

IN RE: **PETITIONS FOR SPECIAL HEARING, ***
SPECIAL EXCEPTION & VARIANCE

N/S Black Friars Road, 48' E of *
Chesworth Road
(1315 Black Friars Road) *

1st Election District *
1st Council District *

Westview Swimming Club, Inc., *Legal Owner*
T-Mobile Northeast, LLC, *Contract Lessee* *

Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No. 2009-0161-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception, and Variance filed by the owner of the subject property, Westview Swimming Club, Inc., and T-Mobile Northeast, LLC (Petitioner or T-Mobile), Contract Lessee, of a portion of the property located at 1315 Black Friars Road in the Catonsville area of Baltimore County. Petitioner requests a special hearing to confirm (1) that the property meets the 3 acre requirement in Baltimore County Zoning Regulations B.C.Z.R. Section 426.9.C.2; (2) that the 30' rear yard setback requirement in Section 1B01.2.C.1(a) does not apply because the rear yard abuts the Baltimore Beltway - Interstate 695 (I-695); (3) that the tower/facility is distinct and separate from any existing use, and can under B.C.Z.R. Section 102.2 share yard space with the concession pavilion and swimming pool; and (4), that these existing uses operated by the swim club are nonconforming. Petitioner also requests special exception approval pursuant to Sections 1B01.1.C(24), 426 and 502.1 of the (B.C.Z.R.) for a wireless telecommunications tower/facility compound to be located on the Westview Swimming Club property. In the event I determine that any of the special hearing relief requested above

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By [Signature]

cannot meet the requirements, Petitioner has filed, in the alternative, a Petition for Variance, pursuant to B.C.Z.R. Sections 307.1, 426.9.C.1(a), 1B01.2.C.1(a), and 102.2 to approve the telecommunications tower area as suitable and adequate and to allow a rear yard setback of as close as 9 feet in lieu of 30 feet and as little as 0 feet in lieu of a maximum of 80 feet (front yard to the front yard separating the uses and structures). The subject property and requested relief are more particularly described on the two-page site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1A and 1B.

Appearing at the requisite public hearing were Amy Bird, Esquire, T-Mobile's consulting Zoning Manager; Rajkanwar Brar, consulting radio frequency (RF) engineer; Michael McGarity, Wireless Services Manager at Daft McCune Walker Inc. (DMW), and Mitchell Kellman, Director of Zoning Services at DMW, appeared as witnesses on behalf of T-Mobile. DMW, among other things, prepared the site plan for the property. Also appearing were Gregory E. Rapisarda, Esquire and Robert W. Cannon, Esquire, counsel for Petitioner. Prior to the hearing, I received letters from Stephen D. Whistler, President of the Westview Park Improvement & Civic Association, and Timothy R. Pyle, who resides in Westview Park Community, indicating their support of the requested zoning relief.

Testimony and evidence offered by Petitioner disclosed that the subject property is currently being operated as the Westview Swimming Club, Inc.¹ The property is zoned D.R.5.5, and encompasses three (3) commonly owned and used contiguous lots of 2.16 acres, .162 acres, and .688 acres, totaling 3.01 acres. In this regard, DMW prepared a description of the property that illustrates that the property is 3.01 acres located on the northeast corner of Chesworth Road

¹ The site plan and letters of support (Petitioner's Exhibits 5a and 5B) evidence that the property is also referred to as the Crosby Crossing Swim Club. The pool and related improvements have operated at this location for many years and serve as accessory uses to the adjacent residential subdivision.

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and Black Friars Road and offers such amenities as existing swimming pools, parking lot, a concession stand, and several outbuildings, including a pool maintenance building and a pavilion. The property sits directly next to the I-695 and has a barrier wall running alongside its eastern property line. The property is therefore surrounded by public roads on three (3) sides (west, north, and east), and a residential property abuts the parking lot on the property's southern boundary.

