAR (Floor Area Ratio) and Amenity Open Space does not apply to the site.
- Section 231, BCZR does not apply to the proposed use.
- Required number of parking spaces: 0 (unmanned facility). No permanent parking space provided. Site will be visited approximately once a month by maintenance vehicle.
- There are no monuments that exist for the site that would be generated by the proposed use, as shown on basic services maps.

BASE: MSS  
DRAWN: RDW  
DESIGNED: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
DATE CHECKED: \_\_\_\_\_

LEGEND

- Property Line  
Existing Contours  
Existing Spot Elevation  
Existing Edge of Drive or Road  
Existing Fence Line  
DMW Bench Mark
- Proposed Fence Line  
Existing Tree Line  
Existing Utility Pole  
Proposed 5.0 Acre Special Exception Area  
Existing Stream Line

SITE PLAN

Scale: 1"=200'

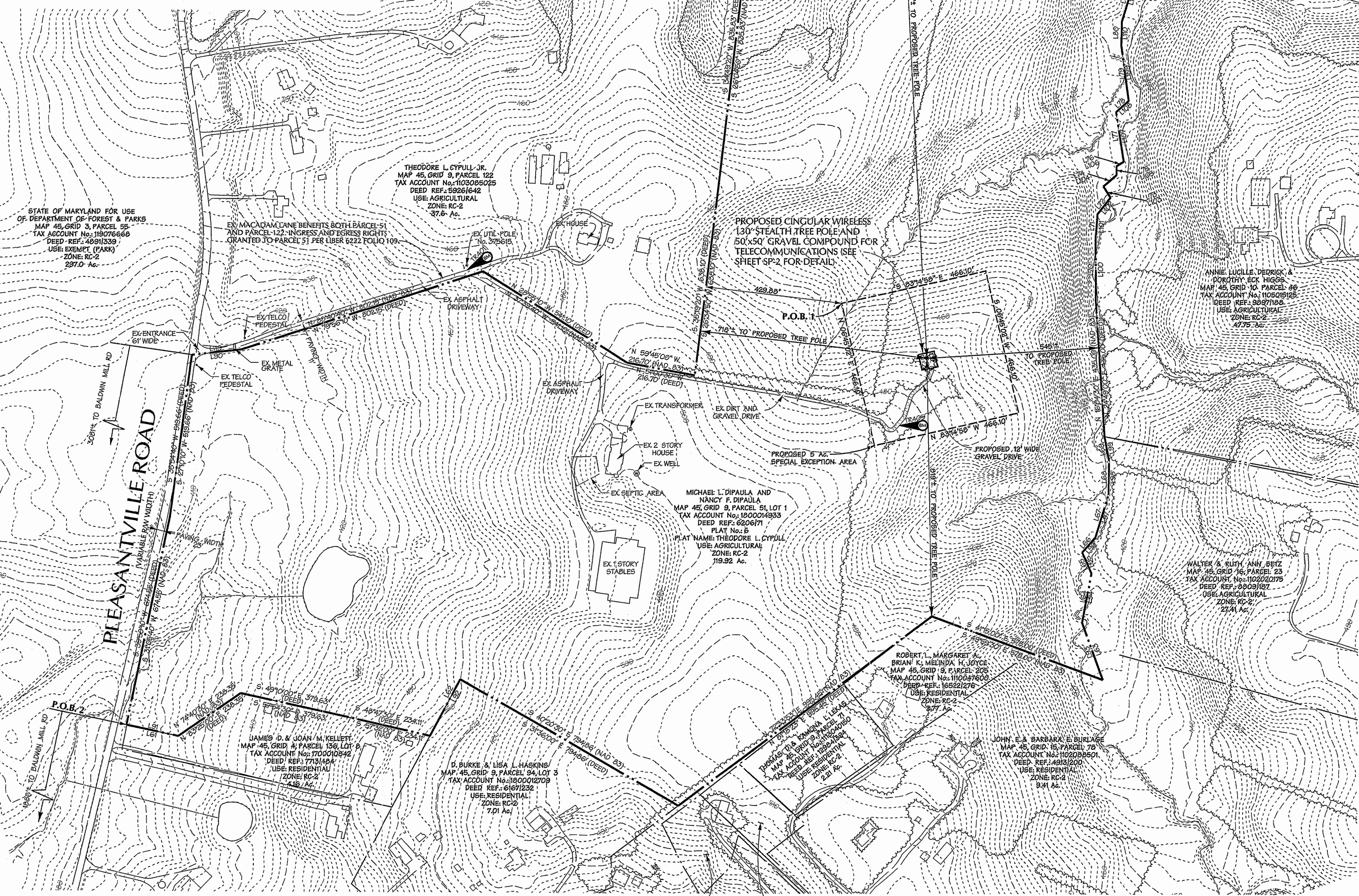
200 100 0 200 400

DEED LINE TABLE

| NUMBER | BEARING       | DIST.   |
|--------|---------------|---------|
| L91    | S 49°45'00" E | 164.80' |
| L92    | N 56°13'00" E | 203.66' |
| L93    | N 08°18'00" E | 193.19' |
| L94    | N 39°16'20" E | 159.00' |
| L95    | N 04°21'50" E | 72.25'  |
| L96    | N 69°30'50" E | 62.30'  |
| L97    | N 48°21'40" E | 141.00' |
| L98    | N 29°18'40" E | 107.66' |
| L99    | N 17°38'40" E | 78.10'  |
| L100   | N 28°04'00" E | 195.00' |
| L101   | N 32°19'00" E | 81.00'  |
| L102   | N 67°04'00" E | 66.00'  |
| L103   | N 04°11'00" W | 41.25'  |
| L104   | N 77°49'00" E | 54.50'  |
| L105   | N 27°04'00" E | 28.00'  |
| L106   | N 87°49'00" E | 27.00'  |
| L107   | N 19°34'00" E | 158.50' |
| L108   | N 76°49'00" E | 53.00'  |
| L109   | N 20°49'00" E | 176.50' |
| L110   | N 29°49'00" E | 76.00'  |
| L111   | N 45°19'00" E | 142.50' |
| L112   | N 70°45'00" E | 59.50'  |
| L113   | N 45°16'00" E | 156.75' |
| L114   | N 77°37'00" E | 78.33'  |
| L115   | N 56°39'00" E | 119.66' |
| L116   | S 33°39'15" E | 51.76'  |
| L117   | N 66°13'00" E | 171.00' |
| L118   | N 59°15'40" W | 146.64' |
| L119   | N 68°08'10" W | 156.33' |

NAD 83 LINE TABLE

| NUMBER | BEARING       | DIST.   |
|--------|---------------|---------|
| L61    | S 58°29'30" E | 164.80' |
| L62    | N 47°28'30" E | 203.66' |
| L63    | N 00°26'30" W | 193.19' |
| L64    | N 30°21'50" E | 159.00' |
| L65    | N 04°22'40" W | 72.25'  |
| L66    | N 60°46'20" E | 62.30'  |
| L67    | N 36°37'10" E | 141.00' |
| L68    | N 20°34'10" E | 107.66' |
| L69    | N 08°54'10" E | 78.10'  |
| L70    | N 19°19'30" E | 195.00' |
| L71    | N 23°34'30" E | 81.00'  |
| L72    | N 58°19'30" E | 66.00'  |
| L73    | N 12°55'30" W | 41.25'  |
| L74    | N 69°04'30" E | 54.50'  |
| L75    | N 18°19'30" E | 28.00'  |
| L76    | N 79°04'30" E | 27.00'  |
| L77    | N 10°49'30" E | 158.50' |
| L78    | N 68°04'30" E | 53.00'  |
| L79    | N 12°04'30" E | 176.50' |
| L80    | N 21°04'30" E | 76.00'  |
| L81    | N 36°34'30" E | 142.50' |
| L82    | N 62°00'30" E | 59.50'  |
| L83    | N 36°31'30" E | 156.75' |
| L84    | N 68°52'30" E | 78.33'  |
| L85    | N 47°54'30" E | 119.66' |
| L86    | S 42°23'45" E | 51.76'  |
| L87    | N 57°28'30" E | 171.00' |
| L88    | N 68°00'10" W | 146.64' |
| L89    | N 76°52'40" W | 156.33' |



TOWER SETBACKS

|       | REQUIRED | PROVIDED |
|-------|----------|----------|
| FRONT | 200'     | 718.0'±  |
| SIDE  | 200'     | 819.0'±  |
| SIDE  | 200'     | 1390.0'± |
| REAR  | 200'     | 545.0'±  |





