IN RE: PETITION FOR SPECIAL HEARING N/S Old Court Road, 1,109' SW Polly Hill Court (9150 Old Court Road) 2nd Election District	*	BEFORE THE	
	*	ZONING COMMISSIONER	
	*	FOR	
4 th Council District	*	BALTIMORE COUNTY	
Edrich Farms, <i>Owner</i> Crown Atlantic Co., LLC, <i>Lessee</i>	*	Case No. 07-234-SPH	

Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Edrich Farms, through Edward F. Stanfield, and the Contract Lessee, Crown Atlantic Co., LLC, by their attorney, Hillorie S. Morrison, Esquire. The Petitioners request a special hearing to approve an amendment to Case No. 84-204-X (as amended by Case No. 88-245-SPH) to permit a wireless telecommunication tower located on the subject property to be setback 200 feet from the property line, in compliance with Section 426 of the Baltimore County Zoning Regulations (B.C.Z.R.) instead of 540 feet as required by repealed Section 502.7.C, or such other relief as determined by the Zoning Commissioner and to reduce the area of the prior special exception and to confirm that the reduced area complies with B.C.Z.R. Section 426.9.C.2. The subject property and requested relief are more particularly described on the two-paged site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request was Hillorie S. Morrison, Esquire, attorney for the Petitioners. Appearing in opposition to the reduction of the existing setbacks was Ewald J. August, an adjacent neighbor north of the

site, who has enjoyed a contractual relationship with Bell Atlantic Mobile Systems, Inc. under the old regulations required by the repealed B.C.Z.R. Section 502.7.C. There were no other interested persons present.

The undersigned has become familiar with the subject property by virtue of reading prior Case Nos. 84-204-X and 88-245-SPH in which the Petitioners were granted special exception and special hearing approvals to erect a 270-foot, 3-legged lattice, wireless transmitting and receiving structure on the subject property. As noted therein, the property is a large, irregular shaped parcel located on the north side of Route 125 -Old Court Road, south of Polly Hill Court in the Windsor Mill area of the County. The property contains a gross area of 309 acres, more or less, zoned R.C.3 and is in active agricultural use. As the history suggests, Petitioners have owned and leased the property since 1984. Since that time, the location has proven beneficial in meeting the projected growth and marketing demands of the Owings Mills Growth Center. The structure is positioned on a tract 292 feet from the nearest residential property line and over 540 feet from the home of Ewald and Shirley August. Evidently, this 540-foot setback requirement of repealed Section 502.7.C of the B.C.Z.R. resulted in a leasing arrangement between Bell Atlantic and the August's in order for the tower to be razed from 167 feet to 270 feet in 1988. A reduction in the setback and area requirements as requested under the current regulations (B.C.Z.R. Section 426.9.C.2) would negate the need for Petitioners contractual agreement with Mr. and Mrs. August. Understandably, the August's are disappointed that the monetary payments they have become accustomed to in exchange for the neighboring tower with its attendant flashing red lights will be lost. In this regard, they feel disillusioned, as without their cooperation the height of the tower

Date 3 - 28 - 07 By

could not have been increased. In any event, and as explained during the proceedings, the contractual rights and obligations of the parties are not matters rightfully before me.

The prior findings of the Zoning Commissioner and Deputy Zoning Commissioner in Case Nos. 84-204-X and 88-245-SPH are relevant. Under Section 426.9.C.2 of the B.C.Z.R., it is provided that a tower in an R.C. zone shall be located on a lot of at least 5 acres. The subject property easily meets this requirement. Moreover, it is clear that the Council, in enacting this legislation, did not wish to encumber property so as to prevent any uses within the 5-acre area designated for the tower. For example, parking lots, farm operations, and other uses and activities are frequently shown near the base of a tower. In my judgment, the Council intended that a tower be constructed in an R.C. zone on a lot that is a minimum 5-acres in area and that this entire 5-acre area need not be associated with the tower use. Such a requirement would be inconsistent with the legislative purposes of Section 426 and unduly burdensome. This legislative goal is further demonstrated by the setback requirements set out in Section 426, which require that a tower be located a significant distance from common property lines, "a tower shall be setback at least 200 feet from any other owner's residential property line". Thus, the Petitioners plan should be amended so that the area of the special exception is restricted only to the 1.8418-acre site of the tower and the immediate area adjacent to the base thereof, which contains the related sheds and electronic equipment.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _______ day of March, 2007, that the Petition for Special Hearing to

Date 3-28-07 FILING
By

approve an amendment to Case No. 84-204-X (as amended by Case No. 88-245-SPH) to permit a wireless telecommunication tower located on the subject property to be setback 290 feet from the property line, in accordance with Section 426 of the Baltimore County Zoning Regulations (B.C.Z.R.) instead of 540 feet as required by repealed Section 502.7.C, in accordance with Petitioners' two-paged Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief to reduce the area of the prior special exception and to confirm that the reduced area complies with B.C.Z.R. Section 426.9.C.2, of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1. Compliance with B.C.Z.R. Section 426.6.D that requires an owner of the tower to submit to the Code Official written certification, every five (5) years, from a professional engineer that the tower and any structural housing equipment for the tower meets all applicable Building Code and safety requirements.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code and filed within thirty (30) days of the date of this Order.

WILLIAM WISEMAN, III

Zoning Commissioner

for Baltimore County



March 28, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

Hillorie S. Morrison, Esquire 7380 Coca Cola Drive Hanover, Maryland 21076

RE: PETITION FOR SPECIAL HEARING

N/S Old Court Road, 1,109' SW
Polly Hill Court
(9150 Old Court Road)

2nd Election District - 4th Council District
Edrich Farms, Owner; Crown Atlantic Co., LLC, Lessee- Petitioners
Case No. 07-234-SPH

Dear Ms. Morrison:

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

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

Very truly yours,

VILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

c: Mr. Edward F. Stanfield, 2829 Offutt Road, Randallstown, Md. 21133 Ms. Wendy R. Smith, 2000 Corporate Drive, Canonsburg, Pa. 15317 Mr. Ewald J. August, 9038 Old Court Road, Baltimore, Md. 21244 Code Official, DPDM; People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	91	5 13	, 5/	N	Court	ROM
					03	

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

an amendment to Case No. 84-204-X (as amended by Case No. 88-245-SPH) to permit a wireless telecommunication tower located on the subject property to be setbback 200 feet from the property line, in complaince with Section 426 BCZR instead of 540 feet as required by repealed Section 502.7.C, or such other relief as determined by the Zoning Commissioner AND TO REDUCE THE AREA OF THE PRIOR SPECIAL EXCEPTION AND TO COMPLEM THAT THE REDUCED AREA COMPLIES WITH SECTION 426.9.C2/BCZR.

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: <u>Legal Owner(s):</u> Crown Atlantic Co., LLC a Delaware LLC Edrich Farms Name - Type or Print Name - Type or Print Signature Signature 2000 Corporate Drive 781-970-0053 Edward F. Stanfield Address Telephone No. Name - Type or Print Canonsburg, PA 15317 City State Zip Code Signature 2829 Offutt Road **Attorney For Petitioner:** Telephone No. Address Hillorie S. Morrison Randallstown, MD 21133 Name - Type or Print Zlp Code Clty NVIm Representative to be Contacted: Signature Network Building & Consulting Hillorie Morrison Company, Name 812 Oregon 4 February 0014 443-570-0014 Address Address Telephone No. Telephone No. Linthicum, MD 21090 City Zlp Code State City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING _ Case No. 0'1-234-5PH UNAVAILABLE FOR HEARING REV 9/15/98 CADER RECEIVED FOR FILING

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

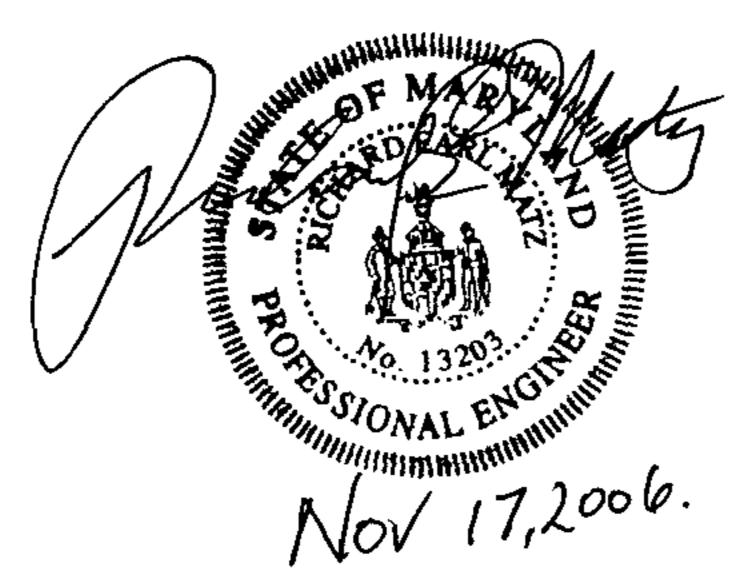


ZONING DESCRIPTION SPECIAL EXCEPTION AREA FOR CROWN CASTLE 9150 OLD COURT ROAD

Beginning at a point on the north side of Old Court Road, which is of varying width, 1109 feet, more or less, southwest of the centerline of Polly Hill Court, which is 40 feet wide. Thence the following courses and distances:

```
S 71°23'11" W 43.77 ft.;
N 14°16'18" E 799.33 ft.;
N 19°40'09" E 228.62 ft.;
N 20°47'05" E 244.33 ft.;
N 18°02'17" E 242.23 ft.;
N 60°19'49" W 249.47 ft.;
N 60°16'40" W 140.53 ft.;
N 67°02'35" W 90.28 ft.;
N 67°42'07" W 106.94 ft.;
N 21°43'08" E 76.97 ft.;
S 78°26'57" E 57.52 ft.;
S 69°23'14" E 51.33 ft.;
S 21°06'12" W 67.86 ft.;
S 70°44'22" E 94.90 ft.;
S 60°56'59" E 439.12 ft.;
S 23°17'54" W 267.31 ft.;
S 20°47'05" W 243.86 ft.;
S 19°40'09" W 174.60 ft., thence
S 14°16'18" W 825.00, to the Point of Beginning.
```

Being a portion of the 309-acre parcel recorded at Liber 3629, folio 393, and containing 1.8418 acres, more or less. Also known as 9150 Old Court Road and located in the 2nd Election District, 4th Councilmanic District.



