IN RE: PETITIONS FOR SPECIAL
HEARING, SPECIAL EXCEPTION
AND VARIANCE
S/S Highland Ridge Drive 1 350' F

EARING, SPECIAL EXCEPTION

ND VARIANCE

* ZONING COMMISSIONER

S/S Highland Ridge Drive, 1,350' E of the c/line of Phoenix Road * (14101 Phoenix Road)

* BALTIMORE COUNTY

OF

BEFORE THE

10th Election District 3rd Council District

Petitioners

NGP Realty Sub, L.P., Legal Owner * Case No. Cellco Partnership, Contract Lessee

Case No. 07-400-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception, Special Hearing and Variance filed by the owner of the subject property, NGP Realty Sub, L.P. and Cellco Partnership d/b/a Verizon Wireless (Petitioner or Verizon Wireless), contract lessee, of a portion of the property located at 14101 Phoenix Road in the Hunt Valley area of Baltimore County. Petitioner requests special exception approval pursuant to Sections 426 and 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a wireless telecommunications tower/facility to be located on the Hunt Valley Golf Club property. Petitioner also filed a Petition for Special Hearing, pursuant to B.C.Z.R. Section 500.7, for approval to amend prior zoning relief and site plan to allow for the dual use of an approximately 2,749 square foot (.063 acre) area for both the existing country club/golf course and the proposed wireless telecommunications tower/facility. Additionally, Petitioner sought to confirm that the lot on which the tower is to be located meets the minimum lot size requirement pursuant to B.C.Z.R. Section 426.9.C.2. In the event I determine that it does not meet such requirement, Petitioner has filed, in the alternative, a Petition for Variance, pursuant to B.C.Z.R. Sections 307

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and 426.11, to allow the tower/facility to be located on an approximately 2,749 square foot (.063 acre) area in lieu of the required 5 acres. The subject property and the requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

At the requisite public hearing, Patricia A. Malone, Esquire appeared as attorney for Petitioner. Peter Myers, Consulting Real Estate Manager, and Scott Kass, RF Engineer, appeared on behalf of Verizon Wireless. Also appearing were Thomas Wolfe, registered landscape architect with Morris & Ritchie Associates, Inc., the consultants who prepared the site plan for this property. Prior to the hearing, I received a letter from Debi Kuchka-Craig, President of the Highlands of Hunt Valley Home Association, indicating her association's support of the requested zoning relief. There were no Protestants or other interested persons present.

Testimony and evidence offered by Petitioner disclosed that the subject property is currently being operated as the Hunt Valley Golf Club (Club). The Club property encompasses more than 250 acres, is zoned R.C.6, and offers such amenities as a 27 hole golf course, swimming pool, tennis courts, and clubhouse. The Club and its related amenities were approved in 1969 by way of a Petition for Special Exception, and such relief has been expanded over the years to include the current facilities. The most recent amendment of that relief occurred in 1985 (Case No. 86-164-SPH), and Petitioner seeks to amend the prior relief and plan to reflect the installation of a new telecommunications tower and equipment shelter as shown on Petitioner's Exhibit 1.

In this area of Hunt Valley, Verizon Wireless has received customer complaints of dropped calls and lack of cellular coverage. To address this problem, Petitioner proposes to install a 60-foot tall stealth flagpole telecommunications monopole with internal antennas and a

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related equipment shelter in the vicinity of the Club's maintenance building. As confirmed by Verizon Wireless's representatives at the hearing, Verizon Wireless conducted an extensive search for an appropriate site for either antennas or a new tower to address the service problems in the area. That search resulted in the identification of the Club's property as a potential location for a new tower after other possibilities, such as existing buildings or structures or commercially zoned properties, were exhausted. A drive test confirmed the suitability of the site, and Verizon Wireless then worked with both the Club and the surrounding community to come up with a tower proposal that satisfied everyone's needs and concerns.

As Verizon Wireless confirmed, a 60-foot tower is tall enough to serve its purposes and allow for potential co-location, yet low enough that the impacts on the Club, its members, and the residents of the surrounding neighborhood are minimized. The stealth design of the tower and its location on the property, behind the maintenance building and close to the tree line, also helps minimize its appearance. At the request of the community, the pole will be painted a neutral brown color, and the Club will raise a flag only occasionally without any illumination.

Having considered all of the evidence and testimony on these points, I am persuaded to grant the Petition for Special Exception. Verizon Wireless's efforts in trying to find an appropriate site and in working with the Club and the community to come up with an acceptable proposal are evidenced by the letter of support from the community written by Ms. Kuchka-Craig and from the lack of any opposition at the hearing. I have examined the proposal in the context of B.C.Z.R. Sections 426 and 502.1, and I find that Petitioner produced strong and substantial evidence at the hearing that the proposed telecommunications tower/facility is appropriate at this site, meets the County's requirements for a new tower, and will have little or

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no impact on the surrounding community. Petitioners are, thus, entitled to the relief requested by way of the Petition for Special Exception.

Additionally, because the Club operates pursuant to an existing golf course/country club special exception over its entire property, Petitioner seeks permission to have a "dual use" or overlapping special exceptions over a 2,749 square foot area of the property for both the golf course/country club and the telecommunications tower. I am also persuaded to grant this relief. I find it unnecessary, under the specific circumstances of this case, to require the Club to remove its existing special exception from the 2,749 square foot area in order to place the tower in the location shown. The uses are not inconsistent with each other and no purpose would be served by requiring the Club to remove its special exception from this area. I will, therefore, allow the requested "dual use" of that area. My decision is consistent with a ruling made in Case No. 04-011-SPHX, in which a similar request for "dual" special exceptions was approved for a wireless telecommunications tower at the Butler Stone Quarry.

The last element of relief sought by Petitioner involves the request for confirmation that the lot on which the tower is proposed to be located meets the 5 acre minimum lot size requirement of B.C.Z.R. Section 426.9.C.2. Based on information contained in the records maintained by the State of Maryland's Department of Assessments and Taxation, as presented by Mr. Wolfe, the lot of record on which the tower is proposed to be sited clearly exceeds 5 acres. Therefore, I find that the requirements of Section 426.9.C have been met. Therefore, the Petition for Variance is not necessary and will be dismissed as moot.

Pursuant to the Zoning Regulations of Baltimore County, the advertising and posting of the property, and public hearing held thereon, for the reasons set forth above, the Petition for Special Exception and Petition for Special Hearing shall be granted. The Petition for Variance has been determined not to be necessary and shall be dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this

day of June 2007, that the Petition for Special Exception for a wireless telecommunications tower/facility pursuant to Baltimore County Zoning Regulations (B.C.Z.R.)

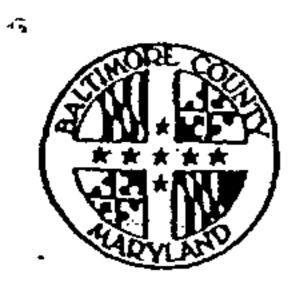
Sections 426 and 502.1, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petition for Special Hearing, pursuant to B.C.Z.R. Section 500.7, to amend the relief and site plan approved in Case No. 86-164-SPH to allow for the dual use of an approximately 2,749 square foot (.063 acre) area for both the existing country club/golf course and a wireless telecommunications tower/facility and to confirm that the minimum lot requirement contained in B.C.Z.R. Section 426.9.C.2 is met, is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petition for Variance, pursuant to B.C.Z.R. Sections 307 and 426.11, to allow the tower/facility to be located on an approximately 2,749 square foot (.063 acre) area in lieu of the required 5 acres is hereby DISMISSED AS MOOT; all relief subject to the following restriction:

1. Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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 relief granted herein shall be rescinded.

