

IN RE: **PETITION FOR VARIANCE**

N/S & S/S of White Marsh Boulevard,
(MD Rt. 43), E of Bird River Road
(2R 10223 Bird River Road)

15th Election District
6th Council District

Baltimore Gas & Electric Co.,
Legal Owner
Verizon Wireless, Lessee
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0008-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Petitioners Baltimore Gas & Electric Co. (BGE), legal owner, and Verizon Wireless, lessee, by and through their attorney, Robert A. Hoffman, Esquire with Venable LLP. The Petitioners request variances from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 4.4 feet in lieu of the required 60 feet, a side yard setback of 4.4 feet in lieu of the required 30 feet, and a rear yard setback of 14.5 feet in lieu of the required 40 feet. The subject property and requested relief are more particularly described on the two-page redlined site plan, which was submitted into evidence and marked as Petitioners' Exhibits 1A and 1B.

At the requisite public hearing, Christopher Mudd and David Karceski appeared as attorneys for Petitioners. Appearing in support of the requests were Sherri Linton, an RF engineer with Verizon, Harold Bernadzikowski, a consultant with Network Building & Consulting, and Mike McGarity, with Daft McCune and Walker, the engineering firm that prepared the site plan. There were no Protestants or other interested persons present.

DATE RECEIVED FOR FILING
Date 9-3-08
By [Signature]

Testimony and evidence offered disclosed that the 13.43± acre subject property is located adjacent to Maryland Rt. 43, just east of where Rt. 43 crosses over Bird River Road, in White Marsh. The subject property is owned entirely by BGE and is presently improved with existing power lines and supporting towers, which have been located there since approximately the 1960's. The irregularly-shaped property is split-zoned D.R.2, D.R.3.5 and B.L. and is bifurcated by Rt. 43, such that 5.89± acres of the property are located north of Rt. 43, and 7.54± acres are located south of Rt. 43. Petitioners have identified on the redlined site plan a 0.13± acre triangular-shaped "zoning area" north of Rt. 43, which is entirely zoned D.R.2. There is an existing BGE tower within this zoning area, on which Verizon intends to co-locate and install a wireless telecommunications antenna. Verizon also intends to install a shed adjacent to the existing tower, which will house equipment to support the antenna. The antenna and shed are permitted by right in the D.R.2 zone.

As outlined above, the requested variances pertain to certain yard area setbacks, which are necessary for the location of the equipment shed adjacent to the existing tower. Specifically, while the D.R.2 zone requires a 60 foot setback for front yards, a 30 foot setback for side yards, and a 40 foot setback for rear yards, the location of the proposed equipment shed requires variances for a front, side, and rear yard of 4.4 feet, 4.4 feet, and 14.5 feet, respectively. The requested variances are shown and identified on Petitioners' Exhibit 1B.

The testimony and evidence confirmed that the specific need for the variances is generated by the uniqueness of the property. This history of how the subject parcel obtained its present irregular shape establishes its uniqueness. BGE obtained the property in approximately 1957, and thereafter installed power lines and supporting towers on the property in the 1960's. Subsequently, in 2003, the State of Maryland obtained 6.5± acres of the subject property from

BY _____
DATE 9-3-08
FOR FILING

BGE in order to construct Rt. 43, right through the middle of the property. In short, an already irregularly shaped parcel became even more irregular and unique by virtue of its bifurcation following the construction of White Marsh Boulevard. Additionally, certain site constraints, including the existence of an underground gas line to the west of the tower on which Verizon intends to install its antenna, further limits the area in which the equipment shed may be located and, therefore, contributes to the uniqueness of the site.

A strict interpretation of the zoning regulations would create a practical difficulty for Verizon. Without the variances, Verizon could not install an equipment shed at this site and without an equipment shed, its antenna cannot function.

Having considered all of the evidence and proffered testimony on this issue, I am persuaded to grant the Petition for Variance. Based on my review of the redlined site plan, the aerial photograph, and the other photographic evidence, I find the requirements of B.C.Z.R. Section 307.1 to be satisfied. The requested variances are appropriate, given the uniqueness of the site. The irregular shape of the property, the existing site constraints, and, in particular, the fact that Rt. 43 bifurcates the property, together limit the location of Verizon's equipment shed to the location proposed. If not for the State having taken 6.5± acres of BGE's property in 2003 for the construction of Rt. 43, the shed could be located in an area where no variances would be necessary. Instead, variances are necessary, and that zoning relief will enable Verizon to locate its shed in the proposed location and maintain a functioning antenna, which will be done without having any impact on the surrounding properties. The photographs introduced as Petitioners' Exhibits 4A - 4B and 5A - 5C provide examples of what Verizon's proposed antenna and equipment shed will look like at this site, and I find that the installation of the small shed adjacent to the existing large tower will look virtually no different than the existing site

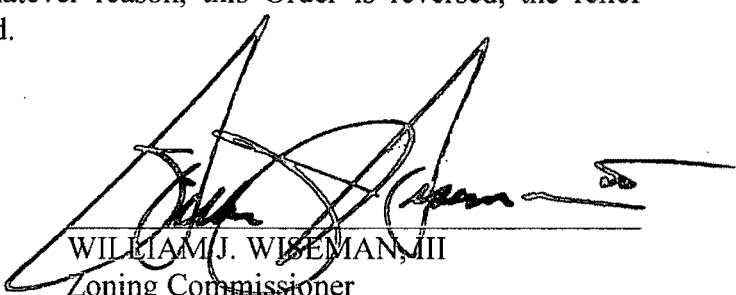
By
Date 9-3-08
FILED FOR FILING

conditions. It is also noted that vegetation to the north of the tower will limit any visibility of the shed from the properties to the north. By granting this variance, Verizon will be able to co-locate its antenna on an existing structure, as encouraged under the B.C.Z.R., rather than finding another location and constructing a new tower. As noted above, there were no Protestants present and there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County agency.

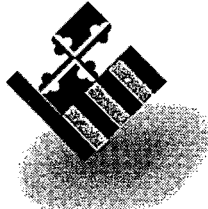
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of September 2008, that the Petition for Variance, seeking relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 4.4 feet in lieu of the required 60 feet, a side yard setback (east side) of 4.4 feet in lieu of the required 30 feet, and a rear yard setback of 14.5 feet in lieu of the required 40 feet, in accordance with Petitioners' Exhibits 1A and 1B, be and is hereby GRANTED, subject to the following restriction:

1. Petitioners may apply for building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


WILLIAM J. WISEMAN, II
Zoning Commissioner
for Baltimore County

By _____
Date 9-3-08
RECEIVED FOR PLANS



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 3, 2008

Robert A. Hoffman, Esquire
David Karceski, Esquire
Chris Mudd, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: PETITION FOR VARIANCE
N/S & S/S of White Marsh Boulevard, (MD Rt. 43), E of Bird River Road
(2R 10223 Bird River Road)
15th Election District - 6th Council District
Baltimore Gas & Electric Co., Legal Owner; Verizon Wireless, Lessee – *Petitioners*
Case No. 2009-0008-A

Dear Messrs. Hoffman, Karceski and Mudd:

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

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

Very truly yours,

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Sherri Linton, Verizon, 9000 Junction Drive, Annapolis Junction, MD 20701
Harold Bernadzikowski, Network Building & Consulting, 7380 Coca Cola Drive,
Suite 106, Hanover, MD 21076
Mike McGarity, Daft McCune and Walker, 200 East Pennsylvania Avenue,
Towson, MD 21286
People's Counsel; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2R 10223 Bird River Road
which is presently zoned DR 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached

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

To be determined at hearing

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

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

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

Contract Purchaser/Lessee:

See Attached

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman/David H. Karceski

Name - Type or Print

Robert A. Hoffman/Karceski

Signature

Venable, LLP

Company

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Legal Owner(s):

See Attached

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman, Esquire

Name

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Case No. 2009-0008-A

Office Use Only

Estimated Length of Hearing

Unavailable For Hearing

Reviewed by

Date 7-11-08

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 9-3-08

By [Signature]

Petition for Variance
2R 10223 Bird River Road

Variance from Baltimore County Zoning Regulations "BCZR" Section 1B01.2.C.1.a to permit a front yard setback of 4.4 feet in lieu of the required 60 feet.

Variance from BCZR Section 1B01.2.C.1.a to permit a side yard setback of 4.4 feet in lieu of the required 30 feet.

Variance from BCZR Section 1B01.2.C.1.a to permit a rear yard setback of 14.5 feet in lieu of the required 40 feet.

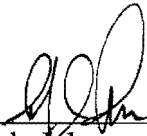
Petition for Variance
Signature Page
2R 10223 Bird River Road

Legal Owner:
Baltimore Gas & Electric Co.


Michael J. Coady, Manager
LightSpeed Communications
Baltimore Gas & Electric Co.
P.O. Box 1475
Baltimore, Maryland 21203-1475
(410) 291-5895

Petition for Variance
Signature Page
2R 10223 Bird River Road

Contract Purchaser:
Verizon Wireless



Sandy Johnson, Regional Executive Director
Verizon Wireless - Annapolis Junction Office
9000 Annapolis Junction Drive
Annapolis, Maryland 20701
(301) 512-2000

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 10428

Date: 7-11-08

THIS RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				325.00

Total: 325.00

Rec From: VENABLE, LLP

For: 2009-0008-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

MISCELLANEOUS RECEIPT
 RECEIVED BY: VENABLE, LLP
 DATE: 7/11/2008
 AMOUNT: 325.00
 BALANCE: 0.00
 BALTIMORE COUNTY, MARYLAND

**CASHIER'S
 VALIDATION**

VENABLE LLP

005619

OUR REF NUMBER	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
-------------------	------------------------	--------------	----------------	-------------	----------------	------------------

07/11/08 - \$325.00 (ADM)

16571:260307 - Verizon Wireless/White Marsh Station

Baltimore County, MD

Filing fee



Description of Zoning Area

To Accompany A Petition for Variance

Land of Baltimore Gas and Electric Company

Fifteenth Election District, Baltimore County, Maryland

Commencing for the same at a point formed by the intersection of Hill Top Road and Bird River Road, thence leaving said point and running in a southwesterly direction, binding on or near the centerline of Bird River Road a distance of 460 feet, thence in a southeasterly direction 10 feet to the east side of Bird River Road, thence South 59 degrees 12 minutes 37 seconds East 200.31 feet, thence North 12 degrees 00 minutes 38 seconds East 34.91 feet, thence South 59 degrees 12 minutes 23 seconds East 628.73 feet, thence North 17 degrees 51 minutes 30 seconds East 335.58 feet, thence South 51 degrees 19 minutes 18 seconds East 767.62 feet to the point of beginning, thence leaving said point of beginning and continuing in the same, (1) South 51 degrees 19 minutes 18 seconds East 116.14 feet, thence (2) South 82 degrees 32 minutes 42 seconds West 134.81 feet, thence (3) North 25 degrees 31 minutes 21 seconds East 99.81 feet to the point of beginning; containing 5,644 square feet or 0.130 acres of land, more or less, as now surveyed by Daft-McCune-Walker, Inc., in June 2008.

