IN RE: PETITION FOR VARIANCE

NW of Frederick Road, 31 feet SW of c/l of Paradise Road

1st Election District

1st Councilmanic District

(6352 Frederick Road)

Nextel Communications of the Mid-Atlantic, Inc., Patrice K. Tipton

Liz West, T-Mobile Lessee

Petitioners

BEFORE THE

DEPUTY ZONING

COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 08-084-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by a lessee of the subject property, T-Mobile, by its agent Liz West. The legal property owner is 6352 Frederick Road LLC. A portion of the property is leased by Nextel Communications of the Mid-Atlantic, Inc. Petitioner is requesting variance relief from Section 426.6.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet, and to amend zoning Case No. 86-478-X, including the approved site plan. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1. An amended site plan was also marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the variance request was Liz West on behalf of Petitioner T-Mobile and Petitioner's attorney, Sean Hughes, Esquire. Also appearing in support of the requested relief was Michael McGarity with Daft McCune Walker, Inc., the project manager who oversaw preparation of the site plan, Mitch Kellman with Century

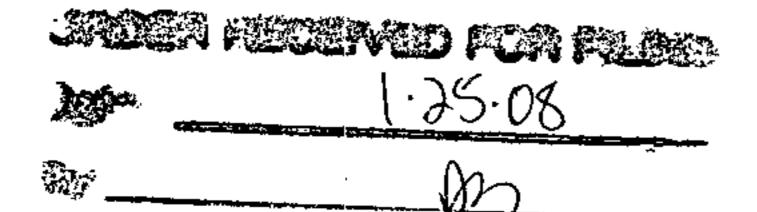
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Engineering, Petitioner's zoning consultant, and Amrish Garg, Petitioner's radio frequency engineer. Appearing as a Protestant was Judy Hess Boitz of 7 South Paradise Avenue. Ms. Boise is the immediate past President of the nearby Paradise Community Association. There were no other Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 13,102 square feet or .30 acre, more or less, and zoned B.L.-A.S. The property is located on the north side of Frederick Road between North Paradise Avenue and Briarwood Road in the Catonsville area of Baltimore County. The property is improved with an existing one-story auto service garage and an existing metal storage trailer. The property is also improved with an existing 1,500 square foot telecommunications compound located at the rear, northeast corner of the property.

Petitioner's Counsel, Mr. Hughes, indicated in his opening remarks that his client, T-Mobile, desires to provide enhanced wireless services to its customers. In order to do so, it is necessary to improve the existing cell tower currently erected within the telecommunications compound. The existing tower was erected in 2002 as a monopole approximately 77 feet high with a platform and antennas located near the top of the tower. In 2005, the monopole was modified with improvements in which another platform and antennas were added, as well as an additional concrete pad and equipment on the ground. Petitioner desires to raise the existing cell tower height up to 100 feet and attach additional platform mounted antennas in order to improve essential and non-essential wireless services.

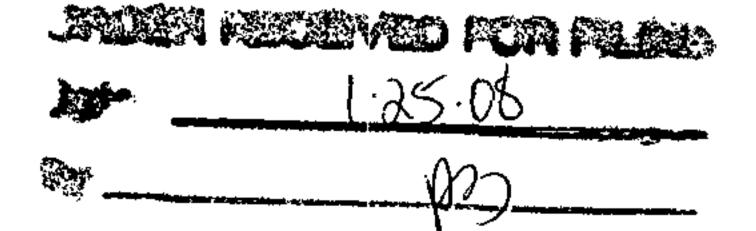
In support of the proposal, Petitioner called Mr. McGarity with Daft McCune Walker, Inc. Mr. McGarity testified he is a project manager for wireless facilities. He is familiar with the site and oversaw the evaluation and preparation of the site plan. He described the subject



property as an automotive service garage. It also contains the telecommunications compound for two telecommunications companies, Nextel Communications and Sprint. This includes an existing 11.5 foot by 20 foot equipment shelter. Petitioner proposes to extend the tower by approximately 23 feet, with another platform for antennas, and to construct a 10 foot by 20 foot concrete pad with additional equipment, including three T-Mobile equipment cabinets within the compound. As shown on the site plan accepted into evidence as Petitioner's Exhibit 1, the location of the extended monopole will be 74 feet from the nearest residential zone line (R.O.) located behind the property to the north. This is also the same location of the nearest residential use, which is 3 North Paradise Avenue, owned by Jason A. Cusick.

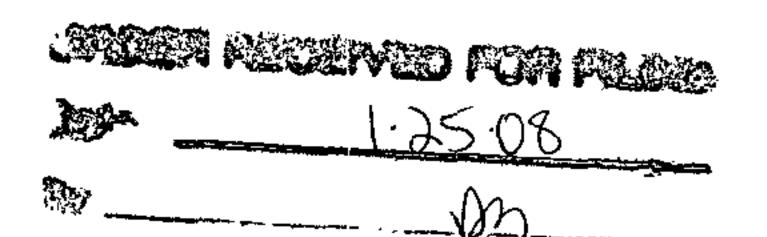
Wireless communication towers and facilities are governed by Section 426 of the B.C.Z.R. Section 426.5 of the B.C.Z.R. provides that wireless telecommunication towers are permitted in the B.L. zone as a matter of right. In addition, however, a petitioner must also meet mandatory setback requirements for these towers. Variances from the wireless communication facility requirements are authorized, pursuant to Section 426.11 of the B.C.Z.R. and governed by Section 307 thereof. Section 426.6.A.1 of the B.C.Z.R. states that "[a] tower shall be set back at least 200 feet from any other owner's residential property line." As indicated above, in order to make the proposed improvements to the existing tower, Petitioner has requested a variance from that requirement.

Next to testify was Mitch Kellman with Century Engineering. Mr. Kellman indicated he is currently the zoning manager with Century Engineering and has over 11 years of experience working in zoning administration and subdivision regulation for the public sector. Mr. Kellman was previously employed with Daft McCune Walker. Inc., and also worked in the Baltimore County Zoning Review Office for nine years. With the County, Mr. Kellman reviewed zoning



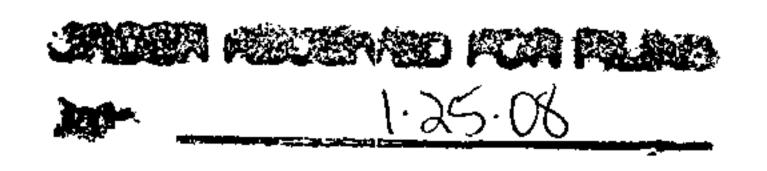
petitions and development plans and made determinations regarding compliance with County regulations. He has testified extensively as an expert before the Zoning Commissioner's Office and the Baltimore County Board of Appeals. A copy of his resume was marked and accepted into evidence as Petitioner's Exhibit 3. He was offered and accepted as an expert in zoning and the Baltimore County Zoning Regulations.

Mr. Kellman indicated he is familiar with the site, having visited it on December 12, 2007. He took photos of the area from various locations near the subject property in the direction of the cell tower. The photograph locations were shown on a map, marked in red, which was marked and accepted into evidence as Petitioner's Exhibit 4. The actual photographs were marked and accepted into evidence as Petitioner's Exhibits 5A through 5F. Petitioner's Exhibit 5A; was taken from the intersection near Poplar Avenue and Frederick Road faintly showing the cell tower in the distance; Petitioner's Exhibit 5B was taken from the intersection near North Prospect Avenue and Frederick Road, clearly showing the cell tower with two of the platforms and antennas in view; Petitioner's Exhibit 5C was taken from the intersection near Nunnery Lane and Edmondson Avenue where the cell tower is not visible; Petitioner's Exhibit 5D was taken from the intersection near South Paradise Avenue and Frederick road, across the street from the cell tower, and clearly shows the gray colored monopole cell tower; Petitioner's Exhibit 5E was taken from the Baltimore Cemetery near the intersection of Mallow Hill Road and Frederick Road where the cell tower is not visible; and Petitioner's Exhibit 5F was taken from the intersection near Enjay Avenue and Frederick Road and clearly shows the cell tower with three platforms and antennas. Mr. Kellman indicated these photographs show the business, commercial nature of the immediate and surrounding area, as well as the fact that the cell tower is not visible from a number of different locations in the surrounding area.



As to the requested variance relief, Mr. Kellman pointed out that there are no restrictions in Section 426.5 on antenna height or diameter in the B.L. zone, though in residential or transitional zones, there is a 15 foot high and three foot in diameter restriction. In addition, Mr. Kellman also pointed to the prior actions of the County's Development Review Committee (DRC) with regard to the cell tower. As shown on Note 26 of the site plan, on February 4, 2002, DRC #112601A permitted a limited exemption to construct a 77 foot monopole and the telecommunications compound on the subject property. Thereafter, on May 31, 2005, DRC #053105 permitted a limited exemption to place antennas on the existing monopole, as well as an additional concrete pad and equipment. These requests were granted by the DRC under the same exemptions and were not required to proceed through the formal development review process.

Mr. Kellman then reviewed letters from Baltimore County concerning the instant matter. In particular, prior to filing the instant Petition, T-Mobile's agent, Ms. West, sent a "spirit and intent" letter to Timothy M. Kotroco, Director of the County's Department of Permits and Development Management. The letter was reviewed by Jeffrey Perlow, a Planner in the County's Zoning Review Office. In his response letter to Ms. West dated December 26, 2007, which was marked and accepted into evidence as Petitioner's Exhibit 6, Mr. Perlow indicated the proposed tower extension up to 100 feet and the installation of ground-based station equipment were within the spirit and intent of the zoning regulations. Thereafter, W. Carl Richards, Jr., Supervisor of the Zoning Review Office, sent an additional response letter dated January 5, 2007 to Ms. West. This letter indicated that it canceled and updated the response of Mr. Perlow dated December 26, 2007. This letter, which was marked and accepted into evidence as Petitioner's Exhibit 7, contained essentially the same information as the previous letter with regard to the

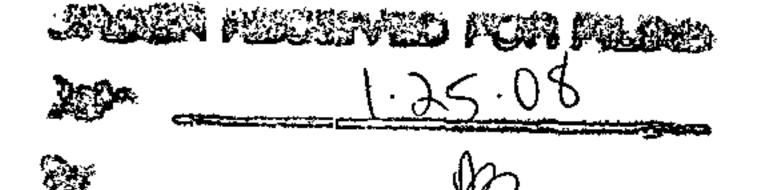


tower height and ground-based equipment. However, it added the following statement to the end of paragraph two of the letter:

However, due to the fact that there is a conflict in the zoning regulations (BCZR) with regard to the status of the adjacent R.O. zone, a public special hearing and possible variance will be required prior to submittal, review and approval of any building permit applications.

Mr. Kellman indicated that he disagrees with the County's interpretation that there is a "conflict in the zoning regulations" with regard to an R.O. zone. Based on his knowledge and experience with the B.C.Z.R., he does not believe for several reasons the R.O. zone is to be included as "any other owner's residential property line" in the setback requirement of Section 426.6.A.1. First, the R.O. zone is listed as part of a Transitional Zone and is not included in the various D.R. and R.C. zones included as a Residential Zone in Section 426.5.D. Second, the fact that the tower was originally erected in 2002, without the necessity of a hearing, indicates the County did not then consider the tower to be in a residential zone, subject to the 15 foot height and three foot diameter antenna requirements. Finally, the County also allowed the improvements to the 77 foot high tower in 2005 with no public hearing.

As a result, Mr. Kellman does not believe a variance of 74 feet in lieu of the required 200 feet is accurate. Based on his review of the regulations and his interpretation, he believes the proper measurement is from the subject tower to the nearest residential zone. As shown on the site plan which was accepted into evidence as Petitioner's Exhibit 2, the nearest residential only zone is D.R.5.5 and the measurement is 172.5 feet. Hence, the proper variance relief is to permit 172.5 feet in lieu of 200 feet. Alternatively, Mr. Kellman indicated that variance relief is not necessary in the instant matter because the tower is already in place and Petitioner is not seeking to expand the tower outward in any fashion that he believes would trigger the setback requirement; rather Petitioner merely wishes to increase the height of the existing tower by 23

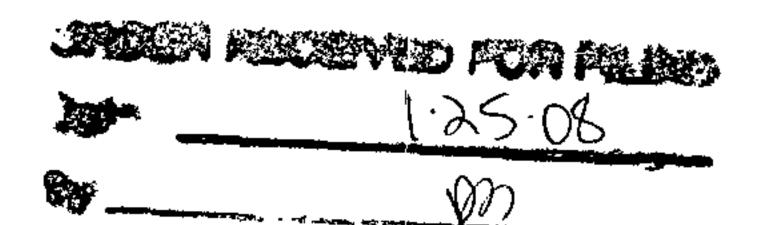


feet, with no height restrictions up to 200 feet. In conclusion, Mr. Kellman believes granting the variance relief is within the spirit and intent of the zoning regulations.

Testifying in support of the need for the enhanced wireless service and, hence the variance request, was Amrish Garg. Mr. Garg is a radio frequency engineer employed with T-Mobile. Mr. Garg obtained a Bachelor's degree in engineering from India in 1994 focusing on electronics and communications. He has been employed in that field for 12 years. He has worked on approximately 3,000 sites internationally and in the United States. A copy of his resume was marked and accepted into evidence as Petitioner's Exhibit 8. He was offered and accepted as an expert in radio frequency engineering.

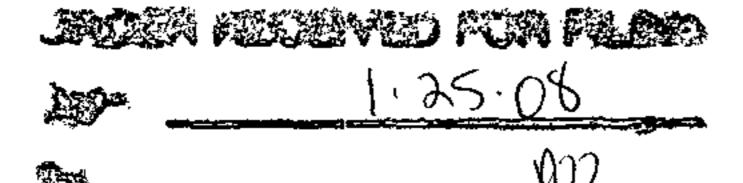
Mr. Garg introduced computer generated propagation maps showing the existing on air coverage, marked and accepted into evidence as Petitioner's Exhibit 9, and the predicted signal strength with the proposed tower improvements, marked and accepted into evidence as Petitioner's Exhibit 10. As shown on these exhibits, the color green indicates where the signal strength is sufficient indoors to have continuous communication and properly hand off to the next cell tower. In addition, the yellow areas indicated sufficient in-vehicle coverage. Mr. Garg then noted the lack of coverage in the area as indicated by white where callers would likely experience dropped calls. He determined that adding to the height of the existing tower and attaching platform antennas would increase the transmission power and provide the needed indoor and in-vehicle coverage as depicted in Petitioner's Exhibit 10. It would also allow for enhanced 911 services, enabling the system to triangulate the location to know exactly where a call is coming from.

Following Petitioner's case, Judy Hess Boitz testified on behalf of the Paradise Community Association. Marked and accepted into evidence as Protestant's Exhibit 1 was a



letter from Dennis Haley, President of the Paradise Community Association, indicating that Ms. Boitz had been appointed to speak on the Association's behalf. Initially, Ms. Boitz indicated she was disappointed that the subject cell tower was permitted in the first place. She felt the process that led to its construction did not allow for any community input or involvement, and believes the fact that there was never any public hearing on the original tower plan in 2002 or the improvements made in 2005 was unfair to the community. In commenting on several photographs of surrounding areas introduced by Petitioner where the cell tower is not visible, Ms. Boitz pointed out that at some locations it would not be visible due to some areas sitting below grade of Frederick Road. She also emphasized that the surrounding area is primarily residential with a small business area, not "peripheral" residential as characterized by Petitioner. The current tower height is already an eyesore, with no efforts by the cell companies to mitigate its appearance, and making the dingy, gray, aluminum monopole 23 feet taller with additional antennas would make it even more of an eyesore and distraction. Finally, Ms. Boitz indicated she does not believe the tower extension would be within the spirit and intend of the Streetscape enhancements to the community.

Also received in opposition to the extension of the cell tower was a letter from the adjacent neighbor to the north, Jason Cusick of 3 North Paradise Avenue. This letter was marked and accepted into evidence as Protestant's Exhibit 2. Mr. Cusick indicates that he is a resident and homeowner of the property closest to the tower and that it is undesirable to him and other nearby residents of the community. He also indicated he is troubled by the close proximity of the tower to his residence, questions the effects of long term exposure to the cell phone waves via the tower, and is also troubled by the effect on local property values. In short, he wishes the tower would be removed altogether.

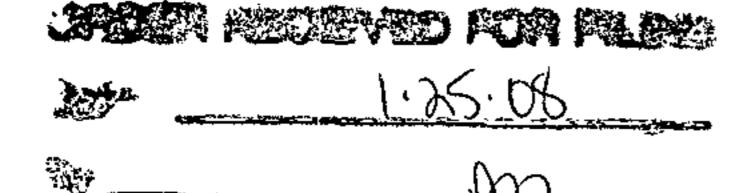


The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. In particular, comments were received from the Office of Planning dated October 29, 2007 which recommend denial of the request for several reasons. First, the subject site is located in the Catonsville Commercial Revitalization District. These districts are targeted with specific County-sponsored programs to enhance the physical appearance and economic viability of the area. Second, the site is located in the historic National Road corridor. The County Council has endorsed a plan to preserve the historic, scenic, and natural resources along the route, enhance the appearance of the route, and maintain a high quality of life along the National Road. Third, the State has designed Streetscape improvements along Frederick Road, including the area of the subject site, to enhance the appearance. Finally, the existing tower itself is unattractive. The existing monopole is unpainted and is highly visible from Frederick Road, and greatly detracts from the community's appearance. It also is inconsistent with the aforementioned enhancement efforts by the County and State.

A variance authorizes the property owner "to use property in a manner forbidden" by applicable zoning restrictions. *See, Cromwell v. Ward*, 102, Md. App. 691, 700 (1995). In contrast to special exceptions, which "contemplate a permitted use . . . once the prescribed conditions are met," a variance contemplates a departure from the terms of the zoning ordinance in order to preclude confiscation of the property. *Id.* at 699-700

The test that governs variance requests generally also governs tower variance requests:

The zoning commissioner of Baltimore County and County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations ... only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship ...



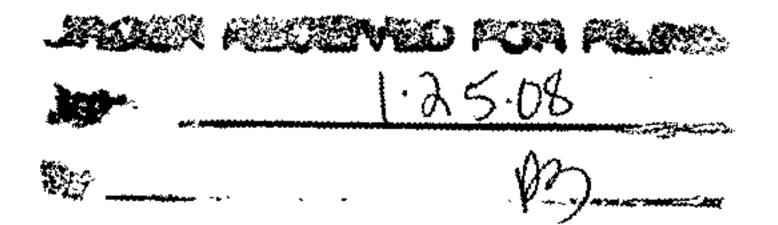
[A]ny such variance shall be granted only if in strict harmony with the spirit and intent of said ... area ... regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant other variances ...

B.C.Z.R. Section 307.1 (emphasis added); see B.C.Z.R. Section 426.11 (area setback for wireless telecommunications tower and related equipment may be granted "in accordance with Section 307").

"The burden of showing facts to justify . . . a variance rests upon the applicant." Easter v. Mayor and City Council of Baltimore, 195 Md. 395, 400 (1950). Both the "special circumstances or conditions" requirement, which is typically referred to as the "uniqueness" element, and the "practical difficulty" element of the two-pronged test must be satisfied. "The law in Maryland and in Baltimore County under its charter and ordinance remains as it has always been -- a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance's more severe impact on specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists." Cromwell, 102 Md. App. at 721.

As noted above, the "special circumstances or conditions" prong of the variance test is commonly referred to as a "uniqueness" requirement, even though it is not necessary for Petitioners to show truly unique circumstances. Uniqueness has a "rather specialized meaning" in zoning law. See Umerley, 108 Md. App. at 506. As Judge Cathell explained:

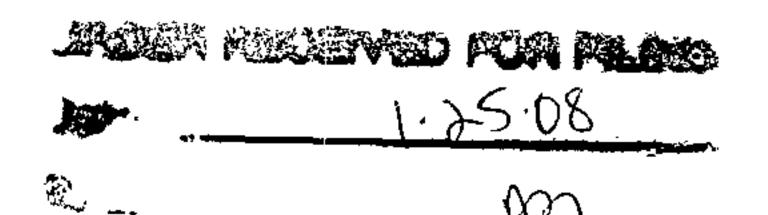
"[u]niqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.



Thus, "the initial and essential first step in the determination of appropriateness of an area variance" is whether "the subject property is so inherently unique that the ordinance's impact thereon would be disproportionate when compared to other lands in the district." *Chester Haven Beach P'ship v. Bd. of Appeals for Queen Anne's County*, 103 Md. App. 324, 338 (1995); *See* also *Umerley*, 108 Md. App. at 506 ("the zoning authority must determine whether the subject property is unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness or peculiarity of the property causes the zoning provision to have a disproportionate impact on the property").

In Evans v. Shore Communications, Inc., 112 Md. App. 284 (1998), the Court of Special Appeals affirmed the denial of a height variance necessary to build a wireless telecommunications tower in Talbot County. They specifically rejected the applicant's arguments that the property was unique because it satisfied the technological requirements for wireless service and because it had an elevation that reduced the need for a higher tower on that property or elsewhere. Id. at 308.

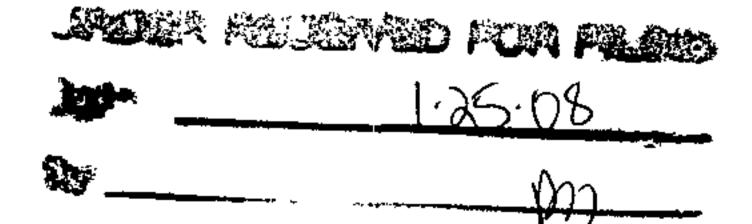
In the instant matter, as a threshold issue, I am not persuaded by Mr. Kellman's testimony that the variance request is unnecessary or that it should be stated to allow 172.5 feet as shown on Petitioner's Exhibit 2 site plan. I find the more appropriate measurement in this case to be 74 feet in lieu of the required 200 feet. I believe the plain meaning of Section 426.6.A.1 wherein it states that "[a] tower shall be set back at least 200 feet from *any other owner's residential property line*" (emphasis added) is clear and unambiguous. In this case, a residential property line is not one that is only zoned D.R. or R.C., but can also included a mixed use such as an R.O. zoned property. Moreover, in this case, the testimony indicates that the property owner in



question, Mr. Cusick, uses his R.O. zoned property as a residence. Hence, I find that the applicable variance request is for an allowance of 74 feet in lieu of the required 200 feet.