2835 Smith Avenue, Suite G Baltimore, Maryland 21209 Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

07-234-5PH

DISTRIBUTION CASHIER BUDGET COUNT · figur RECEIP AGENC MARY

T X

CERTIFICATE OF POSTING

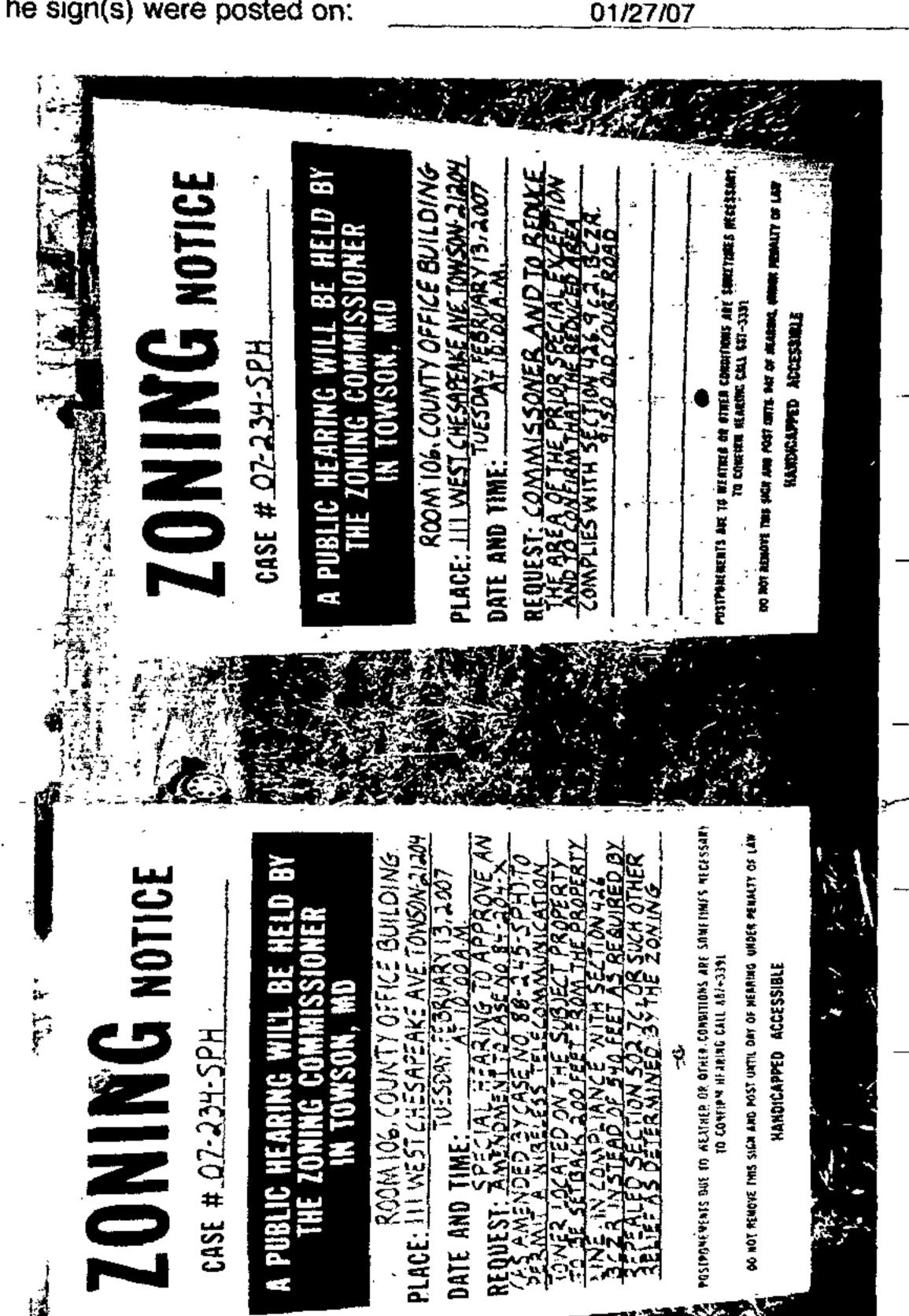
Case Number: 07-234-SPH

Petitioner/Developer: Colbert, Matz & Rosenfelt-Hillorie Morrison-Wendy Smith-Edward Stansfield

Date of Hearing (Closing): 02/13/07

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: 9150 OLD COURT ROAD (ON-SITE)

The sign(s) were posted on: 01/27/07



(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)

REARING OTICE OF 20MM

mmissipher of Baltimore Goeffly, by au-ming any and Regulations of Baltimore a publication in Towson, Maryland on lifted herein as follows: Comi thority of the Zon County will hold a thority

the property identificative in as follows:

Case: # 07-234:50.

9150 Old Counting and

N/side of Old Bourt Road, 1109 feet southwest of Polly

Hill Counting

Contract Purchaser: Crown Atlantic Co., LLC

Special Hearing: To approve an amendment to Case Mo.

84-204-X (as amended by Case No. 88-245-SPH) to permit a wireless telecommunication tower located on the subject property to be setback 200 feet from the property line, in compliance with Section 426 BCZR instead of 540 feet as required by repealed Section 502:7.0- such other relief as determined by the Zoning Commissioner and to reduce the area of the prior special exception and to confirm that the reduced area complies with Section confirm that the reduced area complies with Section 426.9.c.2, BCZR, Hearing: Thursday, February 1, 2007, at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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) 887-3868.

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

JT 1/704 Jan. 16

2007

the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, of each once in ou

The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

Owings Mills Times

NE Booster/Reporter

North County News

Mulingr

LEGAL ADVERTISING

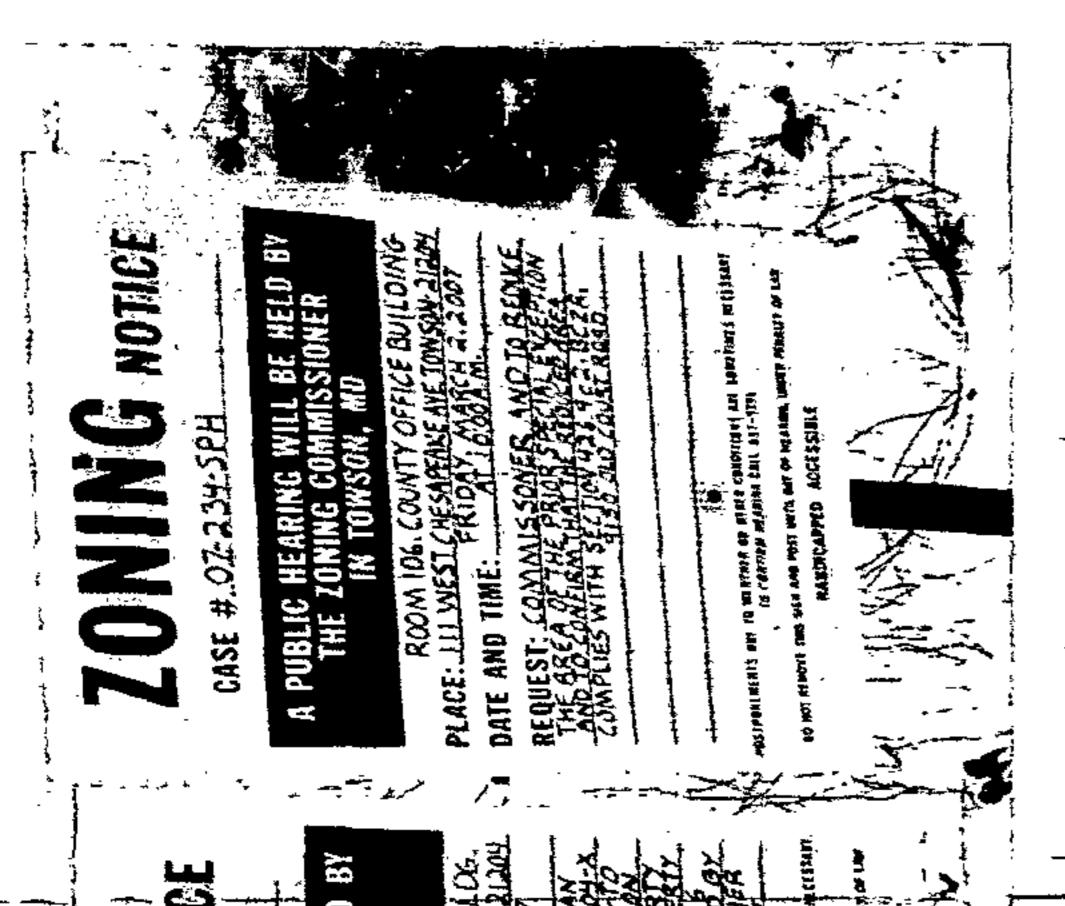
CERTIFICATE OF POSTING

Case Number: 07-234-SPH (POSTPONMENT)

Petitioner/Developer: Colbert, Matz & Rosenfelt-Hillorie Morrison Esq.~Wendy Smith~Edward Stansfiled
Date of Hearing (Closing): 03/02/07

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: 9150 OLD COURT ROAD

02/16/07



The sign(s) were posted on:

(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)

NOTICE OF ZOUING HEARING

ning Control 10 Baltimore County, by autility the Zoning Act and Regulations of Baltimore silt hold a public hearing in Towson, Maryland on ory-234-SPH of Court. Road, 1109 feet southwest of Polly of Old Court. Road, 1109 feet southwest of Polly

15 Property Case: # 07 9150 Old C

National Court. Road, 1109 feet southwest of Polly Notide of Old Gourt. Road, 1109 feet southwest of Polly Hill Court.