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

June 5, 2008

Project No. 07125 (L07125-1)



Michael David Martin 6/5/08

VENABLE LLP

005619

OUR REF. NUMBER	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
		07/11/08 -	\$325.00 (ADM)			
		16571:260307 -	Verizon Wireless/White Marsh Station			
		Baltimore County, MD				
		Filing fee				

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: # 2009-0008-A

2R 10223 Bird River Road

Right-of-way on E/side of Whitmarsh Blvd and Bird River Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Baltimore Gas & Electric Co., by Michael Coady, Manager

Contract Purchaser(s): Verizon Wireless by Sandy Johnson, Executive Director

Variance: to permit a front yard setback of 4.4 feet in lieu of the required 60 feet. To permit a side yard setback of 4.4 feet in lieu of the required 30 feet. To permit a rear yard setback of 14.5 feet in lieu of the required 40 feet.

Hearing: Wednesday, August 27, 2008 at 9:00 a.m. in Room 104, Jefferson Building, 105 W. 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 8/633 August 12

180618

CERTIFICATE OF PUBLICATION

8/14/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/12/2008.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 2009-0008-A

Petitioner/Developer: _____

Verizon Wireless by Sandy Johnson

Date of Hearing/Closing: 27 Aug 08

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

ATTN: Kristen Matthews ((410) 887-3394)

Ladies and Gentlemen:

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

2R 10223 Bird River Road

The sign(s) were posted on 12 Aug 08
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster) _____ (Date) _____

SSG Robert Black

(Print Name)

1508 Leslie Road

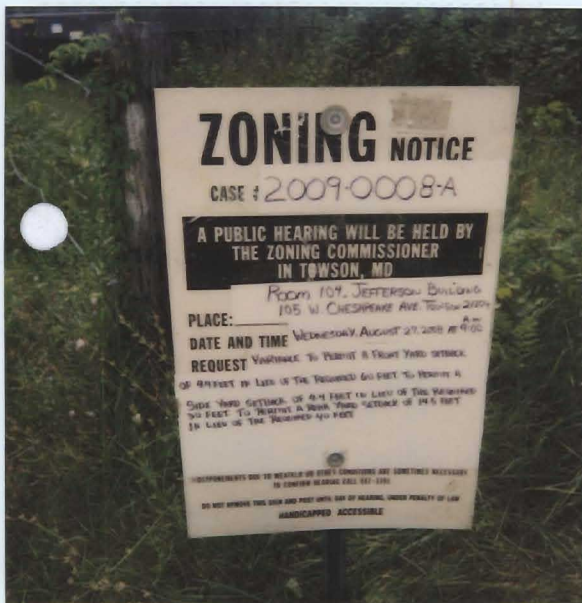
(Address)

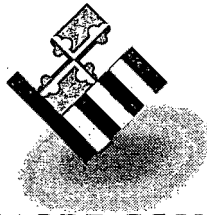
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 29, 2008
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: 2009-0008-A

2R 10223 Bird River Road

Right-of-way on E/side of Whitemarsh Blvd and Bird River Road

15th Election District – 6th Councilmanic District

Legal Owners: Baltimore Gas & Electric Co., by Michael Coady, Manager

Contract Purchaser: Verizon Wireless by Sandy Johnson, Executive Director

Variance to permit a front yard setback of 4.4 feet in lieu of the required 60 feet. To permit a side yard setback of 4.4 feet in lieu of the required 30 feet. To permit a rear yard setback of 14.5 feet in lieu of the required 40 feet.

Hearing: Wednesday, August 27, 2008 at 9:00 a.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, 210 Allegheny Avenue, Towson 21204
Michael Coady, BG & E, P.O. Box 1475, Baltimore 21203-1475
Sandy Johnson, Verizon Wireless, 9000 Annapolis Junction Drive, Annapolis 20701

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 12, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 12, 2008 Issue - Jeffersonian

Please forward billing to:
Robert Hoffman
210 Allegheny Avenue
Towson, MD 21204

410-494-6200

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0008-A

2R 10223 Bird River Road

Right-of-way on E/side of Whitemarsh Blvd and Bird River Road

15th Election District –6th Councilmanic District

Legal Owners: Baltimore Gas & Electric Co., by Michael Coady, Manager

Contract Purchaser: Verizon Wireless by Sandy Johnson, Executive Director

Variance to permit a front yard setback of 4.4 feet in lieu of the required 60 feet. To permit a side yard setback of 4.4 feet in lieu of the required 30 feet. To permit a rear yard setback of 14.5 feet in lieu of the required 40 feet.

Hearing: Wednesday, August 27, 2008 at 9:00 a.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 0008

Petitioner: BGE

Address or Location: 2R 10223 Bird River Rd.

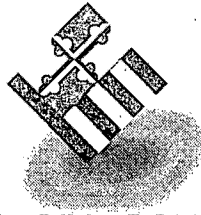
PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT Hoffman, Esq.

Address: 210 ALLEGHENY Avenue.

TOWSON, Md. 21204

Telephone Number: 410-494-6200



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 22, 2008

Robert A. Hoffman & David H. Karceski
Venable, LLC
210 Allegheny Ave.
Towson, MD 21204

Dear: Robert A. Hoffman & David H. Karceski

RE: Case Number 2009-0008-A, 10223 Bird River Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 11, 2008. 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Michael J. Coady: P.O. Box 1475, Baltimore, MD 21203
Sandy Johnson, 9000 Annapolis Junction Dr., Annapolis, MD 20701

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 28, 2008

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

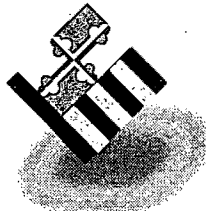
SUBJECT: Zoning Advisory Committee Meeting
For July 28, 2008
Item Nos. 2008-0588, 2009-0001, 0002, 0004,
0005, 0006, 0007, 0008, 0009, and 0010

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

DAK:CEN:lrk

cc: File

ZAC-07282008-NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 22, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 21, 2008

Item No.: 2008-0570-A, 2008-0588-SPH, 2008-0600-SPHA, 2009-001-A,
2009-0002-A, 2009-0003-A, 2009-0004-A, 2009-0005-A,
2009-0006-A, 2009-0008-A, 2009-0009-A and 2009-0010-A

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 8, 2008

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

RECEIVED
AUG 18 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-008-Variance**

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

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

Prepared By: _____

Curtis Murray

Division Chief: _____
CM/LL

Lynn Lankham

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination JWL
DATE: August 19, 2008
SUBJECT: Zoning Item # 09-008-A
Address 10223 Bird River Road
(Baltimore Gas & Electric Company Property)

RECEIVED
AUG 19 2008

BY:

Zoning Advisory Committee Meeting of July 21, 2008

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

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

☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

☐ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

☐ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Regina Esslinger

Date: August 14, 2008



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 7-29-2008

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

RE: Baltimore County
Item No 2009-0008-A
10223 BIRD RIVER RD
VERIZON WIRELESS
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. ~~2009-0008-A~~

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

Very truly yours,

Fos Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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



RE: PETITION FOR VARIANCE * BEFORE THE
10223 Bird River Road; Right of way E/S *
Whitemarsh Blvd & Bird River Rd * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Baltimore Gas & Electric * FOR
Contract Purchaser(s): Verizon Wireless *
Petitioner(s) * BALTIMORE COUNTY
* 09-008-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.

RECEIVED

JUL 30 2008

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 2R 10223 Bird
CASE NUMBER 09-~~2008~~-A River Rd
DATE 8/27/08
LET _____

[illegible]

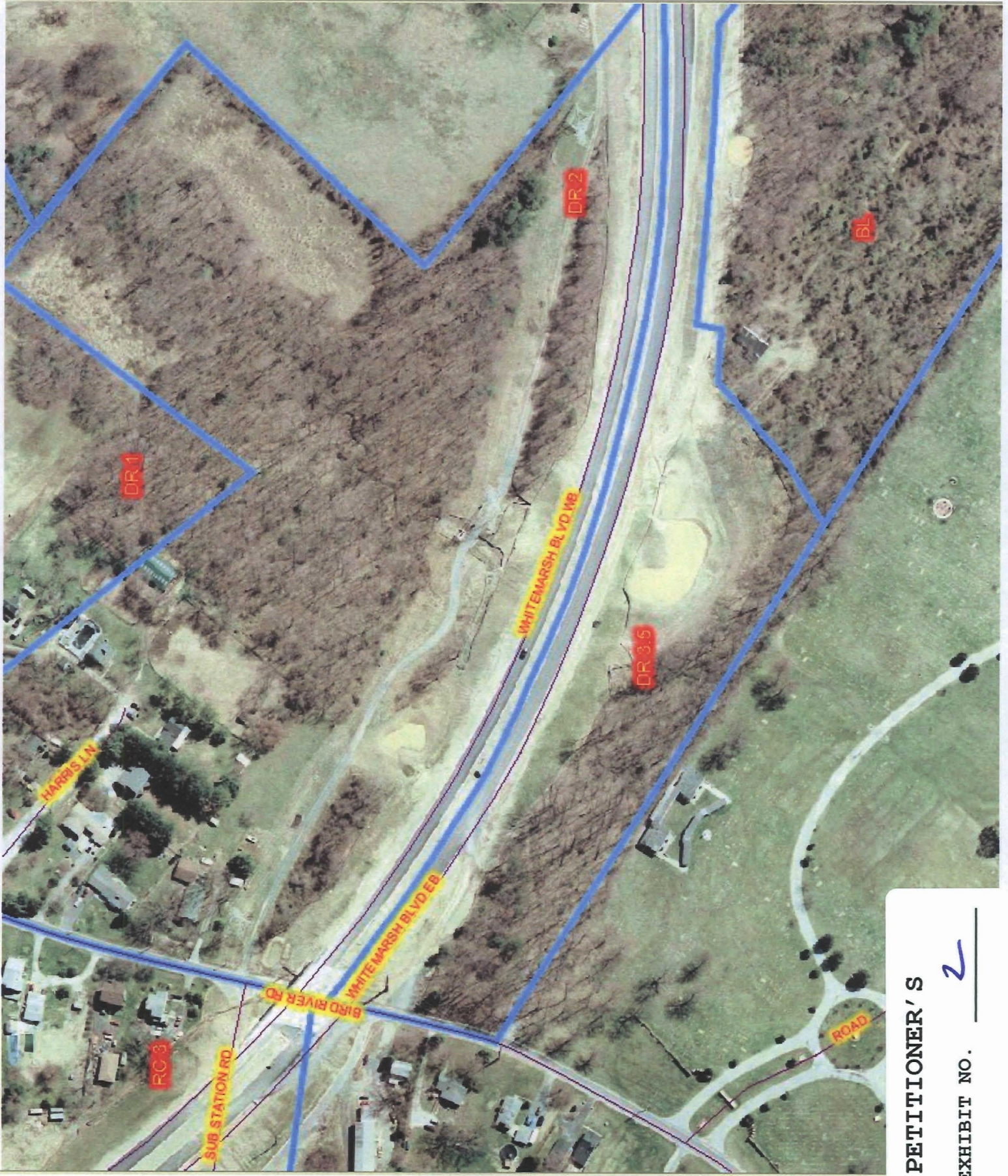
Case No.: 2009 - 0008 - ABIRD RIVER RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1 Reel lined	1A - Z1 SITE PLAN 1B - Z2 - SITE PLAN	
No. 2	Aerial Map	
No. 3 A thru C	Photographs ^{EXISTING} CONDITIONS	
No. 4 A thru B	Proposed Conditions Photo's	
No. 5 A thru C	Equipment Shed Proposed	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO.