Turning now to the merits of the case, I find that Petitioner has failed to show that the subject parcel is unique or otherwise different from other properties in the area to justify the variance relief. In short, there was no testimony to satisfy this prong of the variance analysis. The testimony focused on the need for the enhanced wireless service, the location of the existing tower, the planned improvements, the prior DRC actions, and that the subject parcel satisfies the coverage objectives and fulfills a much needed service in the area.

By itself, the fact that a property cannot accommodate an otherwise permitted use without an area variance does not require the grant of a variance. If this was a test, zoning authorities would be obligated to grant a setback variance simply because the setback requirements would prevent a permitted use. Yet, T-Mobile's Petition rests solely on the theory that the property is unique because it cannot meet the setback requirements for the monopole, as well as the need for the enhanced wireless service. Further, the parcel cannot be characterized as unique based solely upon T-Mobile's determination that this is a suitable site. As Evans teaches, the fact that this parcel falls, within a geographic area selected by T-Mobile for technological reasons is not a characteristic that is inherent to the property. See Evans, 112 Md. App. at 308. In short, I find no evidence that would permit the inference that the small lot with its configuration as described on the site plan means that Petitioner suffers a disproportionate impact from the setback requirements, as compared to other nearby property owners. To accept Petitioner's argument that a variance should be granted, simply because the property would otherwise allow a permitted use, would permit "the exception to swallow the rule." I also find that granting the variance and thereby allowing an increase in the height of the cell tower, in this particular case,



and based on the testimony adduced by the community and the ZAC comment from the Office of Planning, would be detrimental to the health, safety, and welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be denied.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6352 Frederick

which is presently zoned

BL AS

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 Variance from Section(s)

To permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including the approved site plan).

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

T-Mobile seeks to add 23 feet of height to mount their antennas onto an exisitng monopole. There are no prior zoning cases on the subject property leading T-Mobile to conclude that the exisitng monopole was constructed by right. The exisitng tower, as built does not meet the setbacks to the RO zone. Despite other collocations onto this monopole, T-Mobile as the 4th carrier on this site has been asked to obtain a setback variance. There are no other tall structures suitable to collocate telecommunications facilities on within a 2 mile radius.

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

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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.

		<u>:</u>	perjury, that I/we are the le is the subject of this Petitio	egal owner(s) of the	e property which
Contract Purchaser/Les	ssee:	-	Legal Owner(s):		•
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city Beltsville	State MD	Zip Code 2070	Signature		<u> </u>
Attorney For Petitioner	*	<u> </u>	Address		Telephone No.
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Address		Telephone No.	Address 12050 Bal		
City	State	Zip Code	City Bults Jul	le Mo de State	20705 Zip Code
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Description

To Accompany Petition

For A Special Hearing and Variance

6352 Frederick Road

Baltimore County, Maryland

Beginning for the same at the end of the second of the following two courses and distances measured from the centerline of Paradise Avenue (50 feet wide) and the centerline of Frederick Road (66 feet wide), southwesterly along the centerline of Frederick Road, 31 feet, more or less, thence northwesterly 33 feet to the point of beginning, thence leaving said point of beginning and running with and binding on a portion of Frederick Road, referring all courses of this description to the Maryland Coordinate System (NAD '83), (1) South 66 degrees 38 minutes 59 seconds West 86.08 feet, thence (2) North 26 degrees 48 minutes 01 second West 143.95 feet, thence (3) North 66 degrees 38 minutes 59 seconds East 96.86 feet, thence (4) South 22 degrees 15 minutes 01 second East 127.22 feet, thence 95) South 24 degrees 30 minutes 01 second East 16.50 feet to the point of beginning containing 13,102 square feet or 0.301 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS

NOT INTENDED TO BE USED FOR CONVEYANCE.

July 2, 2007

Project No. 06107.B (L06107.B)

08-084A



JAMES T. SMITH, JR. County Executive

November 1, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
ARING
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: 08-084-A

6352 Frederick Road

N/west of Frederick Road, 31 feet s/west of centerline of Paradise Road

1st Election District -- 1st Councilmanic District

Legal Owners: Nextel Communications, The Mid-Atlantic, Inc., Patrice Tipton

Contract Purchaser: T-Mobile, Liz West

<u>Variance</u> to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including approved site plan).

Hearing: Thursday, December 13, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Liz West, T-Mobile, 12050 Baltimore Avenue, Beltsville 20705

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., NOVEMBER 28, 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.

NOTICE OF ZONING HEARING

The Zonling 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: #08-084-A
6352 Frederick Road
N/west of Frederick Road, 31 feet s/west of centerline of Paradise Road
1st Election District - 1st Councilmanic District Legal Owner(s): Nextel Communications,
The Mid-Atlantic, Inc., Patrice Tipton
Contract Purchaser: T-Mobile, Liz West
Variance: to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as reduired by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including approved site plan).
Hearing: Thursday, December 13, 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 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 11/782 Nov. 27

11/29 , 20 <u>07</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on [1] 2007

Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News
--

CERTIFICATE OF POSTING

POSTED 11/28/07 52-2-15-3/1/2- 11/28/07

	RE: Case No.: 08-084-A
	Petitioner/Developer:
	T-MOBILE, LIZ WEST
	Date of Hearing/Closing: 12/13/07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: KRISTEN NIHITHEWS	
Ladies and Gentlemen:	
This letter is to certify under the penalties	of perjury that the necessary sign(s) required by law
were posted conspicuously on the propert	
	EDERICK RD.
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The sign(s) were posted on	11/28/07
	(Month, Day, Year)
CASE # 08-084-A	Sincerely,
TOMINO	/ frethell / 6- 11/28/07
CASE # CB-OB4-A	(Signature of Sign Poster and Date)
A PUBLIC HEADING WE RELO BY THE JOHING COMMISSIONER 13 TOWISON, MD	RICHARD E. HOFFMAN
PLACE: Sensit Garage Commander, to C. trains, Sensitive and	(Printed Name)
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6352 FREDERICK RD	

RE: PETITION FOR VARIANCE

6352 Frederick Road; NW of Frederick Rd,

31' SW c/line of Paradise Road

1st Election & 1st Councilmanic Districts

Legal Owner(s): Nextel Communications, Inc*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

08-084-A

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 22nd day of August, 2007, a copy of the foregoing Entry of Appearance was mailed to, Liz West, Agent, 12050 Baltimore Avenue, Beltsville, MD 20705, Representative for Petitioner(s).

RECEIVED

AUG 22 2007

Per.....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER OF-084-A
DATE (2/13/07

ETITIONER'S SIGN-IN SHEET

Mellman C Centeryong. Com mmagarity admw.com elizabeth, west com	Schn. hypeg a dochue blu	ا د						•	
CITY, STATE, ZIP Hent Valley MD Towson, MD 21286 PREVENIUM MD 21286	Glerwood mo 21730								
10710 Gloy Rol 2006. Permsylvania Mue 12.050 Boehmer Ave	14510 Ovsex Mill Rd								
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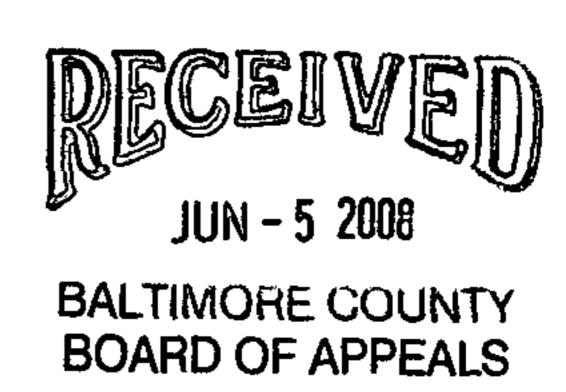
Board of Appeals Jefferson Building Suite 302 105 West Chesapeake Ave Towson, MD 21204

To Whom It May Concern:

Please include me in the file for notice of the hearing 08-08-4A.

Thank you.

Jason Cusick 3 N Paradise Avenue Catonsville, MD 21228-2004



PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 05-064-A
DATE 13/07/07

CITIZEN'S SIGN-IN SHEET

<u> </u>	796									••	•	
E- MAIL	hessbortz @ Concest. neg								-			
CITY, STATE, ZIP	CATONISUITE MD ZIZZZ											
ADDRESS	9 SOUTH CHRADUSE ARE											
NAME	100 these Eoite											



JAMES T. SMITH, JR. County Executive

October 25, 2007

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Ms. Liz West T-Mobile 12050 Baltimore Avenue Beltsville, Maryland 20705

Dear Ms. West:

RE: Case Number: 6352 Frederick Road 08-084-A

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 13, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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,
U. Call Rihall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:rjc Enclosures

c: Peoples Council

TB 10/31

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

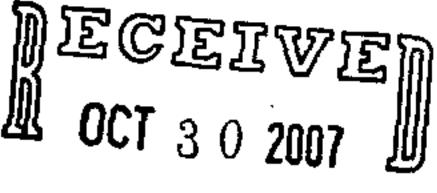
Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: October 29, 2007



BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-084-A

The Office of Planning has reviewed the above referenced case(s) and recommends <u>DENIAL</u> of the request for the reasons stated herein.

This site is located in the Catonsville Commercial Revitalization District. Catonsville is one of thirteen commercial revitalization districts in Baltimore County that are targeted with specific county-sponsored programs to enhance the physical appearance and economic viability of the county's traditional commercial areas.

The site is also located in the historic National Road corridor. The state has designated Maryland's portion of the National Road as the Maryland Historic National Road Scenic Byway. The Baltimore County Council has endorsed the Maryland National Road Corridor Partnership Plan (see attached County Council Resolution 61-01). The purpose of the plan is to preserve the historic, scenic, and natural resources along the route, develop and enhance the route to attract visitors and increase tourism, celebrate the heritage of the corridor, and maintain the high quality of life found along the National Road.

The State Highway Administration has designed streetscape improvements along Frederick Road from Bishops Lane to the Baltimore City line. The site is located along the affected road segment. The proposed improvements will enhance the streetscape and will include new curb and gutter, sidewalks, roadway resurfacing, and landscaping.

The existing telecommunications tower facility is very unattractive. The existing monopole is not painted. The monopole and antennas are highly visible from Frederick Road. The existing facility greatly detracts from the community's appearance.

We recommend that the requested variance be denied. Allowing the requested 23-foot monopole extension and additional antennas will further adversely impact the appearance of the

community. The petitioner's request conflicts with the above-mentioned enhancement efforts by the county and the state.

If the requested variance is granted, the existing tower should be replaced with a stealth monopole where all antennas are located within the interior of the pole. Also, we recommend that the pole be painted black or another suitable color. These actions should greatly reduce the visibility of the tower from Frederick Road. An example of this type of telecommunications tower is located at 2021 Frederick Road. It was authorized under Case No. 04-449-XA.

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

Prepared By: 1. Bun Auly

Division Chief:

Attachment

rbs

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2001, Legislative Day No. 10

Resolution No. 61-01

Mr. S. G. Samuel Moxley, Chairman

By the County Council, May 21, 2001

A Resolution of the Baltimore County Council in support of the Maryland National Road Corridor Partnership Plan.

WHEREAS, the National Road, originally called the Cumberland Road, was the first federally planned and funded highway in the United States, the purpose of which was to facilitate a direct overland route across the Appalachian Mountains; and

WHEREAS, the Cumberland Road and the system of turnpikes which comprise the connecting routes from Baltimore to Cumberland form "Maryland's Historic National Road Scenic Byway"; and

WHEREAS, in Baltimore County, the route follows Maryland Route 144 and includes the communities of Catonsville and Oella; and

WHEREAS, the Maryland Department of Planning, the Office of Tourism Development, the State Highway Administration, the Maryland Historical Trust, and the Department of Natural Resources, are developing a "Corridor Partnership Plan" for Maryland's Historic National Road Scenic Byway in an effort to gain All-American Road designation for the National Road through the National Scenic Byway Program; and

WHEREAS, the purpose of the Plan is to preserve the historic, scenic, and natural resources along the route, develop and enhance the route to attract visitors and increase tourism, celebrate the heritage of the corridor, and maintain the high quality of life found along the National Road.

NOW, THEREFORE, BE IT RESOLVED that the County Council of Baltimore County, Maryland expresses its support of the Maryland National Road Corridor Partnership Plan.



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

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

Maryland Department of Transportation

August 22, 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. 08-84-A

MD 144 (Frederick Road) 6352 Frederick Road Nextel Communications-

Patrice K. Tipton

Variance-

Dear Ms. Matthews:

We have reviewed the referenced plan and have no objection to approval, as a field inspection reveals that the existing access onto the property from MD 144 (Frederick Road) is adequate. No further review is necessary with regard to Nextel Communication Case Number 8-84-A.

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

Very truly yours,

Fon

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is ______



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

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

August 23, 2007

ATTENTION: Zoning Review Planners

84

Distribution Meeting Of: August 20, 2007

Item Number: Item Number 76 through 079 and 81, 83, 84, 85, 86, 88

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

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 29, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 27, 2007

Item Mgs. 08-076, 077, 078, 079, 081,

083, 084, 086, and 088

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-10292007.doc

Requested: April 23, 2008

APPEAL SIGN POSTING REQUEST

CASE NO.: 08-084-A

6352 FREDERICK ROAD

1st ELECTION DISTRICT

APPEALED: 2/25/2008

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

COMPLETE AND RETURN BELOW INFORMATION*

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building
105 W. Chesapeake Avenue, Suite 203

Towson, MD 21204

Attention: Kathleen Bianco Administrator

CASE NO.: 08-084-A

LEGAL OWNER: NEXTEL COMMUNICATIONS, THE MID-ATLANTIC

LESSEE : T-MOBILE

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

6352 FREDERICK ROAD

NW OF FREDERICK RD 31' SW OF C/L OF PARADISE AVE

	2008.
By:	
By: (Signature of Sign Poster) (Print Name)	J
(Print Name)	



ZONING APPEAL

DIBIC HEARING

CASE NUMBER:



FOR INFORMATION CALL

410-887-3180

DO NOT REMOVE UNDER PENALTY OF LAW

BALTIMORE COUNTY BOARD OF APPEALS

5/09/2008 12:34 pm



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director March 24, 2008 Department of Permits and Development Management

Karl Nelson Saul Ewing 500 East Pratt Street, Ste. 900 Baltimore, MD 21202

Dear Mr. Nelson:

RE: Case: 08-084-A, 6352 Frederick Road

Please be advised that this office received your appeal of the above-referenced case on February 25, 2008. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Mitch Kellman, Century Engineering, 10710 Gilroy Road, Hunt Valley 21031 Michael McGarity, DMW, 200 E. Pennsylvania Avenue, Towson 21286 Liz West, 12050 Baltimore Avenue, Beltsville 20705 Amrish Garg, 12050 Baltimore Avenue, Beltsville 20705 Judy Hess Boitz, 7 South Paradise Avenue, Catonsville 21228



Karl J. Nelson

Phone: (410) 332-8663

Fax: (410) 332-8184

knelson@saul.com

www.saul.com

February 22, 2008

Via Hand Delivery

Timothy M. Kotrco, Director Department of Permits & Development Management County Office Building 111 West Chesapeake Avenue Towson, MD 21204

Re: Appeal of Case No. 08-084-A

Dear Mr. Kotrco:

I write on behalf of my clients the Petitioners in Case No. 08-084-A, to note their appeal of the Deputy Zoning Commissioner's decision in that matter. Please forward any correspondence relating to the appeal to me at the address set forth above.

I thank you for your attention to this matter. Please do not hesitate to contact me should you require any additional information about the appeal.

Very fruly yours,

Karl J. Nelson

KJN/jlm

Michael Almada cc:



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

January 25, 2008

SEAN HUGHES, ESQUIRE DONOHUE & BLUE PLC 801 NORTH FAIRFAX STREET, SUITE 209 ALEXANDRIA VA 22314

Re: Petition for Variance

Case No. 08-084-A

Property: 6352 Frederick Road

Dear Mr. Hughes:

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

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

Very truly yours,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz Enclosure

c: Mitch Kellman, Century Engineering, 10710 Gilroy Road, Hunt Valley MD 21031 Michael McGarity, Daft, Mccune Walker Inc., 200 E. Pennsylvania Avenue, Towson MD 21286 Liz West, 12050 Baltimore Avenue, Beltsville MD 20705 Amrish Garg, 12050 Baltimore Avenue, Beltsville MD 20705 Judy Hess Boitz, 7 South Paradise Avenue, Catonsville MD 21228

"Cannon, Robert W." < RCannon@saul.com>

To: <kbianco@baltimorecountymd.gov>

Date: 6/25/2008 9:28 AM
Subject: Postponement request

Kathy:

From:

Confirming my telephone message, I am saddened to report on the passing of my, partner, Karl Nelson, yesterday. Karl was counsel of record in the Appeal of Case No. 08-084-A scheduled for hearing on July 29, 2008. In light of Karl's passing, we respectfully request a postponement.

Thank you for your consideration of this request.

Bob Cannon

Robert W. Cannon Saul Ewing LLP 500 East Pratt Street Baltimore, Maryland 21202

T: 410-332-8816 F: 410-332-8817

E: rcannon@saul.com

Please note we have moved.

Requested: April 23, 2008

APPEAL SIGN POSTING REOUEST

CASE NO.: 08-084-A

6352 FREDERICK ROAD

1st ELECTION DISTRICT

APPEALED: 2/25/2008



Phone: (410) 332-8816

Fax: (410) 332-8817

rcannon@saul.com

www.saul.com

August 7, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

County Board of Appeals of Baltimore County Jefferson Building Second Floor, Suite 203 105 West Chesapeake Avenue Towson, Maryland 21204

> Case Number 08-084-A Re:

> > In the matter of: Nextel Communications,

The Mid-Atlantic and T-Mobile, Liz West - Petitioners/6352 Frederick Road LLC 6352 Frederick Road 1st E; 1st C

Ladies and Gentlemen:

We respectfully request that the hearing schedule for Wednesday, September 3, 2008 at 10:00 a.m. in connection with the referenced matter be postponed. As I have reported by telephone, we are still involved in the transition of matters necessitated because of the passing of our Partner, Karl Nelson, who was counsel of record in this matter. Thank you for your consideration of this request.

Very truly yours,

Peter Max Zimmerman, Esquire cc:

Office of People's Counsel

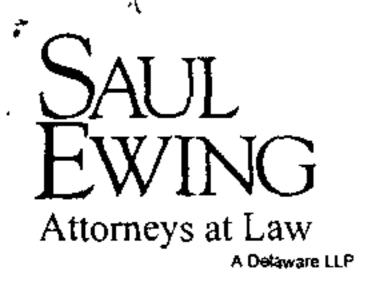
Ms. Judy Hess Boitz Paradise Community Association 7 South Paradise Avenue Catonsville, MD 21228

Mr. Jason Cusick 3 North Paradise Avenue Catonsville, MD 21228

BALTIMORE COUNTY

BOARD OF APPEALS

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



Phone: (410) 332-8816

Fax: (410) 332-8817

rcannon@saul.com

www.saul.com

August 7, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

County Board of Appeals
of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: Ca

Case Number 08-084-A

In the matter of: Nextel Communications,

The Mid-Atlantic and T-Mobile, Liz West – Petitioners/6352 Frederick Road LLC 6352 Frederick Road 1st E; 1st C

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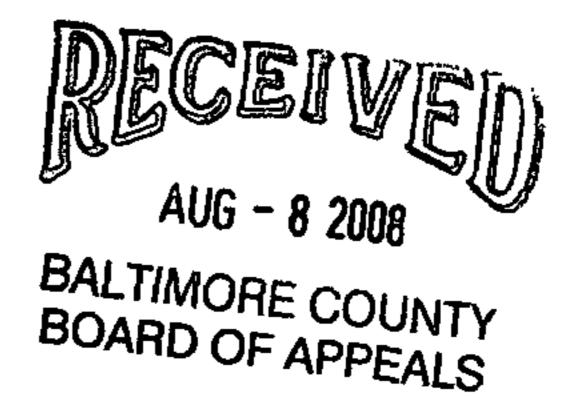
Very truly yours,

Robert W. Cannon

cc: Peter Max Zimmerman, Esquire Office of People's Counsel

Ms. Judy Hess Boitz
Paradise Community Association
7 South Paradise Avenue
Catonsville, MD 21228

Mr. Jason Cusick 3 North Paradise Avenue Catonsville, MD 21228





Phone: (410) 332-8816

Fax: (410) 332-8817

rcannon@saul.com

www.saul.com

August 7, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

County Board of Appeals
of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

Re:

Case Number 08-084-A

In the matter of: Nextel Communications,

The Mid-Atlantic and T-Mobile, Liz West – Petitioners/6352 Frederick Road LLC 6352 Frederick Road 1st E; 1st C

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Very truly yours,

Robert W. Cannon

cc:

Peter Max Zimmerman, Esquire Office of People's Counsel

Ms. Judy Hess Boitz
Paradise Community Association
7 South Paradise Avenue
Catonsville, MD 21228

HARRISBURG

Mr. Jason Cusick 3 North Paradise Avenue Catonsville, MD 21228 minting ford.

June 108.

A DELAWARE LIMITED LIABILITY PARTNERSHIP

FACSIMILE COVER SHEET



500 East Pratt Street Baltimore, MD 21202-3133

From:

Robert W. Cannon

Pages (including cover): 3

Client/Matter #: 946899.00095

User #:

3291

Date:

December 1, 2008

Direct Phone:

(410) 332-8816

Direct Fax:

(410) 332-8817

Sender's Floor:

To: Name

County Board of Appeals of Baltimore

County

Fax Number

410-887-3182

Phone Number

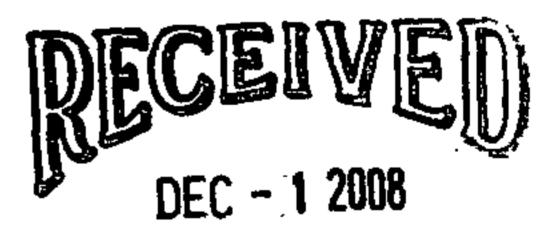
410-887-3180

CC: Name

Fax Number

Phone Number

Comments:



BALTIMORE COUNTY BOARD OF APPEALS

	The	Original	will	þę	sent	by	regular	mail.
_	****** _	△		L .				

☐ The Original will be sent by overnight delivery.

☐ No Original will be sent.