2nd Election District - 4th Councilmanic District
Legal Owner(s): Edrich Farms, Edward Stansfield
Contract Purchaser: Crown Atlantic Co., LLC
Special Hearing: to approve an amendment to Case No. 84-204-X (as amended by Case No. 88-245-SPH) to permit a wireless telecommunication tower located on the subject property to be setback 200 feet from the property line, in compliance with Section 426 BCZR instead of 540 feet as required by repealed Section 502.7.c, or such other relief as determined by the Zoning Commissioner and to reduce the area of the prior special exception and to confirm that the reduced area complies with Section 426.9.c.2, BCZR.

Hearing: Friday, March 2, 2007 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake

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.

2/418 Feb. 22

OF PUBLICATION (T)

_, 2007

hat the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY each of once in

The Jeffersonian es Arbutus Tim

- **Fimes** Catonsville 1
- Towson Times
- Reporter/ Owings Mills Times NE Booster,
 - ty News North Count

Muluga

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY

Thursday, February 22, 2007 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple

PDM

111 West Chesapeake Avenue

Towson, MD 21204

410-887-3353

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: 07-234-SPH

9150 Old Court Road

N/side of Old Court Road, 1109 feet southwest of Polly Hill Court

2nd Election District – 4th Councilmanic District Legal Owners: Edrich Farms, Edward Stansfield Contract Purchaser: Crown Atlantic Co., LLC

Special Hearing to approve an amendment to Case No. 84-204-X (as amended by Case No. 88-245-SPH) to permit a wireless telecommunication tower located on the subject property to be setback 200 feet from the property line, in compliance with Section 426 BCZR instead of 540 feet as required by repealed Section 502.7.c, or such other relief as determined by the Zoning Commissioner and to reduce the area of the prior special exception and to confirm that the reduced area complies with Section 426.9.c.2, BCZR.

Hearing: Friday, March 2, 2007, at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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.



February 16, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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: 07-234-SPH

9150 Old Court Road

N/side of Old Court Road, 1109 feet southwest of Polly Hill Court

2nd Election District – 4th Councilmanic District Legal Owners: Edrich Farms, Edward Stansfield Contract Purchaser: Crown Atlantic Co., LLC

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Hearing: Friday, March 2, 2007, at 10:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Hillorie Morrison, 812 Oregon Avenue, Linthicum 21090 Wendy Smith, 2000 Corporate Drive, Canonsburg PA 15317 Edward Stansfield, 2829 Offutt Road, Randallstown 211133

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 15 2007.
 - (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.



January 31, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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: 07-234-SPH

9150 Old Court Road

N/side of Old Court Road, 1109 feet southwest of Polly Hill Court

2nd Election District – 4th Councilmanic District

Legal Owners: Edrich Farms, Edward Stansfield

Contract Purchaser: Crown Atlantic Co., LLC

Special Hearing to approve an amendment to Case No. 84-204-X (as amended by Case No. 88-245-SPH) to permit a wireless telecommunication tower located on the subject property to be setback 200 feet from the property line, in compliance with Section 426 BCZR instead of 540 feet as required by repealed Section 502.7.c, or such other relief as determined by the Zoning Commissioner and to reduce the area of the prior special exception and to confirm that the reduced area complies with Section 426.9.c.2, BCZR.

Hearing: Tuesday, February 13, 2007, at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Hillorie Morrison, 812 Oregon Avenue, Linthicum 21090 Wendy Smith, 2000 Corporate Drive, Canonsburg PA 15317 Edward Stansfield, 2829 Offutt Road, Randallstown 211133

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 17, 2007.
 - (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.



T**Death bek 02**R**2006**Director
Department of Permits and
Development Management

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: 07-234-SPH

9150 Old Court Road

N/side of Old Court Road, 1109 feet southwest of Polly Hill Court

2nd Election District – 4th Councilmanic District Legal Owners: Edrich Farms, Edward Stansfield Contract Purchaser: Crown Atlantic Co., LLC

Special Hearing to approve an amendment to Case No. 84-204-X (as amended by Case No. 88-245-SPH) to permit a wireless telecommunication tower located on the subject property to be setback 200 feet from the property line, in compliance with Section 426 BCZR instead of 540 feet as required by repealed Section 502.7.c, or such other relief as determined by the Zoning Commissioner and to reduce the area of the prior special exception and to confirm that the reduced area complies with Section 426.9.c.2, BCZR.

Hearing: Thursday, February 1, 2007, at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Hillorie Morrison, 812 Oregon Avenue, Linthicum 21090 Wendy Smith, 2000 Corporate Drive, Canonsburg PA 15317 Edward Stansfield, 2829 Offutt Road, Randalistown 211133

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 17, 2007.
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 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 07-234-SPH Petitioner: Edvich Favms
Address or Location: 9150 Old Court Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: HILLORIE MORRISON
Address: NB+C
512 OREGON AVE # E
LINTHICUM, mp 2/090
Telephone Number: 443- 570- 0014



TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 25, 2007

Hillorie S. Morrison Network Building & Consulting 812 Oregon Avenue Linthicum, MD 21090

Dear M. Morrison:

RE: Case Number: 07-234-SPH, 9150 Old Court Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 20, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

U. Callibal)

WCR:amf

Enclosures

c: People's Counsel Edrich Farms Edward F. Stanfield 2829 Offutt Road Randallstown 21133 Crown Atlantic Co., LLC 2000 Corporate Drive Canonsburg, PA 15317

Fire Department

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



Baltimore County

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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 28, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 27, 2006

Item No.: 230, 231, 232, 233, 234, 235, 236, 237, 238, 239.

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

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

cc: File



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12/5/2006

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

RE: Baltimore County

Item No. 7-234-5PH

9150 OLD COURTROAD

EDRICH FARMS

VARIANCE SPECIAL HEMRING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-234 SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits
Division

SDF/MB

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



Celebrating 85 years of service.

Karl J. Nelson

Phone: (410) 332-8663

Fax: (410) 332-8184

10 (Ill

knelson@saul.com

www.saul.com

January 26, 2007

Via Facsimile and Regular U.S. Mail

Kristin Matthews Department of Permits and Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re:

Case No. 07-234-SPH

9150 Old Court Road

Dear Kristin:

Please be advised that I will be representing the applicant in the above referenced matter. Unfortunately, as per our conversation of earlier today, the property was not posted in time to accommodate the current hearing date of February 1, 2007. Accordingly, I understand that the matter will be rescheduled to February 13, 2007 at 10:00 a.m.

I thank you for your assistance with this. Please do not hesitate to contact me if you require any additional information.

Karl J. Nelson

KJN/jlm

cc: Ms. Hillorie Morrison (via facsimile and U.S mail)

Lockwood Place + 500 East Pratt Street + Baltimore, MD 21202-3171

Phone: (410) 332-8600 • Fax: (410) 332-8862

From:

"Hillorie Morrison" <hmorrison@nbcllc.com>

To:

"Richard Bohn" <rbohn@co.ba.md.us>

Date:

11/21/06 9:19:43 AM

Subject:

RE: Special Hearing for Tower, Edrich Farm Property (Old Courtnear Polly Hill Road),

Case No. 07-234-SPH

Thank you very much, I will forward this information to PDM for the record.

Hillorie Morrison Land Use Client Manager Network Building & Consulting 812 Oregon Avenue, Suite E Linthicum, MD 21090 443-570-0014 (phone) 410-636-5287 (facsimile)

-----Original Message-----

From: Richard Bohn [mailto:rbohn@co.ba.md.us] Sent: Tuesday, November 21, 2006 6:53 AM

To: Hillorie Morrison

Cc: jfloam@cmrengineers.com; Walter Smith

Subject: Re: Special Hearing for Tower, Edrich Farm Property (Old

Courtnear Polly Hill Road)

Dear Ms. Morrison:

I have reviewed the information you have provided requesting a change of the tower setback distances for the site located on the Edrich Farm. It is my opinion that this proposed change does not require review by the Tower Review Committee. The committee's responsibility is limited to reviewing proposals for new tower construction and providing a recommendation to the Development Review Committee. This project does not involve new construction or even modification of a structure. You also informed me that the remaining setback distance would exceed the current 200' requirement and actually be more than the 270' height of the structure. This leaves a more than ample "fall zone"

Thank you for bringing this to our attention and giving the TRC the opportunity to review the project. I feel that you can continue to work with PDM to make the changes to the property use.

Regards,

for the tower.