Zoning Commissioner of Baltimore County



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 14101 Phoenix Road	
which is presently zoned RC 6	

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

See Attached

Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertised property adopted property adopted property is to be prescribed by the II. I are the II. I	aina madina ata a del est
	IWe 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:	Legal Owner(s):
See Attached	See Attached
Name - Type or Print	Name - Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	
Patricia A. Malone	Address Telephone No.
Name or Print	City State Zip Code
Signature	Representative to be Contacted:
Venable LLP Company	Patricia A. Malone
210 Allegheny Avenue (410) 494-6200	Name 210 Allegheny Avenue (410) 494-6200
Address Telephone No.	Address Telephone No.
Towson, MD 21204 City State Zip Code	Towson, MD 21204 City State Zio Code
· · · · · · · · · · · · · · · · · · ·	State Zip Code
→	OFFICE USE ONLY
,	ESTIMATED LENGTH OF HEARING
Case No. 07-400-50HXA	UNAVAILABLE FOR HEARING
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OFFICER RECEIVED FOR FILING

PETITION FOR SPECIAL HEARING

Hunt Valley Golf Club 14101 Phoenix Road

Special Hearing to amend the relief and site plan approved in Case No. 86-164-SPH to allow for the dual use of an approximately 2,749 square foot area for the existing country club/golf course and a wireless telecommunications tower/facility and to confirm that the designated special exception area is not required to be 5 acres.

PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCE Hunt Valley Golf Club

14101 Phoenix Road

Legal Owner:

NGP REALTY SUB. L.P., a Delaware limited partnership

By: NGP Realty Sub GP, LLC, a

Delaware limited liability

company, its general partner

By: Vark Fried

Name: Mark Friedman

Its: Secretary and General Counsel

PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCE

Hunt Valley Golf Club 14101 Phoenix Road

Contract Leasee:

* 2 % * •

Cellco Partnership d/b/a Verizon Wireless 9000 Junction Drive Annapolis Junction, MD 20701

By: Mame: Sandy Johnson

Executive Director Network

MD/DC/VA



Petition for Special Exception

to the Zoning Commissioner of Baltimore Count

for the property located at 14104 Phoenix Road

which is presently zoned RC 6 owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a herein described property for

See Attached

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 zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	•			IWe do solemnit perjury, that I/we is the subject of	. 2015-1119-12-11-7	affirm, under the	he penalties of
Contract Dec				is the subject of	this Petition.		
Contract Pur	cnaser/Les.	see:		Legal Owner	(s):		
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	<u>. </u>			Name - Type or Pri	n.		
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Attorney For	<u>Petitioner:</u>				 -		
Patricia A.	Malone			Address		· ·	Telephone No.
Name - Type or Prin	nt	<u></u> .		City			
40				•		State	Zip Code
Signature				Representativ	e to be Cor	tacted:	
Venable LLP				Dotnicia	W - 7		
Company				Patricia A. Name	natone		
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PETITION FOR SPECIAL EXCEPTION

Hunt Valley Golf Club 14101 Phoenix Road

Special Exception, pursuant to Sections 426 and 502.1 of the Baltimore County Zoning Regulations, for a wireless telecommunications tower/facility.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 14101 Phoenix Road.

which is presently zoned RC 6

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, lega 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 Variance from Section(s)

See Attached

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

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

I, or we, agree to pay expenses of above Variance, 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:	Legal Owner(s):
See Attached	Con Anna I . 1
Name - Type or Print	See Attached
	Name - Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	
Patricia A. Malone	Address Telephone Na.
Name - Type or Print	City State Zio Code
	Zp Code .
Signature	Representative to be Contacted:
Venable LLP	
Сопрапу	Patricia A. Malone Name
210 Allegheny Avenue (410) 494-6200	010 4
Address Telephone No.	210 Allegheny Avenue (410)494-6200 Address Telephone No.
Towson, MD 21204	Telephone 140.
City State Zip Code	Towson, MD 21204 City State Zip Code
	OFFICE USE ONLY
Case No 07-406-5841A	ESTIMATED LENGTH OF HEARING
	UNAVAILABLE FOR HEARING
REV 9115198	Reviewed By 13/1 Date 3/9/07
ORDER RECEIVED FOR FILIN	₽.

PETITION FOR VARIANCE

Hunt Valley Golf Club 14101 Phoenix Road

Variance, if necessary, to allow a wireless telecommunications facility to be located on a 2,749 square foot area of property in lieu of the required 5 acres.

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



March 9, 2007

ZONING DESCRIPTION STECIAL HEARING

Beginning at a point on the southerly right of way line of Glen Lyon Court, fifty feet wide, at a distance of approximately 285 feet easterly from the centerline of Highland Ridge Drive, thence the following courses and distances, viz;

- Easterly, along the right of way line of Glen Lyon Court, by a curve to the right having a radius of 447.62 feet for an arc distance of 24.11 feet, said curb being subtended by a chord bearing South 76°03'06" East 24.11 feet;
- 2. South 08°34'37" West 282.07 feet;
- 3. South 65°22'47" East 149.33 feet;
- 4. South 30°02'06" West 167.85 feet;
- South 17°39'19" West 130.00 feet;
- South 14°07'55" West 287.05 feet;
- 7. North 89°31'23" West 596.05 feet;
- 8. North 63°43'37" West 315.29 feet;
- North 41°42'56" West 251.30 feet;
- 10. North 12°26'58" West 248.27 feet, running thence and binding on the southerly right of way line of Highland Ridge Drive the two following courses and distances;
- 11. North 77°34'39" East 747.38 feet, and;
- 12. Northeasterly by a line curving to the left having a radius of 243.71 feet for an arc distance of 68.42 feet, said curve being subtended by a chord bearing North 69°32'03" East 68.20 feet, thence leaving the aforesaid right of way line;
- 13. South 28°30'33" East 220.87 feet;

P:\10427.286\Survey\Description\Zoning Description.Doc

1.00

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

#70

Zoning Description
South Side of Highland Ridge Drive
March 9, 2007
Page 2

- 14. North 73°08'06" East 249.14 feet, and;
- 15. North 08°34'37" East 260.00 feet to the point of beginning, having an address of 14101 Phoenix Road and being located along the southerly side of said Highland Ridge Drive.

Containing an area of 15.76 acres of land, more or less, and being located in the Tenth Election District, Third Councilmanic District. Baltimore County, Maryland.

James E. Catron

Property Line Surveyor No. 121

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



February 21 2007

ZONING DESCRIPTION SPECIAL EXCEPTION

Beginning at a point approximately 412 feet southeasterly from the southeasterly right of way line of Highland Ridge Drive and approximately 502 feet southwesterly from the southerly right of way line of Glen Lyon Court, said point being South 37°17'59" East 192.35 feet from the southwesterly most corner of lot 78 as shown on a plat entitled "Plat 2-Amended, The Highlands of Hunt Valley" and recorded among the Plat Records of Baltimore County in Plat Book Liber E.H.K., Jr. 38 folio 150, thence the following courses and distances, viz;

North 88°45'50" East 23.00 feet; South 01°19'19" East 55.00 feet; South 89°04'04" West 6.83 feet; South 32°33'51" West 45.33 feet; South 86°37'59" West 43.20 feet; North 03°22'01" West 20.00 feet; North 86°37'59" East 32.99 feet; North 32°33'51" East 38.94 feet; South 88°43'33" West 2.07 feet; North 00°47'29" West 40.67 feet to the point of beginning.