IMPORTANT NOTICE

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



Phone: (410) 332-8816

Fax: (410) 332-8817

rcannon@saul.com

www.saul.com

December 1, 2008

VIA FACSIMILE AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED

County Board of Appeals of Baltimore County Jefferson Building Second Floor, Suite 203 105 West Chesapeake Avenue Towson, Maryland 21204

> Case Number 08-084-A Re:

> > In the matter of: Nextel Communications,

The Mid-Atlantic and T-Mobile, Liz West – Petitioners/6352 Frederick Road LLC 6352 Frederick Road 1st E; 1st C

Ladies and Gentlemen:

The referenced case is scheduled for hearing on Tuesday, December 9, 2008 at 10:00a.m. On behalf of the Petitioners and Appellants, Nextel Communications, The Mid-Atlantic and T-Mobile, we respectfully withdraw this Petition and Appeal and therefore request that the hearing be cancelled.

Thank you for your consideration of this request.

Very truly yours,

Robert W. Cannon

Peter Max Zimmerman, Esquire cc:

Office of People's Counsel

(cc's continued next page)



BALTIMORE COUNTY **BOARD OF APPEALS**

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

December 1, 2008 Page 2

Ms. Judy Hess Boitz
Paradise Community Association
7 South Paradise Avenue
Catonsville, MD 21228

Mr. Jason Cusick 3 North Paradise Avenue Catonsville, MD 21228



Phone: (410) 332-8816

Fax: (410) 332-8817

rcannon@saul.com

www.saul.com

December 1, 2008

VIA FACSIMILE AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED

County Board of Appeals of Baltimore County Jefferson Building Second Floor, Suite 203 105 West Chesapeake Avenue Towson, Maryland 21204

> Case Number 08-084-A Re:

> > In the matter of: Nextel Communications,

The Mid-Atlantic and T-Mobile, Liz West – Petitioners/6352 Frederick Road LLC 6352 Frederick Road 1st E; 1st C

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Thank you for your consideration of this request.

Very truly yours,

Robert W. Cannon

PRINCETON

Peter Max Zimmerman, Esquire cc:

Office of People's Counsel

(cc's continued next page)

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DEC - 2 2008

BALTIMORE COUNTY BOARD OF APPEALS

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

A DELAWARE LIMITED LIABILITY PARTNERSHIP

NEWARK

December 1, 2008 Page 2

Ms. Judy Hess Boitz
Paradise Community Association
7 South Paradise Avenue
Catonsville, MD 21228

Mr. Jason Cusick 3 North Paradise Avenue Catonsville, MD 21228



County Board of Appeals of Pallimore County

JEFFERSON BUILDING SECOND FLOOR, SUITE 203 103 WEST CHESTPEAKE AVENUE TOMBON, MAPT LIMBO 21204 410-887-5180 FAX: 410-881-8182

December 11, 2008

Robert W. Cannon, Esquire Saul Ewing, LLP Lockwood Place 500 E. Pratt Street Baltimore, MD 21202

RE: In t

In the Matter of: Nextel Communication,

The Mid Atlantic and T.Mobile, Liz West/Petitioners

Case No.: 08-084-A

Order of Dismissal of Petition

Dear Mr. Cannon:

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

Very truly yours,

Athleen C. Bianco

Administrator

Enclosure

c: Sean Hughes, Esquire
Mitch Kellman/Century Engineering
Michal McGarity/Daft, McCune & Walker, Inc.
Amrich Garg
Judy Hess Boitz/Paradise Community Association
Jason Cusick
Office of People's Counsel
William J. Wiseman, III/Zoning Commissioner
Pat Keller, Director/Planning
Timothy Kotroco, Director/PDM

IN THE MATTER OF
THE APPLICATION OF
NEXTEL COMMUNICATION, THE
MID-ATLANTIC AND T-MOBILE,
LIZ WEST - PETITIONERS AND VARIANCE
ON PROPERTY KNOWN AS
6352 FREDERICK ROAD

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

Case No. 08-084-A

1st ELECTION DISTRICT

1st COUNCILMANIC DISTRICT

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on appeal filed by Nextel Communications, The Mid-Atlantic and T-Mobile, Liz West - Petitioners, from the January 25, 2008 Order of the Zoning Commissioner in which the requested zoning relief was denied.

WHEREAS, the Board is in receipt of a letter of withdrawal of the Petition filed December 1, 2008 via facsimile by Saul Ewing, by and through Robert W. Cannon, Counsel for Nextel Communications, The Mid-Atlantic and T-Mobile, Liz West - Petitioners (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioners requests that the Petition for Variance filed in the above-referenced matter be withdrawn as of December 1, 2008.

IT IS THEREFORE. this 14h day of 1000, 2008, by the County Board of Appeals of Baltimore County;

ORDERED that said Petition filed in Case No. 08-084-A is WITHDRAWN AND DISMISSED.

COUNTY BOARD OF APPEALS OF BAL/TIMORE_COUNTY

Lawrence M. Stahl

Wondall II. Coron

Wendell H. Grier

Robert W. Witt



Phone: (410) 332-8816

Fax: (410) 332-8817

reannon@saul.com

www.saul.com

December 1, 2008

VIA FACSIMILE AND CERTIFIED MALL - RETURN RECEIPT REQUESTED

County Board of Appeals of Baltimore County Jefferson Building Second Floor, Suite 203 105 West Chesapeake Avenue Towson, Maryland 21204

Re:

Case Number 08-084-A

In the matter of: Nextel Communications,

The Mid-Atlantic and T-Mobile, Liz West - Petitioners/6352 Frederick Road LLC 6352 Frederick Road 1st E; 1st C

Ladies and Gentlemen:

The referenced case is scheduled for hearing on Tuesday, December 9, 2008 at 10:00a.m. On behalf of the Petitioners and Appellants, Nextel Communications, The Mid-Atlantic and T-Mobile, we respectfully withdraw this Petition and Appeal and therefore request that the hearing be cancelled.

Thank you for your consideration of this request.

Very truly yours,

ÇÇ:

Peter Max Zimmerman, Esquire

Office of People's Counsel

(cc's continued next page)

December 1, 2008 Page 2

Ms. Judy Hess Boitz
Paradise Community Association
7 South Paradise Avenue
Catonsville, MD 21228

Mr. Jason Cusick
3 North Paradise Avenue
Catonsville, MD 21228



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 26, 2006

Elizabeth West, Zoning Manager Agent for T-Mobile, LLC 12050 Baltimore Avenue Beltsville, MD 20705

RE:

Zoning Verification for 6352 Frederick Road

(Site No.: BAC234E)

Tax Account # 01-19-073340

1st Election District

Dear Ms. West:

Your letter to Timothy Kotroco, Director of Permits and Development Management, has been referred to me for reply. Based on the information contained therein, the following has been determined.

Pursuant to Section 426.5 of the Baltimore County Zoning Regulations (BCZR), a maximum tower height of 199 feet is permitted by right in a BL-AS zone. As shown on the plans submitted with your request, the proposed tower extension of 23 feet creates a new tower of height of only 100 feet. Since the new height of 100 feet is well below the maximum allowed 199 feet, the proposed tower extension will be within the spirit and intent of the zoning regulations (BCZR). Provided the proposed ground-based station equipment is located inside the existing fenced compound area, said equipment will be within the spirit and intent of these regulations (BCZR) as well. The proposed antennas are not regulated as to height and diameter in the BL-AS zone.

Regarding the required process for the Development Review Committee (DRC) and Tower Review Committee (TRC), you will need to contact the Development Review Division of this department at 410-887-3335. Questions regarding the building permit process can be directed to the Permit Processing Division at 410-887-3900.

PETITIONER'S

EXHIBIT NO.

Hopefully the information set forth in this letter is responsive to your request. Should you have any questions, I can be reached at 410-887-3391.

Sincerely,

effrey Perlow

Planner II, Zoning Review

JNP



JAMES T. SMITH, JR.

County Executive

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

January 5, 2007

Elizabeth West, Zoning Manager Agent for T-Mobile, LLC 12050 Baltimore Avenue Beltsville, MD 20705

RE:

Zoning Verification for 6352 Frederick Road

(Site No.: BAC234E)

Tax Account # 01-19-073340

1st Election District

Dear Ms. West:

EXHIBIT NO.

Your letter to Timothy Kotroco, Director of Permits and Development Management, has been referred to me for reply. Based on the information contained therein, the following has been determined. This response cancels and updates the December 26, 2006 response written by Jeffrey Perlow.

Pursuant to Section 426.5 of the Baltimore County Zoning Regulations (BCZR), a maximum tower height of 199 feet is permitted by right in a BL-AS zone. As shown on the plans submitted with your request, the proposed tower extension of 23 feet creates a new tower of height of only 100 feet. The new height of 100 feet is well below the maximum allowed 199 feet. Also, the proposed ground-based station equipment may be located inside the existing fenced compound area. In addition, the proposed antennas are not regulated as to height-and diameter in the BL-AS zone. However, due to the fact that there is a conflict in the zoning regulations (BCZR) with regard to the status of the adjacent-R.O-zone, a public special hearing and possible variance will-be required prior to submittal, review and approval of any building permit applications.

After the zoning process is completed, you will need to contact the Development Review Division of this department at 410-887-3335 regarding the required process for the Development Review Committee (DRC) and Tower Review Committee (TRC). Questions regarding the building permit process can be directed to the Permit Processing Division at 410-887-3900.

Hopefully the information set forth in this letter is responsive to your request. Should you have any questions, I can be reached at 410-887-3391.

Sincerely,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR

AMRISH GARG

Mobile: +1-571-278-0342

Email: amrish.garg@t-mobile.com

EXPERIENCE SUMMARY:

Total work experience of more than 12 years (all in GSM). Has excellent exposure in RF planning and optimization on GSM systems (900/1800/1900 bands).

SPECIFIC AREAS OF EXPERTISE:

- Familiar with all areas of Radio network design and performance.
- Nominal cell plan design, site selection & approval.
- Proficient in RF tools such as Planet, Odyssey, CellCAD, Asset, TEMS, GIMS, MapInfo, OSS,
 OptPCS, FICS, Chase.
- Proficient in using and implementing Radio Network features using CHA and CNA utilities of OSS (Ericsson).
- Good knowledge of Ericsson RNO utilities such as NCS, MRR.
- Network Tuning & Optimization of Radio Network Features.
- · Excellent knowledge of traffic and statistical analysis, features & network enhancement.
- Frequency and traffic planning.
- Drive test and process results.
- Indoor coverage solutions including Micro cells & repeater systems.
- Multi vendor exposure Ericsson, Nortel, Siemens and Motorola.

CAREER PROFILE/ EXPERIENCE/ ASSIGNMENTS:

Employer: Telecom Technology Services Inc. USA (TTS Inc. USA)

Position: Principal RF Engineer

Duration: September 2003 - Present

February 2005 - Present

Client: T-Mobile, Washington DC-Baltimore Market USA

- Monitoring and Optimization of all major KPIs of the network (Vendor ERICSSON).
- Real time monitoring and database parameters tuning using CHA, CNA.
- Network tuning using Ericsson RNO utilities such as NCS, MRR.
- Drive test data analysis using TEMS and OptPCS.
- Resolving customer's complaints related to RF.
- Planning and designing sites in the Washington Metro area and coordinating all activities to make sites on-air.
- Voice and Data Traffic Planning and Analysis.
- Coordination of all RF related issues in the network.

November 2004 - January 2005

Client: T-Mobile, Bay Area (San Francisco) Market USA

- Helped in Market handover from Cingular Wireless to T-Mobile.
- Analysis of major KPIs of the network.

September 2003 -- November 2004

Client: T-Mobile, Washington DC-Baltimore Market USA

- Optimization of the PCS 1900 network (Vendor ERICSSON) in Washington DC- Baltimore area.
- Real time monitoring and database parameters tuning using CHA, CNA.
- Network tuning using Ericsson RNO utilities such as NCS, MRR.

PETITIONER'S

EXHIBIT NO.

8_

Amrish Garg

Resume

Traffic Planning and Analysis.

Drive test data analysis using TEMS and OptPCS.

- Suggesting antenna tilts and orientations for optimization.
- Resolving customer's complaints related to RF.
- Coordination of all RF related issues in the network.

Employer: Teleworx Consulting Inc. USA

Position: Senior RF Engineer

Duration: April 2000 - September 2003

May 2001 - September 2003

Client: T-Mobile, New York Market USA

- Optimization of the existing high traffic PCS 1900 network (Vendor NORTEL and ERICSSON) in New York City.
- Was actively involved in optimization of RF network post 9/11 attack on New York City, thus helped the network in recovering from disaster.
- Traffic Planning and Analysis.
- Frequency Planning using Frequency Hopping.
- Database parameters tuning for providing high quality service to customers.
- Expansion of the existing low capacity sites to much higher capacity sites to avoid congestion
 in the system.
- Design of cell split sites to offload high traffic sites and infill sites for low coverage areas.
- Design Review Presentation for the senior management.
- Candidate site selection, ranking and evaluation.
- Coordination of all RF related issues, which comes on the way, everyday, in the world's financial capital, New York.

June 2000 - April 2001

Client: AT&T Wireless Services, Washington DC-Baltimore Market USA

- Management of all issues for the design of PCS network.
- Coordination and assistance in defining the coverage areas.
- Preparation of search rings.
- Candidate site selection, ranking and evaluation.
- Attend/present to zoning hearings, planning commission hearings, neighborhood/ pre-zoning meetings.
- Neighbor List Assignment, Frequency Plan Review, Interference Analysis.

Independent Consultant

July 1999 - December 1999

Client: Lucent Technologies Sydney, Australia

- Designed and planned GSM/DCS1800 Startup project for phase 1 and 2.
- Cell site Designing, Frequency Planning.
- Traffic Planning and Analysis.
- Micro Cell planning.
- Optimization of the network.
- Coordination of all RF related issues.

Employer: SIEMENS Public Communication networks Limited INDIA

Position: Senior Executive

Duration: April 1995 – July 1999

February 1998- June 1999

 $Z^{\mathbb{F}}$

Client: Pacific Cellular Corporation (SIEMENS Germany Project in Taiwan ROC)

- Leadership role in optimization of the present GSM/DCS 1800 network of approx. 2200 sites.
- Traffic Analysis and forecast growth for phase 2 and 3.
- Addition of capacity sites, which included micro sites.
- Implementation of Interference reduction techniques, which included Frequency Hopping,
 Concentric Cell etc.
- Analysis of network behavior with respect to multifold subscriber increase (at a rate of 100 thousand/month).
- Training on general concepts/ new features to RF engineers.

December 1995- January 1998

Client: Essar/ Swisscom (3 Major states in India)

- GSM 900 project
- Model Tuning
- Site and Clutter Survey
- Drive Test Analysis
- Expansion of network with additional of capacity sites.
- Traffic Analysis and Optimization.
- Coordination of all RF related issues.

April 1995 - November 1995

Client: BPL Mobile Communication Limited, Mumbai India

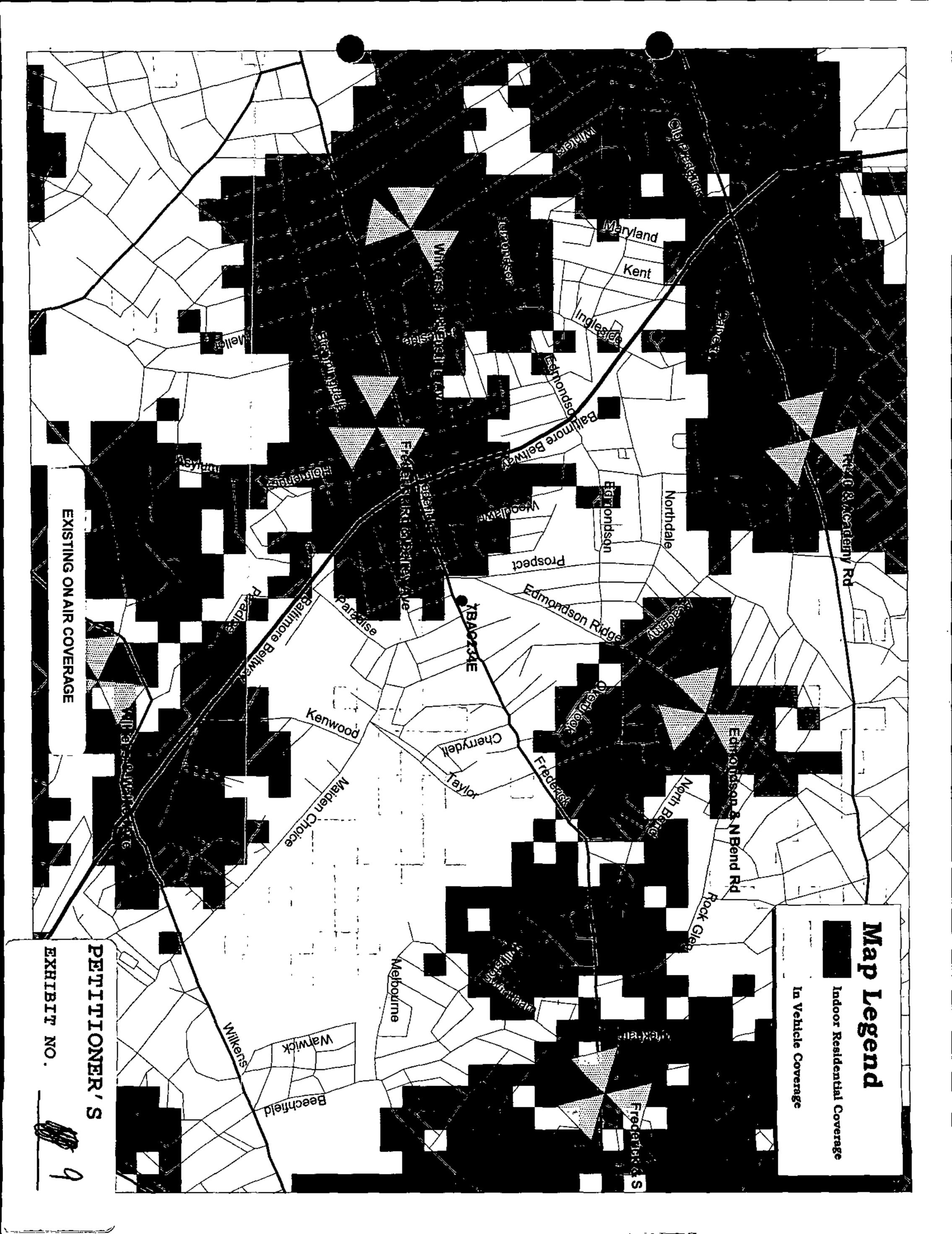
- Involved in the setup of India's first and foremost mobile networks from its inception.
 (BPL Mobile GSM 900 Network Mumbai, India)
- Base Station Commissioning: Worked on Motorola Base Station for BPL Mobile Network, Mumbai, India.
- Database creation for all the network elements in the Network.
- Worked on Motorola Operation and Maintenance Center for Radio.
- Project Coordination/Management: Worked as Project Coordinator with BPL Mobile
 Communication Limited, Mumbai, looking after all the issues related to the project and
 coordinating them with the customer/operator.
- Also worked as Assistant Project Manager with Spice telecom, Chandigarh, India.

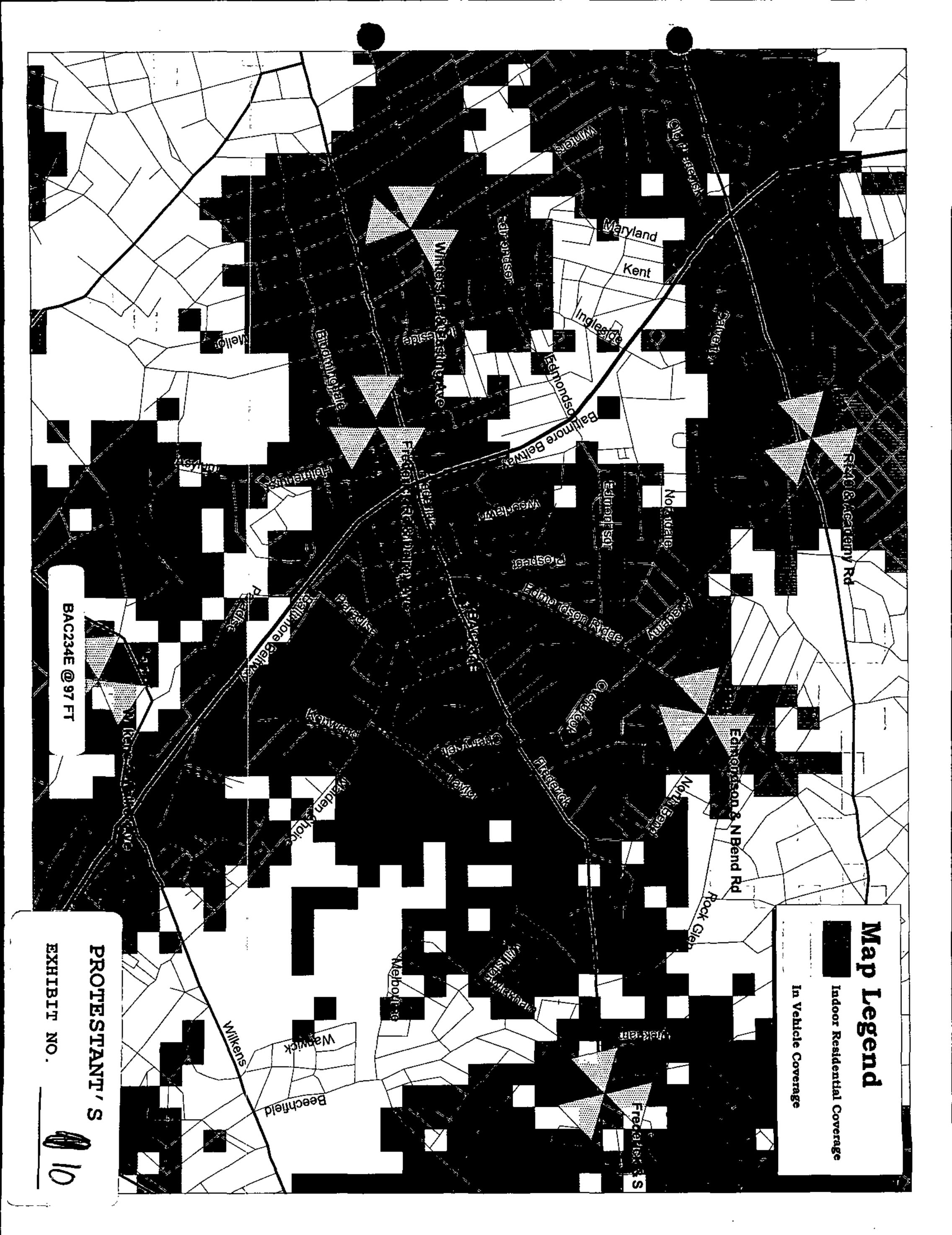
TRAINING AND SPECIALIZATION:

- Specialized in Motorola BSS for GSM
- Specialized in Siemens BSS for GSM
- Trained on UNIX operating system
- Trained on SOLARIS (system Administration)
- Specialized in Radio Network Planning and Optimization.
- Trained on Antenna Systems.
- Trained on Telecom Safety.