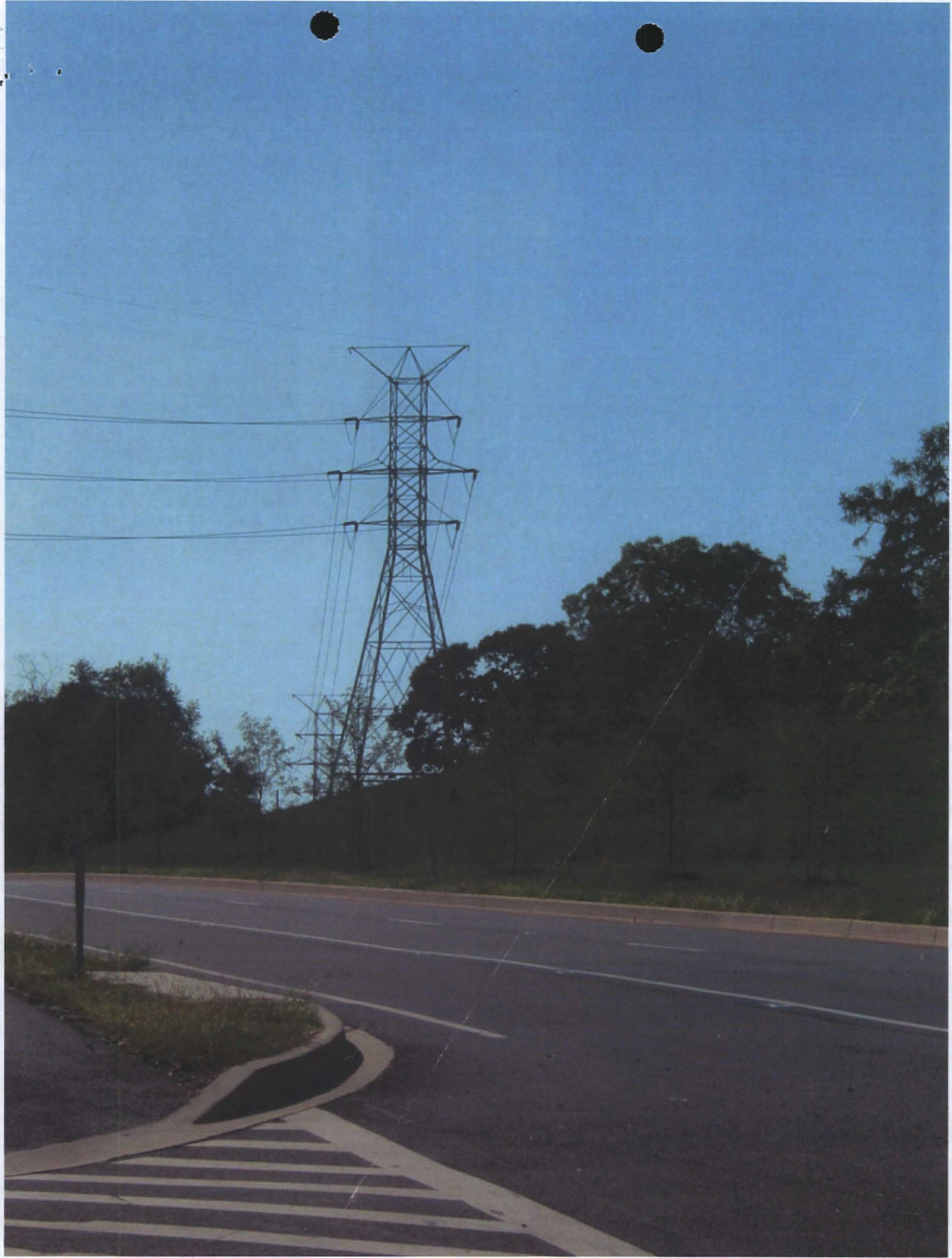
2

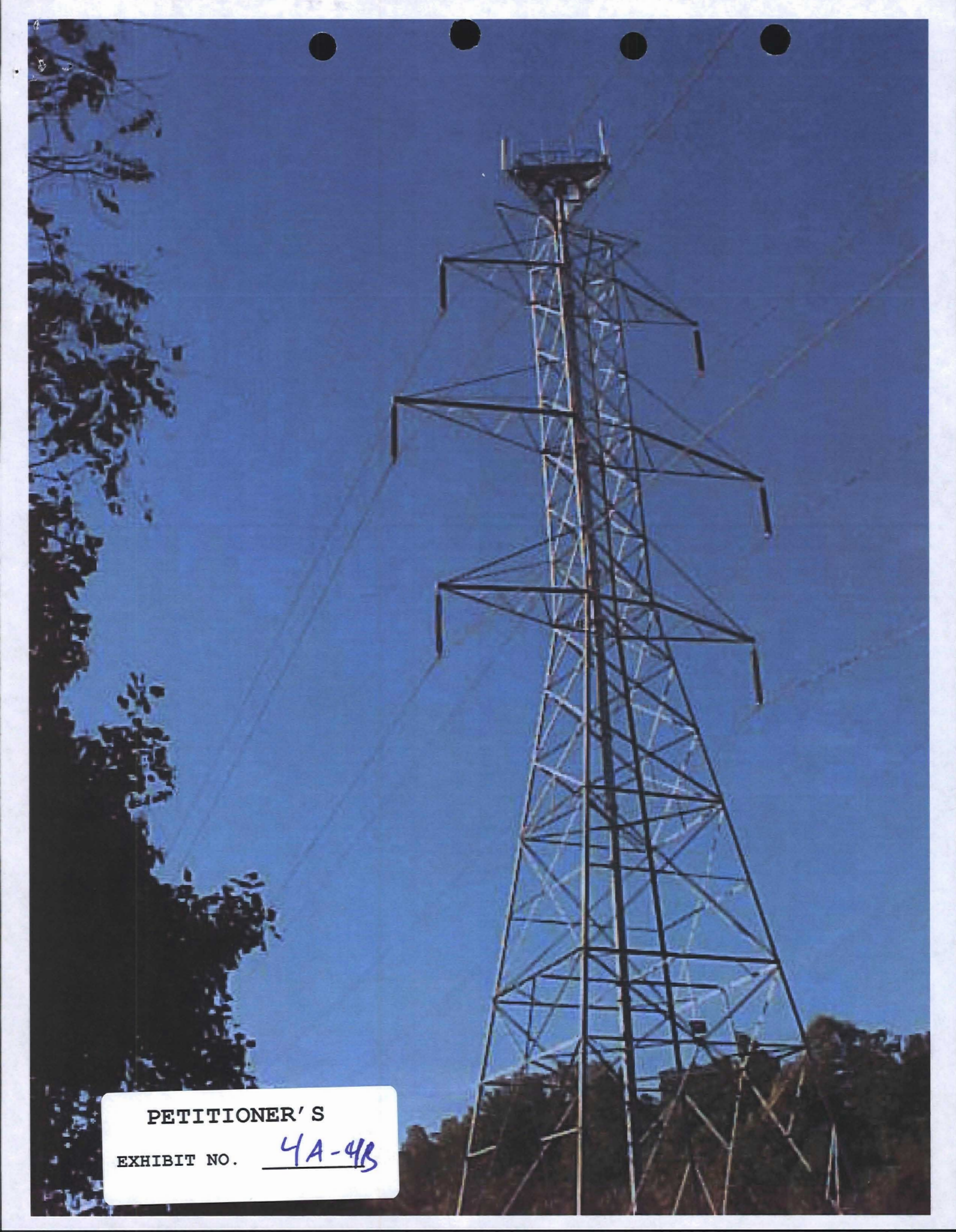


PETITIONER'S

EXHIBIT NO. 3A-3C







PETITIONER'S

EXHIBIT NO. 4A-4B



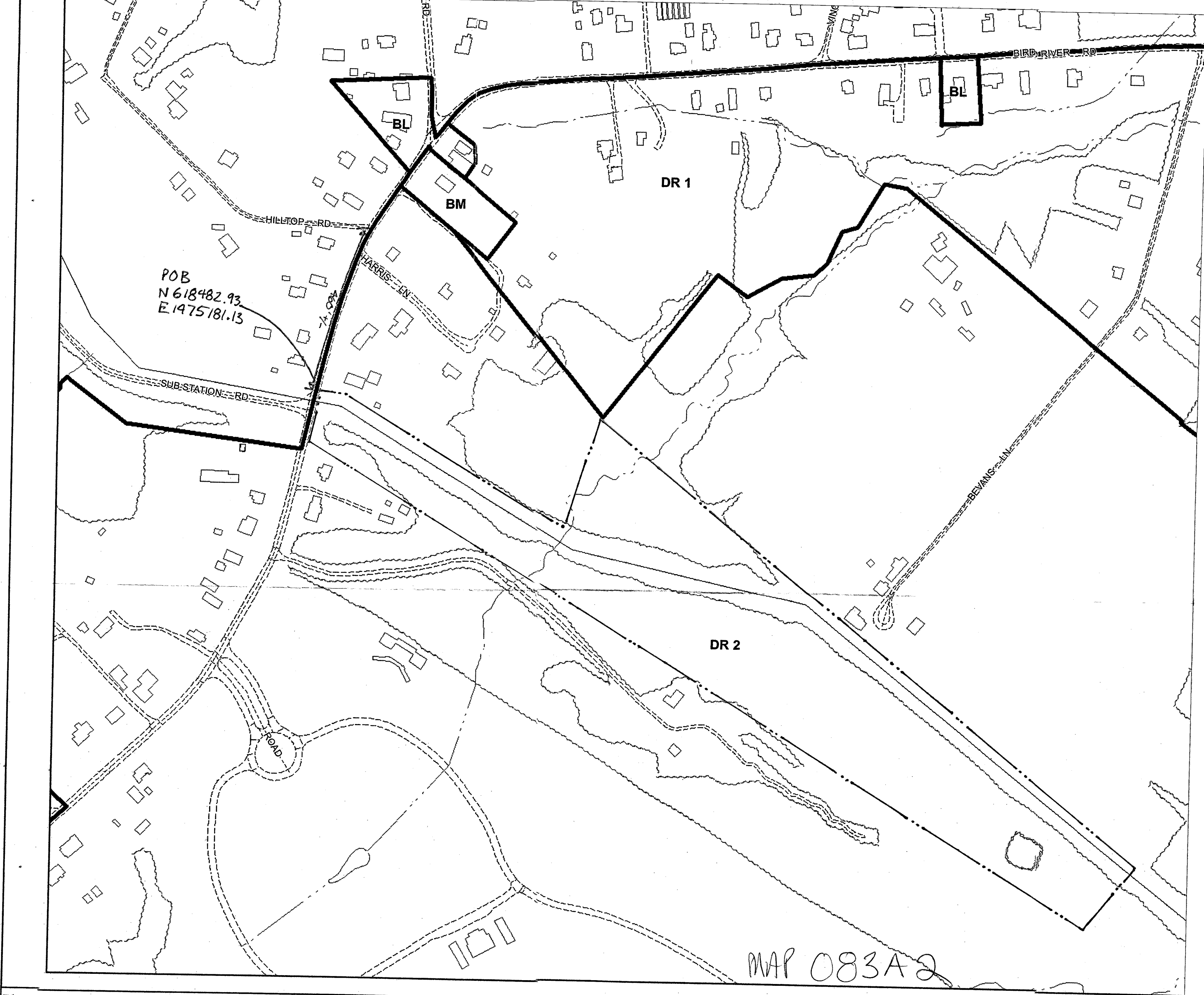


PETITIONER' S

EXHIBIT NO. 5A-5C







Plan Sheet: 083A2

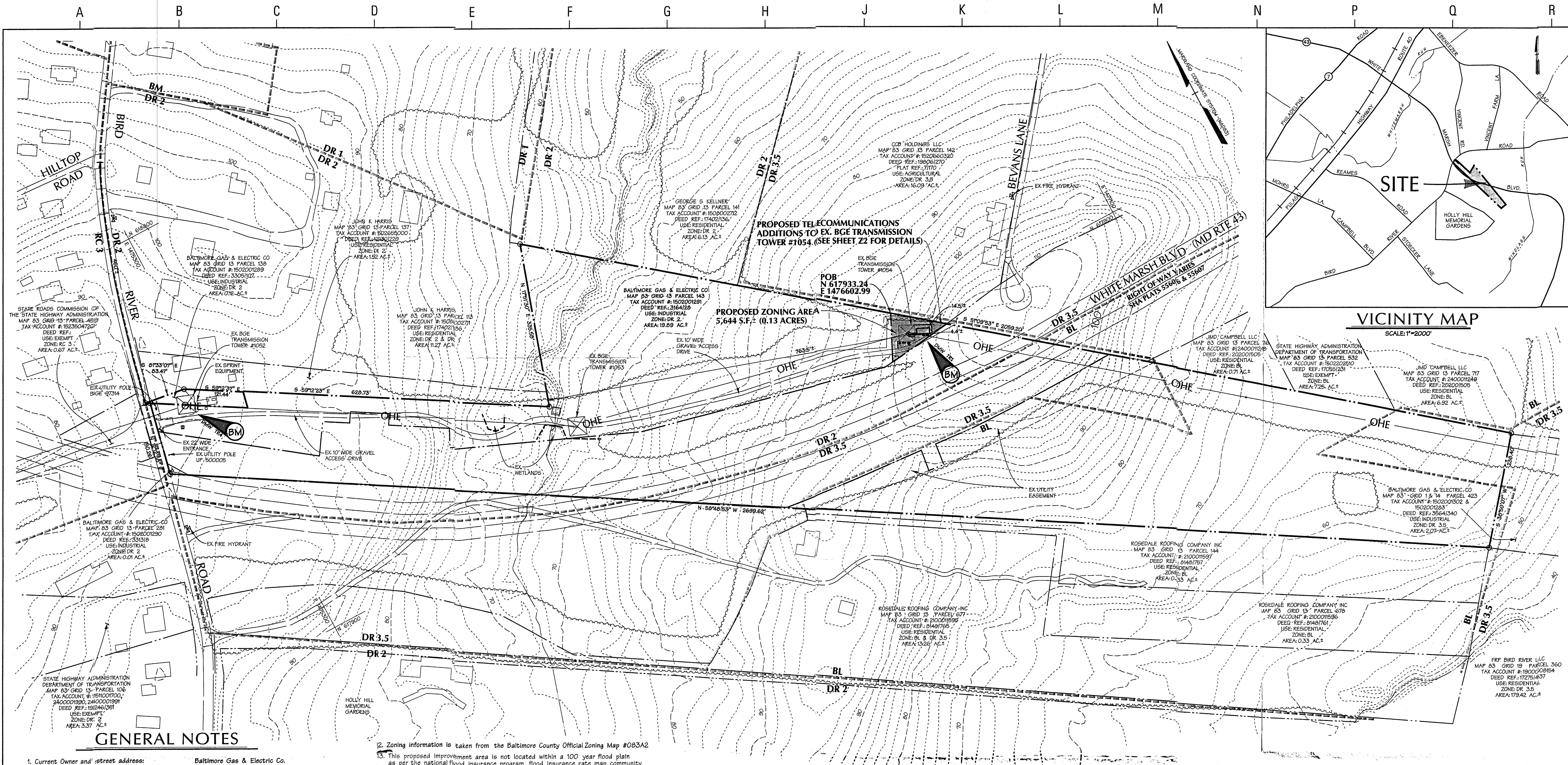
Note:

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

Legend

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

Baltimore County
Office of Planning and
Official Zoning M



GSE
GLOCK SMIDT
ENGINEERING, INC.
1374 W. JARRETTVILLE ROAD
FOREST HILL, MARYLAND 21050
PHONE: 410.893.9293
FAX: 410.893.9296
WWW.GSEI.COM

DMW
DAFT MCCUNE WALKER INC
200 EAST PENNSYLVANIA AVENUE, SUITE 200
BALTIMORE, MARYLAND 21202
PHONE: 410.526.1246
FAX: 410.526.1247
WWW.DMW-INC.COM
ARCHITECTS
ENGINEERS SURVEYORS & ENVIRONMENTAL PROFESSIONALS

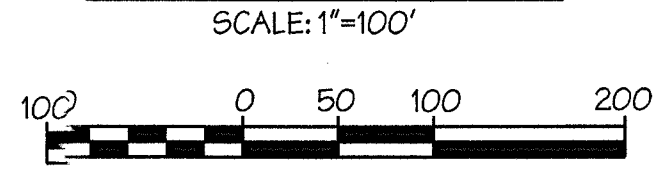
verizon wireless
WHITE MARSH STATION (BGE TOWER #1054)
2R 10223 BIRD RIVER ROAD WHITE MARSH, MD 21220
ELECTION DISTRICT 15
BALTIMORE COUNTY, MD

GENERAL NOTES

- Current Owner and street address: Baltimore Gas & Electric Co.
Tax Accounting Unit
P.O. Box 1475
Baltimore, MD 21203-1475
- Contract Lessee/Applicant: Verizon Wireless
9000 Junction Dr.
Annapolis Junction, MD 20701
Phone: 301-512-2000
Fax: 301-512-2186
Portion North of RT 43 (Subject Site): 5.89 AC
Fee Simple to SHA (DEED 18682/009): 6.46 AC
Portion South of RT 43: 7.54 AC
Total: 19.89 AC
- Site Area: 5,644 SF± (0.13 Acres)
- Zoning Area: Transmission Lines
- Existing Use: 2R 10223 Bird River Road
White Marsh, MD 21220
- Site Data: Tax map 83, Grid 13, Parcel 143
Deed Reference: 3164/28
Tax Account Number: 1502001291
Councilmanic District: 6
Election District: 15
Zoned: DR 2, DR 3.5, BL
- Ex. Transmission Tower Location: Latitude: 39°21'42.48"N (NAD 83)
Longitude: 76°25'08.36"W (NAD 83)
Ground Elevation at Ex. Transmission Tower: 101'± AMSL
Proposed Antenna Height (top of antennas): 122'± AGL
Total Elevation (top of antennas): 223'± AMSL
- The topography shown herein, in the area of the proposed additions, is the result of a field survey performed by DMW on December 10, 2007. The topography shown outside the area of the proposed additions, is taken from Baltimore County digital GIS, dated March 1995. Boundary information shown herein is based upon a deed recorded among the Land Records of Baltimore County in Liber 3164, Folio 28, and SHA plats 55606 & 55607, together with field located evidence and rotated to meet the Maryland Coordinate System NAD-83(1991). This plan is not the result of a DMW boundary survey and, therefore, is subject to change. This plan was prepared without the benefit of a title report. This plan is subject to all easements and restrictions either recorded or unrecorded and may or may not be shown herein.