21047

152

Friendship Rd

21013

145

165

21082

© 2006 Navteq

© 2006 Europa Technologies

21051

147

Long Green Pike

Fork Rd



Long Green Rd

© 2005 Google

|                      |
|----------------------|
| PETITIONER'S         |
| EXHIBIT NO. <u>4</u> |

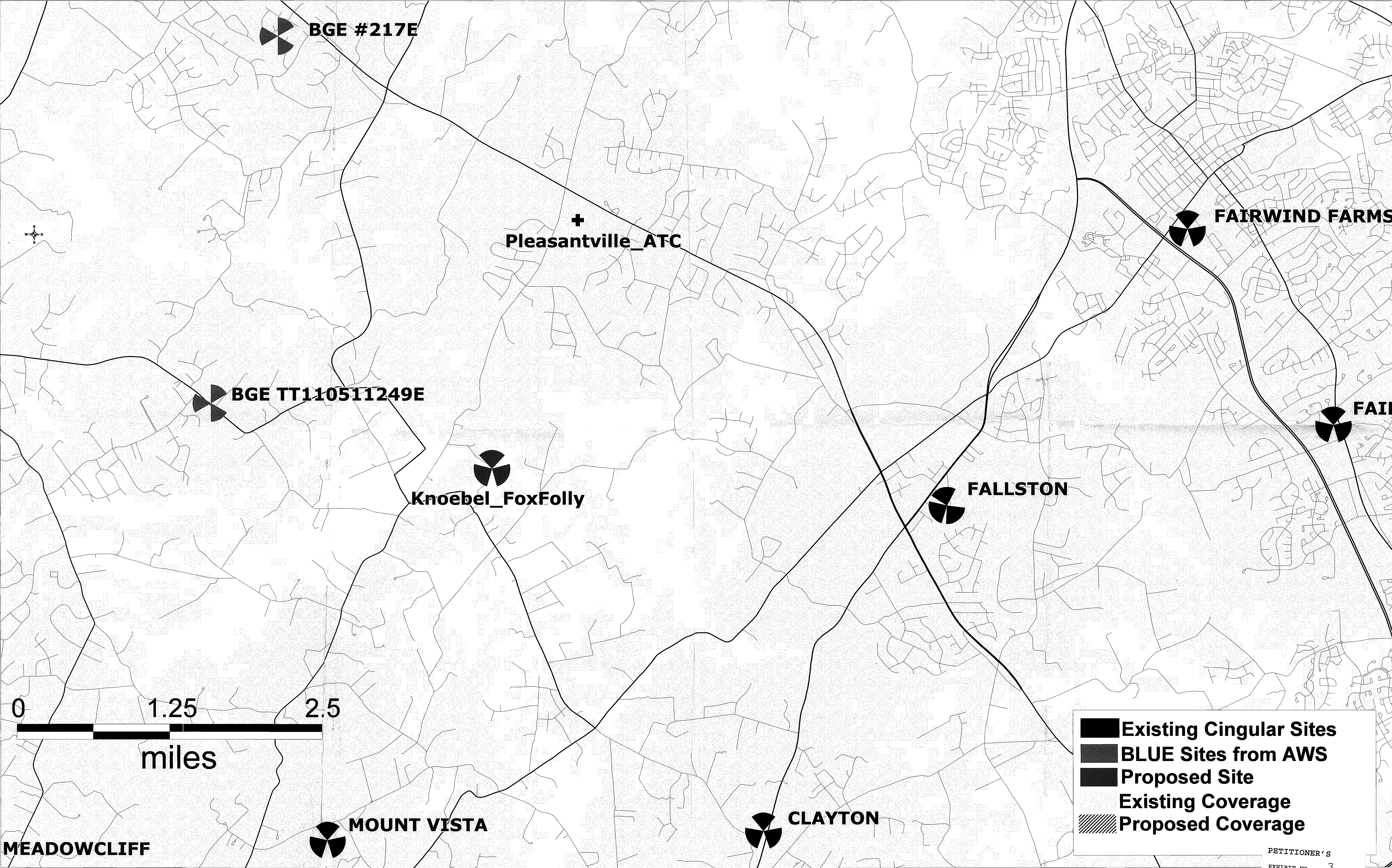
Pointer 39°29'58.10" N 76°27'57.45" W

Streaming ||||| 100%

Eye alt 25679 ft



**EXISTING COVERAGE WITH PROPOSED ATC TOWER AT GRANDVIEW CHURCH @178'**



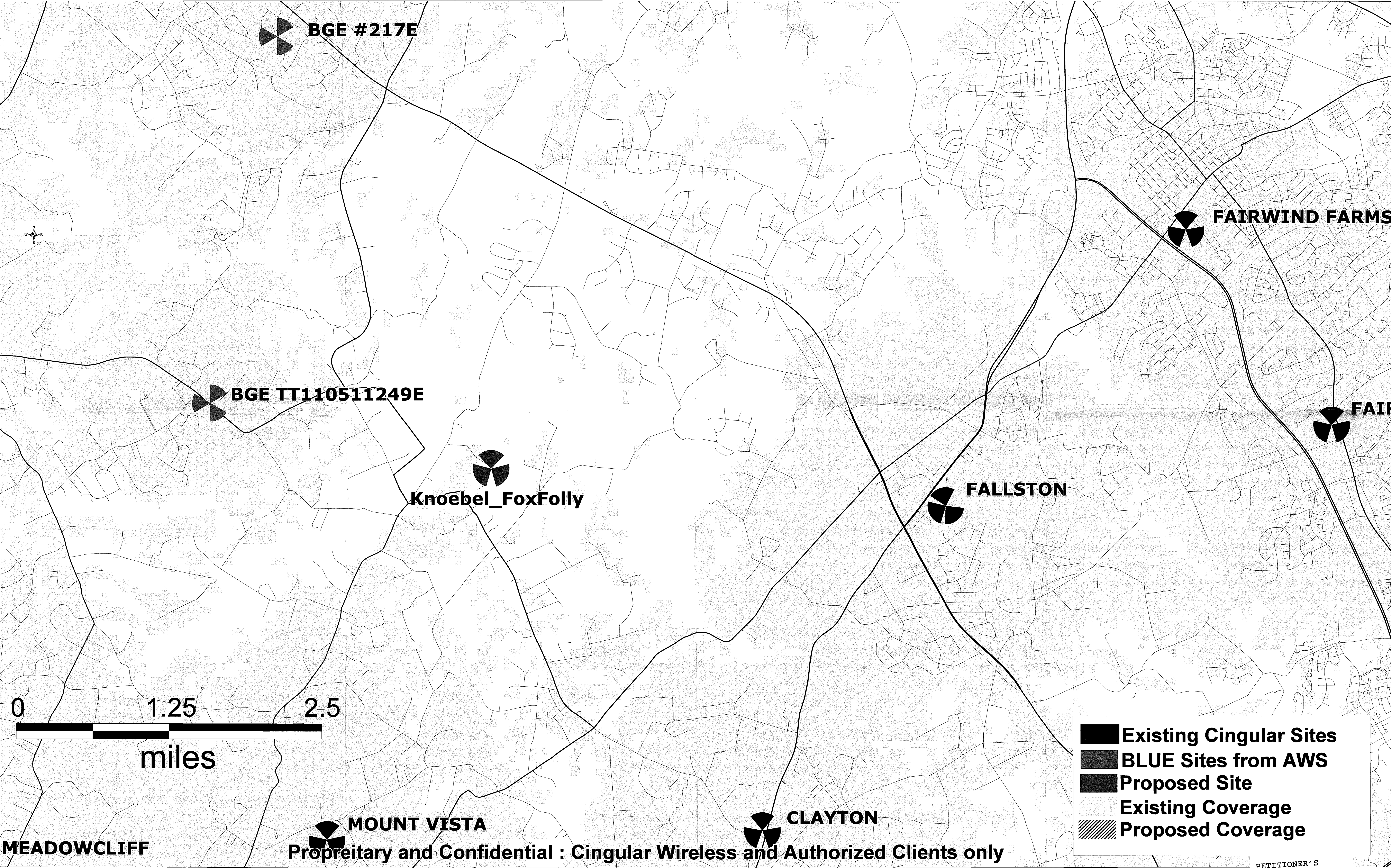


# PROPOSED COVERAGE KNOEBEL SITE





**EXISTING CINGULAR GSM COVERAGE**





## **RF Justification for Knoebel Site**

Prepared by:

**Praveen Kumar Errabelli**  
RF Engineer

Reviewed by:

**Sandeep Gupta**  
RF Lead Engineer

Approved by:

**Andrees Gomez**  
RF Manager

**Cingular Wireless**  
7150 Standard Drive  
Hanover, MD  
Tel: 410-712-7744  
Fax: 410-712-7784

**PROTESTANT' S**

EXHIBIT NO. 1



## RF Justification for Knoebel Site

**Site Name: Knoebel**

**Address: 13713 PLEASANTVILLE ROAD, BALDWIN, MD 21013 (BALTIMORE COUNTY)**

The objective of our new 'Knoebel' Site is to provide a good coverage on SR 165 (Fork Rd), Long Green pike and Pleasantville Road. This site will provide better handoff between Existing Fallston site, Existing Mountvista and Existing BGE TT110511249E Site. This new site will provide very good coverage to Fork road which is major commute route of neighborhood community. It will provide excellent coverage to the residential neighborhood in the area.

The Coverage hole extends all along Fork road, Harford road and intersection of Long Green Pike and Fork Road and Fallston as shown in Fig 1. This coverage gap is relieved by the AWS integration (refer to Fig 2) but the essential objective on this site still remain to cover Fork road and Handoff between Existing Sites, thus upon very thorough propagation studies at various heights, antenna radiation center of 125 ft would provide coverage close to the minimum desired coverage as shown in Fig 3. Studies were performed at lower heights like 115 ft , 105ft and 95 ft as well (please refer to Fig 4, Fig 5, and Fig 6) . These studies showed inadequate coverage to provide necessary overlapping coverage between networks existing sites and to provide much needed coverage to the daily commuters on these major roads and residential neighborhood in this area.

Cingular Wireless has targeted **-82 dBm** coverage for the area so as to provide in-home coverage to neighborhood residential community.

The extension of coverage for this area will benefit our subscribers since they will be able to fully utilize the advantages of having continuous wireless service, especially in the event of emergencies, major accidents either on-road or due to natural causes.