Containing an area of 2,749 square feet or 0.063 acres of land, more or less, and being located in the Tenth Election District, Third Councilmanic District. Baltimore County, Maryland.

Property Line Surveyor No. 121



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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE ACCOUNT AMOUNT FECEIVED	FOR: POR: POR: DISTRIBUTION: WHITE CASHIER PINK AGENCY YELLOW - CUSTOMER	

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: # 07-400-SPHXA

14101 Phoenix Road

S/side of Highland Ridge Drive, 1350 feet east of

S/side of Highland Ridge centerline of Phoenix Road Drive,

10th Election District - 3rd Councilmanic District Legal Owner(s): NGP Realty Sub. L.P. Delaware Ltd. Partnership.
Contract Purchaser: Cellco Partnership d/b/a Verizon Wireless
Special Hearing: to amend the relief and site plan ap Delaware Ltd.

Special Hearing: to amend the relief and site plan ap proved in Case No. 86-164-SPH to allow for the dual us of an approximately 2,749 square foot area for the existing country club/golf course and a wireless telecommunications tower/facility and to confirm that the designate special exception area is not required to be 5 acres. Special Exception: pursuant to Sections 426 and 502.1 the Baltimore County Zoning Regulations, for a wireless telecommunications tower/facility. Variance: to allow telecommunications tower/facility. Variance: to allow telecommunications facility to be located on a 2,749 signoity area of property in ileu of the required 5 acres. Hearing: Wednesday, May 30, 2007 at 9:00 a.m. | Room 407, County Courts Building, 401 Bosiey Avianue, Towson 21204

WILLIAM J. WISEMAN, III

Zoning Commissioner for Battimore 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 5/702 May 15 13531;

on <u>5115</u> , 2007.	once in each ofsuccessive weeks, the first publication appearing	in the following weekly newspaper published in Baltimore County, Md.,	THIS IS TO CERTIFY, that the annexed advertisement was published	
		e in each of 1 5/15 ,200	he following weekly e in each of 5 15 ,200	THIS IS TO CERTI he following weekly e in each of 5

NE Booster/Reporter

Owings Mills Times

Towson Times

Catonsville Times

North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07.400-SPHXA

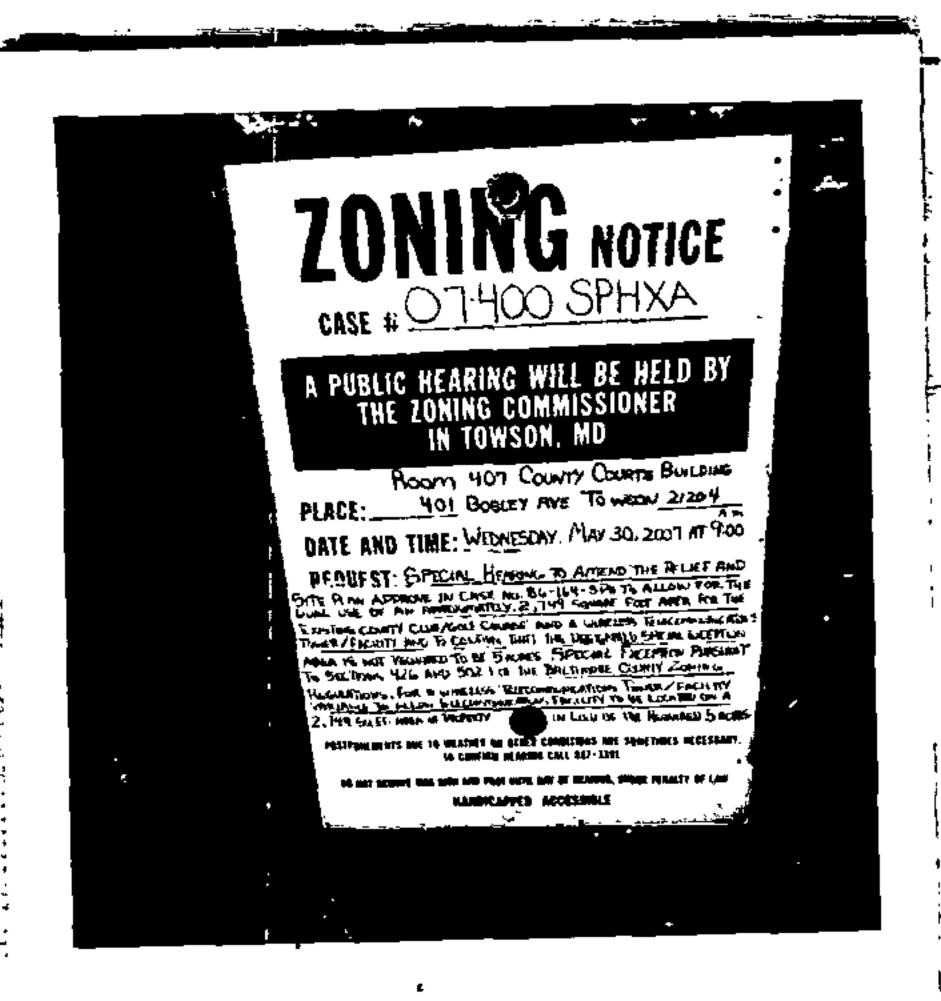
Petitioner/Developer: CELLO TARTNERShip

d/b/a VERIZON WIRELESS

Date of Hearing/Closing: 5-30-07

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

Sincerely,



	•
Sobert Black	5-15-0
(Signature of Sign Poster)	(Date)
SSG Robert Black	
(Print Name)	<u>-</u>
1508 Leslie Road	; ;
(Address)	7 %
Dundalk, Maryland 212	22
(City, State, Zip Code	e)
(410) 282-7940	•
(Telephone Number) .



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, 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: 07-400-SPHXA

14101 Phoenix Road

S/side of Highland Ridge Drive, 1350 feet east of centerline of Phoenix Road

10th Election District – 3rd Councilmanic District

Legal Owners: NGP Realty Sub. L.P. Delaware Ltd. Partnership Contract Purchaser: Cellco Partnership d/b/a Verizon Wireless

<u>Special Hearing</u> to amend the relief and site plan approve in Case No. 86-164-SPH to allow for the dual use of an approximately 2,749 square foot area for the existing country club/golf course and a wireless telecommunications tower/facility and to confirm that the designated special exception area is not required to be 5 acres. <u>Special Exception</u> pursuant to Sections 426 and 502.1 of the Baltimore County Zoning Regulations, for a wireless telecommunications tower/facility. <u>Variance</u> to allow telecommunications facility to be located on a 2, 749 sq. foot area of property in lieu of the required 5 acres.

Hearing: Wednesday, May 30, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Patricia Malone, 210 Allegheny Avenue, Towson 21204 Sandy Johnson, 9000 Junction Drive, Annapolis Junction 20701 Mark Friedman, 14101 Phoenix Road, Hunt Valley 21204

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 15, 2007 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable LLP 210 Allegheny Avenue Towson, MD 21204

410-494-6200

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: 07-400-SPHXA

14101 Phoenix Road

S/side of Highland Ridge Drive, 1350 feet east of centerline of Phoenix Road

10th Election District – 3rd Councilmanic District

Legal Owners: NGP Realty Sub. L.P. Delaware Ltd. Partnership Contract Purchaser: Cellco Partnership d/b/a Verizon Wireless

<u>Special Hearing</u> to amend the relief and site plan approve in Case No. 86-164-SPH to allow for the dual use of an approximately 2,749 square foot area for the existing country club/golf course and a wireless telecommunications tower/facility and to confirm that the designated special exception area is not required to be 5 acres. <u>Special Exception</u> pursuant to Sections 426 and 502.1 of the Baltimore County Zoning Regulations, for a wireless telecommunications tower/facility. <u>Variance</u> to allow telecommunications facility to be located on a 2, 749 sq. foot area of property in lieu of the required 5 acres.