- Proposed work includes the installation of a proposed 11'-7"x26" equipment shelter on concrete piers at the base of an ex. 107 high transmission tower. (12) proposed antennas will be installed at a height of 118' on a proposed Fort Worth Tower extension to the ex. transmission tower. A proposed CSC cabinet, electric service backboard, and electric transformer are to be installed at the base of the existing tower.

- Zoning information is taken from the Baltimore County Official Zoning Map #083A2
- This proposed improvement area is not located within a 100 year flood plain as per the National Flood Insurance Program, Flood Insurance rate map community panel number 240010-0435-B revised March 2, 1981.
- Ground disturbance limited to 1331± sq. ft.
- There are no new signs proposed for this facility.
- No additional lights are proposed for this facility, unless required by the Federal Aviation Administration.
- Existing utility location information shown on these plans is for the contractors convenience only. While the information shown has been gathered from surveys and sources deemed to be reliable, the correctness or completeness of this information shown is not warranted or guaranteed. The contractor shall verify all information to his own satisfaction.
- The contractor is to notify Miss Utility 1-800-257-7777 a minimum of 3 working days prior to any construction or excavation. The contractor is to also notify a private utility contractor for all on-site utility locations.
- Required number of employees: 0 (unmanned facility)
- Required number of parking spaces: 0 (unmanned facility)
- No water or sanitary utilities are required for the proposed telecom installation.
- The applicant shall provide a certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Baltimore County.
- The subject property is not within the Chesapeake Bay Critical Area.
- Class "A" screening to be provided if required by the Baltimore County.
- Applicant agrees to section 426.6 D & E in Baltimore County Zoning Regulations.
- The proposed facility is not located within a County Historic or National Register District. The subject property is not listed as a Baltimore County Historic Property. This information was obtained from the Baltimore County website historic property map.
- There is no ex. well or septic on record for this property.
- There are no zoning cases on record for this property.
- Current DRC File #021908E
- No current building Permit numbers were found on record.