FIG 1

## EXISTING NETWORK COVERAGE

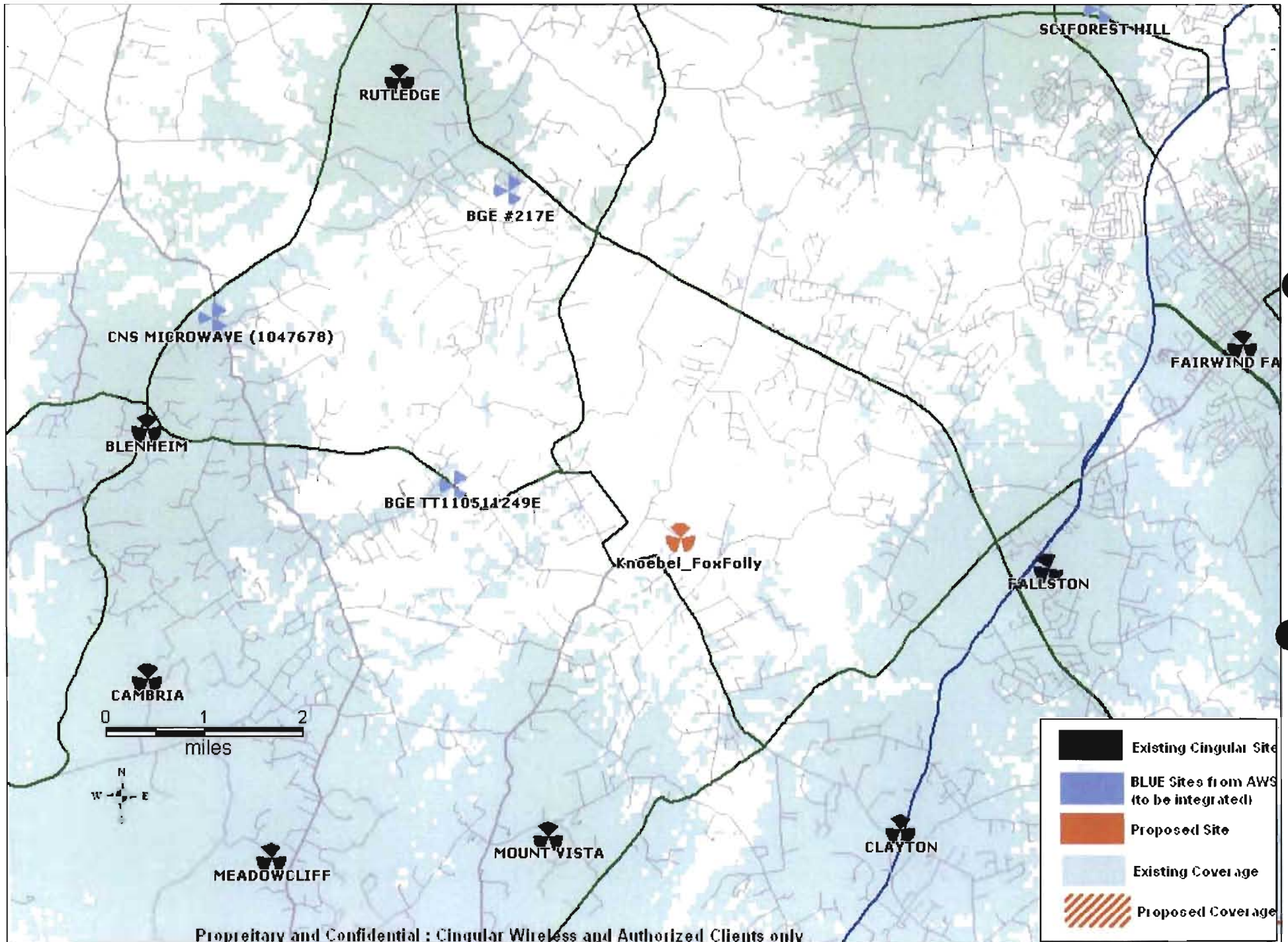




FIG 2

## NETWORK COVERAGE AFTER INTEGRATION OF BLUE SITES

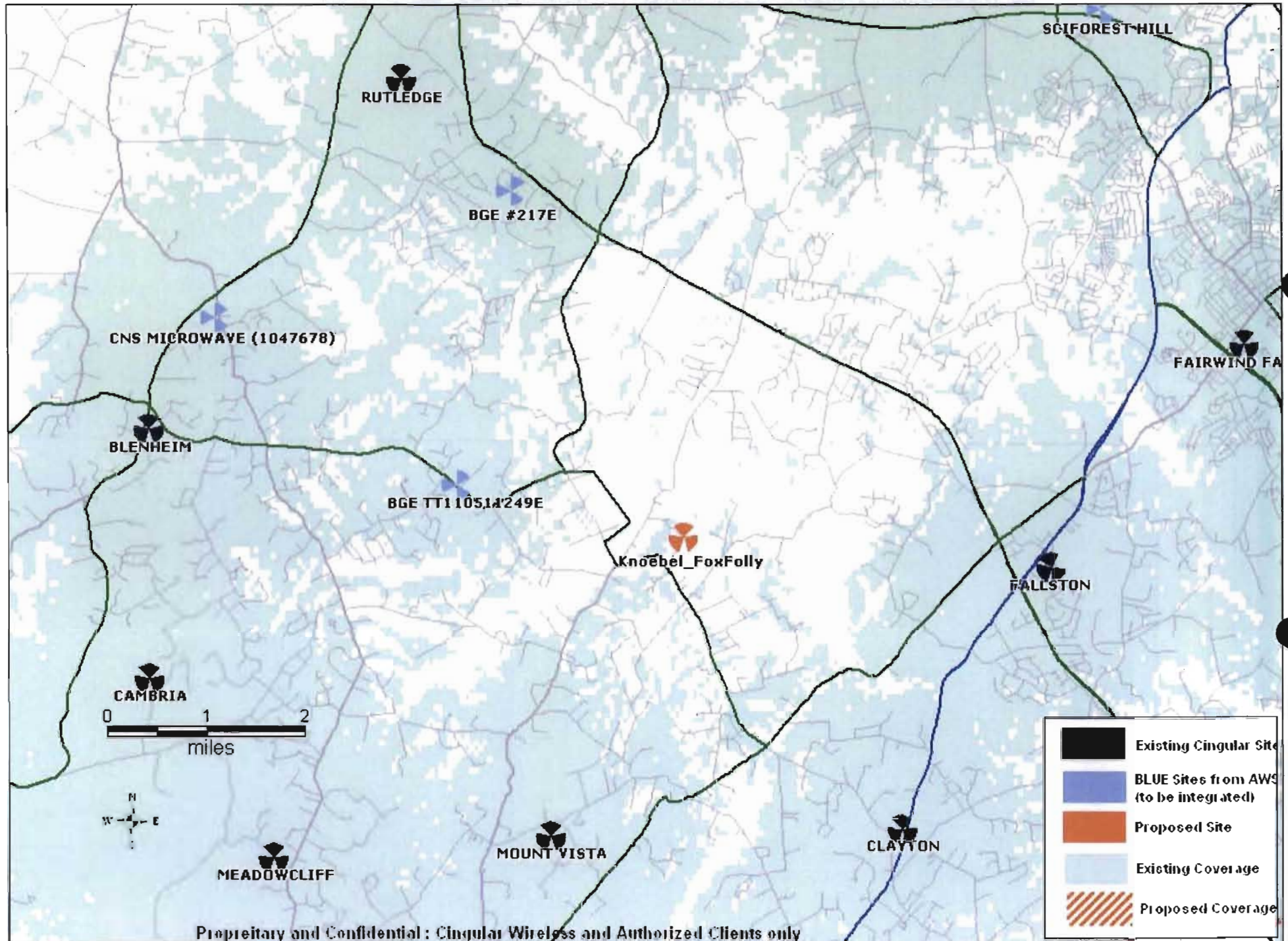




FIG 3

# PROPOSED NETWORK COVERAGE WITH 125' TREEPOLE @ FOXFOLLY

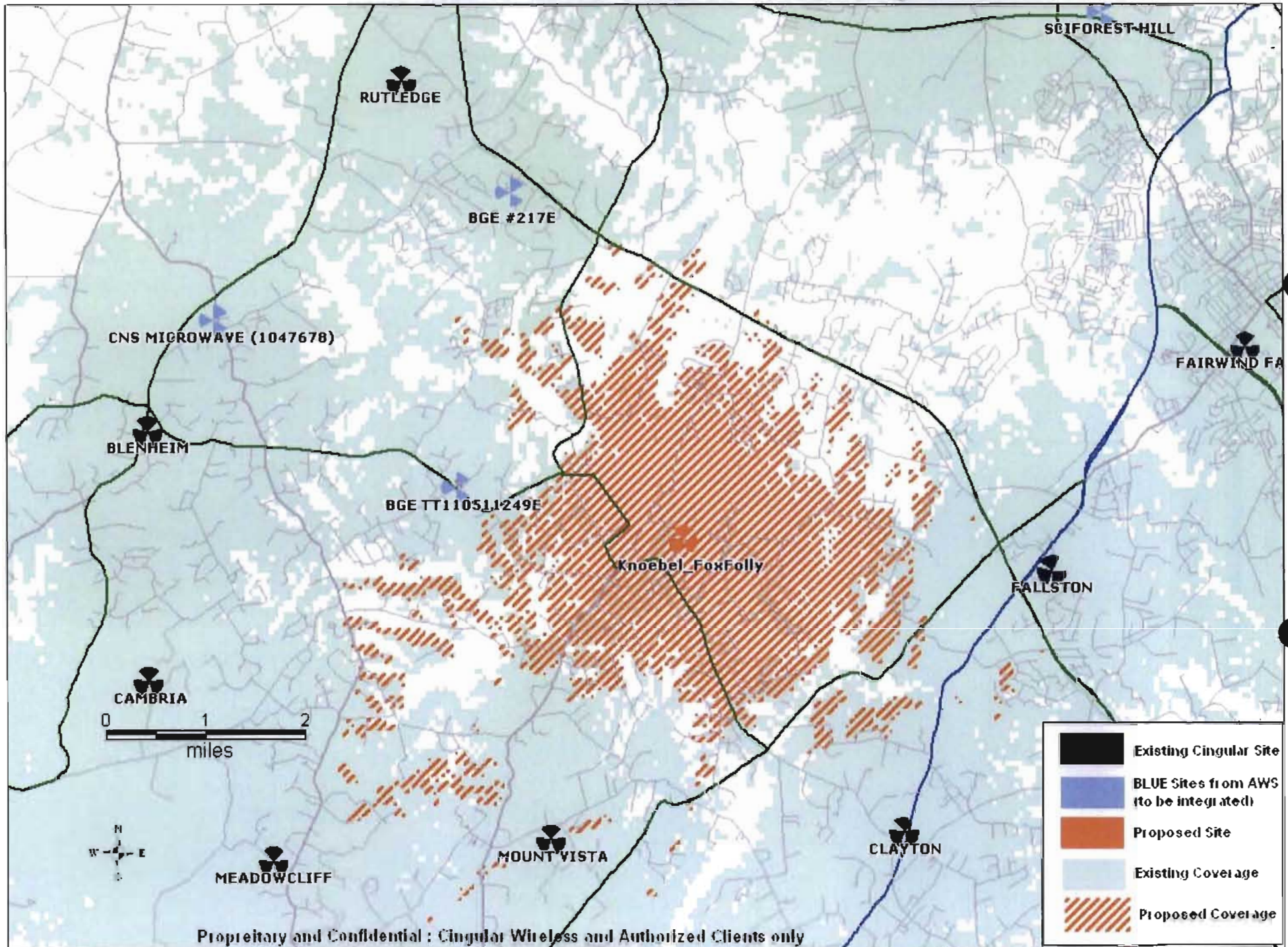




FIG 4

# PROPOSED NETWORK COVERAGE WITH 115' TREEPOLE @ FOXFOLLY

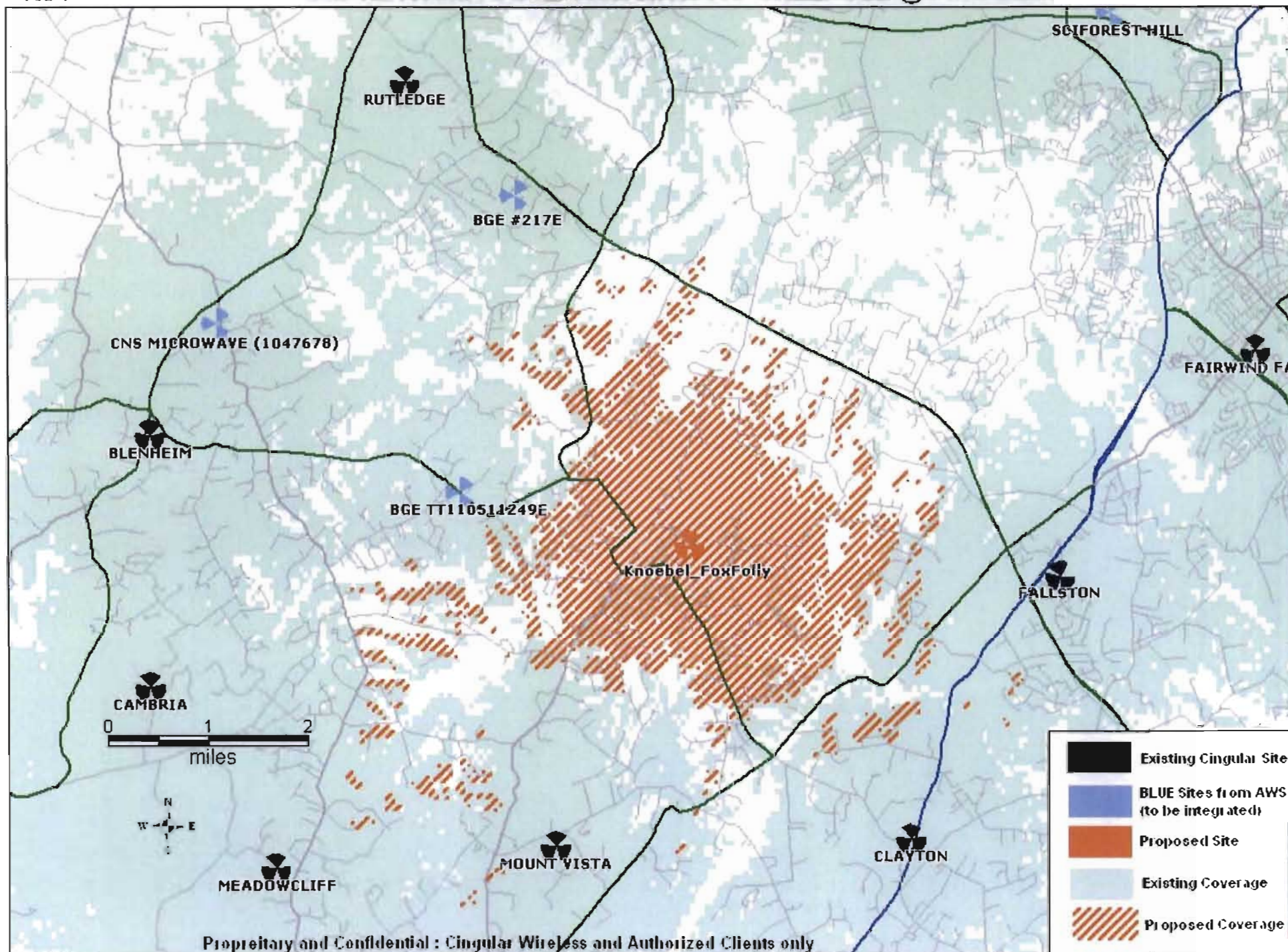




FIG 5

# PROPOSED NETWORK COVERAGE WITH 105' TREEPOLE @ FOXFOLLY

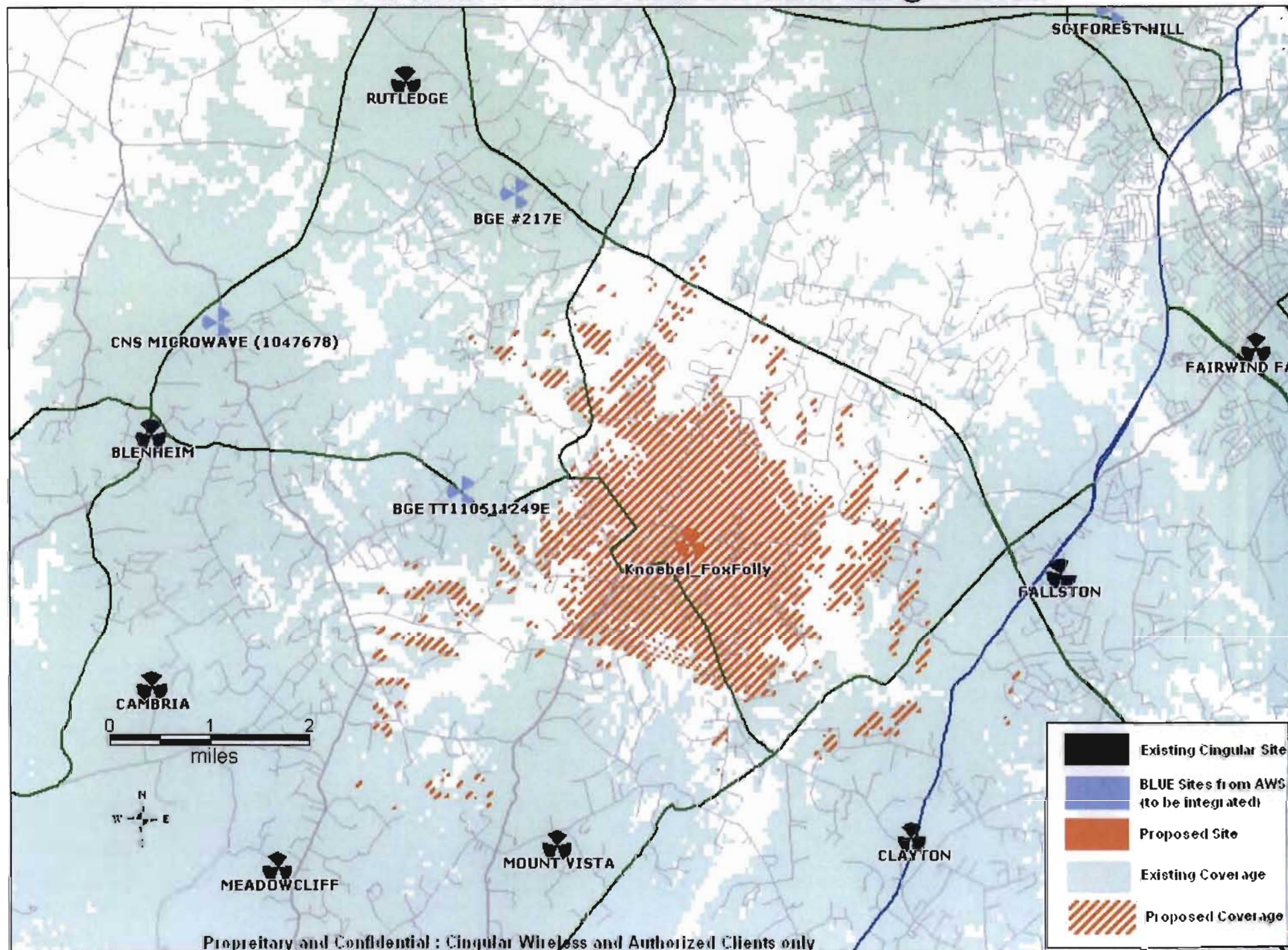




FIG 6

# PROPOSED NETWORK COVERAGE WITH 95' TREEPOLE @ FOXFOLLY

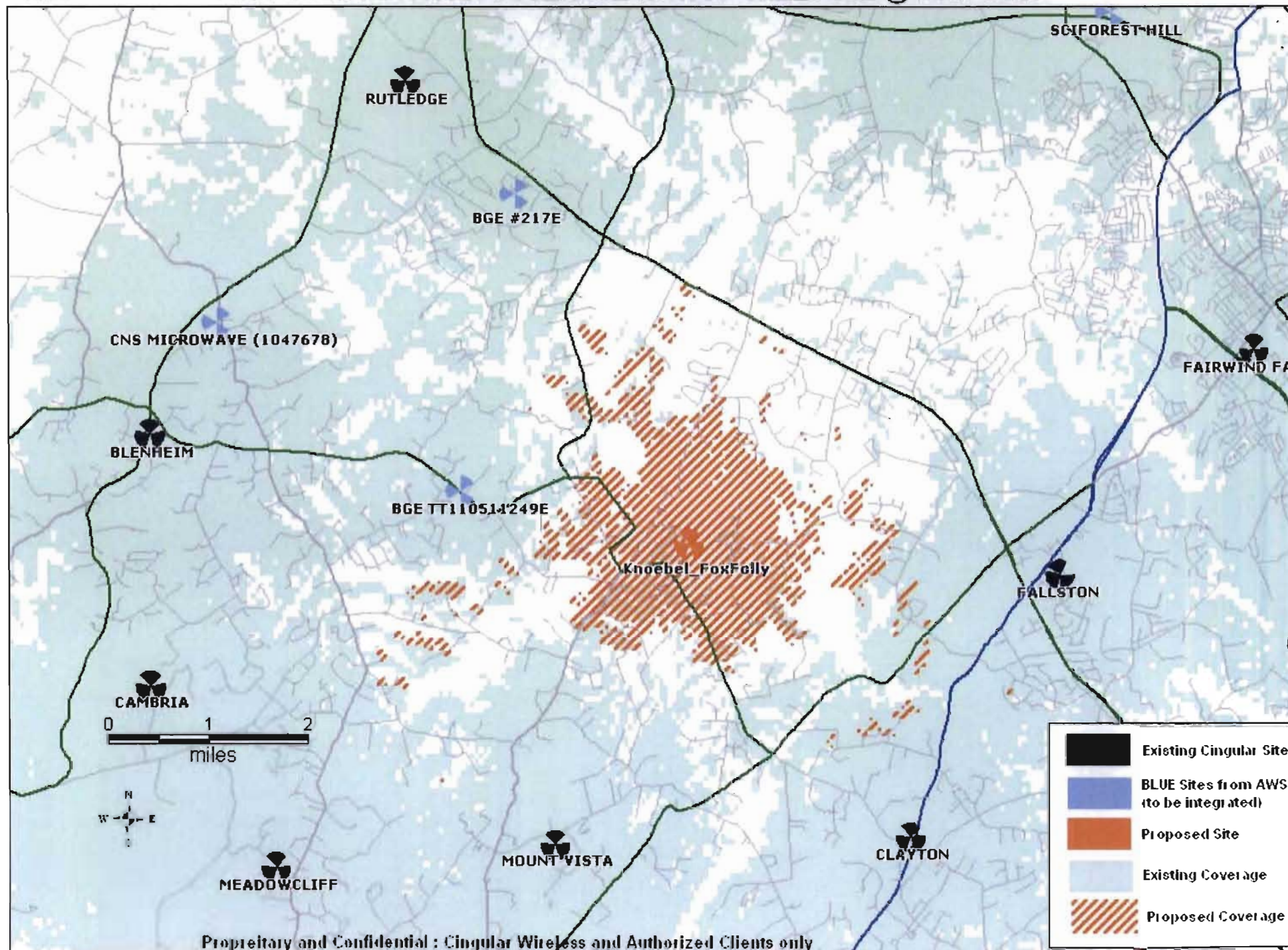




FIG 7

# NETWORK COVERAGE WITH PROPOSED ATC TOWER AT GRANDVIEW CHURCH @178'

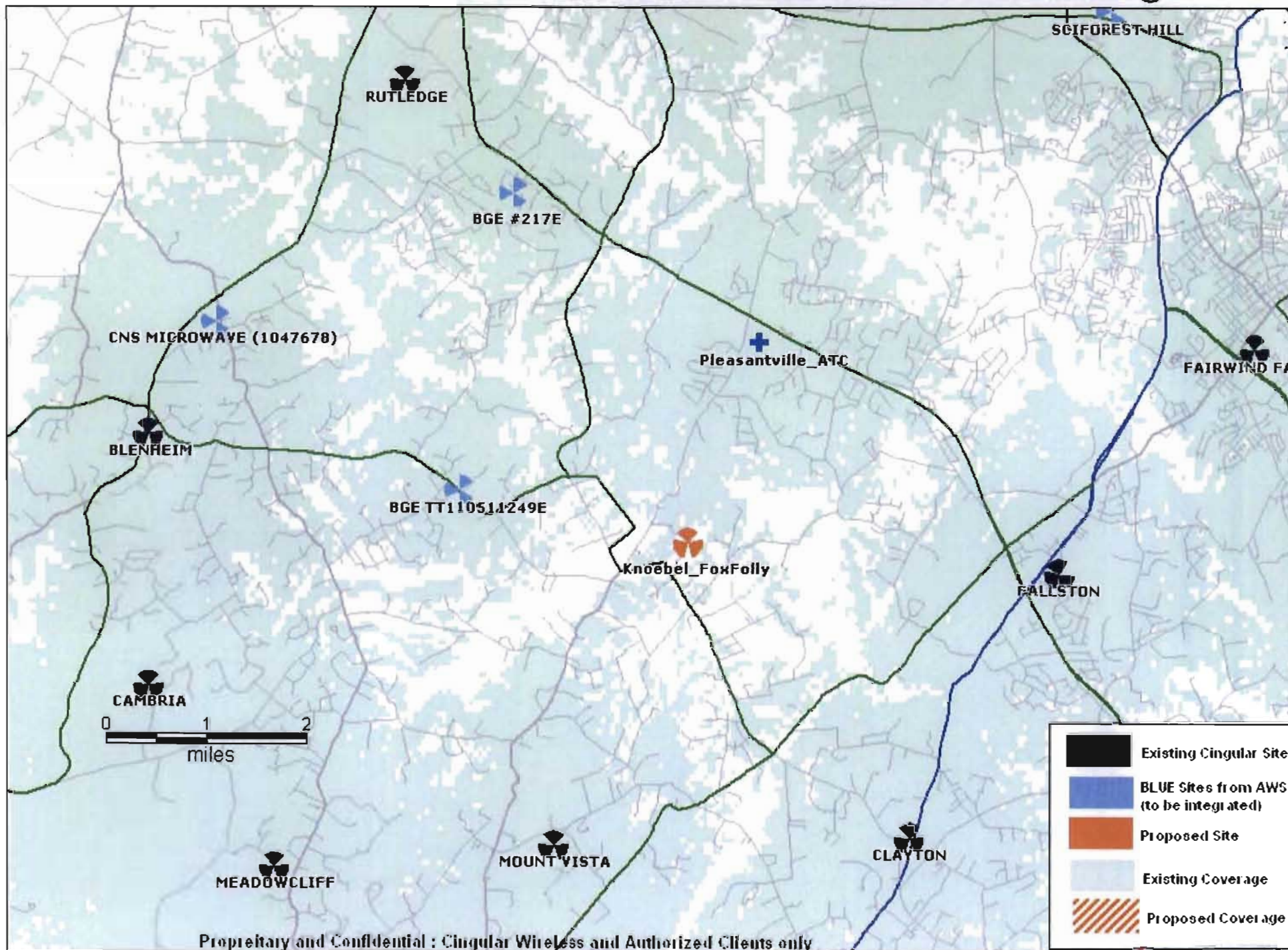
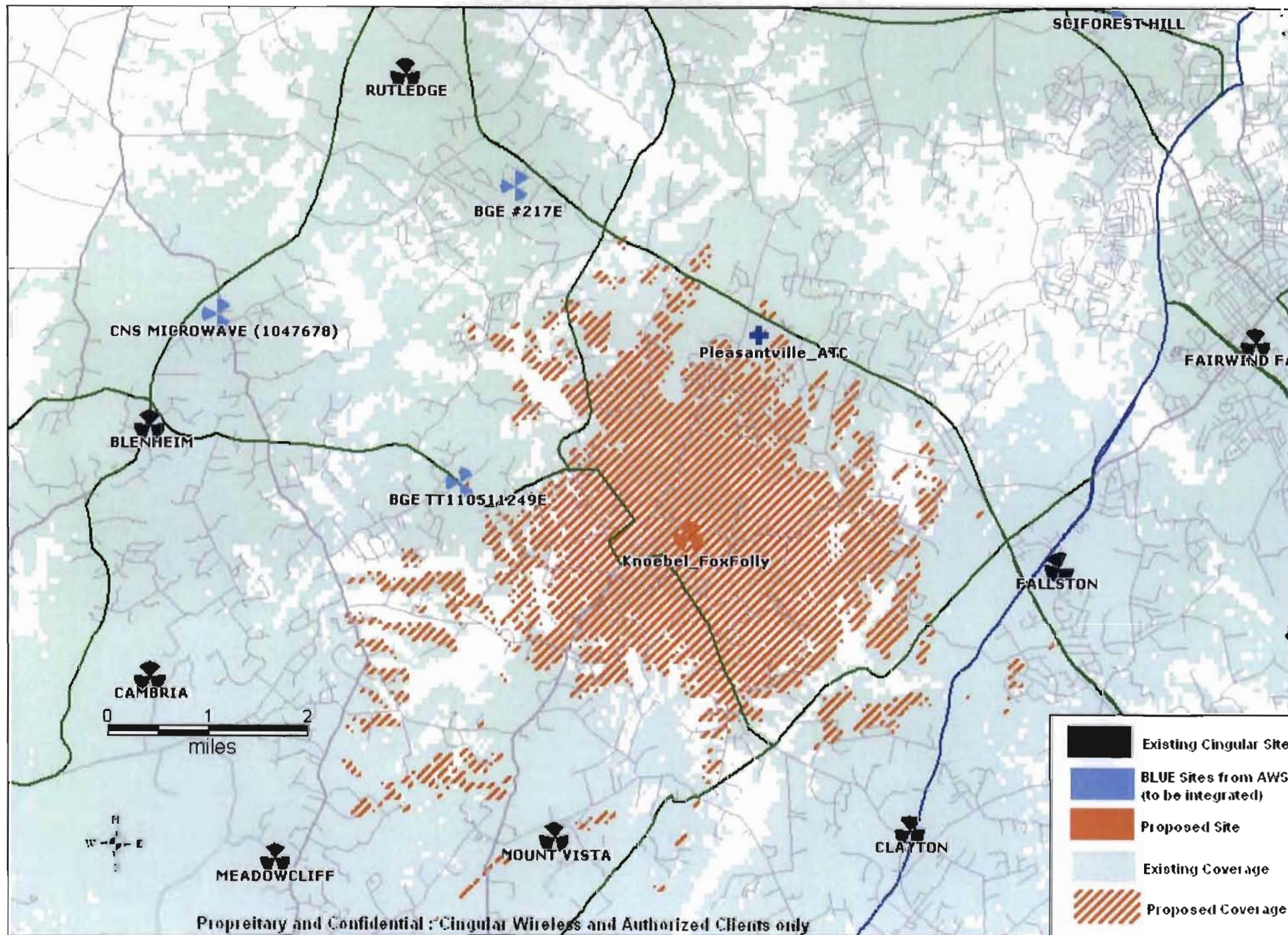




FIG 8

# FINAL PROPOSED COVERAGE





# PETITION IN SUPPORT OF STEALTH CELL TOWER

To be located in the wooded acreage of Fox Folly Farm 13713 Pleasantville Road Baldwin, MD 21013