EDUCATIONAL QUALIFICATION (PROFESSIONAL):

Bachelor of Engineering in 'Electronics & Communication' (4 years course) from Malaviya Regional Engineering College, Jaipur, India.





Paradise Community Association 409 Shady Nook Ave Baltimore, MD 21228 December 12, 2007

To Whom It May Concern:

Judy Hess Boitz has been appointed to represent the Paradise Community Associator in all manner regarding the discussion of cell tower located in the Paradise Section of Catonsville on Frederick Road.

Respectfully,

Dennis J. Healy,
President

PROTESTANT'S

EXHIBIT NO.

Dec 11, 2006

RE: Zoning Hearing for A Special Exception For Tower Height Increase

To Whom It May Concern:

I, the resident and homeowner closest to the tower being discussed, am opposed to a height increase of the tower. The tower is already undesirable to me and the residents of my community and an increase in height would certainly make the tallest potential eyesore in the neighborhood a greater concern for aesthetics.

The tower itself, to the understanding of our community association, was constructed due to a zoning issue mostly regarding my property. At the time my home was zoned office/residential and because I was not the closest solely residential zoned property the tower was allowed by what we all considered a loophole. Since then the zoning of my home has been changed to residential only and some laws have been changed in order to prevent other towers from being erected in our community in the future.

Now our community is faced with petitioning a height increase of the same tower that we have opposed from the start. There has always been concern of the uncertainty over the health effects of long term exposure to the low level radiation from the cell phone antenna by myself, the people who work in the local businesses, and the customers that frequent them. People are also troubled about local property values and the affect it could have on our quaint neighborhoods and shopping area.

It is my hope that the opinions of myself and the local community are taken seriously and that you understand our deep concern about the height increase of the tower. There is NO neighborhood support for this kind of project by myself or the community that I live. If anything we wish the tower would be removed altogether.

Sincerely,

Jason A Cusick

3 North Paradish

PROTESTANT'S

EXHIBIT NO.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

EXHIBIT NO.

DATE: October 29, 2007

SUBJECT:

Zoning Advisory Petition(s): Case(s) 08-084-A

The Office of Planning has reviewed the above referenced case(s) and recommends <u>DENIAL</u> of the request for the reasons stated herein.

This site is located in the Catonsville Commercial Revitalization District. Catonsville is one of thirteen commercial revitalization districts in Baltimore County that are targeted with specific county-sponsored programs to enhance the physical appearance and economic viability of the county's traditional commercial areas.

The site is also located in the historic National Road corridor. The state has designated Maryland's portion of the National Road as the Maryland Historic National Road Scenic Byway. The Baltimore County Council has endorsed the Maryland National Road Corridor Partnership Plan (see attached County Council Resolution 61-01). The purpose of the plan is to preserve the historic, scenic, and natural resources along the route, develop and enhance the route to attract visitors and increase tourism, celebrate the heritage of the corridor, and maintain the high quality of life found along the National Road.

The State Highway Administration has designed streetscape improvements along Frederick Road from Bishops Lane to the Baltimore City line. The site is located along the affected road segment. The proposed improvements will enhance the streetscape and will include new curb and gutter, sidewalks, roadway resurfacing, and landscaping.

The existing telecommunications tower facility is very unattractive. The existing monopole is not painted. The monopole and antennas are highly visible from Frederick Road. The existing facility greatly detracts from the community's appearance.

We recommend that the requested variance be denied. Allowing the requested 23-foot monopole extension and additional antennas will further adversely impact the appearance of the

community. The petitioner's request conflicts with the above-mentioned enhancement efforts by the county and the state.

If the requested variance is granted, the existing tower should be replaced with a stealth monopole where all antennas are located within the interior of the pole. Also, we recommend that the pole be painted black or another suitable color. These actions should greatly reduce the visibility of the tower from Frederick Road. An example of this type of telecommunications tower is located at 2021 Frederick Road. It was authorized under Case No. 04-449-XA.

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

Prepared By:

Division Chief:

Attachment

rbs

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2001, Legislative Day No. 10

Resolution No. 61-01

Mr. S. G. Samuel Moxley, Chairman

By the County Council, May 21, 2001

A Resolution of the Baltimore County Council in support of the Maryland National Road Corridor Partnership Plan.

WHEREAS, the National Road, originally called the Cumberland Road, was the first federally planned and funded highway in the United States, the purpose of which was to facilitate a direct overland route across the Appalachian Mountains; and

WHEREAS, the Cumberland Road and the system of turnpikes which comprise the connecting routes from Baltimore to Cumberland form "Maryland's Historic National Road Scenic Byway"; and

WHEREAS, in Baltimore County, the route follows Maryland Route 144 and includes the communities of Catonsville and Oella; and

WHEREAS, the Maryland Department of Planning, the Office of Tourism Development, the State Highway Administration, the Maryland Historical Trust, and the Department of Natural Resources, are developing a "Corridor Partnership Plan" for Maryland's Historic National Road Scenic Byway in an effort to gain All-American Road designation for the National Road through the National Scenic Byway Program; and

WHEREAS, the purpose of the Plan is to preserve the historic, scenic, and natural resources along the route, develop and enhance the route to attract visitors and increase tourism, celebrate the heritage of the corridor, and maintain the high quality of life found along the National Road.

NOW, THEREFORE, BE IT RESOLVED that the County Council of Baltimore County, Maryland expresses its support of the Maryland National Road Corridor Partnership Plan.



MITCHELL J. KELLMAN DIRECTOR OF ZONING SERVICES

Education

Towson University, BA, Geography and Environmental Planning, Urban Planning Towson University, Masters, Geography and Environmental Planning, Urban Planning

Professional Summary

Mr. Kellman has over 11 years of experience working in zoning administration and subdivision regulation for the public sector; 9 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings.

Partial List of Projects
Charlestown Retirement Community, Baltimore County, MD
GBMC, Baltimore County, MD
Goucher College, Baltimore County, MD
Hopewell Point, Baltimore County, MD
Notre Dame Preparatory School, Baltimore County, MD
Oakcrest Village Retirement Community, Baltimore County, MD
Sheppard and Enoch Pratt Hospital, Baltimore County, MD
Waterview, Baltimore County, MD

Professional Experience
Daft-McCune-Walker, Inc., Towson, MD: 2000-Present
Baltimore County Office of Permits and Development Management - Development Control, 1988-2000

PETITIONER'S

EXHIBIT NO.

3

APPEAL

Petition for Variance 6352 Frederick Road

N/west of Frederick Road, 31 ft. s/west of c/line of Paradise Avenue 1st Election District – 1st Councilmanic District

Legal Owners: Nextel Communications, The Mid-Atlantic

Lessee: T-Mobile, Liz West

Case No.: 08-084-A

BALTIMORE COUNTY

BOARD OF APPEALS

Petition for Variance (August 13, 2007)

Zoning Description of Property

Notice of Zoning Hearing (November 1, 2007)

Certification of Publication (The Jeffersonian - November 27, 200

Certificate of Posting (November 28, 2007) by Richard Hoffman

Entry of Appearance by People's Counsel (August 22, 2007)

Petitioner(s) Sign-In Sheet - One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

- 1: Site Plan
- Site Plan
- 3. Mitchell Kellman Resume
- 4. Aerial Photo
- 5. Photos (A thru F)
- 6. Letter dated Dec. 26, 2006 from the Zoning Review Office
- 7. Letter dated January 5, 2007 from the Zoning Office
- Resume of Amrish Garg
- Existing on air coverage
- BAC234E at 97 ft.

Protestants' Exhibits:

- Letter of notification
- 2. Letter of opposition

Baltimore County Exhibit:

Comment from Office of Planning

Deputy Zoning Commissioner's Order (DENIED - January 25, 2008)

Notice of Appeal received on February 25, 2008 from Karl Nelson for Petitioners

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

*Karl Nelson

→Liz West

Mitchell Kellman

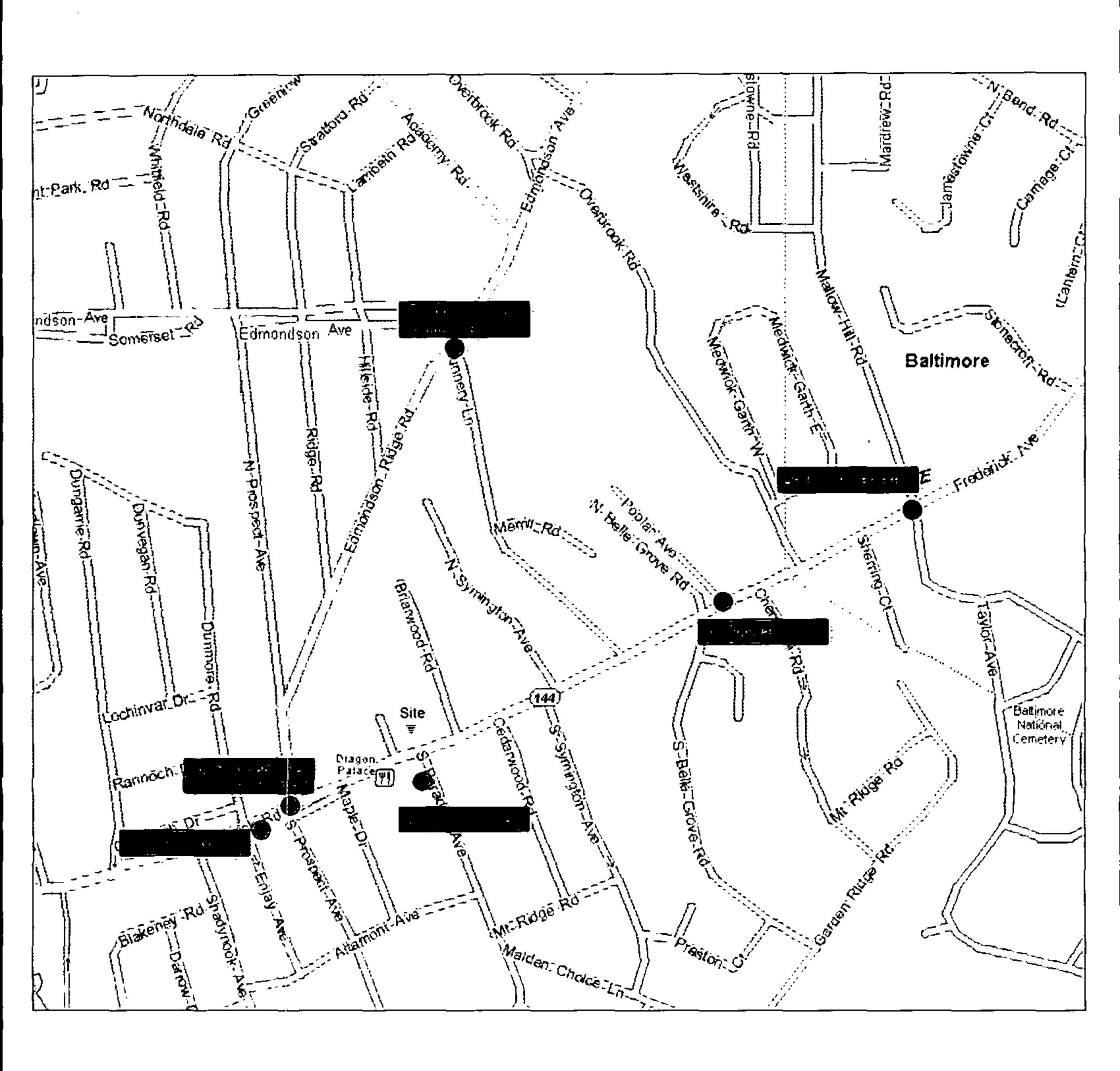
Michael McGarity

Amrish Garg

Judy Hess Boitz

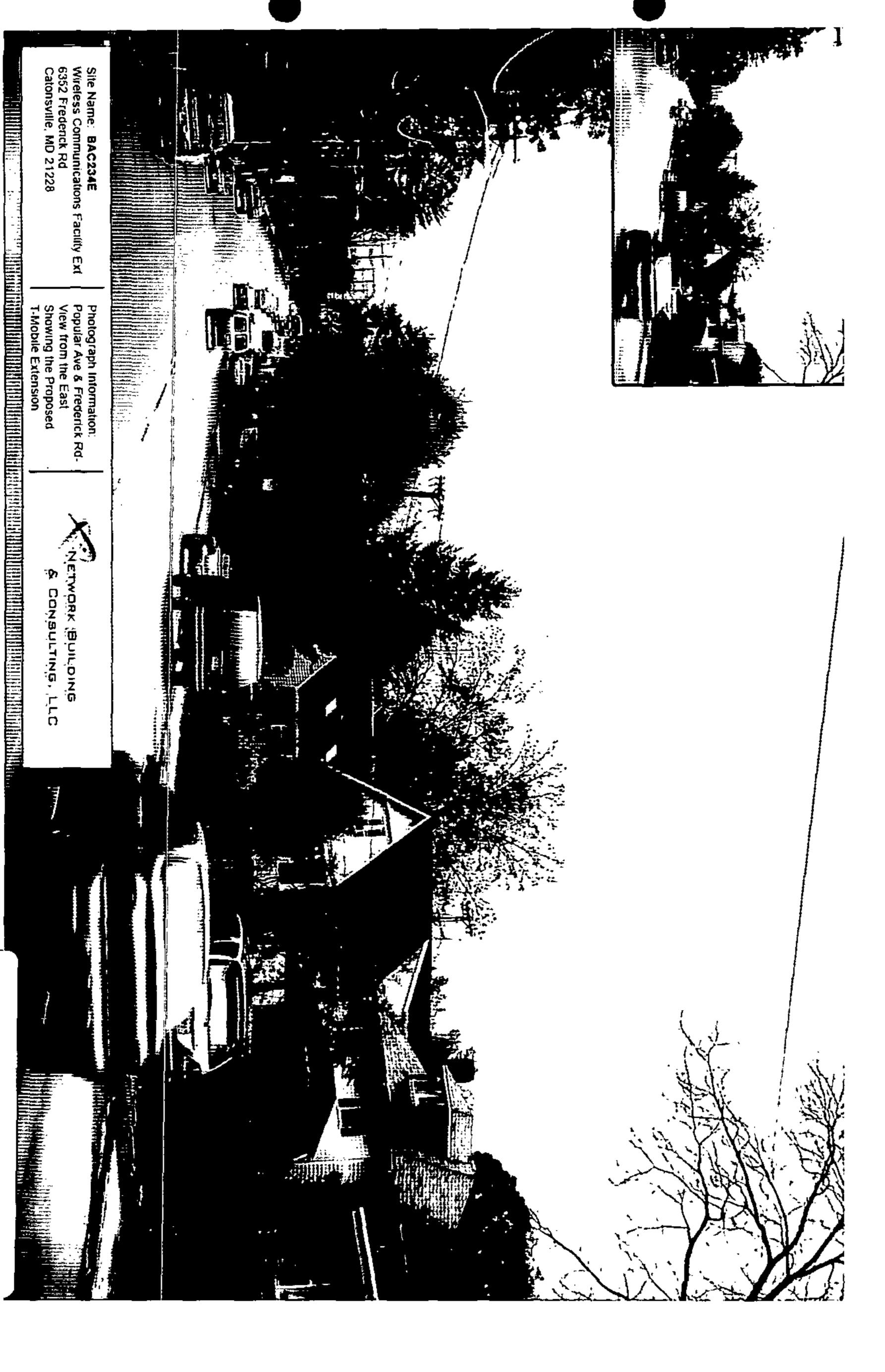
te sent March 24, 2008, klm

May Mark



PETITIONER'S

EXHIBIT NO.