SITE PLAN



EQUIPMENT SHELTER SETBACKS

SETBACK	REQUIRED	PROVIDED
FRONT	60'	44'±
SIDE	30'	76.5'±
REAR	40'	14.5'±

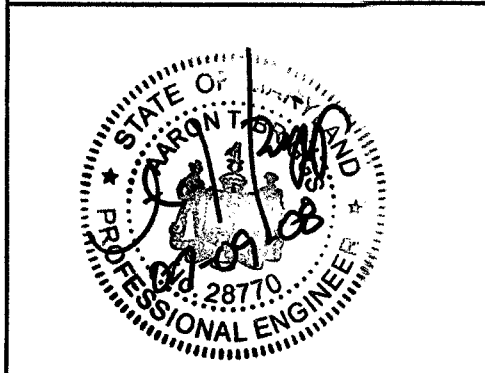
LEGEND

- Property Line
- Existing Contours
- Existing Edge of Drive or Road
- Existing Fence Line
- Existing Treeline
- Existing Gas Line
- DMW Bench Mark
- Existing Overhead Electrical Lines
- Existing Utility Pole
- Existing Zone Line
- Existing Easement
- Existing Wetlands
- Existing Stream
- Existing Fire Hydrant
- Zoning Area

BENCHMARKS

DESCRIPTION
TR1 CAP & REBAR N 617846.648 E 1476642.294 ELEV. 105.15
TR4 CAP & REBAR N 618416.346 E 1475256.994 ELEV. 90.23

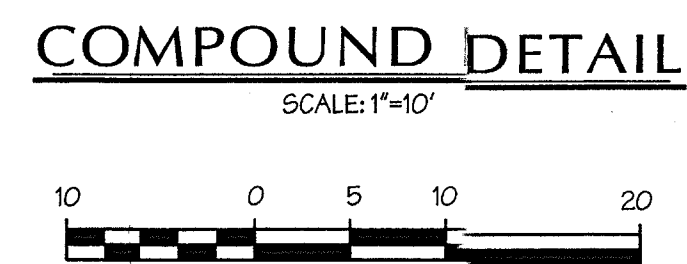
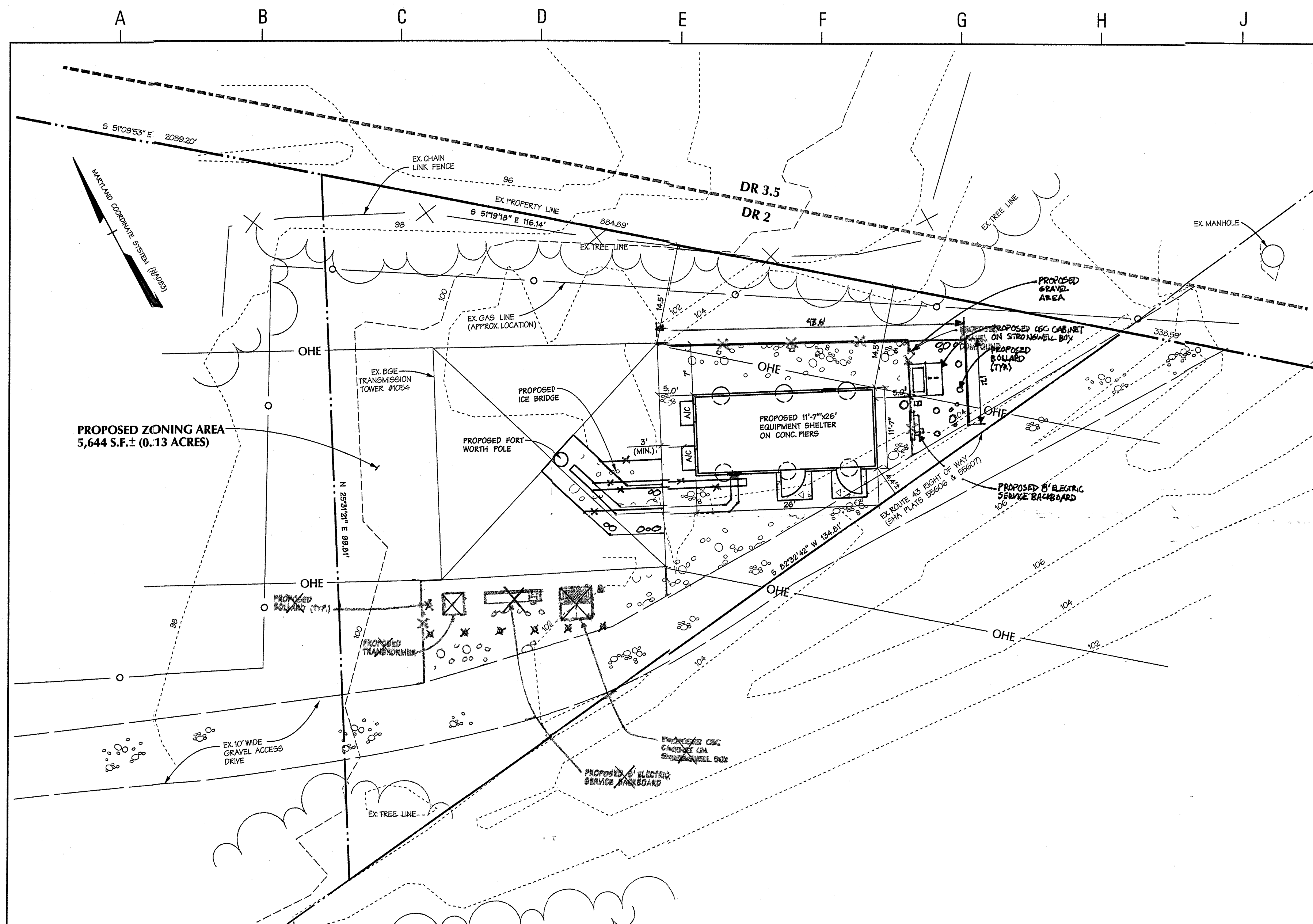
PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 28770
EXPIRATION DATE: 5-14-09



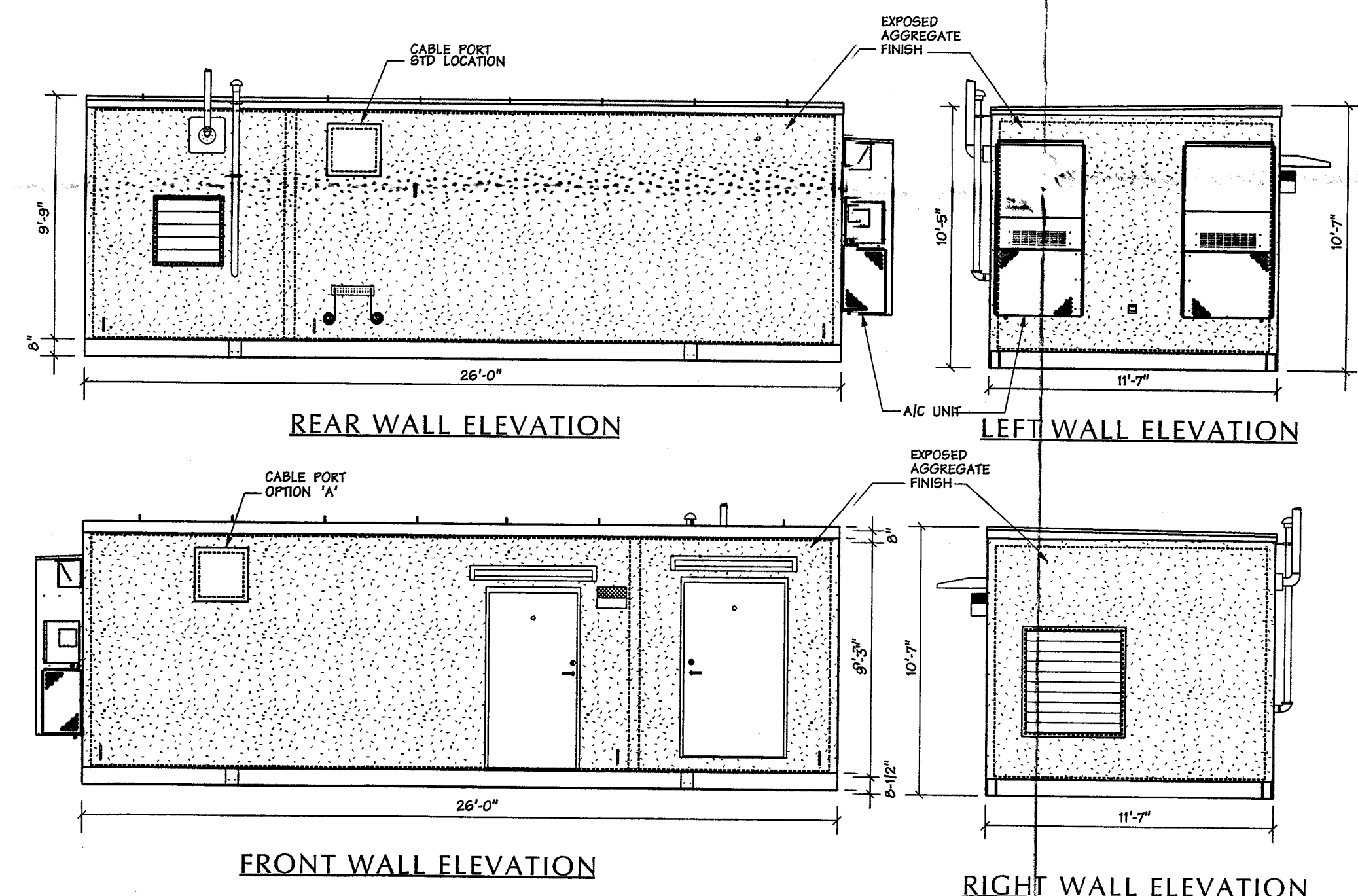
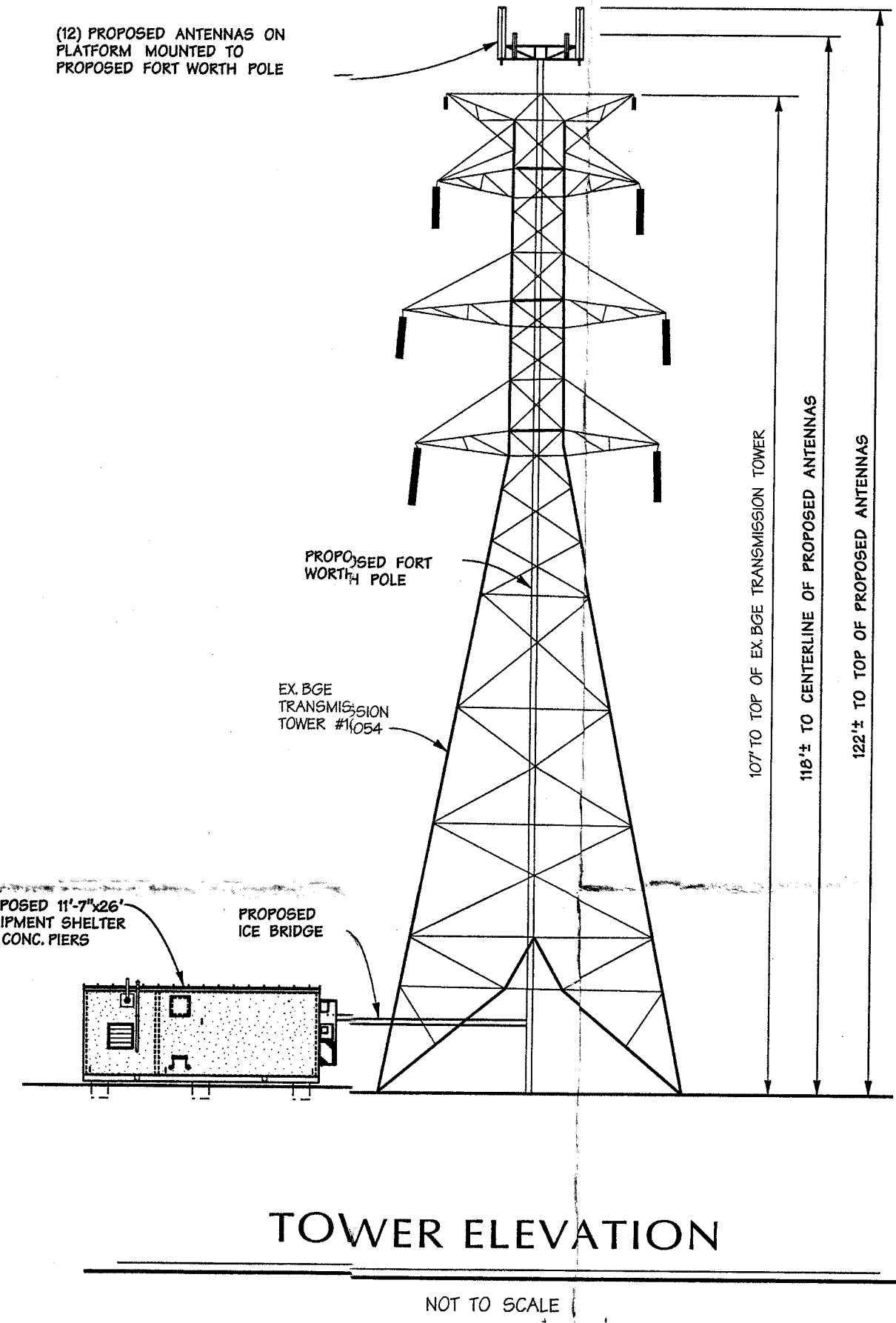
REVISIONS:	
NO.	DESCRIPTION
1	ZONING
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	