Messrs. Brar, McGarity, and Kellman were offered by Petitioner's counsel and received as experts in their respective fields. Their testimony can be summarized as follows: T-Mobile has a federal license that requires it to provide coverage for wireless services in Baltimore. T-Mobile identified a coverage gap in this area of Catonsville through receipt of customer complaints, and through a computer aided analysis using specially designed software. Mr. Brar, the RF Engineer, identified an area within the larger coverage gap, from which antennas can be used to fill in the coverage gap. This smaller area within the coverage gap is called a search ring. T-Mobile's site acquisition specialists conducted an extensive search for an appropriate site to either co-locate antennas on existing structures or to build a new facility. Two existing structures were identified in the search ring and were ruled out. The first, a lattice tower at the Woodlawn Fire Department, a critical County infrastructure, prohibits co-location. The second, a 45-foot tall building at the Village Oaks Apartment Complex, was ruled out by RF engineers as not being tall enough to provide adequate coverage. T-Mobile also sought to use commercial property, but only one such property existed in the search ring. This one commercial property was in the northernmost portion of the search ring, and was ruled out by RF engineers because it was too close to an existing tower. Lacking existing structures for co-location, and having ruled out the only commercial property, Petitioner identified the subject property, a large residentially

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zoned property, on which T-Mobile proposes the construction of a 107-foot tall unlighted monopole inside a 40' x 20' equipment compound, surrounded by a 6-foot tall board-on-board fence at the eastern edge of the property across from the existing one-story concession stand and seating pavilion as illustrated on Exhibits 1a and 1B.

In this regard, T-Mobile conducted a technical analysis to determine the necessary height for a new tower at the property. Originally, T-Mobile proposed a 130' monopole, but during its significant community outreach, as well as the Baltimore County Tower Review Committee (TRC) process, T-Mobile agreed to reduce the height to 107'. Mr. Brar testified that a 107' monopole would allow T-Mobile to occupy the top position on the tower and would still allow for two (2) additional carriers to be co-located on the tower. Mr. Brar also testified that changing the design to a stealth monopole with antennas on the inside² would require that T-Mobile either (1) occupy the top two (2) positions on the tower, thus eliminating a co-location opportunity for a future carrier, or (2) increase the height in order to provide the same coverage objective and the same future co-location opportunities. Additionally, a monopole at 107' satisfied the community, which supports the facility, as evidenced by the letters introduced as Petitioner's Exhibits 5A and 5B. The TRC unanimously approved the facility in April 2008. The TRC's independent analyst, Columbia Telecommunications Corporation, specifically noted in its final report that the "use of stealth design to allow a monopole to better blend in with its surroundings would likely not have much effect to minimize the appearance of the structure." See Petitioner's Exhibit 4.

² The Office of Planning submitted comments, which Petitioner received on the day before the hearing, that recommended conditions of approval that (1) the monopole be stealthed to include all antennas within the pole, (2) the monopole be painted a brownish color to match a utility pole near the property, and (3) the Petitioner provides "Class A screening" on the south side of the facility.

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Date 3-17-09
By [signature]

I find the visibility of the facility has been minimized by its location on the property. The facility is set back from the surrounding properties. The facility is surrounded on the north side by fencing, the west side by an existing two-story concession stand, the east side by the tall I-695 sound barrier wall, and a larger parking lot on the south side. The facility will be primarily viewed from the southern portion of the property, which is also the location of an existing 10' wide access gate. The existing access gates prevent full "Class A" screening on the southern side of the facility, but landscape screening along the southern side, opposite the existing access gates, will reduce visibility. At the hearing, Petitioner marked the site plan with the locations of future landscaping on either side of the existing access gates. The proposed landscaping will be a condition of approval. Testimony and other evidence showed that painting the tower brown, as the Office of Planning had suggested, would not reduce the visibility, or reduce any visual impact in this particular case.