| NAME                  | SIGNATURE             | ADDRESS                          | COMMENTS                         |
|-----------------------|-----------------------|----------------------------------|----------------------------------|
| NINO MILANESE         | Nino Milanesi         | 13339 LONG GREEN PK 21082        | Improve phone service (neighbor) |
| ROSALIE MILANESE      | Rosalie Milanesi      | 13339 Long Green Pike 21082      | Great location                   |
| Denny L. Kephart      | Denny Kephart         | 13405 Long Green Pike 21082      | Need IT!                         |
| BARBARA KEPHART       | Barbara Kephart       | 13405 LONG GREEN PK 21082        | FOR EMERGENCY SERVICE            |
| GARY BISHOP           | Gary Bishop           | 608 PONTIAC AVE 21225            | - ABOUT TIME                     |
| W & Coleman           | W & Coleman           | 5806 Church Lane, Hydes MD 21082 | GREAT IDEA.                      |
| W & Coleman           | W & Coleman           | 5806 CHURCH LANE HYDES MD 21082  | NEED IT                          |
| Temple Rhodes         | Temple Rhodes         | 164 Chestnut Meadows Rd          | great need!                      |
| MARY KELLY            | Mary Kelly            | 13428 Long GREEN PIKE 21082      | Better phone service MK          |
| Aaron B. Kelly        | Aaron B. Kelly        | 13428 Long Green Pike 21082      | Need Cell Reception!!!           |
| Kenneth B Mann        | Kenneth B Mann        | 1327 Overlook Way 21014          | Better phone service             |
| Richard C. Herpel Jr. | Richard C. Herpel Jr. | 1300 Harling Ct. 21015           | Cell phone reception             |
| Meredith E. Herpel    | Meredith E. Herpel    | 1300 Harling Ct 21015            | Cell phone reception             |
| Ralph French          | Ralph French          | 2807 Orchard Lakes Dr.           | cell phone reception             |
| MARY LIBERTO          | Mary Liberto          | 13339 LONG GREEN PIKE 21082      | NEEDED FOR EMERGENCY SERVICE     |