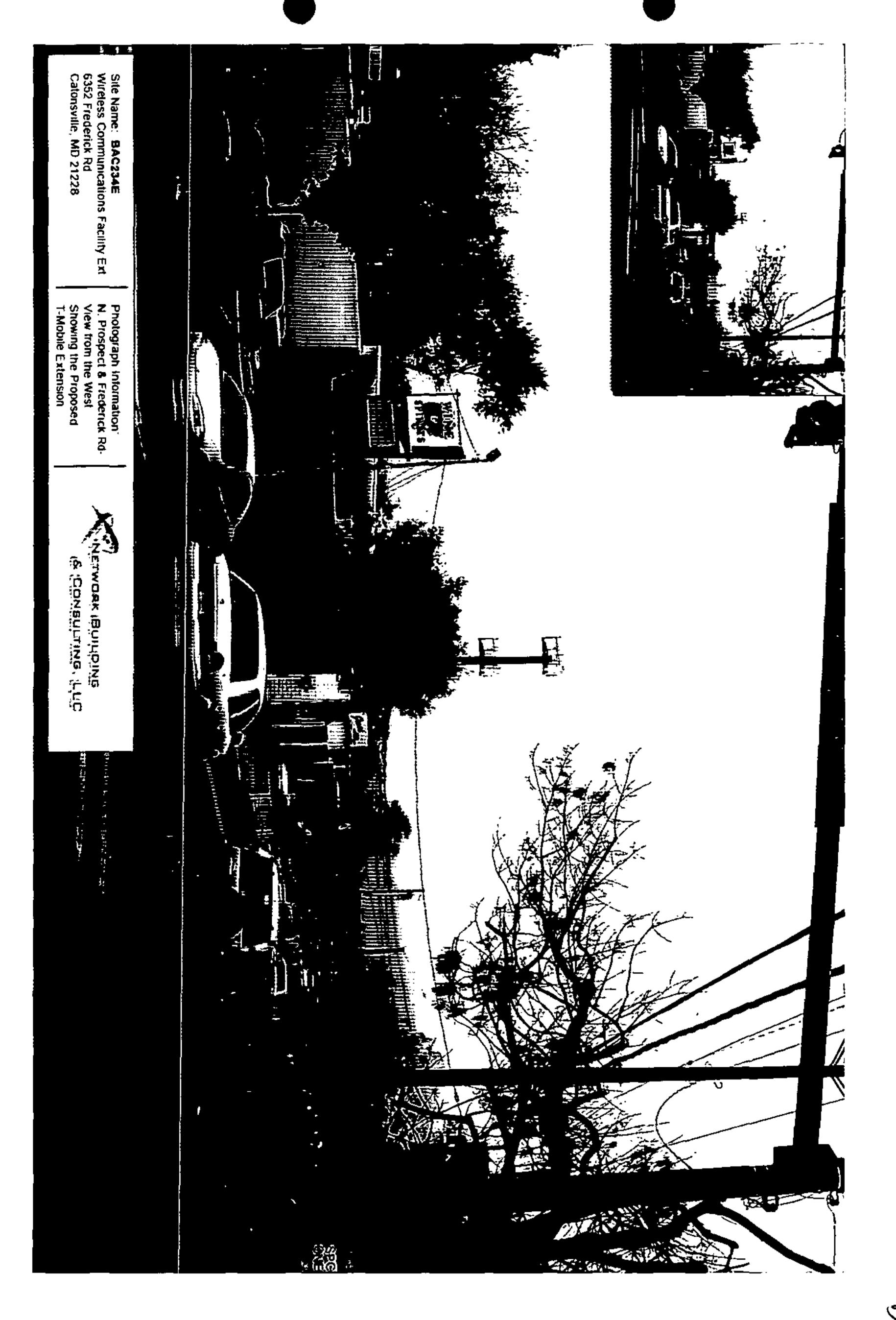


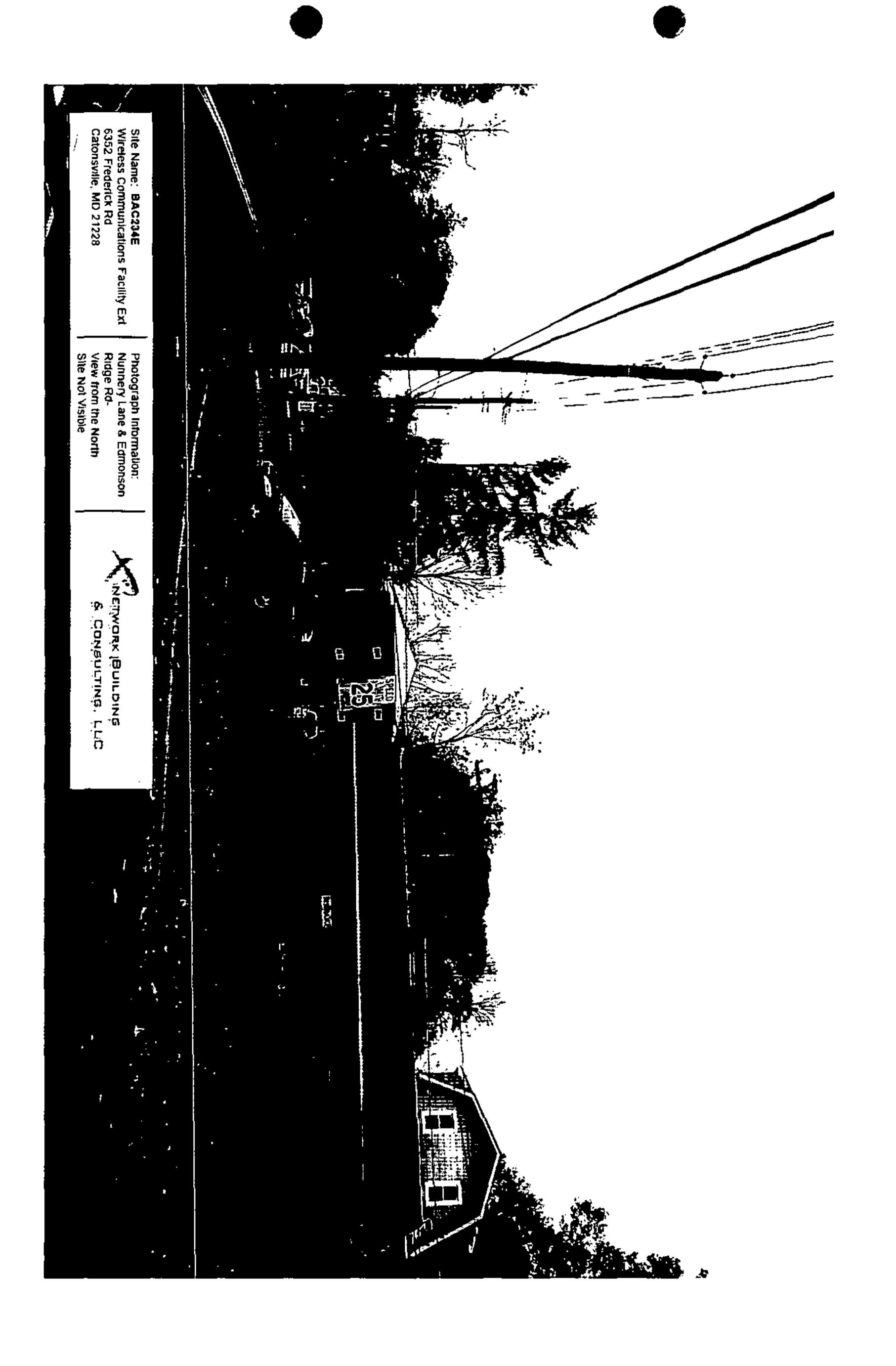
PETITIONER

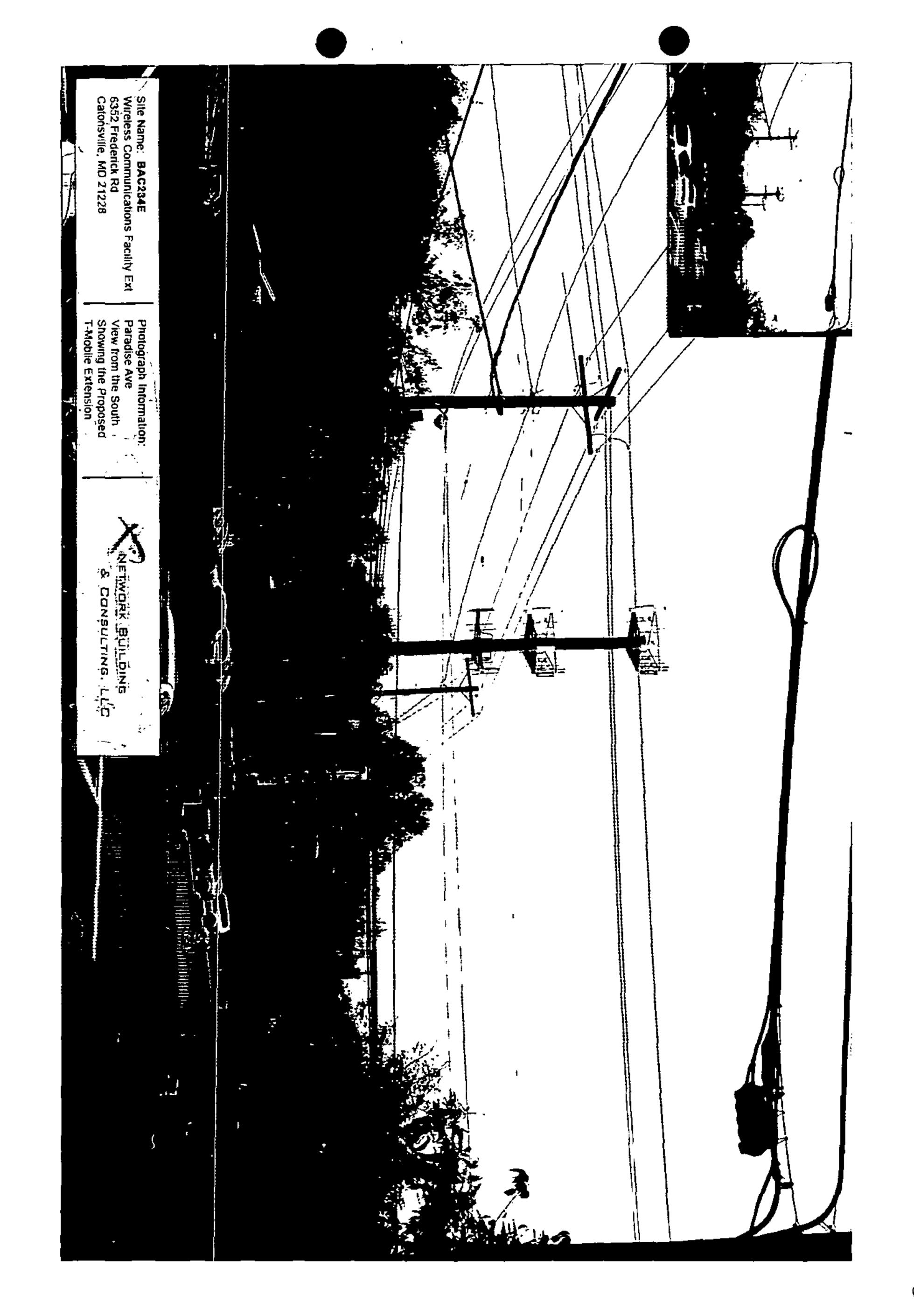
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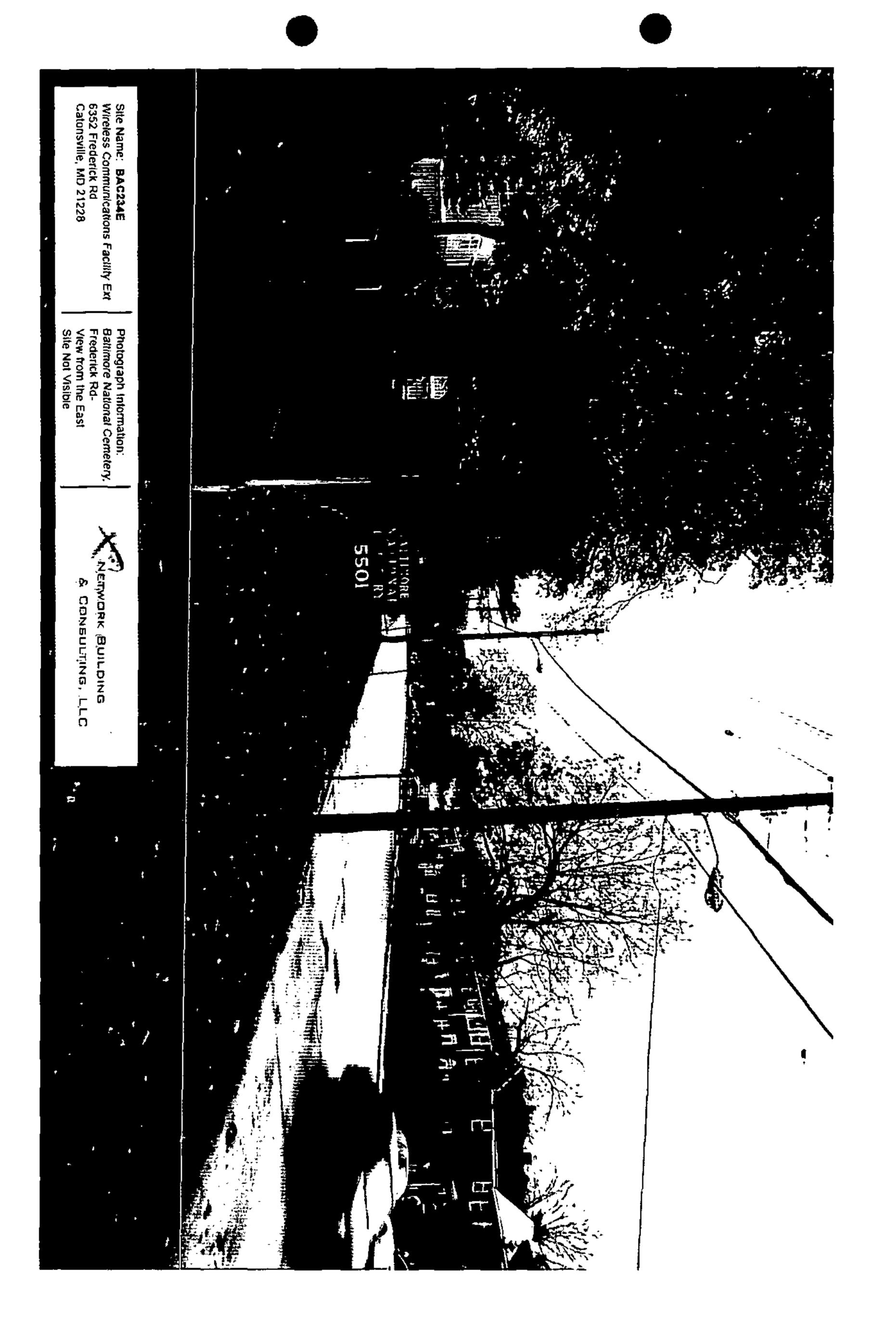
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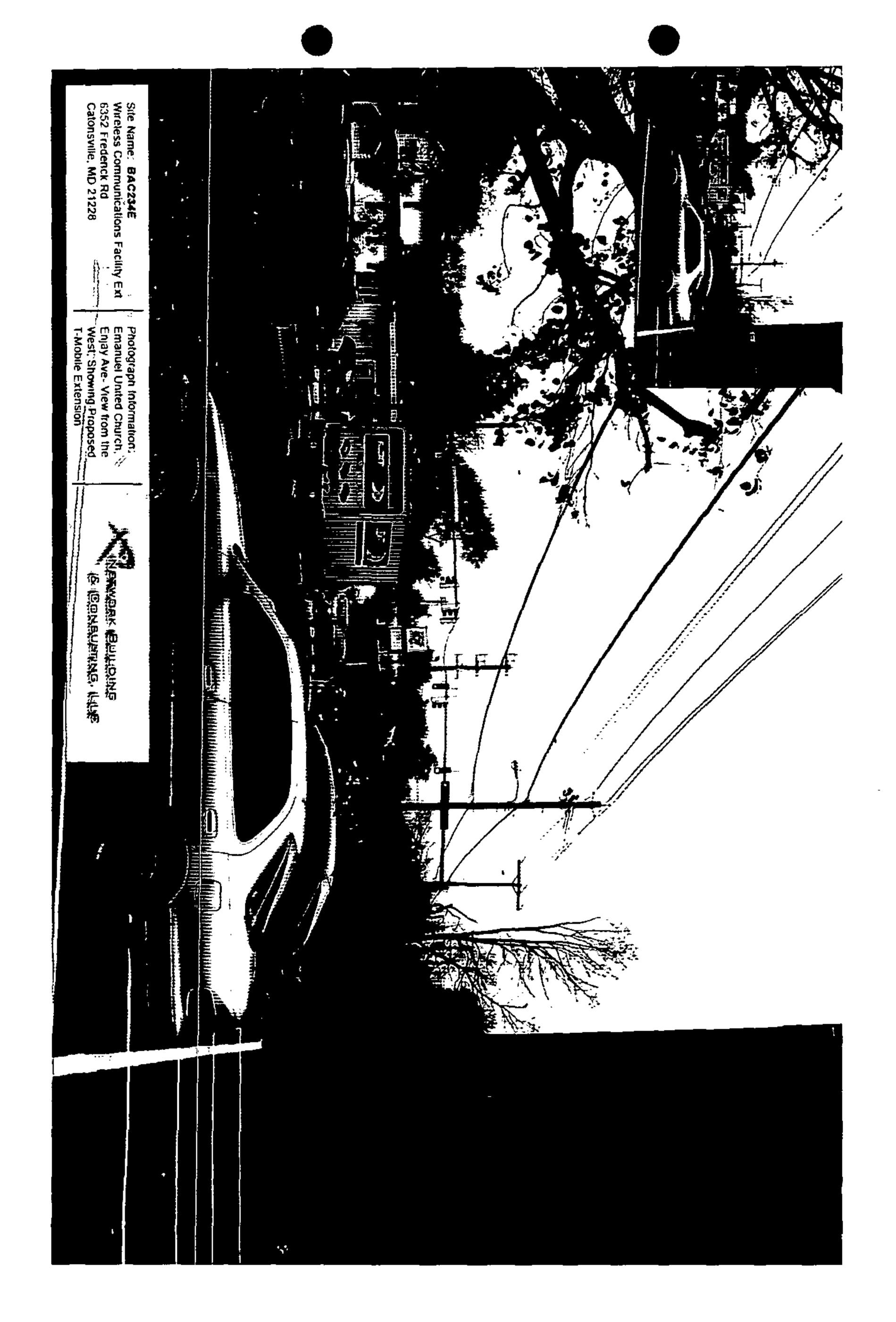
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















BALTIMORE COUNTY, MD PROJECT NO.: 06107

SHEET SCALE: AS SHOWN

1st ELECTION DISTRICT

IN RE: PETITION FOR VARIANCE

NW of Frederick Road, 31 feet SW of c/l of Paradise Road

1st Election District

1st Councilmanic District

(6352 Frederick Road)

Nextel Communications of the Mid-Atlantic, Inc.,

Patrice K. Tipton

Petitioners

Liz West, T-Mobile Lessee * BEFORE THE

* DEPUTY ZONING

* COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 08-084-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by a lessee of the subject property, T-Mobile, by its agent Liz West. The legal property owner is 6352 Frederick Road LLC. A portion of the property is leased by Nextel Communications of the Mid-Atlantic, Inc. Petitioner is requesting variance relief from Section 426.6.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet, and to amend zoning Case No. 86-478-X, including the approved site plan. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1. An amended site plan was also marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the variance request was Liz West on behalf of Petitioner T-Mobile and Petitioner's attorney, Sean Hughes, Esquire. Also appearing in support of the requested relief was Michael McGarity with Daft McCune Walker, Inc., the project manager who oversaw preparation of the site plan, Mitch Kellman with Century

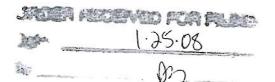
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Engineering, Petitioner's zoning consultant, and Amrish Garg, Petitioner's radio frequency engineer. Appearing as a Protestant was Judy Hess Boitz of 7 South Paradise Avenue. Ms. Boise is the immediate past President of the nearby Paradise Community Association. There were no other Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 13,102 square feet or .30 acre, more or less, and zoned B.L.-A.S. The property is located on the north side of Frederick Road between North Paradise Avenue and Briarwood Road in the Catonsville area of Baltimore County. The property is improved with an existing one-story auto service garage and an existing metal storage trailer. The property is also improved with an existing 1,500 square foot telecommunications compound located at the rear, northeast corner of the property.

Petitioner's Counsel, Mr. Hughes, indicated in his opening remarks that his client, T-Mobile, desires to provide enhanced wireless services to its customers. In order to do so, it is necessary to improve the existing cell tower currently erected within the telecommunications compound. The existing tower was erected in 2002 as a monopole approximately 77 feet high with a platform and antennas located near the top of the tower. In 2005, the monopole was modified with improvements in which another platform and antennas were added, as well as an additional concrete pad and equipment on the ground. Petitioner desires to raise the existing cell tower height up to 100 feet and attach additional platform mounted antennas in order to improve essential and non-essential wireless services.

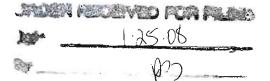
In support of the proposal, Petitioner called Mr. McGarity with Daft McCune Walker, Inc. Mr. McGarity testified he is a project manager for wireless facilities. He is familiar with the site and oversaw the evaluation and preparation of the site plan. He described the subject



property as an automotive service garage. It also contains the telecommunications compound for two telecommunications companies, Nextel Communications and Sprint. This includes an existing 11.5 foot by 20 foot equipment shelter. Petitioner proposes to extend the tower by approximately 23 feet, with another platform for antennas, and to construct a 10 foot by 20 foot concrete pad with additional equipment, including three T-Mobile equipment cabinets within the compound. As shown on the site plan accepted into evidence as Petitioner's Exhibit 1, the location of the extended monopole will be 74 feet from the nearest residential zone line (R.O.) located behind the property to the north. This is also the same location of the nearest residential use, which is 3 North Paradise Avenue, owned by Jason A. Cusick.

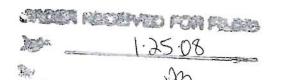
Wireless communication towers and facilities are governed by Section 426 of the B.C.Z.R. Section 426.5 of the B.C.Z.R. provides that wireless telecommunication towers are permitted in the B.L. zone as a matter of right. In addition, however, a petitioner must also meet mandatory setback requirements for these towers. Variances from the wireless communication facility requirements are authorized, pursuant to Section 426.11 of the B.C.Z.R. and governed by Section 307 thereof. Section 426.6.A.1 of the B.C.Z.R. states that "[a] tower shall be set back at least 200 feet from any other owner's residential property line." As indicated above, in order to make the proposed improvements to the existing tower, Petitioner has requested a variance from that requirement.

Next to testify was Mitch Kellman with Century Engineering. Mr. Kellman indicated he is currently the zoning manager with Century Engineering and has over 11 years of experience working in zoning administration and subdivision regulation for the public sector. Mr. Kellman was previously employed with Daft McCune Walker. Inc., and also worked in the Baltimore County Zoning Review Office for nine years. With the County, Mr. Kellman reviewed zoning



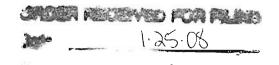
petitions and development plans and made determinations regarding compliance with County regulations. He has testified extensively as an expert before the Zoning Commissioner's Office and the Baltimore County Board of Appeals. A copy of his resume was marked and accepted into evidence as Petitioner's Exhibit 3. He was offered and accepted as an expert in zoning and the Baltimore County Zoning Regulations.

Mr. Kellman indicated he is familiar with the site, having visited it on December 12, 2007. He took photos of the area from various locations near the subject property in the direction of the cell tower. The photograph locations were shown on a map, marked in red, which was marked and accepted into evidence as Petitioner's Exhibit 4. The actual photographs were marked and accepted into evidence as Petitioner's Exhibits 5A through 5F. Petitioner's Exhibit 5A was taken from the intersection near Poplar Avenue and Frederick Road faintly showing the cell tower in the distance; Petitioner's Exhibit 5B was taken from the intersection near North Prospect Avenue and Frederick Road, clearly showing the cell tower with two of the platforms and antennas in view; Petitioner's Exhibit 5C was taken from the intersection near Nunnery Lane and Edmondson Avenue where the cell tower is not visible; Petitioner's Exhibit 5D was taken from the intersection near South Paradise Avenue and Frederick road, across the street from the cell tower, and clearly shows the gray colored monopole cell tower; Petitioner's Exhibit 5E was taken from the Baltimore Cemetery near the intersection of Mallow Hill Road and Frederick Road where the cell tower is not visible; and Petitioner's Exhibit 5F was taken from the intersection near Enjay Avenue and Frederick Road and clearly shows the cell tower with three platforms and antennas. Mr. Kellman indicated these photographs show the business, commercial nature of the immediate and surrounding area, as well as the fact that the cell tower is not visible from a number of different locations in the surrounding area.



As to the requested variance relief, Mr. Kellman pointed out that there are no restrictions in Section 426.5 on antenna height or diameter in the B.L. zone, though in residential or transitional zones, there is a 15 foot high and three foot in diameter restriction. In addition, Mr. Kellman also pointed to the prior actions of the County's Development Review Committee (DRC) with regard to the cell tower. As shown on Note 26 of the site plan, on February 4, 2002, DRC #112601A permitted a limited exemption to construct a 77 foot monopole and the telecommunications compound on the subject property. Thereafter, on May 31, 2005, DRC #053105 permitted a limited exemption to place antennas on the existing monopole, as well as an additional concrete pad and equipment. These requests were granted by the DRC under the same exemptions and were not required to proceed through the formal development review process.

Mr. Kellman then reviewed letters from Baltimore County concerning the instant matter. In particular, prior to filing the instant Petition, T-Mobile's agent, Ms. West, sent a "spirit and intent" letter to Timothy M. Kotroco, Director of the County's Department of Permits and Development Management. The letter was reviewed by Jeffrey Perlow, a Planner in the County's Zoning Review Office. In his response letter to Ms. West dated December 26, 2007, which was marked and accepted into evidence as Petitioner's Exhibit 6, Mr. Perlow indicated the proposed tower extension up to 100 feet and the installation of ground-based station equipment were within the spirit and intent of the zoning regulations. Thereafter, W. Carl Richards, Jr., Supervisor of the Zoning Review Office, sent an additional response letter dated January 5, 2007 to Ms. West. This letter indicated that it canceled and updated the response of Mr. Perlow dated December 26, 2007. This letter, which was marked and accepted into evidence as Petitioner's Exhibit 7, contained essentially the same information as the previous letter with regard to the



tower height and ground-based equipment. However, it added the following statement to the end of paragraph two of the letter:

However, due to the fact that there is a conflict in the zoning regulations (BCZR) with regard to the status of the adjacent R.O. zone, a public special hearing and possible variance will be required prior to submittal, review and approval of any building permit applications.

Mr. Kellman indicated that he disagrees with the County's interpretation that there is a "conflict in the zoning regulations" with regard to an R.O. zone. Based on his knowledge and experience with the B.C.Z.R., he does not believe for several reasons the R.O. zone is to be included as "any other owner's residential property line" in the setback requirement of Section 426.6.A.1. First, the R.O. zone is listed as part of a Transitional Zone and is not included in the various D.R. and R.C. zones included as a Residential Zone in Section 426.5.D. Second, the fact that the tower was originally erected in 2002, without the necessity of a hearing, indicates the County did not then consider the tower to be in a residential zone, subject to the 15 foot height and three foot diameter antenna requirements. Finally, the County also allowed the improvements to the 77 foot high tower in 2005 with no public hearing.

As a result, Mr. Kellman does not believe a variance of 74 feet in lieu of the required 200 feet is accurate. Based on his review of the regulations and his interpretation, he believes the proper measurement is from the subject tower to the nearest residential zone. As shown on the site plan which was accepted into evidence as Petitioner's Exhibit 2, the nearest residential only zone is D.R.5.5 and the measurement is 172.5 feet. Hence, the proper variance relief is to permit 172.5 feet in lieu of 200 feet. Alternatively, Mr. Kellman indicated that variance relief is not necessary in the instant matter because the tower is already in place and Petitioner is not seeking to expand the tower outward in any fashion that he believes would trigger the setback requirement; rather Petitioner merely wishes to increase the height of the existing tower by 23

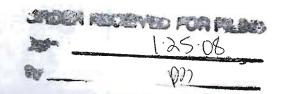


feet, with no height restrictions up to 200 feet. In conclusion, Mr. Kellman believes granting the variance relief is within the spirit and intent of the zoning regulations.