Hearing: Wednesday, May 30, 2007 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.





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.

Item Number o	or Case Num	nber:	07-400	- SPHXA	
Petitioner:	Celle	o Par	thership		
Address or Lo	cation: <u>\</u>	4104	Phoeni	e Road	
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 23, 2007

Patricia Malone Venable LLP 210 Allegheny Avenue Towson, MD 21204

Dear Ms. Malone:

RE: Case Number: 07-400-SPHXA, 14101 Phoenix Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 9, 2007.

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,

l. Call

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

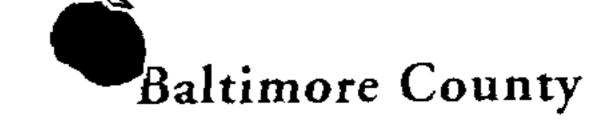
NGP Realty Sub GP, LLC Mark Friedman 14101 Phoenix Road Hunt Valley 21204 Cellco Partnership d/b/a Verizon Wireless Sandy Johnson 9000 Junction Drive Annapolis Junction 20701

Fire Department



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





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

March 15, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: March 19, 2007

Item No.: 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400) 401 402, 403, 405, 406, 407, 408, 409.

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.

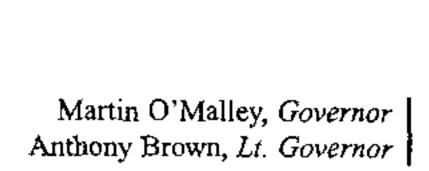
The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office (0)410-887-4880 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountymd.gov





John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MAKCH 15, 2007

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

RE: Baltimore County

Item No. 7-400-SPHXA 14104 PHOENIX ROAD

NGP REALITY SUB GPLLC PROPERTY

SPECIAL EXCEPTION VARIANCE

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. 7-400 SPHXA.

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,

A Steven D. Foster, Chief

For Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 31, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-400- Variance and Special Exception

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

NECEWL

MAR 23 2067

ZUMWG COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 19, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 26, 2007

Item Nos. 07-389, 390, 391, 392, 393, 394, 399, 400, 401, 402, 403, 404, 405

and 408

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

DAK:CEN:cab cc: File

ZAC-NO COMMENTS-03262007.doc

PETITION FOR SPECIAL HEARING RE: SPECIAL EXCEPTION & VARIANCE

14104 Phoenix Road; S/s Highland Ridge Dr,*

1,350' E c/line Phoenix Road

10th Election & 3rd Councilmanic Districts

Legal Owner(s): NGP Reality Sub, GP, LLC

Contract Purchaser(s): Celico Partnership

d/b/a Verizon Wireless

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-400-SPHXA

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to Patricia Malone, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

MAR 2 3 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



MedStar Health

Facsimile Transmission

To:

William J. Wiscman III

Fax No:

410-887-3468

From:

Debi Kuchka-Craig

Phone No: 410-933-3011

Date:

May 29, 2007

Fax No:

410-933-3019

Total number of pages, including cover sheet: 2

Confidentiality Notice

The documents accompanying this telecopy transmission contain confidential information belonging to sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

Message: // Missener Wisener

re. Heaving tomorrow morming Kark You!

MedStar Health Managed Care 8094 Sandpiper Circle - Suite O Baltimore, Maryland 21236

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

"netto" thuse Querrage two the a manage. con wers@ E- MAIL 56 99212 MD 21204 ON A D STATE, ZIP 020 SOL>, 1410 namo (is Tuncton sylvadan. DPA RD Alleghern June. ADDRESS 7-022/ 9000 9000 70 Patrice A. 17 NAME

Case No.: 07-400 SPH X A 14101 PHOENIX RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	5itz Plan
No. 2	AERIAL
No. 3 3A 3B	TBALLOON TESTS FROM PROSPECTIVE OF LOT 78
No. 4	Zoning MAP - Commercial Zone - Red Noted
No. 5	Hunt VAlley Home Assoc (Debi Kuchka-Craig) Letter OF SUPPORT
No. 6	Tower REVIEW Committee
No. 7	7A-WITH TOWER.
No. 8	SEARCH AREA DETERMINATION
No. 9	04-011-SPHX
No. 10	
No. 11	
No. 12	

BALTIMORE COUNTY, MARYLAND Interoffice Correspondence

DATE: February 7, 2007

TO: Walter Smith

Department of Permits and Development Management

FROM: Tower Review Committee

SUBJECT: New Tower – Verizon Wireless – 14101 Phoenix Road – Hunt Valley Country Club

The Tower Review Committee met on September 26, 2006 and on January 29, 2006 to discuss the application made by Verizon Wireless on August 1, 2006. The committee 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 60-foot flagpole (monopole) to be located on the property owned by American Golf Corporation, 14101 Phoenix Road, Phoenix, MD.

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

Findings: Verizon 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, Verizon has proposed to install a new 60-foot monopole. The total height of the structure is 60-feet including all appurtenances.

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

<u>Findings:</u> Verizon has stated, in the application to the TRC the structure will be constructed to support 2 additional wireless service providers in addition to Verizon Wireless. The structure will be manufactured to allow extensions to be added to the top of the pole to accommodate future carriers. The height of the structure was discussed at length by the committee all agree that to minimize the visual impact to allow the construction of the minimum necessary at this time.

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

PETITIONER'S

EXHIBIT NO.

<u>Findings</u>: This area is located in a RC-6 Rural Conservation and residential Zone. This site will require a hearing for special exception. There were no identified sites in commercial zones in the vicinity.

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

<u>Findings:</u> Based on the simulations presented by Verizon Wireless and provided as an attachment to this document, and an on-site visit, we find that the visual impact will be minimal at the height proposed. The flagpole/monopole was proposed in an attempt to minimize the visual impact. The equipment associated with the monopole will be located beside the maintenance facility and not visible from the residential areas.

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 60-foot flagpole/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, further eliminate the use of the structure by other carriers and delay new technology wanted and needed throughout this area of the County.

Additional Information

An Application Evaluation, complete with recommendations, from Columbia Telecommunications Corporation is attached.

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
Patricia Malone, Venable LLP
Peter Myers, Verizon Wireless
Robert Stradling, Director, Baltimore County Office of Information Technology

May 1, 2007

William J. Wiseman, III
Zoning Commissioner for Baltimore County
County Courts Building, Suite 405
401 Bosley Avenue
Towson, Maryland 21204

Re: Case No. 07-400-SPHXA 14101 Phoenix Road

10th Election District, 3rd Councilman District

Dear Commissioner Wiseman:

I understand the above case will be presented at a Public Hearing later this month. I am writing to advise you that the Highlands of Hunt Valley Home Association has no objections to Hunt Valley Golf Club's proposed plan for Verizon to install a 60 foot stealth flagpole cell antenna near the golf club's maintenance building.

The Hunt Valley Golf Club's General Manager and Verizon representatives have met with our Association Board, and have agreed to address our concerns (primarily a commitment to plant trees if necessary to preserve the beautiful view from Highland Ridge Drive). We have also been given assurances that the pole will not extend beyond the 60 feet currently proposed, thus, blending into the tree line.

Thank you for the opportunity to comment. I can be reached at 410-933-3011 if you have any further questions of me.