>>> "Hillorie Morrison" <hmorrison@nbcllc.com> 11/15/2006 5:03 PM >>>

Dear Mr. Bohn: CrownCastle owns a 270-foot high tower north of Old Court Road, west of Windsor Mill Road (ADC MAP 32). The tower is on the Edrich Farm property, a parcel of several hundred acres. The tower was approved by Special Exception Case No. 84-204X as amended by Case No. 88-245-SPH. In 1988, the Baltimore County Zoning Regulations required that a tower be setback from a property line a distance of at least twice the height of the tower, in this case 540 feet. CrownCastle would

07-234-5Pby

like to amend the special exception so that the present-day setback of 200 from a residential owner's property line would apply, rather than the more onerous 540 feet. There would be no physical changes to the location of the tower; changing the setback requirement to the present-day standards would give the property owner more flexibility as to the use of the property. Due to the size of the parcel, the tower is minimally visible from the street or to other property owners. The Zoning Office asked that I notify you about this request. I spoke with you on October 31, after the meeting of the tower committee and you requested that I provide a letter describing the proposal but that it would not be necessary for the tower committee to review it. Please let me know if you would like any additional informationThank you. Hillorie MorrisonLand Use Client ManagerNetwork Building & Consulting812 Oregon Avenue, Suite ELinthicum, MD 21090443-570-0014 (phone)410-636-5287 (facsimile)

CC:

<jperlow@co.ba.md.us>

From:

"Hillorie Morrison" <hmorrison@nbcllc.com>

To:

<jperlow@co.ba.md.us>
11/21/06 9:20:44 AM

Date: Subject:

FW: Special Hearing for Tower, Edrich Farm Property (Old Courtnear Polly Hill Road),

Case No. 07-234-SPH

Jeff, please note that Edrich Farms is incorporated.

Hillorie Morrison
Land Use Client Manager
Network Building & Consulting
812 Oregon Avenue, Suite E
Linthicum, MD 21090
443-570-0014 (phone)
410-636-5287 (facsimile)

----Original Message----From: Hillorie Morrison

Sent: Tuesday, November 21, 2006 9:19 AM

To: 'Richard Bohn'

Cc: 'jperlow@co.ba.md.us'

Subject: RE: Special Hearing for Tower, Edrich Farm Property (Old

Courtnear Polly Hill Road), Case No. 07-234-SPH

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Hillorie Morrison
Land Use Client Manager
Network Building & Consulting
812 Oregon Avenue, Suite E
Linthicum, MD 21090
443-570-0014 (phone)
410-636-5287 (facsimile)

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Sent: Tuesday, November 21, 2006 6:53 AM

To: Hillorie Morrison

Cc: jfloam@cmrengineers.com; Walter Smith

Subject: Re: Special Hearing for Tower, Edrich Farm Property (Old

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07-234-SPH

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Thank you for bringing this to our attention and giving the TRC the opportunity to review the project. I feel that you can continue to work with PDM to make the changes to the property use.

Regards,

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From:

Debra Wiley

To:

Murray, Curtis

Date:

02/28/07 10:02:38 AM

Subject:

Office of Planning Comment Needed for 3/2 Hearing

Good Morning Curtis,

We have just received a file for Bill to hear a case this Friday, 3/2 and there is no comment from your office as follows:

07-234-SPH

9150 Old Court Rd.

Edrich Farms, Edward Stansfield (Legal Owners)

Crown Atlantic Co., LLC (Contract Purchaser)

Special Hearing to approve an amendment to Case No. 84-204-X (as amended by Case No. 88-245-SPH) to permit a wireless telecommunication tower located on the subject property to be setback 200 feet from the property line, in compliance with Section 426 B.C.Z.R. instead of 540 feet as required by repealed Section 502.7.c, or such other relief as determined by the Zoning Commissioner and to reduce the area of the prior special exception and to confirm that the reduced area comples with Section 426.9.c.2, B.C.Z.R.

Thanking you in advance for your cooperation.

Debra Wiley - 07-234-SPH

Page 1

From:

Debra Wiley

To:

Murray, Curtis

Date:

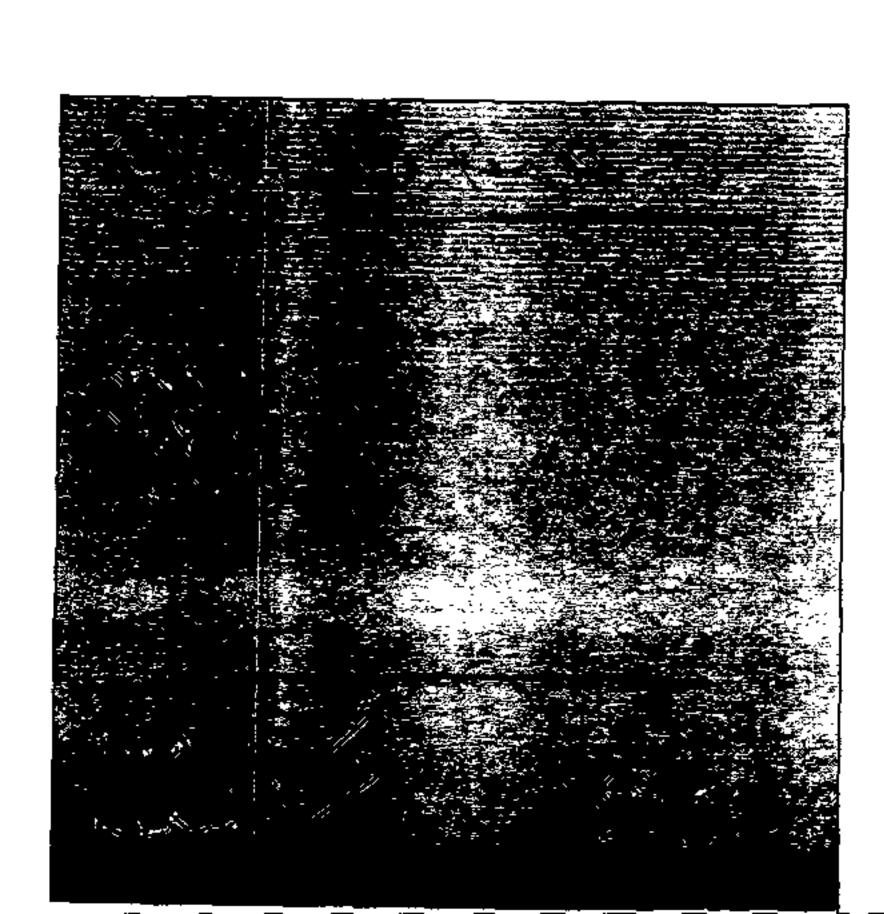
02/28/07 10:05:08 AM

Subject:

07-234-SPH

Curtis,

Bill is asking for the Tower Review Committee comment on this as well. Thanks.



IN RE: PETITIONS FOR SPECIAL HEARING

AND SPECIAL EXCEPTION - W/S

Honeygo Boulevard, 1010' NE of the c/l

Joppa Road

(9380 Honeygo Blvd./5022 E. Joppa Road)*

11th Election District

5th Council District

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 03-454-SPHX

RITA, L.P., Owners; Omnipoint Communications CAP Operations, LLC, Lessees - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject property, RITA, L.P., and the Contract Lessees, Omnipoint Communications CAP Operations, LLC, through their attorney, Karl J. Nelson, Esquire. The Petitioners request a special hearing for a determination that Section 426.9.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) does not require the creation of a three-acre special exception area within the subject property for the proposed wireless telecommunications tower. In addition, special exception relief is requested to approve the installation on the subject property of a 100-foot high stealth design wireless telecommunications tower and related electronic equipment. The subject property and requested relief are more particularly described on the four-page site plan submitted which was accepted into evidence and marked as Petitioner's Exhibits 3A through 3D.

Appearing at the requisite public hearing in support of the request were Hillorie Morrison and Ryan Conaway on behalf of Omnipoint Communications CAP Operations, LLC. Contract Lessees, Oakleigh Thorne, and Karl Nelson, Esquire, attorney for the Petitioners. Appearing as interested citizens were Dennis Eckard and William Libercci, representatives of the Perry Hall Improvement Association, and Edward Arnold and Ted Grochowina, nearby residents. There were no Protestants or other interested persons present.

1

The subject property under consideration is an irregular shaped parcel located on the west side of Honeygo Boulevard, just north of Joppa Road in Perry Hall. The property is actually part of a larger tract that is bisected by Honeygo Boulevard and contains approximately 54 acres in area, split zoned D.R.10.5H, D.R.3.5H, D.R.1H and B.L.H. The proposal under consideration relates to the western parcel, which contains approximately 10.5 acres in area and is presently unimproved. The western parcel contains a storm water management reservation area, a forest conservation easement and forest buffer easement, and areas of open space. The eastern parcel is proposed for development with a commercial center and residential uses.

As more particularly shown on the plan, Omnipotent Communications CAP Operations, LLC has contracted to lease a small area within the western parcel for the purpose of constructing a 100-foot tall stealth wireless communication tower. Additionally, several small buildings will be constructed at the base of the tower to provide electronic equipment and related infrastructure.

The proposed construction is consistent with the trend in recent years to construct wireless communication towers throughout the Baltimore Metropolitan area. The wireless communications industry has greatly expanded over the years and companies such as the subject Lessee, are frequently searching for new sites to expand and improve their respective network. Construction of wireless communication facilities is governed by Section 426 of the B.C.Z.R. Those regulations established a wireless Tower Communication Committee which reviews all applications for tower construction in Baltimore County. Additionally, Section 426.5 of the B.C.Z.R. provides that the construction of towers is permitted only by special exception in the D.R. zones.