Testifying in support of the need for the enhanced wireless service and, hence the variance request, was Amrish Garg. Mr. Garg is a radio frequency engineer employed with T-Mobile. Mr. Garg obtained a Bachelor's degree in engineering from India in 1994 focusing on electronics and communications. He has been employed in that field for 12 years. He has worked on approximately 3,000 sites internationally and in the United States. A copy of his resume was marked and accepted into evidence as Petitioner's Exhibit 8. He was offered and accepted as an expert in radio frequency engineering.

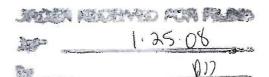
Mr. Garg introduced computer generated propagation maps showing the existing on air coverage, marked and accepted into evidence as Petitioner's Exhibit 9, and the predicted signal strength with the proposed tower improvements, marked and accepted into evidence as Petitioner's Exhibit 10. As shown on these exhibits, the color green indicates where the signal strength is sufficient indoors to have continuous communication and properly hand off to the next cell tower. In addition, the yellow areas indicated sufficient in-vehicle coverage. Mr. Garg then noted the lack of coverage in the area as indicated by white where callers would likely experience dropped calls. He determined that adding to the height of the existing tower and attaching platform antennas would increase the transmission power and provide the needed indoor and in-vehicle coverage as depicted in Petitioner's Exhibit 10. It would also allow for enhanced 911 services, enabling the system to triangulate the location to know exactly where a call is coming from.

Following Petitioner's case, Judy Hess Boitz testified on behalf of the Paradise Community Association. Marked and accepted into evidence as Protestant's Exhibit 1 was a



letter from Dennis Haley, President of the Paradise Community Association, indicating that Ms. Boitz had been appointed to speak on the Association's behalf. Initially, Ms. Boitz indicated she was disappointed that the subject cell tower was permitted in the first place. She felt the process that led to its construction did not allow for any community input or involvement, and believes the fact that there was never any public hearing on the original tower plan in 2002 or the improvements made in 2005 was unfair to the community. In commenting on several photographs of surrounding areas introduced by Petitioner where the cell tower is not visible, Ms. Boitz pointed out that at some locations it would not be visible due to some areas sitting below grade of Frederick Road. She also emphasized that the surrounding area is primarily residential with a small business area, not "peripheral" residential as characterized by Petitioner. The current tower height is already an eyesore, with no efforts by the cell companies to mitigate its appearance, and making the dingy, gray, aluminum monopole 23 feet taller with additional antennas would make it even more of an eyesore and distraction. Finally, Ms. Boitz indicated she does not believe the tower extension would be within the spirit and intend of the Streetscape enhancements to the community.

Also received in opposition to the extension of the cell tower was a letter from the adjacent neighbor to the north, Jason Cusick of 3 North Paradise Avenue. This letter was marked and accepted into evidence as Protestant's Exhibit 2. Mr. Cusick indicates that he is a resident and homeowner of the property closest to the tower and that it is undesirable to him and other nearby residents of the community. He also indicated he is troubled by the close proximity of the tower to his residence, questions the effects of long term exposure to the cell phone waves via the tower, and is also troubled by the effect on local property values. In short, he wishes the tower would be removed altogether.



The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. In particular, comments were received from the Office of Planning dated October 29, 2007 which recommend denial of the request for several reasons. First, the subject site is located in the Catonsville Commercial Revitalization District. These districts are targeted with specific County-sponsored programs to enhance the physical appearance and economic viability of the area. Second, the site is located in the historic National Road corridor. The County Council has endorsed a plan to preserve the historic, scenic, and natural resources along the route, enhance the appearance of the route, and maintain a high quality of life along the National Road. Third, the State has designed Streetscape improvements along Frederick Road, including the area of the subject site, to enhance the appearance. Finally, the existing tower itself is unattractive. The existing monopole is unpainted and is highly visible from Frederick Road, and greatly detracts from the community's appearance. It also is inconsistent with the aforementioned enhancement efforts by the County and State.

A variance authorizes the property owner "to use property in a manner forbidden" by applicable zoning restrictions. *See, Cromwell v. Ward*, 102, Md. App. 691, 700 (1995). In contrast to special exceptions, which "contemplate a permitted use . . . once the prescribed conditions are met," a variance contemplates a departure from the terms of the zoning ordinance in order to preclude confiscation of the property. *Id.* at 699-700

The test that governs variance requests generally also governs tower variance requests:

The zoning commissioner of Baltimore County and County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations ... only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship ...



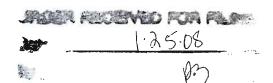
[A]ny such variance shall be granted only if in strict harmony with the spirit and intent of said ... area ... regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant other variances ...

B.C.Z.R. Section 307.1 (emphasis added); *see* B.C.Z.R. Section 426.11 (area setback for wireless telecommunications tower and related equipment may be granted "in accordance with Section 307").

"The burden of showing facts to justify . . . a variance rests upon the applicant." *Easter v. Mayor and City Council of Baltimore*, 195 Md. 395, 400 (1950). Both the "special circumstances or conditions" requirement, which is typically referred to as the "uniqueness" element, and the "practical difficulty" element of the two-pronged test must be satisfied. "The law in Maryland and in Baltimore County under its charter and ordinance remains as it has always been -- a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance's more severe impact on specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists." *Cromwell*, 102 Md. App. at 721.

As noted above, the "special circumstances or conditions" prong of the variance test is commonly referred to as a "uniqueness" requirement, even though it is not necessary for Petitioners to show truly unique circumstances. Uniqueness has a "rather specialized meaning" in zoning law. *See Umerley*, 108 Md. App. at 506. As Judge Cathell explained:

"[u]niqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.



Thus, "the initial and essential first step in the determination of appropriateness of an area variance" is whether "the subject property is so inherently unique that the ordinance's impact thereon would be disproportionate when compared to other lands in the district." *Chester Haven Beach P'ship v. Bd. of Appeals for Queen Anne's County*, 103 Md. App. 324, 338 (1995); *See* also *Umerley*, 108 Md. App. at 506 ("the zoning authority must determine whether the subject property is unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness or peculiarity of the property causes the zoning provision to have a disproportionate impact on the property").

In Evans v. Shore Communications, Inc., 112 Md. App. 284 (1998), the Court of Special Appeals affirmed the denial of a height variance necessary to build a wireless telecommunications tower in Talbot County. They specifically rejected the applicant's arguments that the property was unique because it satisfied the technological requirements for wireless service and because it had an elevation that reduced the need for a higher tower on that property or elsewhere. *Id.* at 308.

In the instant matter, as a threshold issue, I am not persuaded by Mr. Kellman's testimony that the variance request is unnecessary or that it should be stated to allow 172.5 feet as shown on Petitioner's Exhibit 2 site plan. I find the more appropriate measurement in this case to be 74 feet in lieu of the required 200 feet. I believe the plain meaning of Section 426.6.A.1 wherein it states that "[a] tower shall be set back at least 200 feet from *any other owner's residential property line*" (emphasis added) is clear and unambiguous. In this case, a residential property line is not one that is only zoned D.R. or R.C., but can also included a mixed use such as an R.O. zoned property. Moreover, in this case, the testimony indicates that the property owner in



question, Mr. Cusick, uses his R.O. zoned property as a residence. Hence, I find that the applicable variance request is for an allowance of 74 feet in lieu of the required 200 feet.

Turning now to the merits of the case, I find that Petitioner has failed to show that the subject parcel is unique or otherwise different from other properties in the area to justify the variance relief. In short, there was no testimony to satisfy this prong of the variance analysis. The testimony focused on the need for the enhanced wireless service, the location of the existing tower, the planned improvements, the prior DRC actions, and that the subject parcel satisfies the coverage objectives and fulfills a much needed service in the area.

By itself, the fact that a property cannot accommodate an otherwise permitted use without an area variance does not require the grant of a variance. If this was a test, zoning authorities would be obligated to grant a setback variance simply because the setback requirements would prevent a permitted use. Yet, T-Mobile's Petition rests solely on the theory that the property is unique because it cannot meet the setback requirements for the monopole, as well as the need for the enhanced wireless service. Further, the parcel cannot be characterized as unique based solely upon T-Mobile's determination that this is a suitable site. As Evans teaches, the fact that this parcel falls within a geographic area selected by T-Mobile for technological reasons is not a characteristic that is inherent to the property. See Evans, 112 Md. App. at 308. In short, I find no evidence that would permit the inference that the small lot with its configuration as described on the site plan means that Petitioner suffers a disproportionate impact from the setback requirements, as compared to other nearby property owners. To accept Petitioner's argument that a variance should be granted, simply because the property would otherwise allow a permitted use, would permit "the exception to swallow the rule." I also find that granting the variance and thereby allowing an increase in the height of the cell tower, in this particular case,



and based on the testimony adduced by the community and the ZAC comment from the Office of Planning, would be detrimental to the health, safety, and welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be denied.

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

HOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

January 25, 2008

SEAN HUGHES, ESQUIRE DONOHUE & BLUE PLC 801 NORTH FAIRFAX STREET, SUITE 209 ALEXANDRIA VA 22314

> Re: Petition for Variance Case No. 08-084-A Property: 6352 Frederick Road

Dear Mr. Hughes:

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

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

Very truly yours,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz Enclosure

c: Mitch Kellman, Century Engineering, 10710 Gilroy Road, Hunt Valley MD 21031 Michael McGarity, Daft, Mccune Walker Inc., 200 E. Pennsylvania Avenue, Towson MD 21286 Liz West, 12050 Baltimore Avenue, Beltsville MD 20705 Amrish Garg, 12050 Baltimore Avenue, Beltsville MD 20705 Judy Hess Boitz, 7 South Paradise Avenue, Catonsville MD 21228



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6352 Frederick

which is presently zoned

LAS

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 Variance from Section(s)

To permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including the approved site plan).

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

T-Mobile seeks to add 23 feet of height to mount their antennas onto an exisiting monopole. There are no prior zoning cases on the subject property leading T-Mobile to conclude that the exisiting monopole was constructed by right. The exisiting tower, as built does not meet the setbacks to the RO zone. Despite other collocations onto this monopole, T-Mobile as the 4th carrier on this site has been asked to obtain a setback variance. There are no other tall structures suitable to collocate telecommunications facilities on within a 2 mile radius.

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.

			is the subject of this Petitic		e property wnich
Contract Purchaser/Lesse	e:		Legal Owner(s):		
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Attorney For Petitioner:			Address		Telephone No.
Name - Type or Print		City		State	Zip Code
Signature			Representative to be	e Contacted:	
Company			Name Liz We	est Age	nt T-mobile
Address	Tele	ephone No.	Address 2050 Ba	etimore A	C Telephone No.
City -	State	Zip Code	City Bults Jul	State	20 705 Zip Code
Case No. 08-084	A	1.0	OFFICE U	RING	
REV9/15/98	NE POM PA	Reviewed By	ARON TSU 7 Date	08/13/2	2007



Description

To Accompany Petition

For A Special Hearing and Variance

6352 Frederick Road

Baltimore County, Maryland

Beginning for the same at the end of the second of the following two courses and distances measured from the centerline of Paradise Avenue (50 feet wide) and the centerline of Frederick Road (66 feet wide), southwesterly along the centerline of Frederick Road, 31 feet, more or less, thence northwesterly 33 feet to the point of beginning, thence leaving said point of beginning and running with and binding on a portion of Frederick Road, referring all courses of this description to the Maryland Coordinate System (NAD '83), (1) South 66 degrees 38 minutes 59 seconds West 86.08 feet, thence (2) North 26 degrees 48 minutes 01 second West 143.95 feet, thence (3) North 66 degrees 38 minutes 59 seconds East 96.86 feet, thence (4) South 22 degrees 15 minutes 01 second East 127.22 feet, thence 95) South 24 degrees 30 minutes 01 second East 16.50 feet to the point of beginning; containing 13,102 square feet or 0.301 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS

NOT INTENDED TO BE USED FOR CONVEYANCE.

July 2, 2007

Project No. 06107.B (L06107.B)

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: Petitioner:	WEST, T- MOBILE	
Address or Location: 120	50 BACTIMORE AV	E, 20705
PLEASE FORWARD ADVERT Name: <u>Elizabeth</u> Address: <u>12050 Bal</u> <u>Beltsville</u>	West, Agent for etimore Ave	Fmobile
Telephone Number: 44	3 995 3498	4

CERTIFICATE OF POSTING

POSTED 11/28/07 Frank 53/1/2 11/28/07

	RE: Case No.: 08-084-A
	Petitioner/Developer:
	T-MOBILE, LIZ WEST
	Date of Hearing/Closing: 12/13/07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: Kristen Matthews	
Ladies and Gentlemen:	
This letter is to certify under the penalties of	perjury that the necessary sign(s) required by law
were posted conspicuously on the property le	ocated at
6352 FREI	DERICK RD.
25 No. 1	
10.00	1100/-
The sign(s) were posted on	11/28/07
ZONING NOTICE CASE II CE-CA-A A PUBLIC REASON. IN TOWARD. PLACE: IA-ON CAMPAGE IN TOWARD. PLACE: IA-ON CAMPAGE IN TOWARD. PLACE: IA-ON CAMPAGE IN TOWARD. IN TOWARD.	Sincerely, Sincerely, (Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) 904 DELLWOOD DR. (Address) -ALLS TONI, MO 21047 (City, State, Zip Code) (410) & 79-3127 (Telephone Number)
52 FREDERICK RD,	,
OL FREDERICK TO	

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS RECEIPT

Date: BS Sub Rev Sub Rept Fund Agcy Orgn Orgn Source Rev Catg Acct Amount 325 00 Total: 325 M Rec From: For: **DISTRIBUTION** WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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No.

CASHIER'S VALIDATION

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3.44

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: #08-084-A 6352 Frederick Road N/west of Frederick Road, 31 feet s/west of centerline of Paradise Road

1st Election District - 1st Councilmanic District Legal Owner(s): Nextel Communications, The Mid-Atlantic, Inc., Patrice Tipton

Contract Purchaser: T-Mobile, Liz West

Variance: to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 68-478-X (including approved site plan). Hearing: Thursday, October 11, 2007 at 9:00 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) 887-4386.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT/9/735 Sept. 18

CERTIFICATE OF PUBLICATION

LEGAL ADVERTISING

Wilkinger

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: #08-084-A 6352 Frederick Road

N/west of Frederick Road, 31 feet s/west of centerline of Paradise Road

1st Election District - 1st Councilmanic District Legal Owner(s): Nextel Communications,

The Mid-Atlantic, Inc., Patrice Tipton Contract Purchaser: T-Mobile, Liz West

Variance: to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including approved site plan). Hearing: Wednesday, October 31, 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 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/10/705 Oct. 16 152213

CERTIFICATE OF PUBLICATION

10/18/, 2007
THIS IS TO CERTIFY, that the annexed advertisement was published
the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing
n 10/16/2007.
☆ The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News

S. Wilkings

LEGAL ADVERTISING

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: #08-084-A
6352 Frederick Road

N/west of Frederick Road, 31 feet s/west of centerline of Paradise Road

of Paradise Road
1st Election District - 1st Councilmanic District
Legal Owner(s): Nextel Communications,
The Mid-Atlantic, Inc., Patrice Tipton
Contract Purchaser: T-Mobile, Liz West
Variance: to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including approved site plan).
Hearing: Thursday, December 13, 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 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 11/782 Nov. 27

CERTIFICATE OF PUBLICATION 8 6 410-887-3391 | Fax 410-887-3048

11/29, 20.07	uilding Phone	^(
THIS IS TO CERTIFY, that the annexed advertisement was pu	p i s p e	vm a -pc			
in the following weekly newspaper published in Baltimore County	, M	count			
once in each ofsuccessive weeks, the first publication app		imore			
on 1127,2007.	Zoning Review m III Towsor	wbal			
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☐ Arbutus Times	Zc 200m				
☐ Catonsville Times	nue, I				
☐ Towson Times					
Owings Mills Times					
☐ NE Booster/Reporter					
☐ North County News	Che				
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LEGAL ADVERTISING		_			



JAMES T. SMITH, JR. County Executive

TIBOPENTNO STOTE O260 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: 08-084-A

6352 Frederick Road

N/west of Frederick Road, 31 feet s/west of centerline of Paradise Road

1st Election District – 1st Councilmanic District

Kotroco

Legal Owners: Nextel Communications, The Mid-Atlantic, Inc., Patrice Tipton

Contract Purchaser: T-Mobile, Liz West

<u>Variance</u> to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including approved site plan).

Hearing: Thursday, October 11, 2007 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Liz West, T-Mobile, 12050 Baltimore Avenue, Beltsville 20705

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPT. 26, 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, September 26, 2007 Issue - Jeffersonian

Please forward billing to:

Elizabeth West

T-Mobile

12050 Baltimore Avenue

Beltsville, MD 20705

443-995-3498

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: 08-084-A

6352 Frederick Road

N/west of Frederick Road, 31 feet s/west of centerline of Paradise Road

1st Election District – 1st Councilmanic District

Legal Owners: Nextel Communications, The Mid-Atlantic, Inc., Patrice Tipton

Contract Purchaser: T-Mobile, Liz West

<u>Variance</u> to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including approved site plan).

Hearing: Thursday, October 11, 2007 at 9:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMANUII

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.



JAMES T. SMITH, JR. County Executive

September 24, 2007
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: 08-084-A

6352 Frederick Road

N/west of Frederick Road, 31 feet s/west of centerline of Paradise Road

1st Election District – 1st Councilmanic District

Ly Kotroco

Legal Owners: Nextel Communications, The Mid-Atlantic, Inc., Patrice Tipton

Contract Purchaser: T-Mobile, Liz West

<u>Variance</u> to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including approved site plan).

Hearing: Wednesday, October 31, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Liz West, T-Mobile, 12050 Baltimore Avenue, Beltsville 20705

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 16, 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, September 26, 2007 Issue - Jeffersonian

Please forward billing to:

Elizabeth West

T-Mobile

12050 Baltimore Avenue

Beltsville, MD 20705

443-995-3498

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: 08-084-A

6352 Frederick Road

N/west of Frederick Road, 31 feet s/west of centerline of Paradise Road

1st Election District – 1st Councilmanic District

Legal Owners: Nextel Communications, The Mid-Atlantic, Inc., Patrice Tipton

Contract Purchaser: T-Mobile, Liz West

<u>Variance</u> to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including approved site plan).

Hearing: Wednesday, October 31, 2007 at 9:00 a.m. in Room 407, County Courts Building,

1 Boslev Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 27, 2007 Issue - Jeffersonian

Please forward billing to:

Elizabeth West

T-Mobile

12050 Baltimore Avenue

Beltsville, MD 20705

443-995-3498

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: 08-084-A

6352 Frederick Road

N/west of Frederick Road, 31 feet s/west of centerline of Paradise Road

1st Election District – 1st Councilmanic District

Legal Owners: Nextel Communications, The Mid-Atlantic, Inc., Patrice Tipton

Contract Purchaser: T-Mobile, Liz West

<u>Variance</u> to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including approved site plan).

Hearing: Thursday, December 13, 2007 at 9:00 a.m. in Room 407, County Courts Building,

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.



JAMES T. SMITH, JR. County Executive

November 1, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and

NEW NOTICE OF ZONING HEARING

Development Management

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: 08-084-A

6352 Frederick Road

N/west of Frederick Road, 31 feet s/west of centerline of Paradise Road

1st Election District – 1st Councilmanic District

Legal Owners: Nextel Communications, The Mid-Atlantic, Inc., Patrice Tipton

Contract Purchaser: T-Mobile, Liz West

<u>Variance</u> to permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including approved site plan).

Hearing: Thursday, December 13, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Liz West, T-Mobile, 12050 Baltimore Avenue, Beltsville 20705

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., NOVEMBER 28, 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.



JAMES T. SMITH, JR. County Executive

October 25, 2007

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Ms. Liz West T-Mobile 12050 Baltimore Avenue Beltsville, Maryland 20705

Dear Ms. West:

RE: Case Number: 6352 Frederick Road 08-084-A

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 13, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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,
U. Carl Richal

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:rjc Enclosures

c: Peoples Council



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

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

Maryland Department of Transportation

August 22, 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. 08-84-A MD 144 (Frederick Road) 6352 Frederick Road Nextel Communications-Patrice K. Tipton Variance-

Dear Ms. Matthews:

We have reviewed the referenced plan and have no objection to approval, as a field inspection reveals that the existing access onto the property from MD 144 (Frederick Road) is adequate. No further review is necessary with regard to Nextel Communication Case Number 8-84-A.

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

Very truly yours,

For Engineer

Engineering Access Permits

Division

SDF/MB

Cc:

Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA



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

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

August 23, 2007

ATTENTION: Zoning Review Planners

84

Distribution Meeting Of: August 20, 2007

Item Number: Item Number 76 through 079 and81,83,84,85,86,88

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

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 29, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 27, 2007

Item Nos. 08-076, 077, 078, 079, 081,

083, 084, 086, and 088

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-10292007.doc

RE: PETITION FOR VARIANCE

6352 Frederick Road; NW of Frederick Rd,

31' SW c/line of Paradise Road

1st Election & 1st Councilmanic Districts

Legal Owner(s): Nextel Communications, Inc*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 08-084-A

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 22nd day of August, 2007, a copy of the foregoing Entry of Appearance was mailed to, Liz West, Agent, 12050 Baltimore Avenue, Beltsville, MD 20705, Representative for Petitioner(s).

RECEIVED

AUG 2 2 2007

Per.....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

713 10/31

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning



DATE: October 29, 2007

SUBJECT:

Zoning Advisory Petition(s): Case(s) 08-084-A

The Office of Planning has reviewed the above referenced case(s) and recommends <u>DENIAL</u> of the request for the reasons stated herein.

This site is located in the Catonsville Commercial Revitalization District. Catonsville is one of thirteen commercial revitalization districts in Baltimore County that are targeted with specific county-sponsored programs to enhance the physical appearance and economic viability of the county's traditional commercial areas.