The facility sits more than 200' from all residential property lines, as required by B.C.Z.R. Section 426.6.A. Additionally, a rear yard setback of 30' is required under 1B01.2.C, and the facility sits 1' off the rear yard (eastern) property line. Mr. McGarity testified that this is not a typical "rear yard" because it abuts a 22' right-of-way leading to the I-695 barrier wall. On the other side of the barrier wall lies a 38' right-of-way, leading to 130' of paved intrastate. On the other side of I-695 is a 50' right-of-way before it adjoins the nearest residential property. Evidence showed that despite a 1' setback (eastern boundary), 242' actually exists between the facility and the closest eastern residential property. Between the facility's location on the property, and the facility's proximity to other properties, substantial evidence showed the visual impact has been mitigated. Furthermore, T-Mobile adduced additional testimony and other

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evidence to confirm that the facility would comply with each of the relevant and applicable provisions of the B.C.Z.R.

Consequently, I have examined the proposal in the context of B.C.Z.R. Sections 426 and 502.1, and find that the Petitioner produced strong and substantial evidence at the hearing that the proposed facility is appropriate at the property, meets the County's requirements for a new tower, and will have little negative impact on the surrounding community. Therefore, I am persuaded to grant the Petition for Special Exception for the use area set forth on Petitioner's Exhibits 1A and 1B for T-Mobile to build the facility.

Petitioner, as outlined above, also sought relief through, and adduced substantial evidence to support, its Petition for Special Hearing. First, substantial evidence showed that the three (3) lots have been treated as a single lot and are merged for zoning purposes. *See Friends of the Ridge, et al v. Baltimore Gas & Electric Company*, 352 Md. 645 (1999). The property is more than 3 acres. Second, the 30' rear yard setback for all D.R.5.5 zones, pursuant to B.C.Z.R. Section 1B01.2.C.1, does not apply to a rear yard line abutting I-695 and abutting, literally, hundreds of feet in right-of-ways. Furthermore, Petitioner presented substantial evidence to show that the spirit and intent of the B.C.Z.R. is met by placing the facility on the eastern border, next to the I-695 right-of-ways. Third, the location of the facility on the property makes clear that there will be no overlapping use between the approximately 800 square foot space needed for the special exception area used by the facility and its access, and the existing use of the property as a swim club. Because the use area for the facility and its access will not overlap with any existing use on the property (i.e., pool and concession stand), there is no prohibition under B.C.Z.R. Section 102.2 for such a dual use. By way of example, this situation could be compared to a wireless cell tower that is surrounded by a farmers agriculturally used field.

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Finally, the existing pool and related outbuildings have been and likely are permitted uses. Given the limited use area for the facility, and the property's lack of any prior zoning actions, the pool and all existing uses are essentially nonconforming for the purposes of approving the facility.

Finally, Petitioner requested alternative variance relief, in the event that any of the special hearing relief was not granted. Because of my finding in favor of the special hearing relief, the petition for variance will be dismissed.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the Petitions for Special Hearing and Exception shall be granted. The Petition for Variance has been determined to be unnecessary and shall be dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of March, 2009, that the Petition for Special Hearing to confirm (1) that the minimum lot requirement contained in Baltimore County Zoning Regulations (B.C.Z.R.) Section 426.9.C.2; (2) that the 30' rear yard setback requirement in Section 1B01.2.C.1(a) does not apply because the rear yard abuts the Baltimore Beltway - Interstate 695; (3) that the tower/facility is distinct and separate from any existing use, and can under B.C.Z.R. Section 102.2 share yard space with the concession and swimming pool; and (4), that these existing uses operated by the swim club are nonconforming, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception for approval for a wireless telecommunications tower/facility to be located on the Westview Swimming Club property, pursuant to Sections 1B01.1.C.24, 426 and 502.1 of the (B.C.Z.R.), in accordance with Petitioner's Exhibit 1A and 1B, be and is hereby GRANTED; and