PETITIONER'S

EXHIBIT NO. 1



# PETITION IN SUPPORT OF STEALTH CELL TOWER

To be located in the wooded acreage of Fox Folly Farm 13713 Pleasantville Road Baldwin, MD 21013

| NAME                | SIGNATURE           | ADDRESS                                      | COMMENTS               |
|---------------------|---------------------|----------------------------------------------|------------------------|
| Christina Hempel    | Christina Hempel    | 99 Chapetowne Circle, 21236                  | Great location         |
| Matt Marino         | G. J. Marino        | 212 Meadows                                  | Great Idea '06         |
| Jimmy D. Byrd       | Jimmy D. Byrd       | 3208 Hunt Rd 21047                           | Great Idea             |
| Robert Bittner      | Robert Bittner      | 2921 Summit Ave                              |                        |
| Charlie Snodgrass   | Charlie Snodgrass   | 3343 Garrison Circle 21069                   | Great Idea             |
| Kelly Brown         | Kelly Brown         | 15618 Everglade Ln 20716                     | Great Idea             |
| MIKE MOLLOY         | Mike Molloy         | 310 S. TOLLGATE RD 21064                     | WE NEED IT !!!         |
| Mary Jo Byrd        | Mary Jo Byrd        | 3208 Hunt Rd 21047                           | We need it for 911 etc |
| John Harris         | John Harris         | 1811 Washington Irving Lane                  | Good idea              |
| Wayne Harris        | Wayne Harris        | same                                         | great idea             |
| Joseph A. Kelly     | Joseph A. Kelly     | 2252 Phillips M.D. 21050                     |                        |
| JOSEPH E. KELLY JR. | Joseph E. Kelly Jr. | 13342 LONG CREEK PIKE HYDECO 21052           |                        |
| Brian P. Coleman    | Brian P. Coleman    | 5040 Bristle Cone Circle, Aberdeen, MD 21001 | FINALLY                |
| SHERMAN P. NEVIN    | Sherman P. Nevin    | 1218 BURNED LANE BALDWIN MD 21014            | GOOD IDEA              |

# PETITION IN SUPPORT OF STEALTH CELL TOWER

To be located in the wooded acreage of Fox Folly Farm 13713 Pleasantville Road Baldwin, MD 21013

| NAME             | SIGNATURE        | ADDRESS                     | COMMENTS                                  |
|------------------|------------------|-----------------------------|-------------------------------------------|
| THERESA AVARA    | Theresa Avara    | 334 LONG GREEN PK 21082     | GREAT LOCATION<br>NO VIEW FROM ROAD       |
| JACK WIENHOLD    | Jack Wienhold    | 2825 Glen Elyn Way 21013    | Good location                             |
| MARY WIENHOLD    | Mary Wienhold    | 2825 Glen Elyn Way 21013    | Good Location                             |
| Brian Wienhold   | Brian Wienhold   | 1205 Marston Drive 21015    | Good location / needed                    |
| KAREN MOORE      | Karen Moore      | 1209 Marston Drive 21015    | Good Location                             |
| RICK MOORE       | Rick Moore       | 1209 Marston Dr 21015       | Good Location                             |
| Karla Wienhold   | Karla Wienhold   | 1205 Marston Dr 21015       | ideal location!!!!                        |
| Donna Rorick     | Donna Rorick     | 1200 Fergus Ct 21014        | great spot                                |
| FRED RORICK      | Fred Rorick      | 1200 Fergus Ct 21014        | ideal!                                    |
| Lacey Moore      | Lacey Moore      | 1209 Marston Dr 21015       | great!!                                   |
| Trisha Shaw      | Trisha Shaw      | 5710 Oakview Dr. 21784      | much needed                               |
| DENNIS BOYLE     | Dennis Boyle     | 5615 WALLACE CT 21784       | Good LOCATION                             |
| Michael Milgnese | Michael Milgnese | 13339 Long Green Pike 21082 | GREAT LOCATION<br>NEEDED FOR<br>911 CALLS |
| FRANCIS LEBERTO  | Francis Leberto  | 13339 LONG GREEN PIKE 21082 | NEIGHBOR                                  |
| THOMAS V. KELLY  | Thomas V. Kelly  | 13330 LONG GREEN PIKE 21082 | I would<br>like the tower                 |



# PETITION IN SUPPORT OF STEALTH CELL TOWER

To be located in the wooded acreage of Fox Folly Farm 13713 Pleasantville Road Baldwin, MD 21013

| NAME                  | SIGNATURE       | ADDRESS                                | COMMENTS                        |
|-----------------------|-----------------|----------------------------------------|---------------------------------|
| Samuel Kelly          | Samuel Kelly    | 13330 Long Green Pike Hydes, MD 21082  | Great Location for cell. places |
| Nick Kelly            | Nick Kelly      | 13330 Long Green Pike Hydes, MD 21082  | Neighborhood, great idea!       |
| Elizabeth Kelly       | Elizabeth Kelly | 13330 Long Green Pike Hydes, Md. 21082 | Finally!                        |
| Marsh Kelly           | Marsh Kelly     | 13338 Long Green Pike Hydes MD 21082   | YEAH!                           |
| MARTIN T. KELLY       | Martin T. Kelly | 13338 Long Green Pike Hydes MD 21082   | Yes                             |
| Kathleen Kelly Walker | Kathleen Walker | 13338 Long Green Pike Hydes, MD 21082  | Yes                             |
| Matthew Walker        | Matthew Walker  | 13338 Long Green Pike Hydes, MD 21082  | Yes                             |
| GISELA HEALY          | Gisela Healy    | 13340 LONGGREEN PIKE HYDES MD 21082    | Yes                             |
| DANIEL HEALY          | Daniel Healy    | 13340 LONGGREEN PIKE, HYDES, MD 21082  | YES                             |
| RAY HARRIS            | Ray Harris      | 7832 1/2 WINDOVER AVE BALT. MD. 21234  | Friend                          |
| Keith Harris          | Keith Harris    | 1834 Wycliff Rd BALT MD 21234          | NEEDED                          |
| John O'Malley         | John O'Malley   | 8711 Fowler Ave, Balt. 21234           | great location!                 |
| Jerry Chernock        | Jerry Chernock  | 1902 Logans Rd, Balt. 21228            | needed                          |
| Steve Oppite          | Steve Oppite    | 4124 Crenshaw Dr. Phoenix 21131        | needed                          |
| Saved Hitchens        | Hite            | 11 mill st. 19954                      | needed                          |

# PETITION IN SUPPORT OF STEALTH CELL TOWER

To be located in the wooded acreage of Fox Folly Farm 13713 Pleasantville Road Baldwin, MD 21013

| NAME           | SIGNATURE             | ADDRESS                   | COMMENTS                                                |
|----------------|-----------------------|---------------------------|---------------------------------------------------------|
| MATT SHIPLEY   | <i>M Shipley</i>      | 17 Bird Nest Dr 2181      | cell phone reception                                    |
| Mike Lombach   | <i>M. Lombach</i>     | 1906 Arabian Way 21047    | Need Better Reception                                   |
| Barb Nevin     | <i>Barb Nevin</i>     | 1218 Brighton Lane 21014  | Great idea                                              |
| Kelly Lombach  | <i>Kelly Lombach</i>  | 1806 Arabian Way 21047    | I loose reception everytime on Pleasantville great idea |
| Matt Chasty    | <i>Matt Chasty</i>    | 1808 Arabian Way 21047    | Poor Reception                                          |
| Laura Chasty   | <i>Laura Chasty</i>   | 1808 ARABIAN Way 21047    | Need Reception                                          |
| Judy Humphreys | <i>Judy Humphreys</i> | 37021 Laws Point Rd 21975 | Poor reception                                          |
| MINDI LLAMADO  | <i>Mindi Llamado</i>  | 7929 Highpoint Rd 21234   | BAD RECEPTION                                           |
| MARK HUMPHREYS | <i>Mark Humphreys</i> | 7929 Highpoint Rd 21234   | Need Reception<br>POOR CONNECTION                       |
| JACK HUMPHREYS | <i>Jack Humphreys</i> | 37021 LAWS POINT RD,      |                                                         |