The site is also located in the historic National Road corridor. The state has designated Maryland's portion of the National Road as the Maryland Historic National Road Scenic Byway. The Baltimore County Council has endorsed the Maryland National Road Corridor Partnership Plan (see attached County Council Resolution 61-01). The purpose of the plan is to preserve the historic, scenic, and natural resources along the route, develop and enhance the route to attract visitors and increase tourism, celebrate the heritage of the corridor, and maintain the high quality of life found along the National Road.

The State Highway Administration has designed streetscape improvements along Frederick Road from Bishops Lane to the Baltimore City line. The site is located along the affected road segment. The proposed improvements will enhance the streetscape and will include new curb and gutter, sidewalks, roadway resurfacing, and landscaping.

The existing telecommunications tower facility is very unattractive. The existing monopole is not painted. The monopole and antennas are highly visible from Frederick Road. The existing facility greatly detracts from the community's appearance.

We recommend that the requested variance be denied. Allowing the requested 23-foot monopole extension and additional antennas will further adversely impact the appearance of the

community. The petitioner's request conflicts with the above-mentioned enhancement efforts by the county and the state.

If the requested variance is granted, the existing tower should be replaced with a stealth monopole where all antennas are located within the interior of the pole. Also, we recommend that the pole be painted black or another suitable color. These actions should greatly reduce the visibility of the tower from Frederick Road. An example of this type of telecommunications tower is located at 2021 Frederick Road. It was authorized under Case No. 04-449-XA.

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

Prepared By: A. Bune Hely

Division Chief: 4nn Lanham Ms

Attachment

rbs

MEMORANDUM

DATE:

October 31, 2007

TO:

To The File

FROM:

Thomas H. Bostwick

Deputy Zoning Commissioner

for Baltimore County

SUBJECT: Case No. 08-084-A – located at 6352 Frederick Road

The above-referenced case was scheduled for a hearing on Wednesday, October 31, 2007 at 9:00 AM. The Petitioner is Nextel Communications of the Mid-Atlantic, Inc. The contact person is Liz West, Agent for T-Mobile. On October 25, 2007, Ms. West informed Patti Zook of the Zoning Commissioner's Office that the property had not been posted with notice of today's hearing, although it was published in The Jeffersonian. Ms. Zook recommended to Ms. West that she appear at the hearing and that the hearing would likely be postponed.

On today's date, Ms. West did appear for the hearing and related to the undersigned that she had inadvertently erred in not having the property posted with notice of the hearing. There were no other persons present for the hearing. I did not open the hearing or take any testimony, but postponed the case and directed Ms. West to have the property posted and republished at Petitioner's expense, and to contact Kristen Matthews to have the matter rescheduled in the normal course. I also gave Ms. West a copy of the comment from the Office of Planning dated October 29, 2007, which recommends denial of the variance request.

Patricia Zook - Case 08-084-A on Wed Oct 31 at 9:00 AM - to be postponed

From:

Patricia Zook

To:

Bostwick, Thomas

Date:

10/25/2007 4:14:56 PM

Subject: Case 08-084-A on Wed Oct 31 at 9:00 AM - to be postponed

CC:

Wiley, Debra

Hello -

I contacted Liz West regarding the on-site posting for this case and she confirms that it was not posted. I told her that you will go to the hearing room to see if anyone shows for the hearing at 9:00. Advised her that she will need to contact Kristen and make arrangements for this case to be rescheduled, reposted and readvertised.

Patti Zook **Baltimore County** Office of the Zoning Commissioner 410-887-3868 pzook@baltimorecountymd.gov

Patricia Zook - Case 08-084-A - hearing Wed Oct 31 - comments needed for TOM

From:

Patricia Zook

To:

Kennedy, Dennis; Murray, Curtis

Date:

10/25/2007 3:53:09 PM

Subject:

Case 08-084-A - hearing Wed Oct 31 - comments needed for TOM

CC:

Bostwick, Thomas

Gentlemen -

I just received this case file from PDM which is scheduled for a hearing on Wednesday, October 31. The file does not contain comments from your respective departments.

The description is listed below:

CASE NUMBER: 8-84-A

6352 Frederick Road

Location: NW of Frederick Road, 31 feet SW of c/l of Paradise Road.

1st Election District, 1st Councilmanic District
Legal Owner: Nextel Communications, The Mid-Atlantic, Inc. - Patrice K. Tipton

Contract Purchaser: Liz West, T-Mobile

VARIANCE To permit a tower setback of 74 feet from a residential zone line in lieu of the required 200 feet as required by Section 426.6(A)(1) of the BCZR and to amend zoning case no. 86-478-X (including approved site plan).

Hearing: Thursday, 10/11/2007 at 9:00:00 AM, County Office Building, 111 West Chesapeake Avenue, Room 106, Towson 21204

Thank you.

Patti Zook **Baltimore County** Office of the Zoning Commissioner 410-887-3868 pzook@baltimorecountymd.gov



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 26, 2006

Elizabeth West, Zoning Manager Agent for T-Mobile, LLC 12050 Baltimore Avenue Beltsville, MD 20705

RE:

Zoning Verification for 6352 Frederick Road

(Site No.: BAC234E)

Tax Account # 01-19-073340

1st Election District

Dear Ms. West:

Your letter to Timothy Kotroco, Director of Permits and Development Management, has been referred to me for reply. Based on the information contained therein, the following has been determined.

Pursuant to Section 426.5 of the Baltimore County Zoning Regulations (BCZR), a maximum tower height of 199 feet is permitted by right in a BL-AS zone. As shown on the plans submitted with your request, the proposed tower extension of 23 feet creates a new tower of height of only 100 feet. Since the new height of 100 feet is well below the maximum allowed 199 feet, the proposed tower extension will be within the spirit and intent of the zoning regulations (BCZR). Provided the proposed ground-based station equipment is located inside the existing fenced compound area, said equipment will be within the spirit and intent of these regulations (BCZR) as well. The proposed antennas are not regulated as to height and diameter in the BL-AS zone.

Regarding the required process for the Development Review Committee (DRC) and Tower Review Committee (TRC), you will need to contact the Development Review Division of this department at 410-887-3335. Questions regarding the building permit process can be directed to the Permit Processing Division at 410-887-3900.

Hopefully the information set forth in this letter is responsive to your request. Should you have any questions, I can be reached at 410-887-3391.

Sincerely,

Jeffrey Perlow

Planner II, Zoning Review

INP



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 5, 2007

Elizabeth West, Zoning Manager Agent for T-Mobile, LLC 12050 Baltimore Avenue Beltsville, MD 20705

RE: Zoning Verification for 6352 Frederick Road

(Site No.: BAC234E)

Tax Account # 01-19-073340

1st Election District

Dear Ms. West:

Your letter to Timothy Kotroco, Director of Permits and Development Management, has been referred to me for reply. Based on the information contained therein, the following has been determined. This response cancels and updates the December 26, 2006 response written by Jeffrey Perlow.

Pursuant to Section 426.5 of the Baltimore County Zoning Regulations (BCZR), a maximum tower height of 199 feet is permitted by right in a BL-AS zone. As shown on the plans submitted with your request, the proposed tower extension of 23 feet creates a new tower of height of only 100 feet. The new height of 100 feet is well below the maximum allowed 199 feet. Also, the proposed ground-based station equipment may be located inside the existing fenced compound area. In addition, the proposed antennas are not regulated as to height and diameter in the BL-AS zone. However, due to the fact that there is a conflict in the zoning regulations (BCZR) with regard to the status of the adjacent R.O. zone, a public special hearing and possible variance will be required prior to submittal, review and approval of any building permit applications.

After the zoning process is completed, you will need to contact the Development Review Division of this department at 410-887-3335 regarding the required process for the Development Review Committee (DRC) and Tower Review Committee (TRC). Questions regarding the building permit process can be directed to the Permit Processing Division at 410-887-3900.

08-0841

Hopefully the information set forth in this letter is responsive to your request. Should you have any questions, I can be reached at 410-887-3391.

Sincerely,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

March 24, 2008 Department of Permits and
Development Management

Karl Nelson Saul Ewing 500 East Pratt Street, Ste. 900 Baltimore, MD 21202

Dear Mr. Nelson:

RE: Case: 08-084-A, 6352 Frederick Road

Please be advised that this office received your appeal of the above-referenced case on February 25, 2008. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Director

TK:klm

 William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Mitch Kellman, Century Engineering, 10710 Gilroy Road, Hunt Valley 21031 Michael McGarity, DMW, 200 E. Pennsylvania Avenue, Towson 21286 Liz West, 12050 Baltimore Avenue, Beltsville 20705 Amrish Garg, 12050 Baltimore Avenue, Beltsville 20705 Judy Hess Boitz, 7 South Paradise Avenue, Catonsville 21228

APPEAL

Petition for Variance 6352 Frederick Road

N/west of Frederick Road, 31 ft. s/west of c/line of Paradise Avenue 1st Election District – 1st Councilmanic District Legal Owners: Nextel Communications, The Mid-Atlantic

Lessee: T-Mobile, Liz West

Case No.: 08-084-A

Petition for Variance (August 13, 2007)

Zoning Description of Property

Notice of Zoning Hearing (November 1, 2007)

Certification of Publication (The Jeffersonian - November 27, 2007)

Certificate of Posting (November 28, 2007) by Richard Hoffman

Entry of Appearance by People's Counsel (August 22, 2007)

Petitioner(s) Sign-In Sheet - One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

- 1. Site Plan
- 2. Site Plan
- 3. Mitchell Kellman Resume
- Aerial Photo
- 5. Photos (A thru F)
- 6. Letter dated Dec. 26, 2006 from the Zoning Review Office
- 7. Letter dated January 5, 2007 from the Zoning Office
- 8. Resume of Amrish Garg
- 9. Existing on air coverage
- 10. BAC234E at 97 ft.

Protestants' Exhibits:

- 1. Letter of notification
- 2. Letter of opposition

Baltimore County Exhibit:

1. Comment from Office of Planning

Deputy Zoning Commissioner's Order (DENIED - January 25, 2008)

Notice of Appeal received on February 25, 2008 from Karl Nelson for Petitioners

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Karl Nelson
Liz West
Mitchell Kellman
Michael McGarity
Amrish Garg
Judy Hess Boitz

date sent March 24, 2008, klm



BALTIMORE COUNTY OFFICE OF THE ZONING COMMISSIONER COUTY COURTS BUILDING 401 BOSLEY ROAD, SUITE 405 TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

FAX COVER SHEET

DATE: 1-28-08	
NO. OF PAGES INCLUDING COVER SHEE	T: 15
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Donohue \$ Blue	
HONE: 703-549-1123	<u> </u>
AX NO.: 703-549-5385 TESSAGE: 0	_
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order is attac	
EMARKS: URGENT FOR REVIEW PLEASE REPLY PL	_



TO: Kristen

FROM: Liz West, Agent for T-Mobile

September 20, 2007

RE: 08-084-A Variance Hearing scheduled for October 11, 2007

Please be advised that I have a conflict for the day of this scheduled hearing. Please reschedule this hearing for a date after October 26, 2007.

I apologize for any inconvenience.

Thank you for your assistance,

Sincerely,

Liz West

Agent for T-Mobile 12050 Baltimore Ave. Beltsville, MD 20705

(p) 443-995**-**3498

(f) 240-264-8604



70: JKN167C4 M.

Karl J. Nelson

Phone: (410) 332-8663 Fax: (410) 332-8184

> knelson@saul.com www.saul.com

February 22, 2008

Via Hand Delivery

Timothy M. Kotrco, Director Department of Permits & Development Management County Office Building 111 West Chesapeake Avenue Towson, MD 21204

Re: Appeal of Case No. 08-084-A

Dear Mr. Kotrco:

I write on behalf of my clients the Petitioners in Case No. 08-084-A, to note their appeal of the Deputy Zoning Commissioner's decision in that matter. Please forward any correspondence relating to the appeal to me at the address set forth above.

I thank you for your attention to this matter. Please do not hesitate to contact me should you require any additional information about the appeal.

Very ruly yours.

Karl J. Nelson

KJN/jlm

cc: Michael Almada



William J. Wiseman III
Zoning Commissioner

DECEIVE Nov 0 9 2007

William J. Wiseman III Zoning Commissioner For Baltimore County 401 Bosley Avenue Suite 405 Towson, MD 21204

Petitioner(s)

RE: PETITITION FOR VARIANCE - T-MOBILE 6352 Frederick Road, NW of Frederick Rd, 31' SW c/line of Paradise Road 1st Election & 1st Councilmanic Districts Legal Owner(s): Nextel Communications, Inc

ENTRY OF APPEARANCE

Please enter the appearance of Sean Hughes for T-Mobile 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 T-Mobile's counsel on all correspondence sent and all documentation filed in this case.

Sean Hughes

Counsel for T-Mobile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of November, 2007, a copy of the foregoing Entry of Appearance was mailed to, Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, MD 21204.

Sean Hughes

Counsel for T-Mobile

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2001, Legislative Day No. 10

Resolution No. 61-01

Mr. S. G. Samuel Moxley, Chairman

By the County Council, May 21, 2001

A Resolution of the Baltimore County Council in support of the Maryland National Road Corridor Partnership Plan.

WHEREAS, the National Road, originally called the Cumberland Road, was the first federally planned and funded highway in the United States, the purpose of which was to facilitate a direct overland route across the Appalachian Mountains; and

WHEREAS, the Cumberland Road and the system of tumpikes which comprise the connecting routes from Baltimore to Cumberland form "Maryland's Historic National Road Scenic Byway"; and

WHEREAS, in Baltimore County, the route follows Maryland Route 144 and includes the communities of Catonsville and Oella; and

WHEREAS, the Maryland Department of Planning, the Office of Tourism Development, the State Highway Administration, the Maryland Historical Trust, and the Department of Natural Resources, are developing a "Corridor Partnership Plan" for Maryland's Historic National Road Scenic Byway in an effort to gain All-American Road designation for the National Road through the National Scenic Byway Program; and

WHEREAS, the purpose of the Plan is to preserve the historic, scenic, and natural resources along the route, develop and enhance the route to attract visitors and increase tourism, celebrate the heritage of the corridor, and maintain the high quality of life found along the National Road.

NOW, THEREFORE, BE IT RESOLVED that the County Council of Baltimore County, Maryland expresses its support of the Maryland National Road Corridor Partnership Plan.



MITCHELL J. KELLMAN DIRECTOR OF ZONING SERVICES

Education

Towson University, BA, Geography and Environmental Planning, Urban Planning Towson University, Masters, Geography and Environmental Planning, Urban Planning

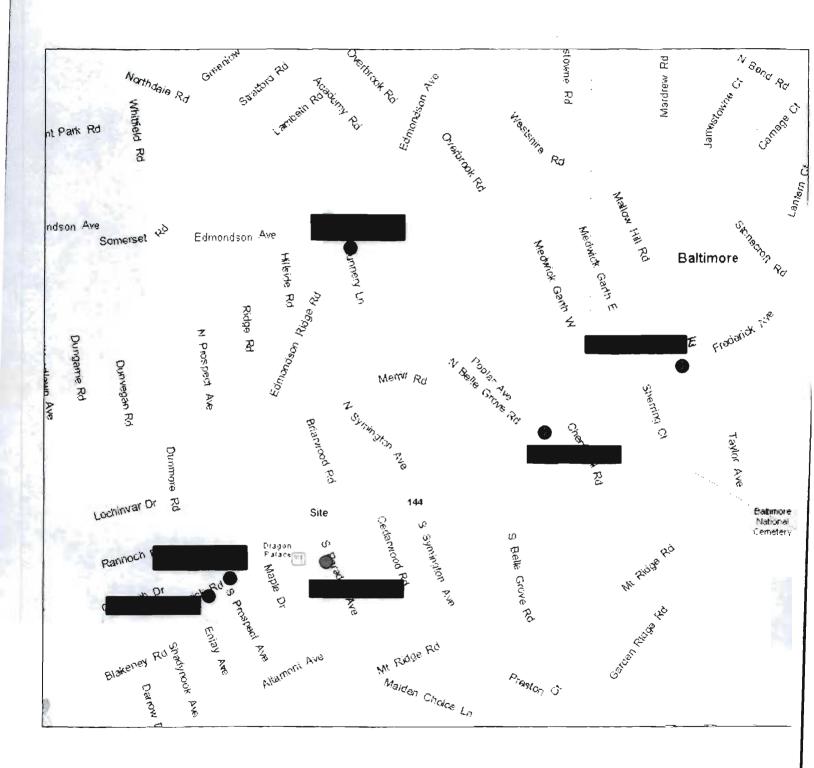
Professional Summary

Mr. Kellman has over 11 years of experience working in zoning administration and subdivision regulation for the public sector, 9 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings.

Partial List of Projects
Charlestown Retirement Community, Baltimore County, MD
GBMC, Baltimore County, MD
Goucher College, Baltimore County, MD
Hopewell Point, Baltimore County, MD
Notre Dame Preparatory School, Baltimore County, MD
Oakcrest Village Retirement Community, Baltimore County, MD
Sheppard and Enoch Pratt Hospital, Baltimore County, MD
Waterview, Baltimore County, MD

Professional Experience
Daft-McCune-Walker, Inc., Towson, MD: 2000-Present
Baltimore County Office of Permits and Development Management - Development Control, 1988-2000

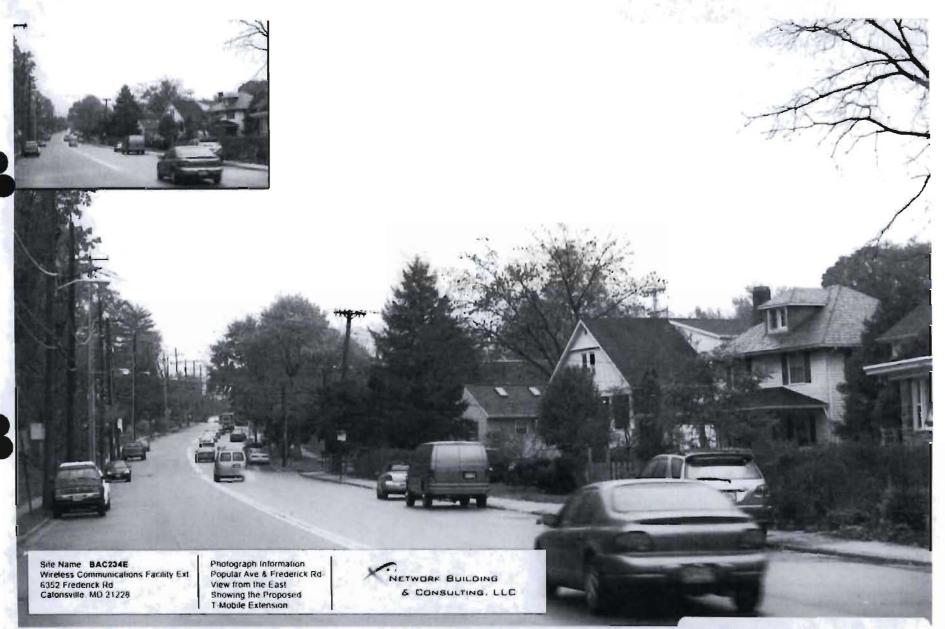
PETITIONER'S EXHIBIT NO. 3



PETITIONER'S

EXHIBIT NO.

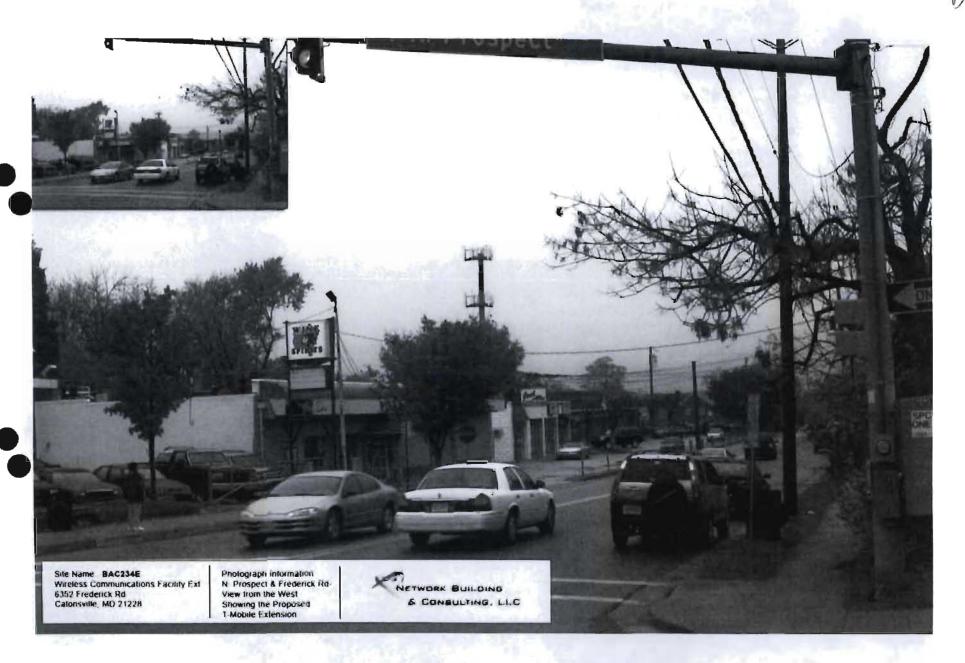
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PETITIONER'S

EXHIBIT NO.

5A-F









JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 26, 2006

Elizabeth West, Zoning Manager Agent for T-Mobile, LLC 12050 Baltimore Avenue Beltsville, MD 20705

RE:

Zoning Verification for 6352 Frederick Road

(Site No.: BAC234E)

Tax Account # 01-19-073340

1st Election District

Dear Ms. West:

Your letter to Timothy Kotroco, Director of Permits and Development Management, has been referred to me for reply. Based on the information contained therein, the following has been determined.

Pursuant to Section 426.5 of the Baltimore County Zoning Regulations (BCZR), a maximum tower height of 199 feet is permitted by right in a BL-AS zone. As shown on the plans submitted with your request, the proposed tower extension of 23 feet creates a new tower of height of only 100 feet. Since the new height of 100 feet is well below the maximum allowed 199 feet, the proposed tower extension will be within the spirit and intent of the zoning regulations (BCZR). Provided the proposed ground-based station equipment is located inside the existing fenced compound area, said equipment will be within the spirit and intent of these regulations (BCZR) as well. The proposed antennas are not regulated as to height and diameter in the BL-AS zone.

Regarding the required process for the Development Review Committee (DRC) and Tower Review Committee (TRC), you will need to contact the Development Review Division of this department at 410-887-3335. Questions regarding the building permit process can be directed to the Permit Processing Division at 410-887-3900.