Sincerely,

Debi Kuchka-Craiq

President, Highlands of Hunt Valley Home Association

cc: John Davis, Hunt Valley Golf Club General Manager

Patricia A. Malone, Venable LLP

Highlands of Hunt Valley Home Association Officers

PETITIONER'S

EXHIBIT NO.

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE

SPECIAL EXCEPTION - NW/S Quarry Road,

E of Falls Road

* ZONING COMMISSIONER

(15027 Falls Road)

5th Election District

* OF BALTIMORE COUNTY

3rd Council District

* Case No. 04-011-SPHX

Butler Stone Quarry, Inc.

Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

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

PETITIONER'S

EXHIBIT NO.

9

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

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

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

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

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

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

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

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

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

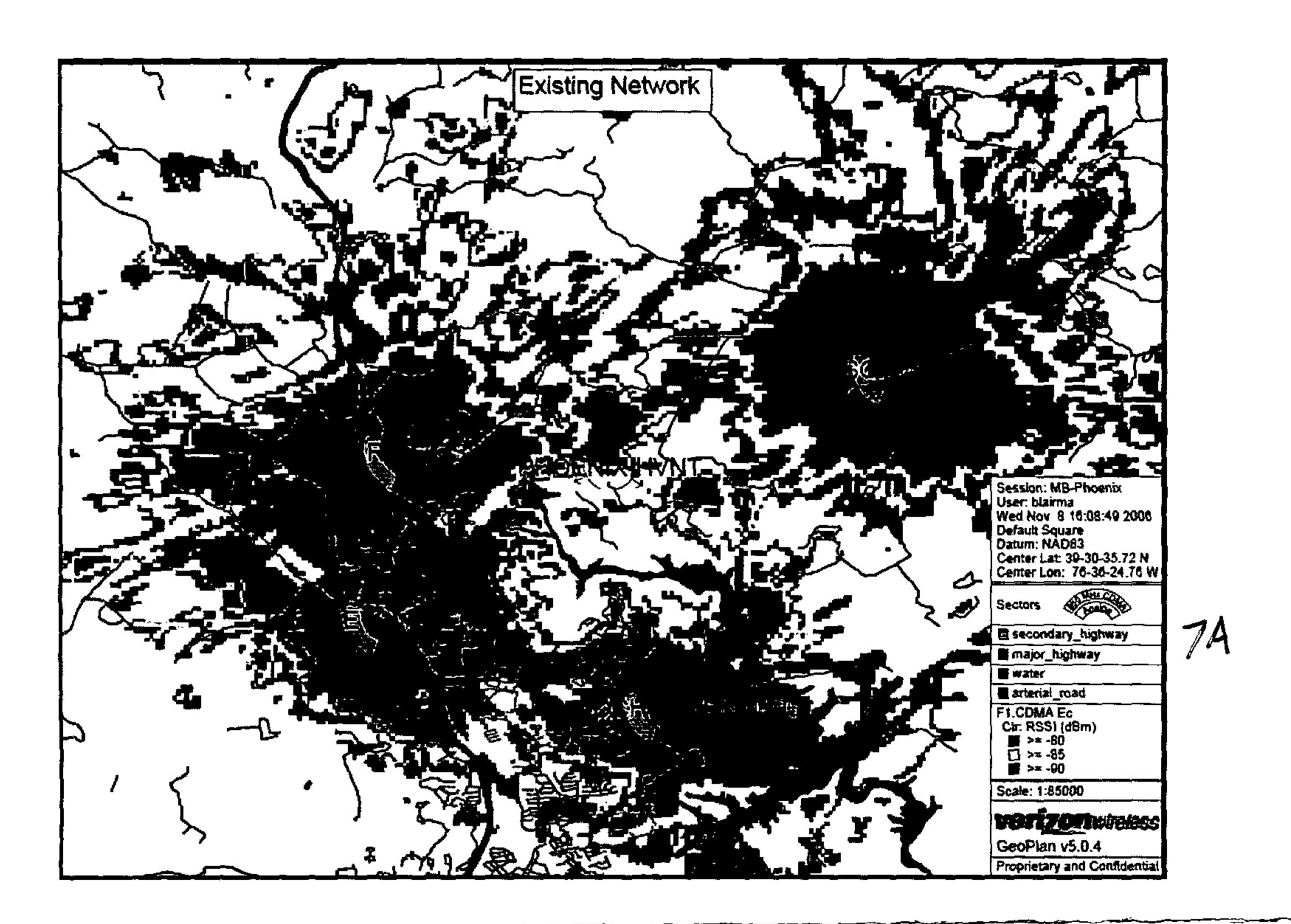
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County
this ___ day of October, 2003 that the Petition for Special Hearing to approve the dual use of

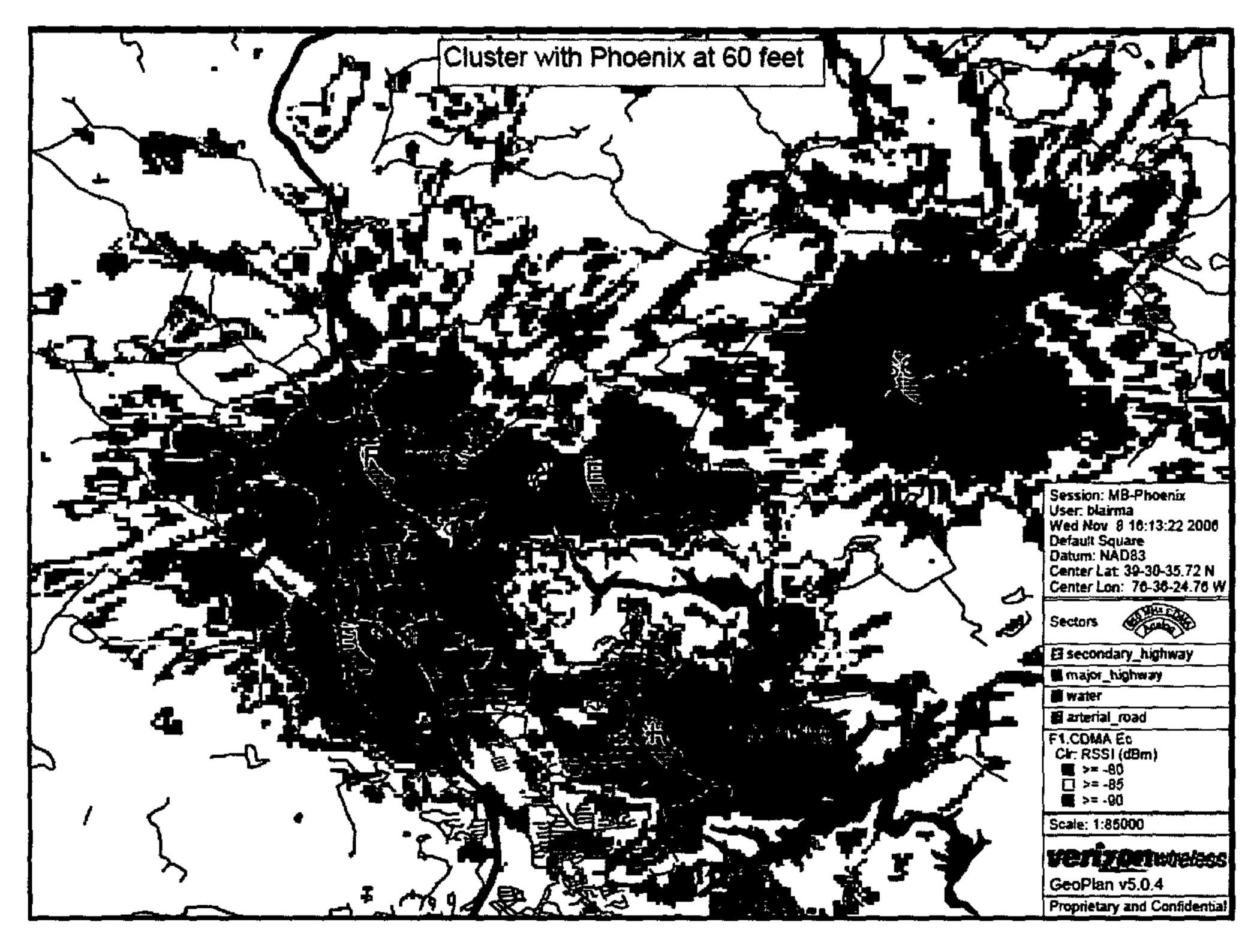
the subject property for a controlled excavation (quarry) and a wireless telecommunications structure (monopole) that will occupy a 75' x 75' area (0.13 acres), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