Testimony and evidence presented by the Petitioners fully described the proposed operation and the process undertaken by them to select the subject site. Specifically, it was indicated that there is a "hole" in telephone coverage in this area. The Petitioners searched the area to determine if any existing structures were available which could house the necessary antennae to provide better coverage. Ultimately, it was determined that there were no existing structures

available and upon a thorough investigation the subject site was identified. The property is located centrally between Belair Road and I-95. Obviously, these are major traffic corridors in the vicinity and the location is appropriate from a coverage standpoint. Moreover, it was noted that the subject property will remain undeveloped and thus, the tower will not be located immediately adjacent to existing residences or businesses.

Testimony and evidence was also offered regarding the tower itself. The structure has been identified as a "stealth" tower, which features an internal antenna to reduce visibility. Moreover, the tower is of minimal circumference. Finally, the tower will be constructed at a height no greater than 100 feet.

The Petitioners indicated that a balloon test was conducted in the field to determine visibility of the tower from a variety of off-site locations. A series of photographs were submitted into evidence showing the results of that test. The photographs show not only the balloon that was flown on site, but also computer-enhanced photographs were presented that superimpose the profile of the tower.

Based upon the testimony and evidence offered. I am easily persuaded that the Petition for Special Exception should be granted. It is clear that the Petitioners have made substantial efforts to comply with the spirit, intent and legislative purpose as set out in Section 426 of the B.C.Z.R. Moreover, the Petitioners have satisfied the requirements of Section 502.1 of the B.C.Z.R. for relief to be granted. In sum, I am persuaded that the testimony and evidence support a finding that the proposed use will not be detrimental to the health, safety and general welfare of the locale. It appears that this tower will have minimal impact and the Petitioners have made reasonable efforts to appropriately locate the tower and reduce visibility and impacts on the surrounding locale.

The second question presented in this case is under the Petitioner for Special Hearing. Section 426.9.C.2 provides that a tower, "...shall be located on a lot of at least three acres." The question presented is if the area of the special exception similarly need be at least three acres. A written comment was received from the Zoning Review Division of the Department of Permits and

Development Management, which states in part, "It has not been demonstrated to this office how the integrity of the required 3-acre area can be maintained without having special exception status overall." It is obvious that the purpose of the 3-acre minimum area is to encourage that towers be located on large tracts so as to minimize impacts to adjacent parcels. That is, if the tower was located on a small property, it would obviously be closer to adjacent property lines and thus, the impact would be greater. This legislative goal-is further-demonstrated by the setback requirements set-out in Section 426, which require that the tower be located-a-significant-distance from common property lines. However, it is equally clear that the actual area of property that a tower will occupy is quite-small. The page and tower is a vertical structure and the space needed for it and related electronic equipment at the base is minimal.

Section 102.2 of the B.C.Z.R. provides that no yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use. A strict application of this Section would require that none of the 3-acre area designated for a wireless communication tower could be utilized for any other use or purpose. This is clearly not the legislative intent of the 3-acre minimum. That is, it is clear that the Council in enacting this legislation did not wish to encumber property so as to prevent any uses within the 3 acres designated for the tower. For example, parking lots, farm operations, and other uses and activities are frequently shown near the base of a tower. In my judgment, the Council intended that a tower be constructed on a lot of record which is a minimum 3 acres in area. The subject parcel more than meets this requirement. It is equally clear that the entire 3-acre area need not be associated with the tower use. Such a requirement would be inconsistent with the legislative purposes of Section 426 and unduly burdensome. Thus, the Petitioners' plan should be amended 1.84% acres that the area of the special exception is restricted only to the site of the tower and the immediate area adjacent to the base thereof which contains the related sheds and electronic equipment.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of June 2003 that Section 426.9.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) does not require the creation of a three-acre special exception area within the subject property for the proposed wireless telecommunications tower, and as such, the Petition for Special Hearing be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to approve the construction of a 100-foot high stealth design wireless telecommunications tower and related electronic equipment on the subject property, in accordance with Petitioner's Exhibits 3A through 3D, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The height of the proposed tower shall not exceed 100 feet. Moreover, the tower shall comply with all requirements set out in Section 426 of the B.C.Z.R.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

IN RE: PETITIONS FOR SPECIAL HEARING & * SPECIAL EXCEPTION - W/S Falls Road, 390' S of Tufton Avenue 1800 Knox Avenue) Election District *Council District

N/S Old Court Rock,
1109 SW Polly Hill Court

9:50 Old Court Rock)

OF BALTIMORE COUNTY

Case No. 03-476-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petition for Special Hearing and Special Exception filed by the owners of the subject property, Branchy arms. Inc., and the Contract Lessees, AT&T Wireless PCS, LLC, through that attorney, Ken through Edward F. Stanfield quire. The Petitioners request expecial exception for a wireless telecommunications facility, consisting of a 110' AGL flagpole-style monopole and ground-based equipment cabinets, on the subject property. In addition, special hearing relief is requested to confirm the continued use of the subject property as a kennel, pursuant to the relief granted in prior zoning Case No. 01-062-XA, combined with the wireless telecommunications facility, and to approve an amendment to the previously approved site plan in the prior case to reflect the proposed use. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 4.

Suchting, principal of Branchwater Farms, Inc., property owners; Oakleigh Thorne, Gezahegn Kifle and Kathleen R. Pedersen, representatives of AT&T Wireless PCS, Contract Lessees, and on, Esquire, attorney for the Petitioners. Also appearing in support of the request we The formet set speech set back was Strong August an adjacent meght Mac McCulloch, Project Manager for Tower Resource Management, Inc.; Hillorie Morrison on behalf of Omnipoint Communications CAP Operations, LLC. Jack Dillon, Executive Director of the Valleys Planning Council also appeared. There were no Protestants or other interested persons present.

Appearing at the requisite public hearing in support of the request were William H.

The undersigned is familiar with the subject property by virtue of prior Case No. 01-88-062-XA, in which I granted the owners special exception and variance relief for the operation of an animal boarding place/kennel on the subject property. As noted therein, the property is a large, irregular shaped parcel located on the north side of Knox Avenue, south of Tufton Avenue, near the intersection of Falls Road and Shawan Road in Reisterstown. The property contains a gross area of 42-244 acres, more or less, zoned R.C.3 and is in active agricultural use. The Petitioners have owned and lesseed on the property since 1989. Mrs. Suchting raises Border Collies and has operated the subject kennel/animal boarding place thereon for many years.

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

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

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

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

Special hearing relief will also be granted. In this regard, the prior finding of the state of the B.C.Z.R., it is provided that a tower in an R.C. zone shall be located on a lot of at least 5 acres. The subject property easily meets this requirement. Moreover, it is clear that the Council in enacting this legislation did not wish to encumber property so as to prevent any uses within the 5-acre area designated for the tower. For example, parking lots, farm operations, and other uses and activities are frequently shown near the base of a tower. In my judgment, the Council intended that a tower be constructed in an R.C. zone on a lot that is a minimum 5 acres in area and that the entire 5-acre area need not be associated with the tower use. Such a requirement would be inconsistent with the legislative purposes of Section 426 and unduly burdensome. In this

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

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

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

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief to confirm the continued use of the subject property as a kennel, pursuant to the relief granted in prior zoning Case No. 01-062-XA, combined with the wireless telecommunications facility, and to approve an amendment to the previously approved site plan in Case No. 01-062-XA to reflect the proposed use, in accordance with Petitioner's Exhibit 6, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The height of the proposed tower shall not exceed 110 feet. Moreover, the tower shall comply with all requirements set out in Section 426 of the B.C.Z.R.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

Bell Atlantic

Mobile Systems

180 Mount Airy Boad Basking Ridge, NJ 07920 (201) 953-2200

February 4, 1988

Mr. Robert Merrey
Baltimore County Air Quality But
300 East Townontown Boulevard
Towson, MD 21204

RE: SUPPLEMENTARY INFORMATION
Environmental Impact Statement
for Case No. 88-245-SPH
Proposed 250 foot Radio Tower
Old Court Road
Woodlawn, Baltimore Co., MD.,
BAMS Cell No. BLT-F, UU

Dear Mr. Merrey:

Per your request, this letter is provide you with additional information regarding the above referenced project.

The proposed 250 foot tall tower will support five whip antennas. We will be using the Decibel Products Model No. DB-809 HXI (see attached data sheets for details). Three of the antennas will be used to transmit with the remaining two lor receive.

The present configuration of recomplement at the site includes a total of 16 channels I set-up shanel with an effective radiated power (ERP) of 50 watts, and 15 poice channels each with an ERF of 100 watts. The set-up channel is need continuously while the voice channels are used on demand which is intermittant. Should all channels be in use at one time the ERP would be 1550 watts, however, this energy is spread across 150 cannels and should not be confused with a single channel broadcast at the same total output.

A second group of 16 channels, is planned for installation late in 1988 to handle the gradual rise in tellular traffic in the immediate vicinity.

EAW OFFICES

COOK, HOWARD, DOWNES & TRACY

BIO ALLEGHENY AVENUE P.O. BOX 5517

TOWSON, MARYLAND 21204

TELEPHONE

W TELECOPIEN (501) 821-014¹

BIRECT DIAL NUMBER

August 8 1988

DEBORAH C. DOPKIN KATHLEEN GALLOGLY COX U. MICHAEL BRENMAN

JAMES D. C. DOWNES

ZONING OFFICE

NAMES H. COOK

WOHN B. HOWARD

DAVID O. DOWNES

JOHN H. ZINK: 31

JOSEPH C. WICH, JR.