PETITIONER'S

EXHIBIT NO.





JAMES T. SMITH, JR. County Executive

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

January 5, 2007

Elizabeth West, Zoning Manager Agent for T-Mobile, LLC 12050 Baltimore Avenue Beltsville, MD 20705

RE:

Zoning Verification for 6352 Frederick Road

(Site No.: BAC234E)

Tax Account # 01-19-073340

1st Election District

Dear Ms. West:

PETITIONER'S

EXHIBIT NO.

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Your letter to Timothy Kotroco, Director of Permits and Development Management, has been referred to me for reply. Based on the information contained therein, the following has been determined. This response cancels and updates the December 26, 2006 response written by Jeffrey Perlow.

Pursuant to Section 426.5 of the Baltimore County Zoning Regulations (BCZR), a maximum tower height of 199 feet is permitted by right in a BL-AS zone. As shown on the plans submitted with your request, the proposed tower extension of 23 feet creates a new tower of height of only 100 feet. The new height of 100 feet is well below the maximum allowed 199 feet. Also, the proposed ground-based station equipment may be located inside the existing fenced compound area. In addition, the proposed antennas are not regulated as to height and diameter in the BL-AS zone. However, due to the fact that there is a conflict in the zoning regulations (BCZR) with regard to the status of the adjacent R.O. zone, a public special hearing and possible variance will be required prior to submittal, review and approval of any building permit applications.

After the zoning process is completed, you will need to contact the Development Review Division of this department at 410-887-3335 regarding the required process for the Development Review Committee (DRC) and Tower Review Committee (TRC). Questions regarding the building permit process can be directed to the Permit Processing Division at 410-887-3900.

Hopefully the information set forth in this letter is responsive to your request. Should you have any questions, I can be reached at 410-887-3391.

Sincerely,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR

AMRISH GARG

Mobile: +1-571-278-0342

Email: amrish.garg@t-mobile.com

EXPERIENCE SUMMARY:

Total work experience of more than 12 years (all in GSM). Has excellent exposure in RF planning and optimization on GSM systems (900/1800/1900 bands).

SPECIFIC AREAS OF EXPERTISE:

- Familiar with all areas of Radio network design and performance.
- · Nominal cell plan design, site selection & approval.
- Proficient in RF tools such as Planet, Odyssey, CellCAD, Asset, TEMS, GIMS, MapInfo, OSS, OptPCS, FICS, Chase.
- Proficient in using and implementing Radio Network features using CHA and CNA utilities of OSS (Ericsson).
- Good knowledge of Ericsson RNO utilities such as NCS, MRR.
- Network Tuning & Optimization of Radio Network Features.
- Excellent knowledge of traffic and statistical analysis, features & network enhancement.
- Frequency and traffic planning.
- Drive test and process results.
- Indoor coverage solutions including Micro cells & repeater systems.
- Multi vendor exposure Ericsson, Nortel, Siemens and Motorola.

CAREER PROFILE/ EXPERIENCE/ ASSIGNMENTS:

Employer: Telecom Technology Services Inc. USA (TTS Inc. USA)

Position: Principal RF Engineer
Duration: September 2003 - Present

February 2005 - Present

Client: T-Mobile, Washington DC-Baltimore Market USA

- Monitoring and Optimization of all major KPIs of the network (Vendor ERICSSON).
- Real time monitoring and database parameters tuning using CHA, CNA.
- Network tuning using Ericsson RNO utilities such as NCS, MRR.
- Drive test data analysis using TEMS and OptPCS.
- Resolving customer's complaints related to RF.
- Planning and designing sites in the Washington Metro area and coordinating all activities to make sites on-air.
- Voice and Data Traffic Planning and Analysis.
- Coordination of all RF related issues in the network.

November 2004 - January 2005

Client: T-Mobile, Bay Area (San Francisco) Market USA

- Helped in Market handover from Cingular Wireless to T-Mobile.
- Analysis of major KPIs of the network.

September 2003 - November 2004

Client: T-Mobile, Washington DC-Baltimore Market USA

- · Optimization of the PCS 1900 network (Vendor ERICSSON) in Washington DC- Baltimore area.
- Real time monitoring and database parameters tuning using CHA, CNA.
- Network tuning using Ericsson RNO utilities such as NCS, MRR.

PETITIONER'S

EXHIBIT NO.

8

Traffic Planning and Analysis.

Drive test data analysis using TEMS and OptPCS.

Suggesting antenna tilts and orientations for optimization.

Resolving customer's complaints related to RF.

Coordination of all RF related issues in the network.

Employer: Teleworx Consulting Inc. USA

Position: Senior RF Engineer

Duration: April 2000 - September 2003

May 2001 - September 2003

Client: T-Mobile, New York Market USA

- Optimization of the existing high traffic PCS 1900 network (Vendor NORTEL and ERICSSON) in New York City.
- Was actively involved in optimization of RF network post 9/11 attack on New York City, thus helped the network in recovering from disaster.
- Traffic Planning and Analysis.
- Frequency Planning using Frequency Hopping.
- Database parameters tuning for providing high quality service to customers.
- Expansion of the existing low capacity sites to much higher capacity sites to avoid congestion in the system.
- Design of cell split sites to offload high traffic sites and infill sites for low coverage areas.
- Design Review Presentation for the senior management.
- Candidate site selection, ranking and evaluation.
- Coordination of all RF related issues, which comes on the way, everyday, in the world's financial capital, New York.

June 2000 - April 2001

Client: AT&T Wireless Services, Washington DC-Baltimore Market USA

- Management of all issues for the design of PCS network.
- Coordination and assistance in defining the coverage areas.
- Preparation of search rings.
- Candidate site selection, ranking and evaluation.
- Attend/present to zoning hearings, planning commission hearings, neighborhood/ pre-zoning meetings.
- Neighbor List Assignment, Frequency Plan Review, Interference Analysis.

Independent Consultant

July 1999 - December 1999

Client: Lucent Technologies Sydney, Australia

- Designed and planned GSM/DCS1800 Startup project for phase 1 and 2.
- Cell site Designing, Frequency Planning.
- Traffic Planning and Analysis.
- Micro Cell planning.
- Optimization of the network.
- Coordination of all RF related issues.

Employer: SIEMENS Public Communication networks Limited INDIA

Position: Senior Executive

Duration: April 1995 - July 1999

February 1998- June 1999

Client: Pacific Cellular Corporation (SIEMENS Germany Project in Taiwan ROC)

- Leadership role in optimization of the present GSM/DCS 1800 network of approx. 2200 sites.
- Traffic Analysis and forecast growth for phase 2 and 3.
- Addition of capacity sites, which included micro sites.
- Implementation of Interference reduction techniques, which included Frequency Hopping, Concentric Cell etc.
- Analysis of network behavior with respect to multifold subscriber increase (at a rate of 100 thousand/month).
- Training on general concepts/ new features to RF engineers.

December 1995- January 1998

Client: Essar/ Swisscom (3 Major states in India)

- GSM 900 project
- Model Tuning
- Site and Clutter Survey
- Drive Test Analysis
- Expansion of network with additional of capacity sites.
- · Traffic Analysis and Optimization.
- · Coordination of all RF related issues.

April 1995 - November 1995

Client: BPL Mobile Communication Limited, Mumbai India

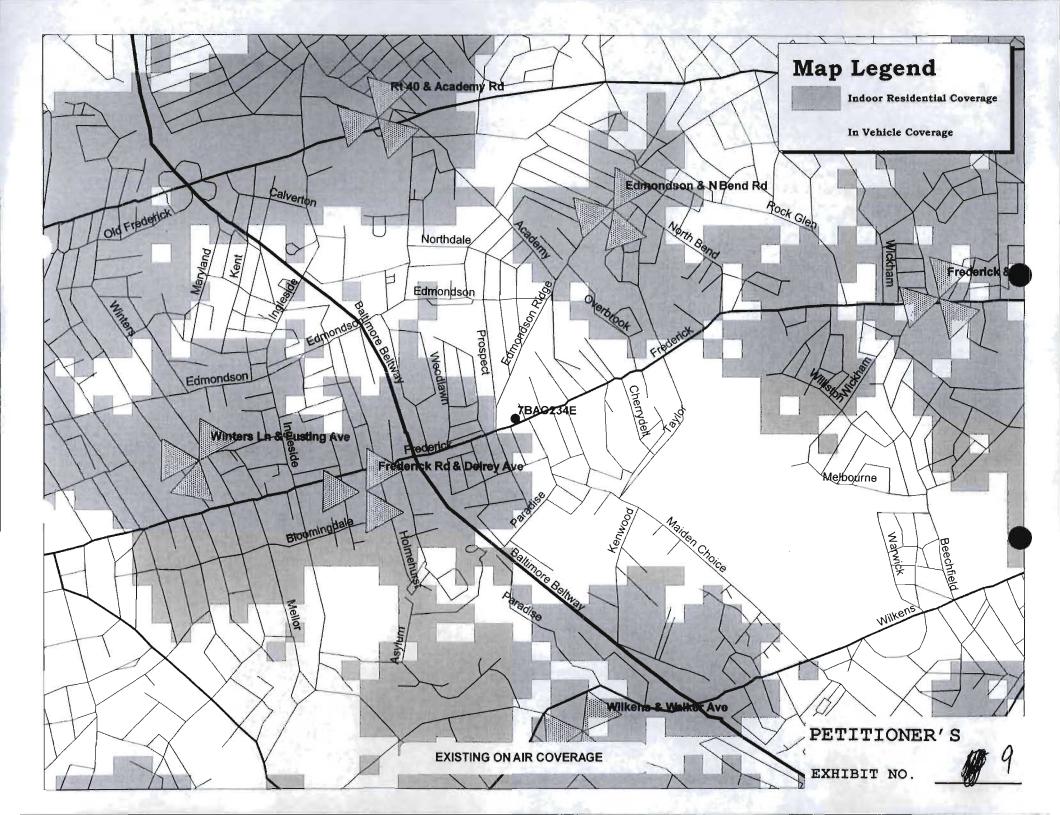
- Involved in the setup of India's first and foremost mobile networks from its inception.
 (BPL Mobile GSM 900 Network Mumbai, India)
- Base Station Commissioning: Worked on Motorola Base Station for BPL Mobile Network, Mumbai, India.
- Database creation for all the network elements in the Network.
- Worked on Motorola Operation and Maintenance Center for Radio.
- Project Coordination/Management: Worked as Project Coordinator with BPL Mobile Communication Limited, Mumbai, looking after all the issues related to the project and coordinating them with the customer/operator.
- Also worked as Assistant Project Manager with Spice telecom, Chandigarh, India.

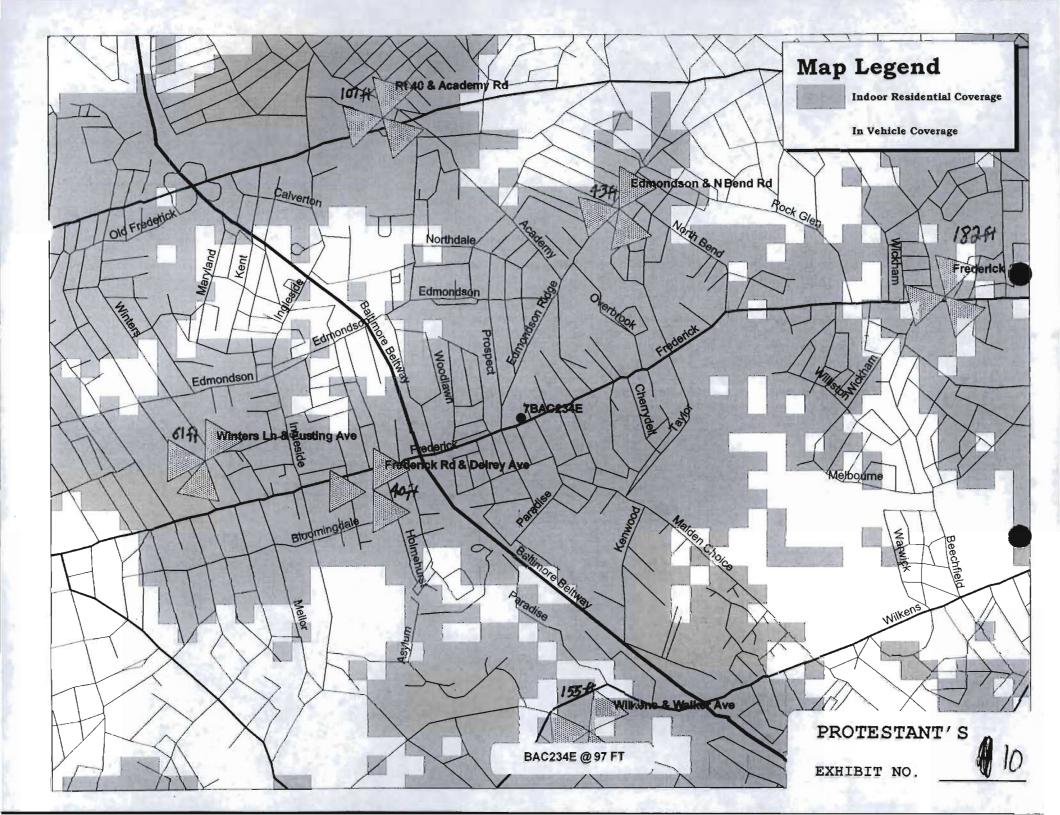
TRAINING AND SPECIALIZATION:

- Specialized in Motorola BSS for GSM
- Specialized in Siemens BSS for GSM
- Trained on UNIX operating system
- Trained on SOLARIS (system Administration)
- Specialized in Radio Network Planning and Optimization.
- Trained on Antenna Systems.
- Trained on Telecom Safety.

EDUCATIONAL QUALIFICATION (PROFESSIONAL):

Bachelor of Engineering in 'Electronics & Communication' (4 years course) from Malaviya Regional Engineering College, Jaipur, India.





Paradise Community Association 409 Shady Nook Ave Baltimore, MD 21228 December 12, 2007

To Whom It May Concern:

Judy Hess Boitz has been appointed to represent the Paradise Community Associaton in all manner regarding the discussion of cell tower located in the Paradise Section of Catonsville on Frederick Road.

Respectfully,

Dennis J. Healy

President

PROTESTANT'S

EXHIBIT NO.

Dec 11, 2006

RE: Zoning Hearing for A Special Exception For Tower Height Increase

To Whom It May Concern:

I, the resident and homeowner closest to the tower being discussed, am opposed to a height increase of the tower. The tower is already undesirable to me and the residents of my community and an increase in height would certainly make the tallest potential eyesore in the neighborhood a greater concern for aesthetics.

The tower itself, to the understanding of our community association, was constructed due to a zoning issue mostly regarding my property. At the time my home was zoned office/residential and because I was not the closest solely residential zoned property the tower was allowed by what we all considered a loophole. Since then the zoning of my home has been changed to residential only and some laws have been changed in order to prevent other towers from being erected in our community in the future.

Now our community is faced with petitioning a height increase of the same tower that we have opposed from the start. There has always been concern of the uncertainty over the health effects of long term exposure to the low level radiation from the cell phone antenna by myself, the people who work in the local businesses, and the customers that frequent them. People are also troubled about local property values and the affect it could have on our quaint neighborhoods and shopping area.

It is my hope that the opinions of myself and the local community are taken seriously and that you understand our deep concern about the height increase of the tower. There is NO neighborhood support for this kind of project by myself or the community that I live. If anything we wish the tower would be removed altogether.

Sincerely,

Jason A Cusick

3 North Paradist

PROTESTANT'S

EXHIBIT NO.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

BALTIMORE COUNTY

DATE: October 29, 2007

FROM:

Amold F. 'Pat' Keller, III

Director, Office of Planning

EXHIBIT NO.

SUBJECT:

Zoning Advisory Petition(s): Case(s) 08-084-A

The Office of Planning has reviewed the above referenced case(s) and recommends **DENIAL** of the request for the reasons stated herein.

This site is located in the Catonsville Commercial Revitalization District. Catonsville is one of thirteen commercial revitalization districts in Baltimore County that are targeted with specific county-sponsored programs to enhance the physical appearance and economic viability of the county's traditional commercial areas.

The site is also located in the historic National Road corridor. The state has designated Maryland's portion of the National Road as the Maryland Historic National Road Scenic Byway. The Baltimore County Council has endorsed the Maryland National Road Corridor Partnership Plan (see attached County Council Resolution 61-01). The purpose of the plan is to preserve the historic, scenic, and natural resources along the route, develop and enhance the route to attract visitors and increase tourism, celebrate the heritage of the corridor, and maintain the high quality of life found along the National Road.

The State Highway Administration has designed streetscape improvements along Frederick Road from Bishops Lane to the Baltimore City line. The site is located along the affected road segment. The proposed improvements will enhance the streetscape and will include new curb and gutter, sidewalks, roadway resurfacing, and landscaping.

The existing telecommunications tower facility is very unattractive. The existing monopole is not painted. The monopole and antennas are highly visible from Frederick Road. The existing facility greatly detracts from the community's appearance.

We recommend that the requested variance be denied. Allowing the requested 23-foot monopole extension and additional antennas will further adversely impact the appearance of the

community. The petitioner's request conflicts with the above-mentioned enhancement efforts by the county and the state.

If the requested variance is granted, the existing tower should be replaced with a stealth monopole where all antennas are located within the interior of the pole. Also, we recommend that the pole be painted black or another suitable color. These actions should greatly reduce the visibility of the tower from Frederick Road. An example of this type of telecommunications tower is located at 2021 Frederick Road. It was authorized under Case No. 04-449-XA.

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

Prepared By:

Division Chief:

Attachment

rbs

CASE NAME CASE NUMBER 08-084-A DATE 13/13/07

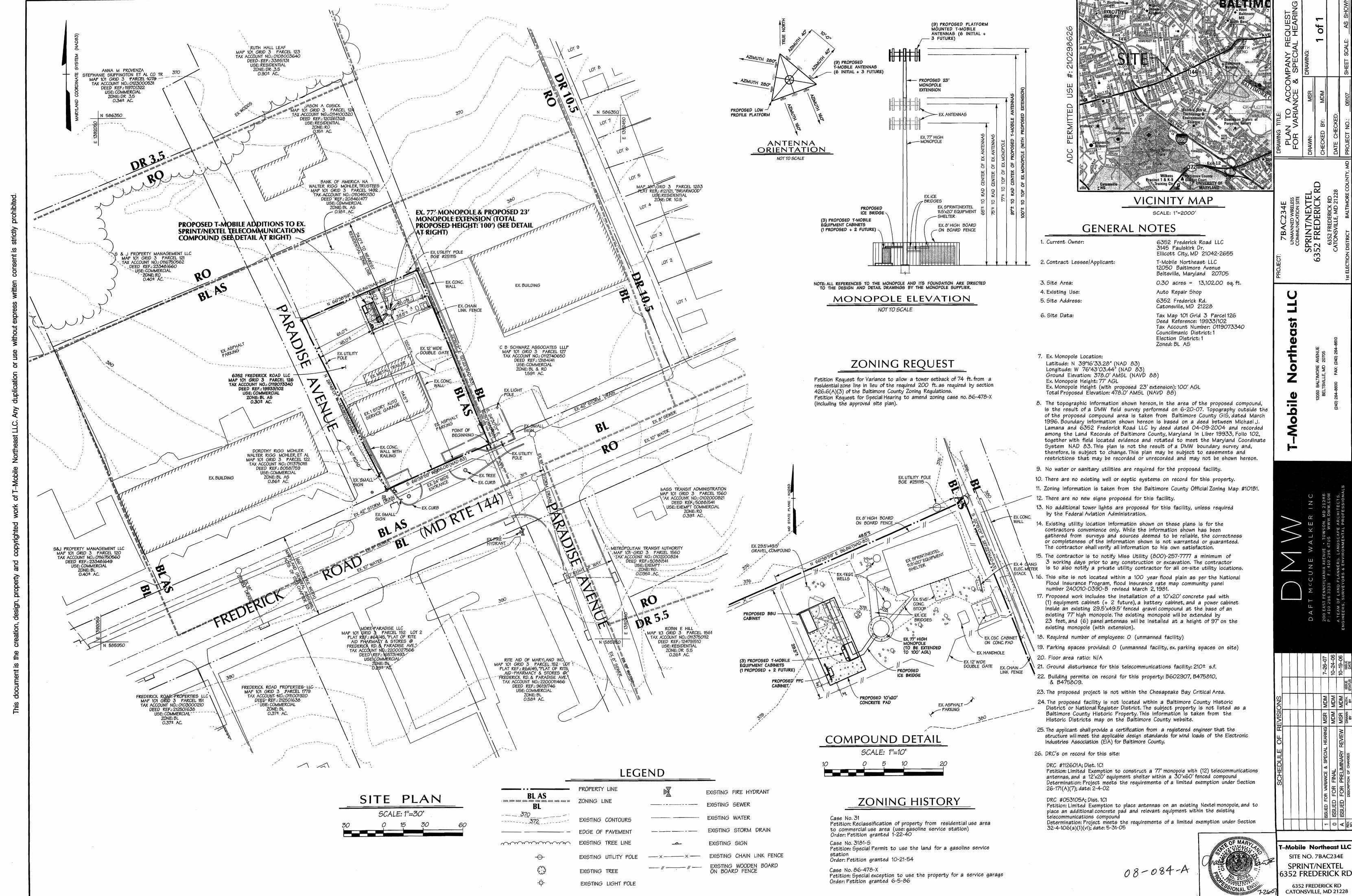
CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
JUDY HESS Boitz	ADDRESS 9 SOUTH PARADISE AND	CHTONS VILLE MD ZIZZ	hesshoitz @ Comax. ne
			•

CASE NAME CASE NUMBER OF-084-A DATE (2/13/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Mitch Kellman	10710 Glay Rol	Hent Valley MD	MKellman C Cantengong. com
MICHAEL MCGAMITY	200 E. PENNSYLVANIA PLUE	Towson, MD 21286	mmcgarity@dmw.com
Liz WEST	12050 Baltimore Ave	Beltsville MD 20705	elizabeth, west et mobile
Sean Highes	14510 Dosey Mill Rd	· · · · · · · · · · · · · · · · · · ·	Scan hughes (O donne due
	1	Glenwood mo 21730	/
-MRILLY GARG	4638 12050 Baltimore ine	Beltiple MD 20701	ainsh. gary at-websle is
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