LAST REV.:
PROJECT NO: 07125
DATE:
SCALE: AS SHOWN
TITLE:
PLAN TO ACCOMPANY
PETITION FOR
VARIANCE
SHEET:
Z-1

7/8/2008 gshbbs c:\pdm\07125.dwg



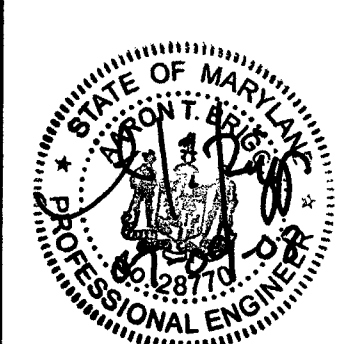
LEGEND	
	Property Line
	Existing Contours
	Existing Edge of Drive or Road
	Existing Fence Line
	Existing Treeline
	Existing Gas Line
	Existing Overhead Electrical Lines
	Existing Utility Pole
	Existing Zone Line
	Existing Easement
	Existing Wetlands
	Existing Stream



SHELTER EXTERIOR ELEVATIONS
DIMENSIONS SHOWN ARE FOR REFERENCE ONLY

PETITIONER'S
EXHIBIT NO. 18

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NO. 28770
EXPIRATION DATE: 6-14-09



REVISIONS:		
NO.	DESCRIPTION	DATE
1	ZONING	6-9-08

LAST REV.:
PROJECT NO: 07125
DATE:
SCALE: AS SHOWN
TITLE:
PLAN TO ACCOMPANY
PETITION FOR
VARIANCE

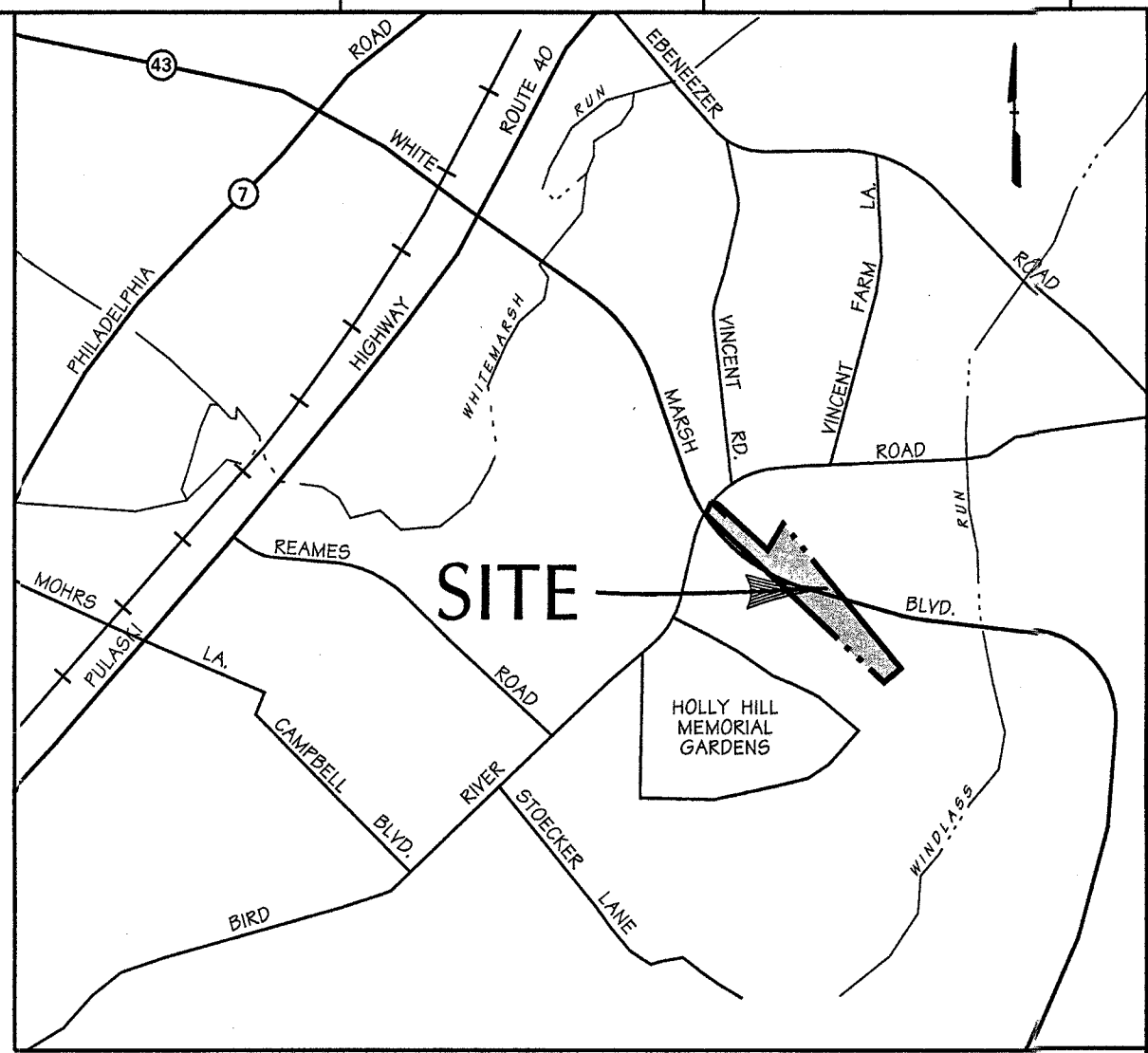
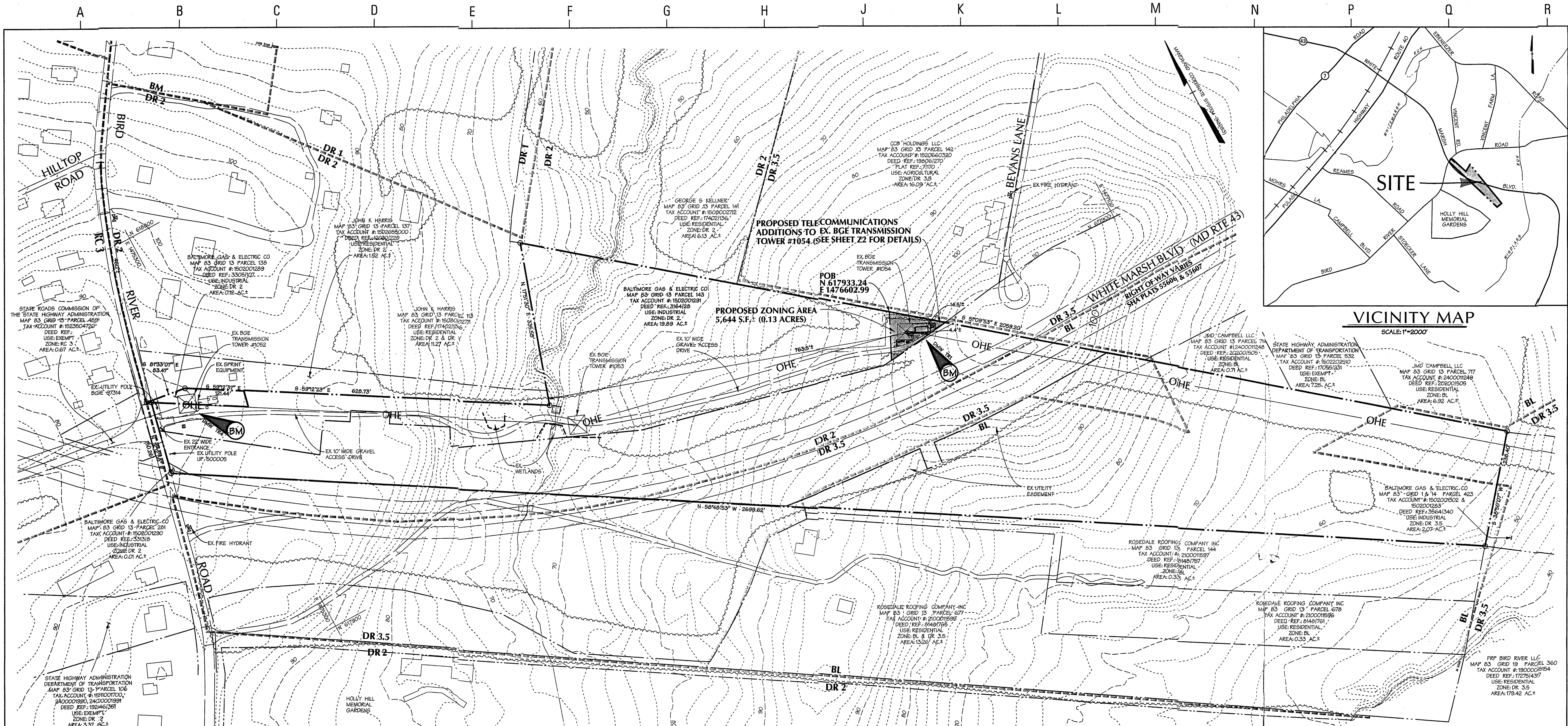
SHEET:
Z-2