HENRY B. PECK, UR.

THOMAS LI HUDSON

C. CAREY DEELEY, UN.

M. KING HILL III YAR

ROBERT A. HOFFMAN

CYNTHIA M. HAHN

GEORGE K. REYNOLDS.

HERBERT R. O'CONOR, I

DANIEL O'C. TRACY, UR

Ms. Ann M. Nastarowicz. Deputy Zoning Commissioner of Baltimore County 111 W. Chesapeake Avenue

Towson Maryland 21204 Re: Case Now 188-245-SPH Case

Bell Atlantic Mobile Systems Inc. Lessee

Dear Us Nastarowicz

Pursuant to Restriction No. Best forth in the Findings of Fact and Conclusions Of Law dated February 17 1988 15 connection with the above referenced case, enclosed please find a report which is also being provided to the Bureau of Environmental Protection and Resource Lanagement evidencing that applicable standards and guidelines relating to radiation emissions are being met

Wery truly yours;
Robert A' Horimania

RAH! AAU: by cc: Wullames Dieter Special Assistant

Robert Coulerrey Wir Robert Try yose

Mr. Robert Merrey Page 2 February 4, 1988

From the antenna data sheets you take see that the RF energy is vertically directional with the many beam oriented at 0°, which is horizontal towards the horizon. The energy emitted at the horizontal is equivalent to 100 watt ERP per claimel; however, the overall power emitted by the antenna is only absoluted watta per channel. The transmit antennas will be located with frame at the top of the tower at approximately 265 feet above grade. A person standing at the fence near the base of the tower could expect a power density exposure of 0.001 mw/cm or less with all 32 themsels in simultaneous use. It would be necessary to take field magnitudents to state an exact figure due to variations in individual alternas, power amps, coaxial cable, etc.

We can state with certainty that the increased tower height will reduce the present power density exposure at ground level. Should it be of interest, we can confirm the that following installation of the new tower.

Please do not hesitate to contact the writer should you have any additional questions.

gery truly yours,

BIL ATLANTIC MOBILE SYSTEMS, INC.

fort T. Jan

Robert T. Vosn. P.E. Banager-Construction Ungineering

RTV: kau

cc: - J. Grlica

R. Harvey

H. Fischer

E. Quian

R. Hoffmann. Բ**եզ**վ -



ATAT Bell Laboratories

600 Mountain Avenue Murray Hill, NJ 07974-2070 201 582-3000

July 13, 1988

Mr. E. Quinn

Bell Atlantic Mobile Systems

180 Mt. Airy Road

Basking Ridge, NJ 07920

Dear Mr. Quinn:

Enclosed please find a report which describes the results of the electromagnetic field measurements made in the vicinity of the Randallstown, MD cellular radio cell-site antennas. The measurements indicate that the maximum levels in publicly accessible areas are well below any current or foreseeable health standards, even for a significant increase in the number of transmitters at the site.

I hope this report suffices for the intended purpose. If you need additional information please call.

Sincerely.

C. Petersen

Enclosure As above

Copy to

M. M. Weiss - ATET Bell Laboratorios

G. M. Wilkening - W.

B. Janish - AT&T

Li LUio . A. 330

Electric field strength (E-field) measurements were made in the Vicinity of the Bell Atlantid Mobile Systems (BAMS) cellular radio cell-site located official Court Road, woodlawn, Baltimore County MD on June 12/1988 The purposa of these measurements was to characterize the electromagnetic environment in areas accessible to BAMS employees and the general public; associated with the operation of the cell-site transmitters.

Which is mounted a triangular platform. The transmitting and receiving antennas are affixed to the platform Trail. The antennas are affixed to the first of the contidirectional in the pattern is a fixed to that of a dipole liet contidirectional in the more contained to the energy directed toward the lieu to the contained to the containe

Let un appear the responsible place in the control of the responsible place in the responsible p

these measurements. The number of transmitters operating at the time of each measurement was monitored by observing the spectrum analyzer display of a Hewlett Packard (HP) Nodel 8590A Counter-Lock System connected to an Blectro-Netrice Nodel TDS-25 Calibrated Tunable Dipole Antenna. In proer to separate the fields associated With the BAMS facility from the total electromagnetic environment (the Holaday instrumentals a proadband device which responds uniformly to all mignals within a frequency range of approximately 0.5 to 2000 MHz) wthe E-field measured with the Holaday instrument was compared with the cellular radio E-fields measured at the same point using the frequency selective spectrum analyzer/tuned dipole As expected, the value obtained with the broadband probe vas slightly higher than the values obtained with the spectrum analyzer/dipole since the probe was also responding to signals from the nearby AM radio broadcast antennas. Therefore sall values obtained with the high sensitivity probe were corrected to yield only the E-field associated with cellular radio transmissions These values, corrected as above and averaged to represent the levi associated with a single radio channel pare plotted as a function of radial distance from the center of the tower and are shown in Figure 1. The measurements were not made along a single redia (because of the configuration of the road) and therefore the radial distances from the tower had to be determined from the plot

were also made at 200 ft. Interve road from about 550 ft. to approximately 2000 ft. from the tower These measurements were made using the above spectrum analyzer dipole system (see Figure 2 for typical output data) and were verified using the dipole antenna and a HP Hodel 141T/8552B/8555A Spectrum Analyzer with a Model 8445B Auto-Tracking Pre-Selector. (As a further check on the calibration of both Bystems, the measurement was repeated, at the farthest distance, using the dipole antenna and a recently calibrated (Incal #5/20/88) Singer Stoddart Field Intensity Meter, Model NN37/57:) The result of these measurements are also plotted in Figure 1. (to the Fight of the dashed lover curve) . As above, the radial distance from the center of the tower to the measurement point was determined from the plot plan. Since the antenna pattern is symmetrical in the horizontal plane, the measured fields are representative of those expected at the same distance along any single radial

The results of the measurements made along the access road, as shown in the bottom curve of Figure 1, are the average of several channels and, therefore, are representative of the level for any single transmitter. The small squares at each measurement point (distances greater than 550 ft.) are the actual measured values for each operating transmitter with the solid line representing the corresponding average value for a single transmitter. The three curves shown above the measured values are the analytical values for 1, 16, 32 and 48 transmitters. As can be seen, and as has always been observed, the measured values are smaller than the calculated values.

ease by a pawnbroker of police department; and ease of such goods without

33 Supplement

83 Supplement

County Council of Baltimore
Title 19 — Pawnbrokers, of
B3 Supplement, be and it is

this item was stolen within ing been positively identified and conviction has been made it will be the responsibility of item to the county police ll be executed without the e amount of the pledge by the actual owner of the item in

apply to any individual or law indaries of the county. If an county and the item has been sdiction other than the county pledges be paid by the owner ncy before the pawnbroker is

SECTION 2. And be it further enacted, that Section 19-8 be and it is hereby added to title 19 — Pawnbrokers, of the Baltimore County Code, 1978, 1983 Supplement, to read as follows:

Sec. 19-8. Stolen goods.

- (A) A PAWNBROKER SHALL RELEASE AN ITEM TO THE COUNTY POLICE DEPARTMENT UPON DEMAND IF:
- (1) THE ITEM IS LOCATED IN A PAWNSHOP IN THE COUNTY;
- (2) IT IS DEFINITELY ESTABLISHED THAT THE ITEM WAS STOLEN; AND
- (3) THE ITEM IS POSITIVELY IDENTIFIED BY ITS ACTUAL OWNER-OR THE VICTIM OF THE THEFT.
- (B) THE RELEASE OF AN ITEM UNDER THE PROVISIONS OF SUBSECTION (A) DOES NOT ENTITLE A PAWN-BROKER TO REIMBURSEMENT FROM EITHER THE POLICE DEPARTMENT OR THE ACTUAL OWNER OR VICTIM FOR THE AMOUNT OF THE PLEDGE FOR THE ITEM.

SECTION 3. And be it further enacted, that this Act shall take effect forty-five days after its enactment.

ENACTED: 10/11/84

BILL NO. 117-84

AN ACT concerning

Zoning Regulations — Radio and Television Towers

FOR the purpose of prohibiting the grant of a Special Exception for a wireless transmitting or receiving facility in certain circumstances; and providing exceptions to such prohibitions.

BY adding

Section 502.7

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon, now, therefore,

SECTION 1. Be it enacted by the County Council of Baltimore bunty, Maryland, that Section 502.7 be and it is hereby added to

the Baltimore County Zoning Regulations, as amended, to follow immediately after Section 502.6 and to read as follows:

Section 502 — Special Exceptions

502.7 Wireless Transmitting and Receiving Facilities.

- A SPECIAL EXCEPTION MAY NOT BE GRANTED FOR ANY WIRELESS TRANSMITTING OR RECEIVING FA-CILITY WHICH IS WITHIN TWO MILES ONE AND ONE HALF MILES OF (1) AN EXISTING DISTRICT ON THE BALTIMORE COUNTY FINAL HISTORIC LANDMARKS LIST, (2) AN EX-HISTORICAL DISTRICT ON THE NATIONAL REGIS-NAMELY UNLESS GRADE, AND COMMISSIONER OR THE BOARD OF APPEALS, UPON APPEAL, FINDS THAT THE PROPOSED USE WILL NOT BE DETRIMENTAL TO OR DETRACT FROM THE DOCUMENTED VALUES OF ANY SUCH HISTORICAL DISTRICT OR SCENIC EASEMENT DUE TO THE HEIGHT OF THE PROPOSED STRUCTURE AND ITS PLACEMENT AND VISIBILITY RELA-TIVE TO THE HISTORIC SUCH DISTRICT OR SCENIC EASEMENT.
- B. PARAGRAPH 502.7.A. DOES NOT APPLY TO A WIRELESS TRANSMITTING OR RECEIVING FACILITY WHICH IS:
- (1) NOT HIGHER THAN TWO HUNDRED THREE HUNDRED FIFTY FEET ABOVE GRADE LEVEL, OR
- (2) AUTHORIZED BY GRANT OF SPECIAL EXCEPTION THAT IS FINAL AND UNAPPEALABLE ON THE EFFECTIVE DATE OF THIS ACT. SUCH A FACILITY MAY BE FULLY RESTORED IN ACCORDANCE WITH THE TERMS OF THE SPECIAL EXCEPTION IF IT IS DESTROYED OR DAMAGED TO ANY EXTENT, AND SUCH A FACILITY MAY BE ENLARGED, EXTENDED, OR EXPANDED NOTWITHSTANDING

UNTY ***

s, as amended, to follow ad as follows:

ceiving Facilities.