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

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

LES:bjs





75

PETITIONER'S

EXHIBIT NO.

M03PHX PHOENIX SEARCH AREA

SYSTEM_NAME: WASH/BALT

MTSO: BALTIMORE

DATE_ISSUED: 02/20/2003

ISSUED_BY: MB

SITE_NAME: PHOENIX

MAPS: BALTIMORE

ALPHA: M03PNX

CITY: JACKSONVILLE

COUNTY: BALTIMORE

STATE: MD

TYPE: MOD

YEAR_PROJ: 2004

NUMBER_ANT: 12

AMSL: 295

STRUCTURE_HEIGHT: 199

REQUIREMENTS: COVERAGE

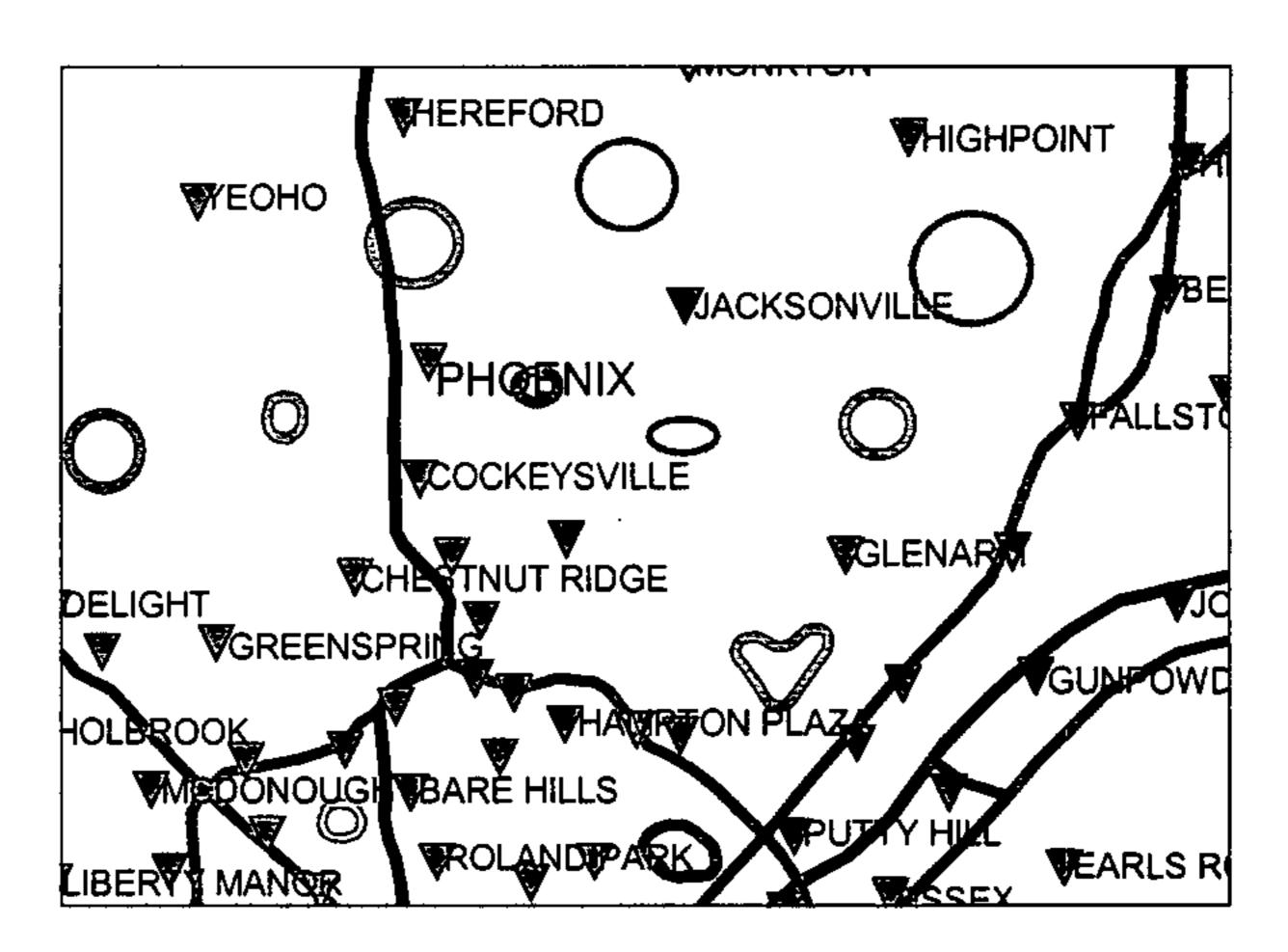
RF_ENG: MARC BLAIR

STATUS: NEW

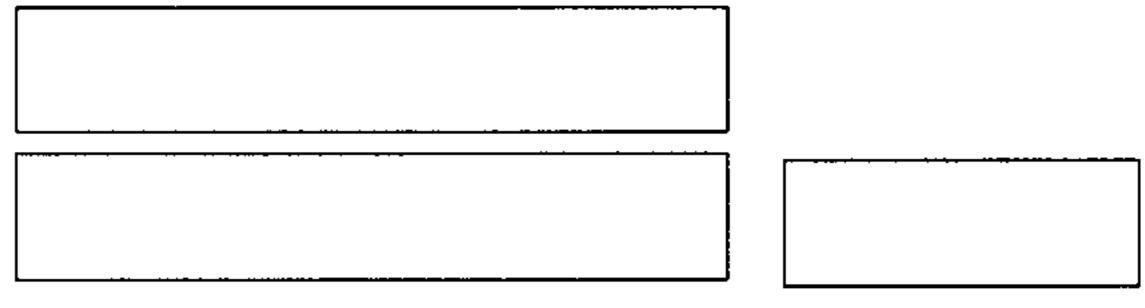
COVERAGE_NEED: Y

TRAFFIC_NEED:

ZIP_CODE: 21131

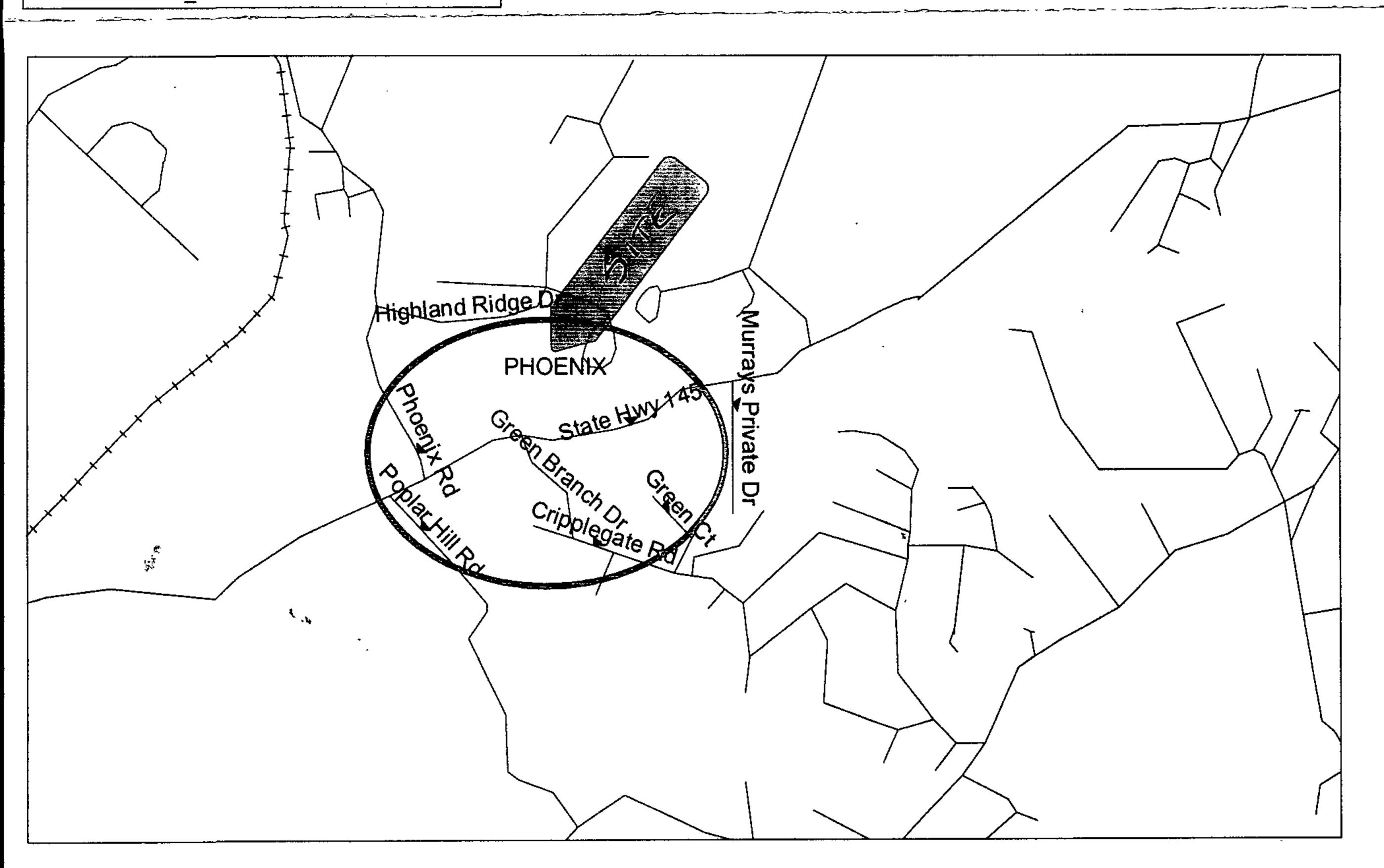


ACCOUNTING CODE



APPROVED BY

DATE

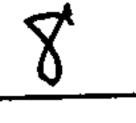


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LAT - 39.50676 N LONG - -76.6044 W

PETITIONER'S

EXHIBIT NO.