GSE
GLOCK SMIDT
ENGINEERING, INC.
1374 W. JARRETTVILLE ROAD
FOREST HILL, MARYLAND 21050
PHONE: 410.893.9293
FAX: 410.893.9295
WWW.GSEI.COM

DMW
DAFT MCCUNE WALKER INC
200 EAST JENNINGSVILLE AVENUE - TIMonium, MD 21146
P: 410.298.3333 F: 410.298.4705 WWW.DMW.COM
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

verizon wireless
WHITE MARSH STATION (BGE TOWER #1054)
2R 10223 BIRD RIVER ROAD WHITE MARSH, MD 21220
ELECTION DISTRICT 15

BALTIMORE COUNTY, MD

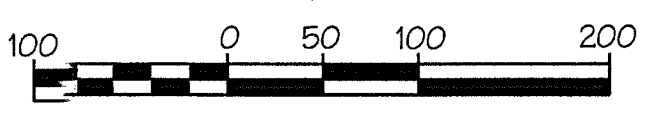


GENERAL NOTES

- Current Owner and street address: Baltimore Gas & Electric Co. Tax Accounting Unit PO Box 1475 Baltimore, MD 21203-1475
- Contract Lessee/Applicant: Verizon Wireless 9000 Junction Dr. Annapolis Junction, MD 20701 Phone: 301-512-2200 Fax: 301-512-2186 Portion North of RT 43 (Subject Site): 5.89 AC Fee Simple to SHA (DEED 18682/009): 6.46 AC Portion South of RT 43: 7.54 AC Total: 19.89 AC
- Site Area: 5,644 SF± (0.13 Acres)
- Existing Use: Transmission Lines
- Site Address: 2R 10223 Bird River Road White Marsh, MD 21220
- Site Data: Tax map 83 Grid 13 Parcel 143 Deed Reference: 3164/28 Tax Account Number: 1502001291 Councilmanic District: 6 Election District: 15 Zoned: DR 2, DR 3.5, BL
- Ex. Transmission Tower Location: Latitude: 39°21'42.48"N (NAD 83) Longitude: 76°25'08.36"W (NAD 83) Ground Elevation at Ex. Transmission Tower: 101'± AMSL Proposed Antenna Heights (top of antennas): 122'± AGL Total Elevation (top of antennas): 223'± AMSL
- The topography shown hereon, in the area of the proposed additions, is the result of a field survey performed by DMW on December 10, 2007. The topography shown hereon, outside the area of the proposed additions, is taken from Baltimore County digital GIS, dated March 1995. Boundary information shown hereon is based upon a deed recorded among the Land Records of Baltimore County in Liber 3164, Folio 28, and SHA plate 55606 & 55607, together with field located evidence and rotated to meet the Maryland Coordinate System NAD-83(1991). This plan is not the result of a DMW boundary survey and, therefore, is subject to change. This plan was prepared without the benefit of a title report. This plan is subject to all easements and restrictions either recorded or unrecorded and may or may not be shown hereon.
- Proposed work includes: the installation of a proposed 11'x26' equipment shelter on concrete piers at the base of an ex. 107' high transmission tower; (2) proposed antennas will be installed at a 6' height of 118' on a proposed Fort Worth Tower extension to the ex. transmission tower; A proposed CSC cabinet, electric service backboard, and electric transformer are to be installed at the base of the existing tower.
- Zoning information is taken from the Baltimore County Official Zoning Map #083A2
- This proposed improvement area is not located within a 100 year flood plain as per the national flood insurance program, flood insurance rate map community panel number 240010-0435-B revised March 2, 1981.
- Ground disturbance limited to 133± sq. ft.
- There are no new signs proposed for this facility.
- No additional lights are proposed for this facility, unless required by the Federal Aviation Administration.
- Existing utility location information shown on these plans is for the contractors convenience only. While the information shown has been gathered from surveys and sources deemed to be reliable, the correctness or completeness of the information shown is not warranted or guaranteed. The contractor shall verify all information to his own satisfaction.
- The contractor is to notify Miss Utility 1-800-257-7777 a minimum of 3 working days prior to any construction or excavation. The contractor is to also notify a private utility contractor for all on-site utility locations.
- Required number of employees: 0 (unmanned facility)
- Required number of parking spaces: 0 (unmanned facility)
- No water or sanitary utilities are required for the proposed telecom installation.
- The applicant shall provide a certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Baltimore County.
- The subject property is not within the Chesapeake Bay Critical Area.
- Class "A" screening to be provided if required by the Baltimore County.
- Applicant agrees to Section 426.6 D & E in Baltimore County Zoning Regulations.
- The proposed facility is not located within a County Historic or National Register District. The subject property is not listed as a Baltimore County Historical Property. This information was obtained from the Baltimore County website historic property map.
- There is no ex. well or septic on record for this property.
- There are no zoning cases on record for this property.
- Current DRC File #021900E
- No current building permit numbers were found on record.

SITE PLAN

SCALE: 1"=100'



EQUIPMENT SHELTER SETBACKS		
SETBACK	REQUIRED	PROVIDED
FRONT	60'	4.4'±
SIDE	30'	763.5'±
SIDE	30'	4.4'
REAR	40'	14.5'±

LEGEND

- Property Line
- Existing Contours
- Existing Edge of Drive or Road
- Existing Fence Line
- Existing Tree Line
- Existing Gas Line
- DMW Bench Mark
- Existing Overhead Electrical Lines
- Existing Utility Pole
- Existing Zone Line
- Existing Easement
- Existing Wetlands
- Existing Stream
- Existing Fire Hydrant
- Zoning Area

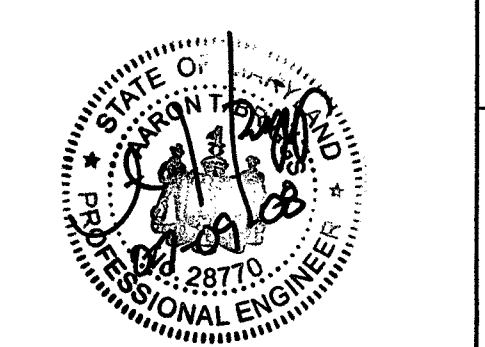
BENCHMARKS

DESCRIPTION

TRI CAP & REBAR N 617846.648 E 1476642.294 ELEV. 105.15	TR4 CAP & REBAR N 618416.346 E 1475256.934 ELEV. 90.23
---	--

PETITIONER'S
EXHIBIT NO. 14

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND LICENSE NO. 28770
EXPIRATION DATE 5-14-09