Y NOT BE GRANTED 3 OR RECEIVING FA-3 ONE AND ONE HALF ON THE BALTIMORE RKS LIST, (2) AN EX-HE NATIONAL REGIS-IND UPON WHICH AN BEEN GRANTED FRUST, "OR (2) ANY OF DISTRICTS ON C PLACES, NAMELY. WORTH-TERN RUN. VALLEY, AND TAL DISTANCE FROM OR PROPERTY LINE OF EMENT SUCH DISTRICT THE HEIGHT OF THE ZONING JNLESS THE OF APPEALS, UPON ED USE WILL NOT BE)M THE DOCUMENTED DISTRICT OR SCENIC r of the proposed AND VISIBILITY RELA-DISTRICT OR SCENIC

S NOT APPLY TO A RECEIVING FACILITY

EVEL, OR THREE HUN-

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TROYED OR DAMAGED
PACILITY MAY BE ENED NOTWITHSTANDING

THE PROVISIONS OF SUBSECTION A. ABOVE, SUBJECT TO THE APPROVAL OF THE ZONING COMMISSIONER OR BOARD OF APPEALS.

SECTION 2. And be it further enacted, that this Act shall take effect forty-five days after its enactment.

ENACTED: 10/11/84

BILL NO. 118-84

AN ORDINANCE concerning

The 1984-85 Current Expense Budget Drug and Alcohol Prevention Program

FOR the purpose of amending the 1984-85 Current Expense Budget for the fiscal year ending June 30, 1985, by appropriating funds derived from the Alcoholism Control Administration and the Drug Abuse Administration of the State Department of Health and Mental Hygiene.

WHEREAS, the Maryland Department of Health & Mental Hygiene-Drug Abuse Administration and Alcoholism Control Administration has awarded a grant to Baltimore County in the amount of \$5,000.00 for the purpose of creating a drug and alcohol abuse prevention program; and

WHEREAS, in accordance with Section 712(a) of the Baltimore County Charter, the County Council may make supplemental appropriations from gifts or grants received from sources not anticipated in the budget for the current fiscal year; and

WHEREAS, the County Executive, upon advice of the County Administrative Officer, has recommended the supplemental appropriation contained herein.

SECTION 1. Be it ordained by the County Council of Baltimore County, Maryland, pursuant to the power and authority vested in it by Section 712(a) of the Baltimore County Charter, that the Current Expense Budget for the fiscal year ending June 30, 1985, be and it is hereby amended by appropriating funds received from the Department of Health & Mental Hygiene in the amount herein specified to the following program:

01-30-17

Drug and Alcohol Abuse Prevention Program \$5,000.00

SW of Election Ş Windson N SPECIAL EXCEPTION Old Court Road, 4,80 D1.51 trict r Mill Road - 2nd

Edrich Farms,

Inc.,

Case No. 84-204-X

OF BALTIMORE COUNTY ZONING COMMISSIONER BEFORE THE

FINDINGS OF FACT AND CONCLUSIONS OF LAW

•

as more fully described on Petitioner's Exhibit 1. construct The Petitioner herein, Petitioner Wireless ransmitting and receiving structure (a monopole antenna), Edrich Farms, Inc., requests a special exception to

Atlantic Mobil Harry Fisher, the subject property, subject general manager, system designer, and real estate manager for Bell appeared and testified and was Inc., a wholly owned subsidiary of Bell Atlantic, Lessee testified. No Protestants appeared. represented by Counsel.

could **4**000 for intends the purpose area. been reserved possibly be other frequencie to construct the amount tower, equipment property is zoned R.C.3. specific frequencies which will not obstruct or interfere necessary to operate the tower. ú size of equipment necessary to be housed therein and has been authorized by the FCC to construct the system blishing a cellular mobil telephone system in the Balti-150-foot-high monopole structure with x 26' accessory building would be constructed to house e.g., television or radio communications. In addi-Testimony indicated that the Lessee The building 17-foot antennae Size

The Combject parcel as well because it met all investigating numerous other sites in the area, the Lessee chose this as other contiguous parcels which are farmed. its engineering requirements. The Petitioner SUMO

SETTINGS 23.3

The state of the s

tower and accessory building will be well maintained and constantly supervised by the Lessee's central office. Mr. Fisher testified that in his opinion no adverse effect to the surrounding community would occur if the special exception were granted and that the spirit and intent of the Baltimore County Zoning Regulations (BCZR) would be met. The Petitioner seeks relief from Section 1A02.2.B.31, pursuant to Section 502.1, BCZR, for a special exception to construct a wireless transmitting and receiving structure.

It is clear that the BCZR permit the used requested by the Petitioner in a R.C.3 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed use. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for by the Petitioner should be granted, with certain restrictions as more fully described below.

The 319 (1981). id be conducted without real detriment to the neighborhood and would show that th in Section above and beyond irrespective adversely proposed by Petitioner location described by Petitioner's Exhibit 1 would have any adverse of its location within the zone. 502.1. In fact, the Petitioner has shown that the proposed proposed use met the prescribed standards and requirements the Petitioner do not show that the proposed use those inherently associated with such a special excepthe public interest. The facts and circumstances of the burden of adducing testimony and evidence which Schultz v. Pritts, 432 not

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or

the BCZR. classificat therein, 8 F be in any other way inconsistent with the spirit and intent or inconsistent with the purposes of the property's zoning

being Pursuant adversely and 14 **250** appear ξ the • cted, the special exception should be granted. ing that by reason of the requirements of Section 502.1 havhealth, advertisement, safety, posting of property, and general welfare of the community and public 304

er's subject, cordance Exhibit Therefore wireless however the transo 8 day ဌ ξ site plan introduced and accepted into evidence as of February, 1984, that the Petition for Special Exception the following restrictions: ed is hereby GRANTED, from and after the date of this Order, ilting and receiving structure (a monopole antenna), in ac-ORDERED by the Zoning Commissioner of Baltimore Petition-County,

- S tioner The grante loner Petitioner may apply for its building permit and be nited same upon receipt of this Order; however, Petiner is hereby made aware that proceeding at this is is at its own risk until such time as the applicational application appellate process from this Order has expired. If, whatever reason, this Order is reversed, the Petiner would be required to return, and be responsible returning, said property to its original condition.
- trees. Zoning Burpunor limited to, detailed landscaping plan shall be submitted to the ling Office and shall include, but not necessarily be lited to, a fence at least seven feet in height surunding the structure and appropriate shrubbery or
- Complian County Order 7 Y Zoning Plans Advisory Committee (ZPAC), which adopted in their entirety and made a part of this ince with the comments submitted by

missioner County

Usellase Property

W RE: PETITION FOR SPECIAL HEARING *
1,545' M of Old Court Road,
3500' SW of Ridge Road
2nd Election District
lat Councilmanic District
*

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BEFORE THE
DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY
Case No. 88-245-SPH

Edrich Farms

NDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the site plan approved and ne special exception granted in Case No. 84-204-X to permit the erection of a 270-foot tall tower, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by John B. Howard, Esquire, appeared and testified. Robert T. Voss and Harry H. Fischer, representatives for Bell Atlantic Mobile Systems, Inc., Lessee of the subject property, appeared, testified, and were also represented by John B. Howard, Esquire. There were no Protestants.

LITH ဋ 9000-Block-of Old Court Road. land with a munications in requirements titioner. e-legged provide ទ Lessee special Testimony_indicated_that the subject property consists of two tracts of an existing testified combined. adequat lattice within <u>ڳ</u> exception granted in Case No. 84-204-X. Bell Atlantic Mobile, the local vicinity. The existing tower will be removed. The Pet Te that the existing signal strength does not meet the service 167-foot monopole tower, which was constructed as a result total of 21.28 acres +/-, zoned R.C.3, and located in the the area. Further testimony indicated that the new tower radio antenna tower to transmit and receive telephone ccmproperty, is proposing to construct a new 270-foot high, cignal quality by means of the additional height The property is currently vacant with the excep-

Mr. flacher, general manager of the real estate division for Bell Atlantic Notile Systems, Inc., testified that a diligent search was made for a loca-

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tion within the some to Jount the existing tower in an effort to make the existing system work to its marisum and to avoid additional towers. The only two existing towers in the area are publishes one is owned by the City which will not permit co-uses the other is controlled by a competitor.