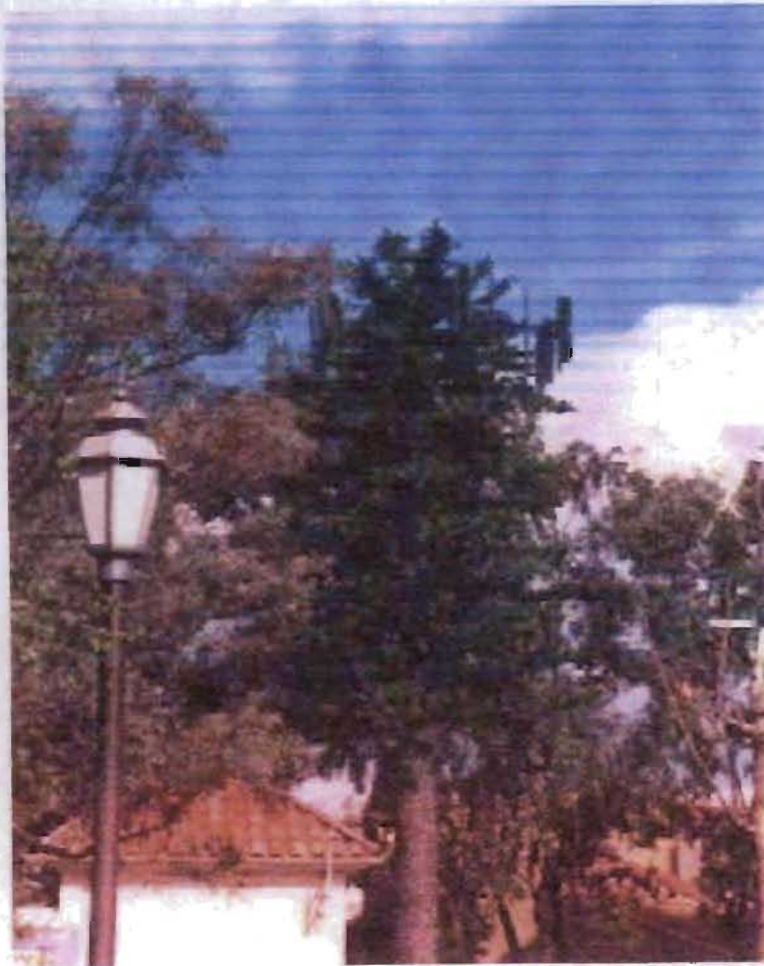




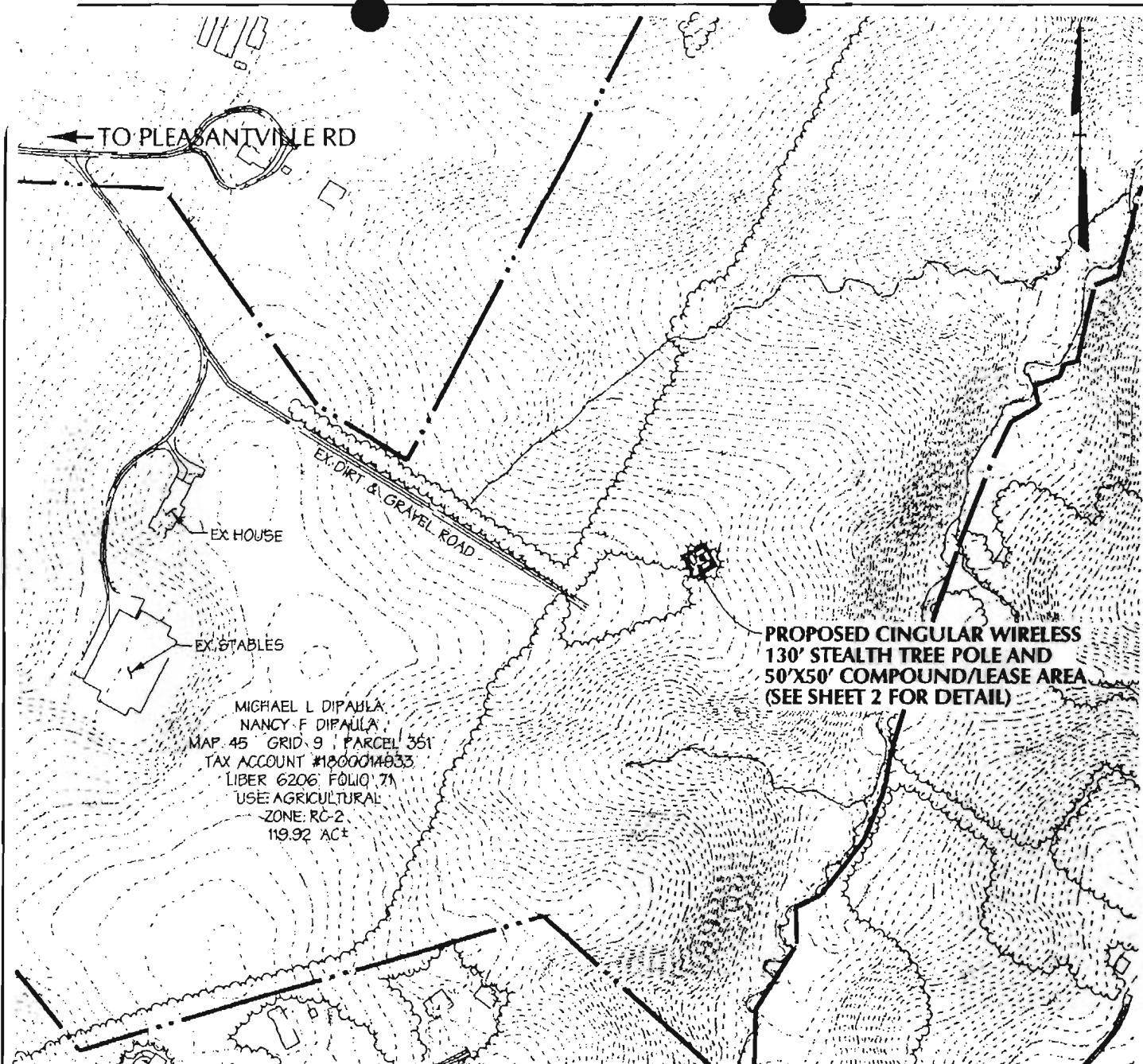
Subj: (no subject)  
Date: 1/18/2006 7:59:37 PM Eastern Standard Time  
From: [jack\\_barber2003@yahoo.com](mailto:jack_barber2003@yahoo.com)  
To: [foxfollyfarm@aol.com](mailto:foxfollyfarm@aol.com)

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## SITE PLAN

SCALE: 1" = 300'

### DATA SOURCE:

THE INFORMATION SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY GIS AND A FIELD VISIT PERFORMED ON 10-31-05. THIS PLAN IS NOT THE RESULT OF A DMW BOUNDARY OR TOPOGRAPHIC SURVEY. FOR INFORMATION PURPOSES ONLY.

CONSTRUCTION MANAGER

RF ENGINEER

VELOCITEL

OWNER

COMPLIANCE

APPROVALS

DATE

| SUBMITTALS |                           |     |
|------------|---------------------------|-----|
| DATE       | DESCRIPTION               | REV |
| 11-02-05   | PRELIMINARY REVIEW        |     |
| 11-16-05   | REVISED COMPOUND LOCATION | 1   |
|            |                           |     |
|            |                           |     |
|            |                           |     |
|            |                           |     |
|            |                           |     |
|            |                           |     |



**DMW**  
**Daft McCune Walker, Inc.**  
Land Planning • Landscape Architecture • Engineering  
 Applied Environmental & Computer Sciences

DMW #: 05162



**GLOCK SMITH**  
**ENGINEERING, INC.**  
174 W. JARRETTVILLE ROAD  
 HURST HILL, MARYLAND 21066

# CONCEPT PLAN

SITE ID# 1740  
KNOEBEL

13713 PLEASANTVILLE RD  
BALDWIN, MD 21013

TAX MAP 45 GRID 9 PARCEL 51  
BALTIMORE COUNTY, MD

CP-1

SHEET 1 OF 3

Xcingular

7160 STANDARD DR.  
HANOVER, MD 21076

Velocitel

1. PROPOSED STEALTH TREE POLE TO BE FAA COMPLIANT.



SCALE: 1" = 20'

THE INFORMATION SHOWN HEREON IS BASED ON A  
SITE VISIT ON 10-31-05 BY DMW.

|                      | APPROVALS | DATE |
|----------------------|-----------|------|
| CONSTRUCTION MANAGER |           |      |
| RF ENGINEER          |           |      |
| VELOCITEL            |           |      |
| OWNER                |           |      |
| COMPLIANCE           |           |      |

| SUBMITTALS |                           |      |
|------------|---------------------------|------|
| DATE       | DESCRIPTION               | REV. |
| 11-02-05   | PRELIMINARY REVIEW        |      |
| 11-16-05   | REVISED COMPOUND LOCATION | 1    |
|            |                           |      |
|            |                           |      |
|            |                           |      |
|            |                           |      |
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|            |                           |      |

**DMW**  
Duff - McCune - Walker, Inc.  
*Land Planning • Landscape Architecture • Engineering  
Applied Environmental & Computer Sciences*

DMW #: 05182

G LOCK SMOOT  
ENGINEERING, INC.  
1874 W JANNETTVILLE ROAD  
POMFRET, VA, HARTLAND 22090

# CONCEPT PLAN

SITE ID# 1740  
KNOEBEL

13713 PLEASANTVILLE RD  
BALDWIN, MD 21013

TAX MAP 45 GRID 9 PARCEL 51  
BALTIMORE COUNTY, MD

|      |              |
|------|--------------|
| CP-1 | SHEET 2 OF 3 |
|------|--------------|

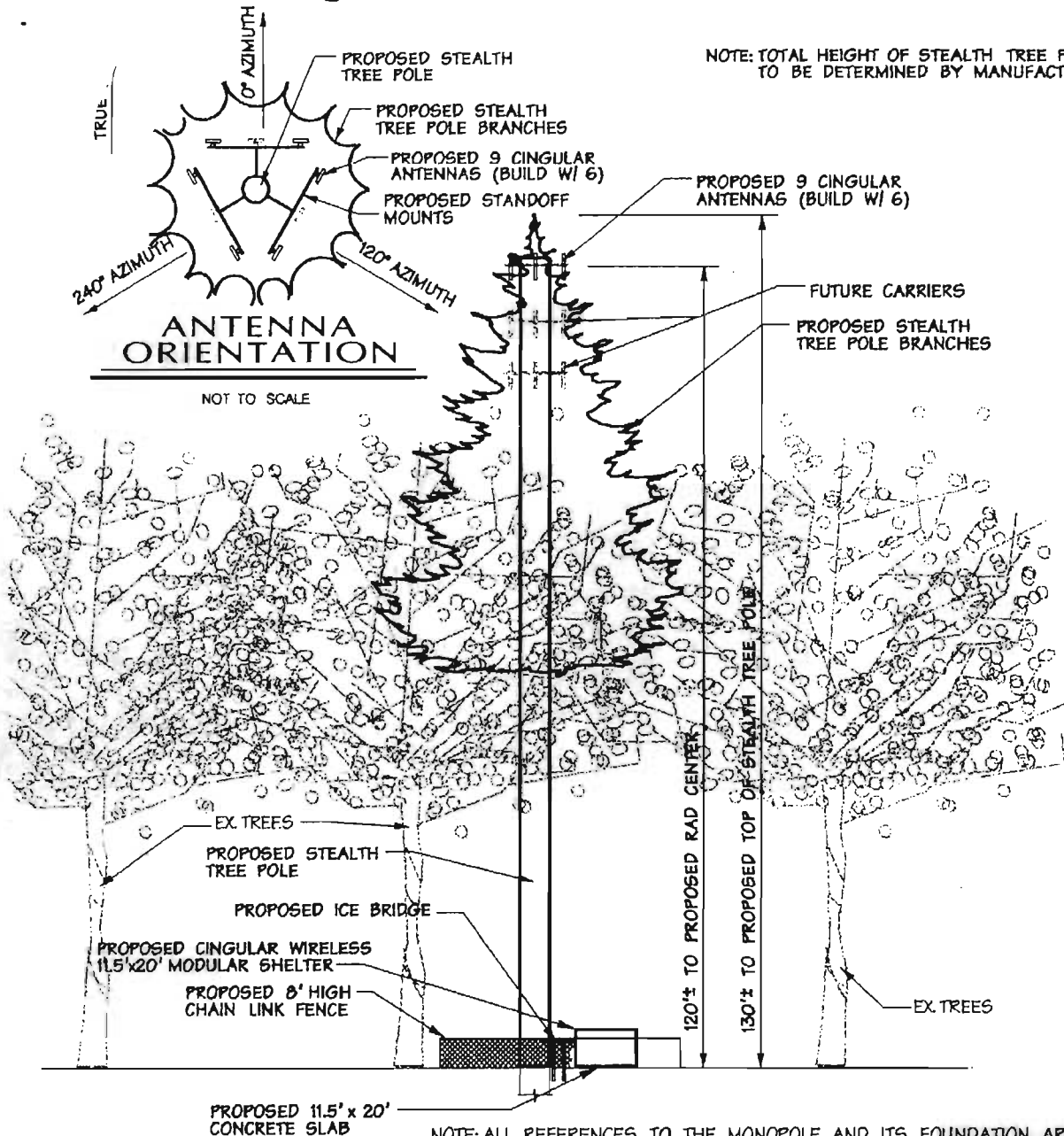


7150 STANDARD DR.  
HANOVER, MD 21076

# Velocitel



TREE POLE TO BE BOLA COMPLIANT.