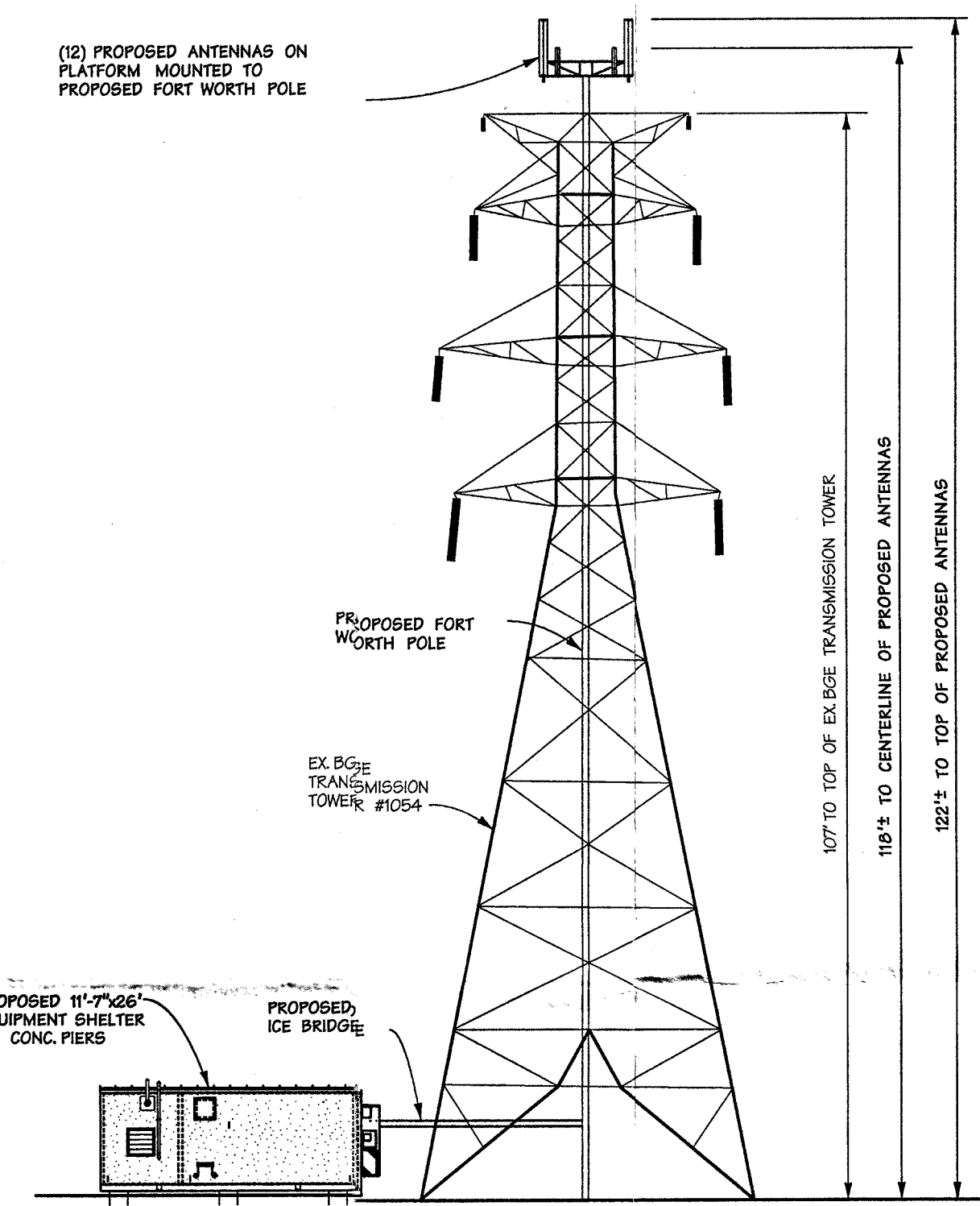
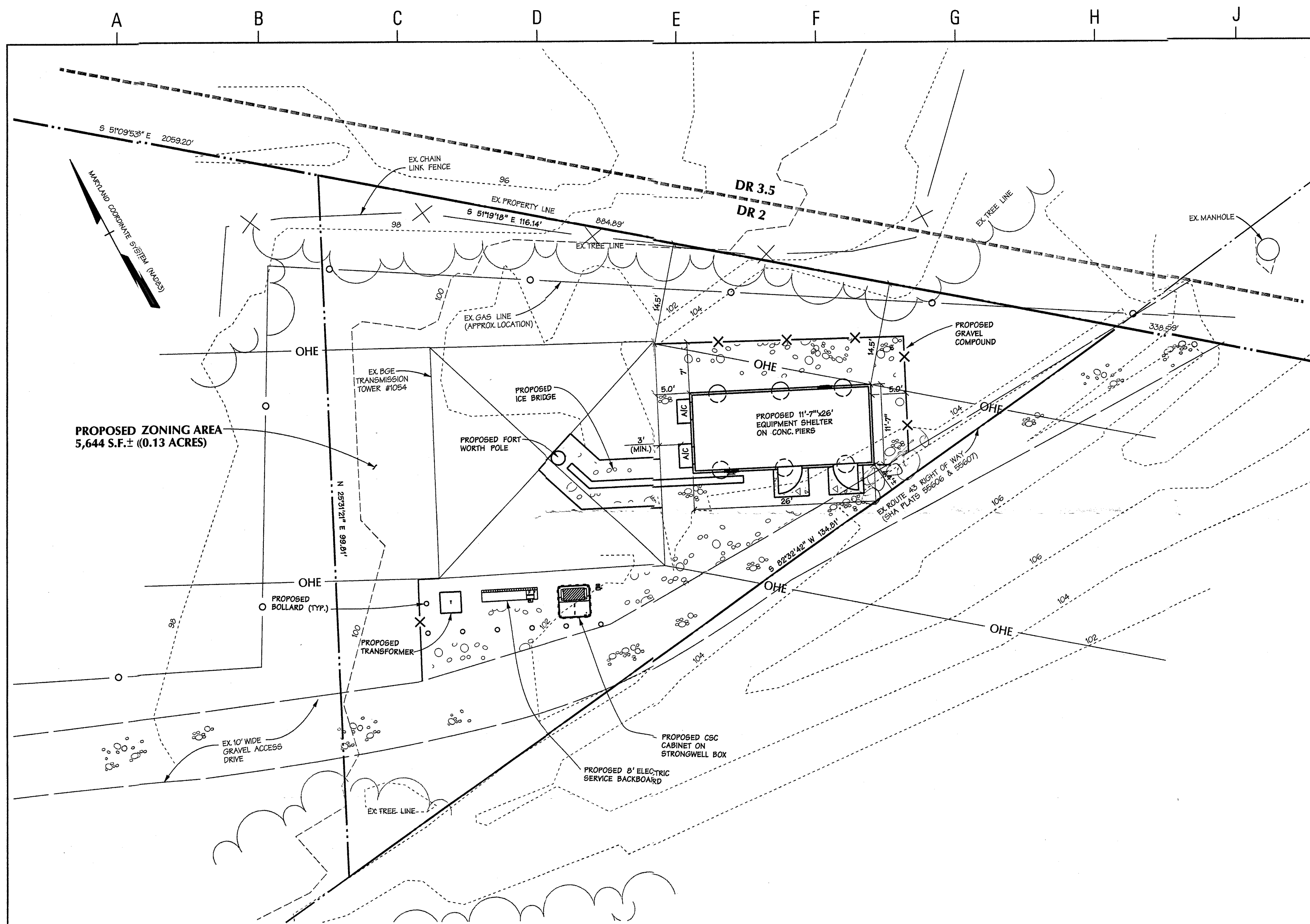
GSE
GLOCK SMIDT
ENGINEERING, INC.
1374 W. JARRETTSVILLE ROAD
FOREST HILL, MARYLAND 21050
PHONE: 410.893.9293
FAX: 410.893.9295
WWW.GSEI.COM

DMW
DAFT MCCUNE WALKER INC.
200 EAST PENNSYLVANIA AVENUE • TOWSON, MD 21286
P 410.296.3333 F 410.296.4765 WWW.DMW.COM
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

verizon wireless
WHITE MARSH STATION (BGE TOWER #1054)
2R 10223 BIRD RIVER ROAD WHITE MARSH, MD 21220
ELECTION DISTRICT 15

REVISIONS:	
NO.	DESCRIPTION
1	ZONING
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	

DATE:	6-9-08
LAST REV.:	PROJECT NO: 07125
SCALE:	AS SHOWN
TITLE:	PLAN TO ACCOMPANY PETITION FOR VARIANCE
SHEET:	Z-1

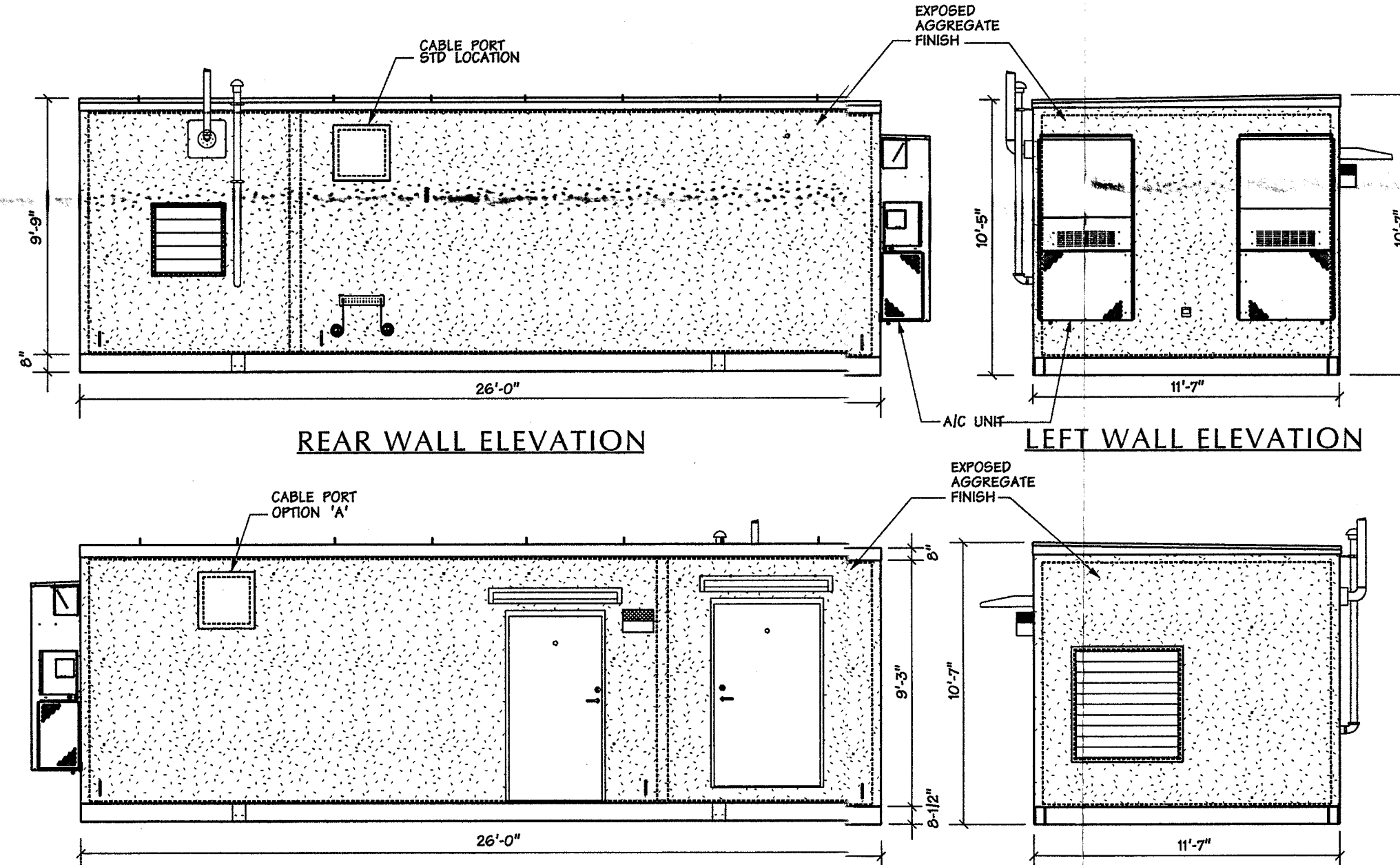
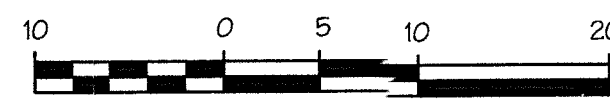


TOWER ELEVATION

NOT TO SCALE

COMPOUND DETAIL

SCALE: 1"=16'



SHELTER EXTERIOR ELEVATIONS

DIMENSIONS SHOWN ARE FOR REFERENCE ONLY

LEGEND	
	Property Line
	Existing Contours
	Existing Edge of Drive or Road
	Existing Fence Line
	Existing Treeline
	Existing Gas Line
	Existing Overhead Electrical Lines
	Existing Overhead Electrical Lines
	Existing Utility Pole
	Existing Zone Line
	Existing Easement
	Existing Wetlands
	Existing Stream

GSE
GLOCK SMIDT
ENGINEERING, INC.
1374 W. JARRETTSVILLE ROAD
FOREST HILL, MARYLAND 21050
PHONE: 410.893.9293
FAX: 410.893.9295
WWW.GSEI.COM

DMW
DAFT MCCUNE WALKER INC
200 EAST PENNSYLVANIA AVENUE, SUITE 200
BALTIMORE, MARYLAND 21202
PHONE: 410.526.4000
FAX: 410.526.4001
WWW.DMW.COM
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

verizon wireless
WHITE MARSH STATION (BCE TOWER #1054)
2R 10223 BIRD RIVER ROAD WHITE MARSH, MD 21220
ELECTION DISTRICT 15

REVISIONS:	
NO.	DESCRIPTION
1	ZONING
2	
3	
4	
5	
6	
7	
8	
9	

LAST REV.:
PROJECT NO: 07125
DATE:
SCALE: AS SHOWN

TITLE:
PLAN TO ACCOMPANY
PETITION FOR
VARIANCE

SHEET:

Z-2

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NO. 28770
EXPIRATION DATE: 5-14-09