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thereof sulta of a study done regarding compliance with Environmental Protection Agency projected growth and marketing demand in the Owings Mills growth center. mony further indicated that the nearest property line is 550 feet from the proposed towers Petitioner introduced as agreed the Office of Current Planning for approval; Petitioner also submitted lab reture shall be e thereof. standards relative to radiation emissions (see Petitioner's Exhibit 3c); tal Impact Statement (E.I.S.). tioned tioner indicated that E. damage, tioner the proferty. 닭 that the structure shall be removed when the use terminates; with agreed to provide every 5 years, or sooner in the event of structure mests certification Petitioner agreed that no white stroboscopic lights would be permitted Petitioner enclosed w that the structure is located on 21.82 acres; and that the strucgny Petitioner introduced as Petitioner's Exhibit 3 an Environmenchanges in the safety requirements or to maintain the safety conterds that the proposed location will help meet the all safety remilrements. Potitioner further agreed by a registered professional engineer that the afortmen-P.A. requirements shall be met at all times. Petitioner thin a chain link fence of approximately 8' in height. Exhibit 4, a landscape plan which shall be submitted to substantial the Poti-

Mr. Fischer testified that in his experience, and in his opinion, the proposed use will not have a substantial adverse impact on the surrounding property values, park lands or open space.

All of the above testimony was given by Petitioner to evidence that the proposed structure is not in violation of Section 502.7C, 1 through 11 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Im Petitioner seeks to smend the site plan approved in Case No. 84-204-

Section 502.7(C)(10)professional 1000 aloner, 900 5 띃 ğ 5 requir Potit ongineer letter clear BERT! from the testimony and evidence presented at with Bell Atlantic, it appears that the requirements of gement. and would not result in substantial detricult to the pub-subsequent to the hearing, the E.I.S. report was reviewed Tr. of Baltimore County's Bureau of Environmental Protectoner's request would not be contrary to the spirit of Section 502.1 and Section 532.7 of the B.C.Z.R. have ve been met. sted February 4, 1988 to Mr. Merry from Rubert T. Voss, a After a review of the comments In the opinion of the Deputy Zoning Commisrepared by Mr. the hearing Nas reviewed 5

Pursuant to the advertisment, costing of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baitimore County this the day of February, 1988 that an amendment to the site plan and special exception in Case No. 84-204-X to permit the erection of a 270° tower, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions:

- The Petitioner day apply for his building permit and be unted same upon receipt of this Order; however, Petitioner hereby made sware that proceeding at this time is at his nisk until such time as the applicable appellate process on this Order has expired. If, for whatever reason, this der is reversed, the Petitioner would be required to regimal condition.
- ?) Petitioner shall comply at all times with all requirements of Section 502.7 of the B.C.Z.R.

人民民等衛所於通知 第二

Petitioner shall submit a landscape plan to the Office f Current Planming for approval within 30 days of the date f this Order. The landscape plan shall comply with the re-uirements as set forth in the Baltimore County Landscaping anual.

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4) The letter dated February 4, 1988 to Robert Merrey from Robert Voss of Bell Atlantic Hobile Systems shall be attached and made a part of the E.I.S.

The grrnting of the amendment is contingent upon Belliantic Mobile Systems supplying to the Bureau of Environmental Protection and Resource Management and the Office of oning, data evidencing that E.P.A. standards and guidening for radiation emissions have been set, within 20 days of the installation of the new tower. Thereafter, roof of compliance with the requirements of Section 22.70(6) shall be supplied to the Office of Zoning within 3 days by the Petitioner and Lessee upon request by either ne Office of Zoning or the Bureau of Environmental Protection and Resource Management.

Deputy Zoning Commissioner of Baltimore County

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PLEASE PRINT CLEARLY

CASE NAME O7 - S CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

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CITY, STATE, ZIP	HANDVER AM 3-1076											
ADDRESS	7380 COCA COM DAIVE	-										
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CASE NAME SAUW THEURY
CASE NUMBER
DATE 3-1-07 6-263

SITIZEN'S SIGN-IN SHEET

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Case No.: 07-234-SPH

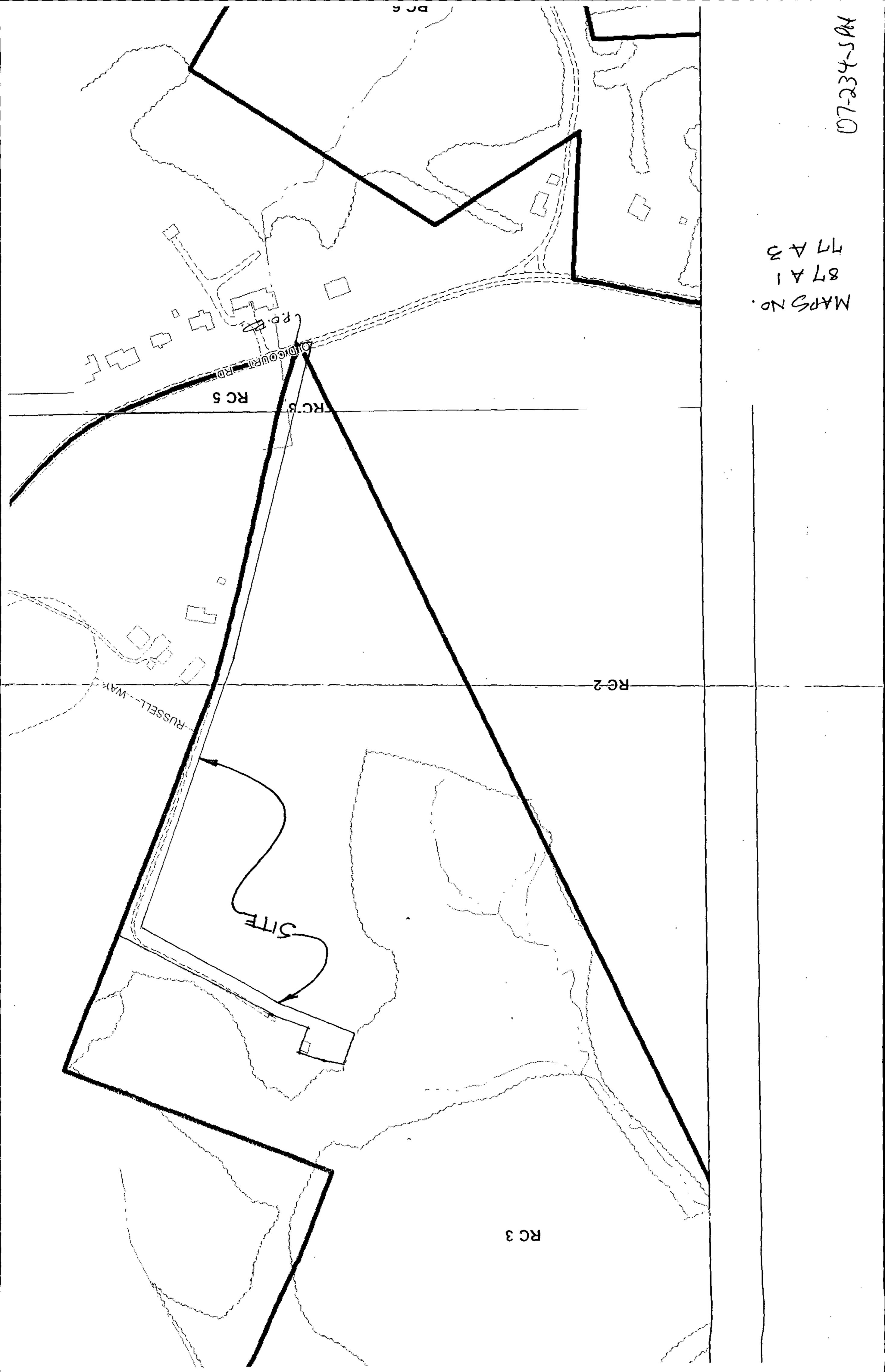
9150 OLD GURT RI


Exhibit Sheet


Petitioner/Developer

Protestant

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TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 16, 2007 Issue - Jeffersonian

Please forward billing to:

Hillorie Morrison Network Building & Consulting 812 Oregon Avenue Linthicum, MD 21090

443-570-0014

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: 07-234-SPH

9150 Old Court Road

N/side of Old Court Road, 1109 feet southwest of Polly Hill Court

2nd Election District – 4th Councilmanic District Legal Owners: Edrich Farms, Edward Stansfield

Contract Purchaser: Crown Atlantic Co., LLC

<u>Special Hearing</u> to approve an amendment to Case No. 84-204-X (as amended by Case No. 88-245-SPH) to permit a wireless telecommunication tower located on the subject property to be setback 200 feet from the property line, in compliance with Section 426 BCZR instead of 540 feet as required by repealed Section 502.7.c, or such other relief as determined by the Zoning Commissioner and to reduce the area of the prior special exception and to confirm that the reduced area complies with Section 426.9.c.2, BCZR.

Hearing: Thursday, February 1, 2007, at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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.

RE:

PETITION FOR SPECIAL HEARING

9150 Old Court Road; N/S Old Court Road,

1109' SW Polly Hill Court

2nd Election & 4th Councilmanic Districts

Legal Owner(s): Edrich Farms; Edward Stanfield*

Contract Purchaser(s): Crown Atlantic Co., LLC

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-234-SPH

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to, Hillorie Morrison, 812 Oregon Avenue, Linthicum, MD 21090, Representative for Petitioner(s).

RECEIVED

NOV 28 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 30, 2006

Department of Permits & Development

Management

Det

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 4, 2006

Item Nos. 07-229, 230, 231, 232, 233/234

235, 237, 238, and 239

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-11292006.doc