## TOWER ELEVATION

NOT TO SCALE

**NOTE:**

THE INFORMATION SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY.

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

|                      | APPROVALS | DATE |
|----------------------|-----------|------|
| CONSTRUCTION MANAGER |           |      |
| RF ENGINEER          |           |      |
| VELOCITEL            |           |      |
| OWNER                |           |      |
| COMPLIANCE           |           |      |

| SUBMITTALS |                           |     |
|------------|---------------------------|-----|
| DATE       | DESCRIPTION               | REV |
| 11-02-05   | PRELIMINARY REVIEW        |     |
| 11-16-05   | REVISED COMPOUND LOCATION | 1   |
|            |                           |     |
|            |                           |     |
|            |                           |     |
|            |                           |     |
|            |                           |     |
|            |                           |     |

**DMW**  
Daft McCune Walker, Inc.  
Land Planning • Landscape Architecture • Engineering  
Applied Environmental & Computer Science

DMW #: 05162

**GSE**  
G LOCK SMIDT  
ENGINEERING, INC.  
1791 W. JACOBSTOWN ROAD  
FOREST HILL, MARYLAND 21078

## CONCEPT PLAN

SITE ID# 1740  
**KNOEBEL**

13713 PLEASANTVILLE RD  
BALDWIN, MD 21013

TAX MAP 45 GRID 9 PARCEL 61  
BALTIMORE COUNTY, MD

CP-1 SHEET 3 OF 3

**xcingular**  
WIRELESS  
7150 STANDARD DR.  
HANOVER, MD 21078

**Velocitel**

PETITIONER'S

EXHIBIT NO.

6A

Pleasantville Rd, 2/10 of a mile East  
39° 29.793 N / 76° 28.225 W , No View



PETITIONER'S

EXHIBIT NO. 6B

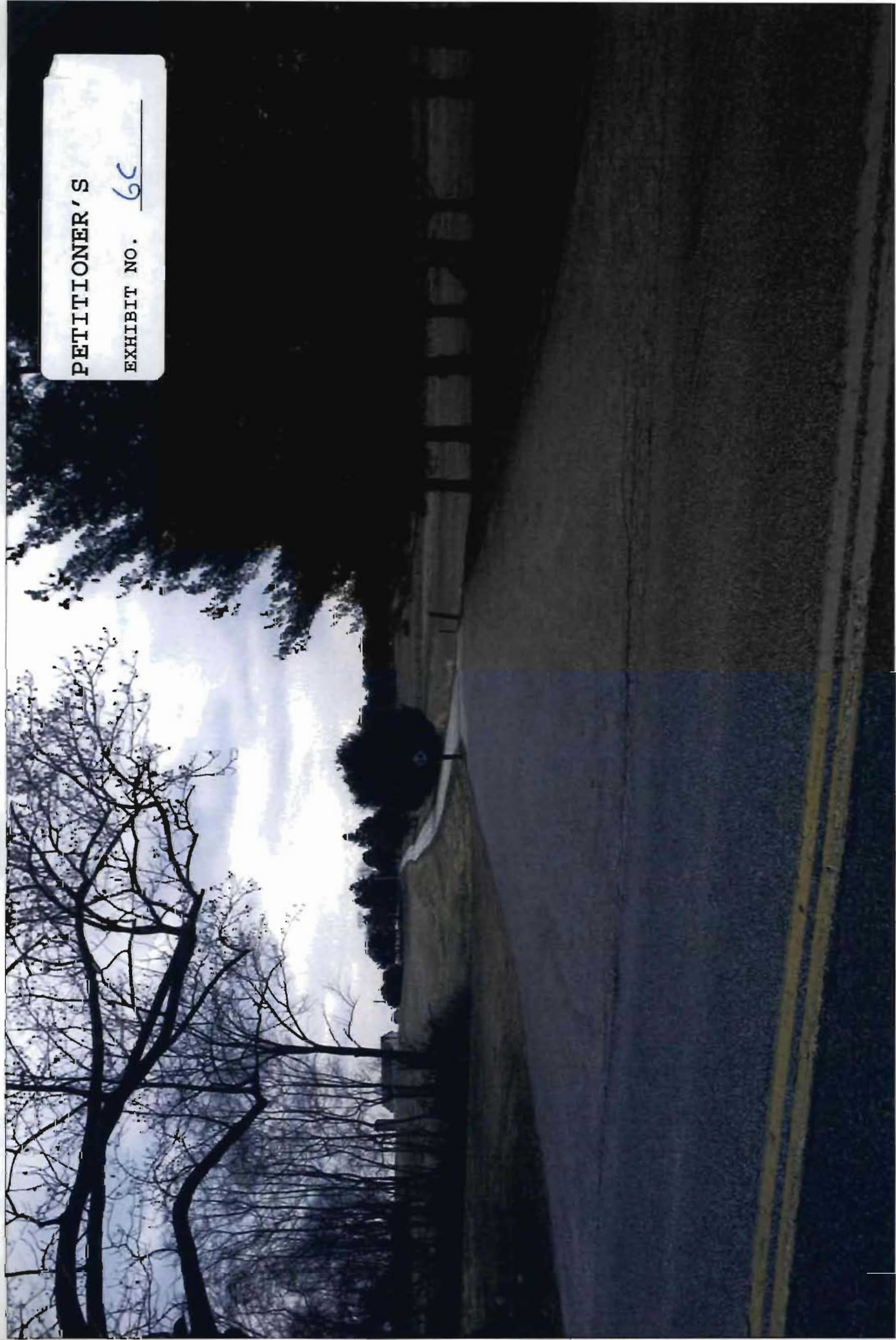


Junction of Pleasantville Rd/Fork Rd/Long Green Drive  
39° 29.541 N / 76° 28.453 W , No View



PETITIONER'S

EXHIBIT NO. 6C



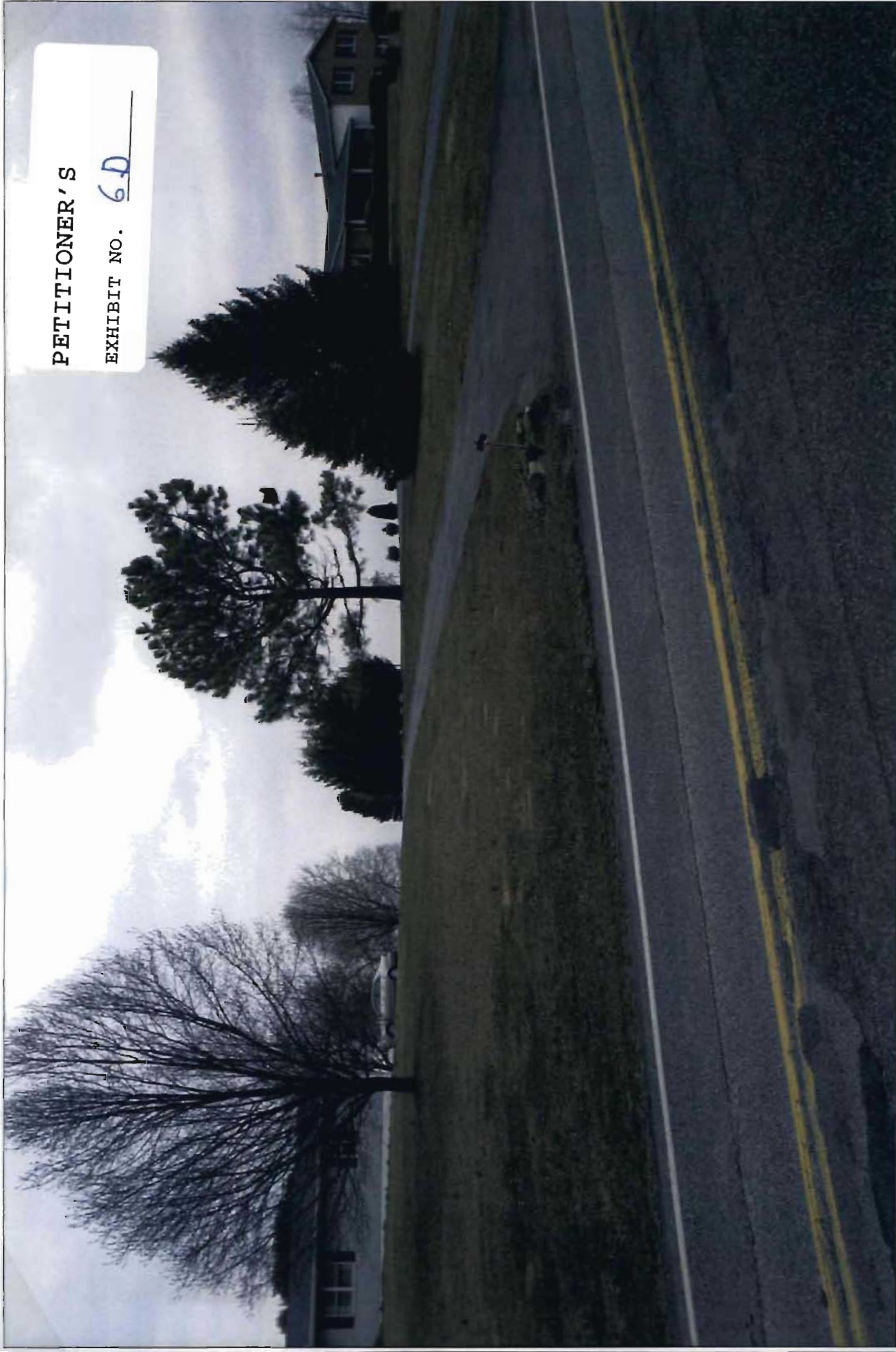
Entrance to Fox Folly Farm from Pleasantville Rd  
39° 29.937 N / 76° 28.114 W , No View



PETITIONER'S

EXHIBIT NO.

6D



13545 Fork Rd

39° 29.564 N / 76° 28.220 W , No View

PETITIONER'S

EXHIBIT NO.

6E

Fox Folly Farm Field View of Balloon



PETITIONER'S

EXHIBIT NO.

6F

Fox Folly Farm Field Simulated View