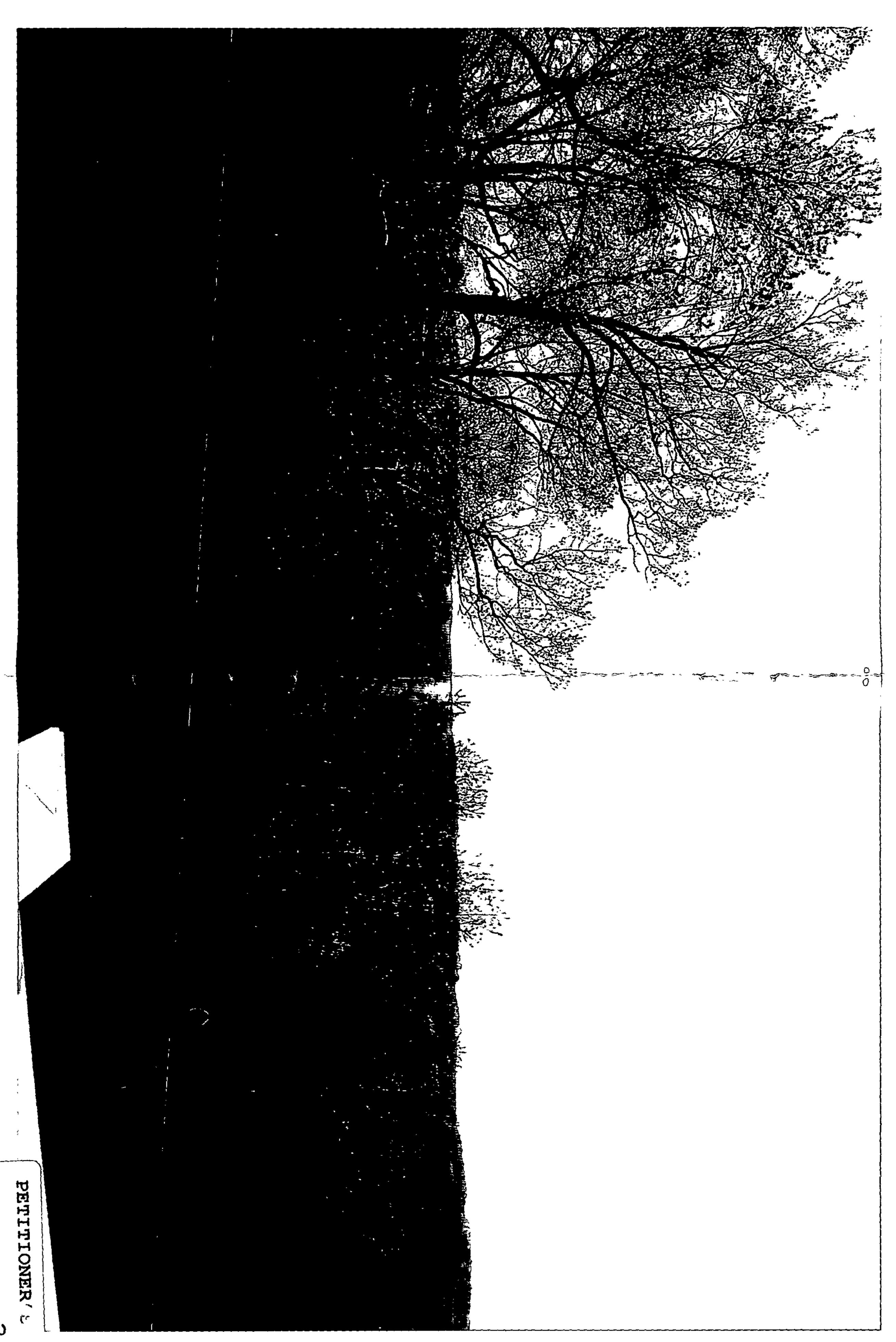


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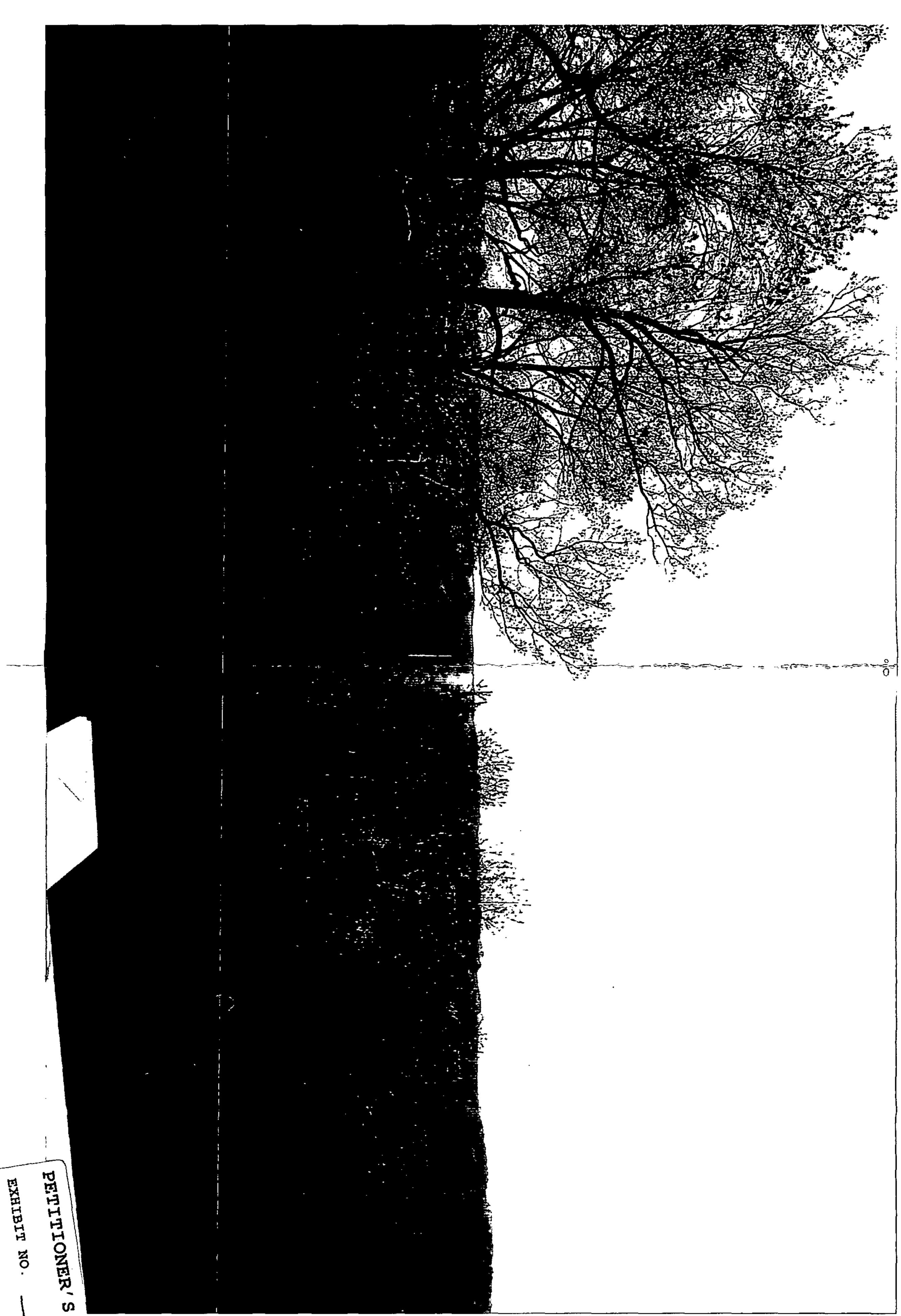
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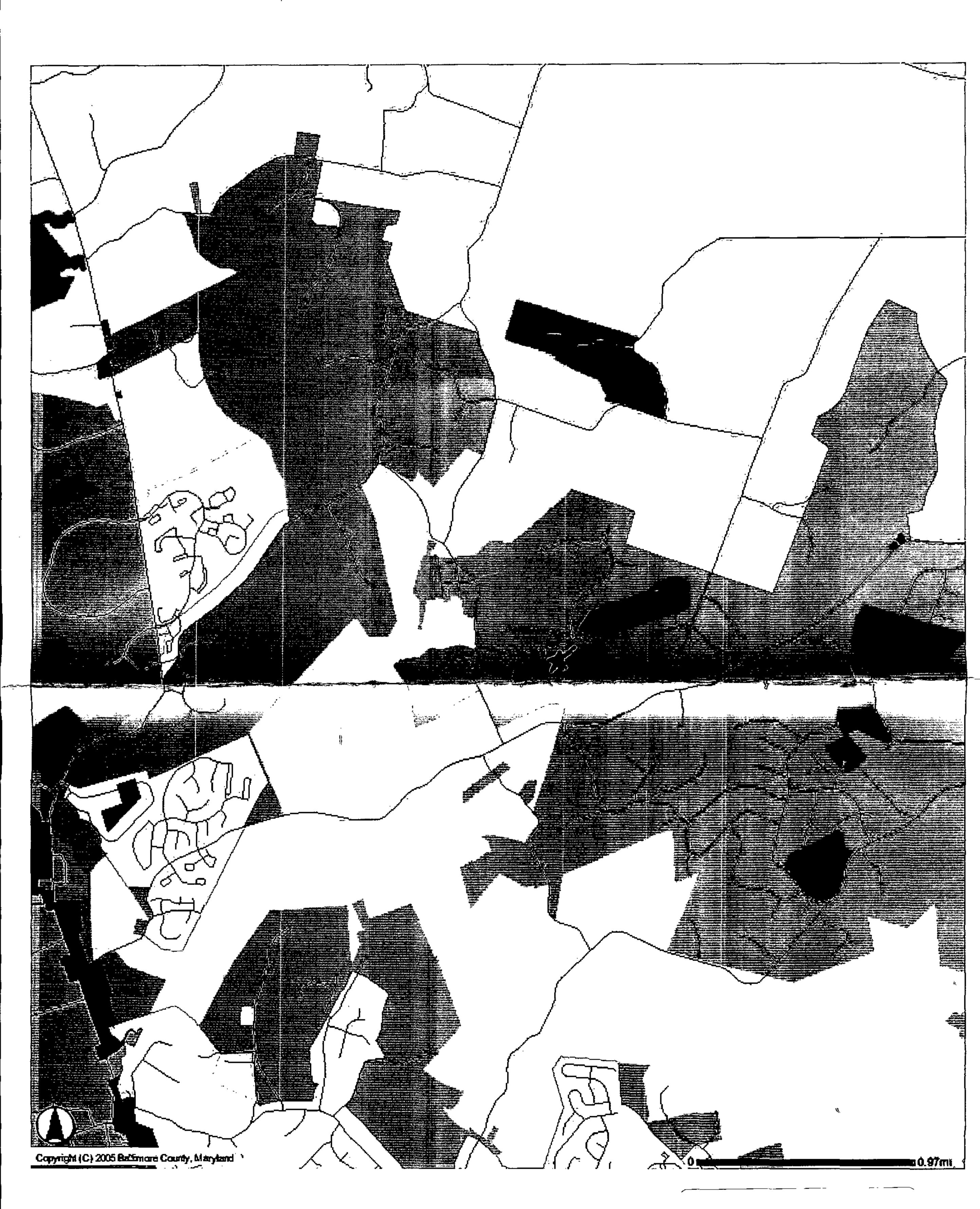
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PETITIONER'S

EXHIBIT NO.

4_