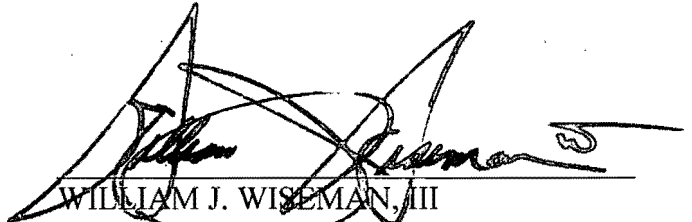
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Date 3-17-09
By [signature]

IT IS FURTHER ORDERED, that the Petition for Variance, filed in the alternative, pursuant to B.C.Z.R. Sections 307.1, 426.9.C.1(a), 1B01.2.C.1(a), and 102.2, to approve a telecommunications tower area as suitable/adequate and to allow a rear yard setback of as close as 9 feet in lieu of 30 feet and as little as 0 feet in lieu of a maximum of 80 feet (front yard to front yard separating the structures/uses), be and is hereby DISMISSED AS MOOT;

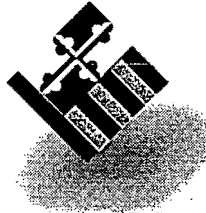
IT IS FURTHER ORDERED, that all relief is subject to the following restrictions:

1. Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
2. Compliance with B.C.Z.R. Section 426.6.D that requires an owner of the tower to submit to the Code Official written certification, every five (5) years, from a professional engineer that the tower and any structural housing equipment for the tower meets all applicable Building Code and safety requirements.
3. Petitioner shall provide landscape screening along the southern side of equipment compound on either side of the existing access gates as shown on Petitioner's Exhibit 1A.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

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BY 193



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 17, 2009

Gregory E. Rapisaarda, Esquire
Robert W. Cannon, Esquire
Saul Ewing, LLP
Lockwood Place, 500 East Pratt Street
Baltimore, Maryland 21202

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE

N/S Black Friars Road, 48' E of Chesworth Road

(1315 Black Friars Road)

1st Election District - 1st Council District

Westview Swimming Club, Inc., *Legal Owner*;

T-Mobile Northeast, LLC, *Contract Lessee* - Petitioners

Case No. 2009-0161-SPHXA

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Exeption have been granted with restrictions and the Variance is dismissed as moot, 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: Amy Bird, Esquire and Rajkanwar Brar, T-Mobile Northeast, LLC,
12050 Baltimore Avenue, Beltsville, MD 20705
Michael McGarity and Mitchell Kellman, Daft McCune Walker Inc.,
200 East Pennsylvania Avenue, Towson, MD 21286
Stephen D. Whisler, President, Westview Park Improvement & Civic Association,
6400 Baltimore National Pike, Box 537, Catonsville, MD 21228
Timothy R. Pyle, 6122 Moorefield Road, Catonsville, MD 21228
People's Counsel; Office of Planning; DEPRM; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1315 Black Friars Road
which is presently zoned DRS.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve (see attachment for wording)

To determine whether or not the Zoning Commissioner should approve a wireless telecommunications tower and determine (1) that the property meets the 3 acre requirement in § 426.9(c)(2); (2) that the 30' rear setback from § 1801.2(c)(1)(a) does not apply ~~over~~ because the rear yard abuts the Beltway (I695); (3) that a wireless

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

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

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

Contract Purchaser/Lessee:

Amy Bird for T-Mobile
Name - Type or Print
Amy Bird, ZONING MANAGER
Signature
12050 Baltimore Ave 410-703-6591
Address Telephone No.
Beltsville MD 20705
City State Zip Code

Legal Owner(s):

Stephen Snyder - President Westview
Name - Type or Print
[Signature] South M CLUB
Signature
For Mail P.O. Box 9362
Name - Type or Print
Croonsville MD 21228
Signature
1315 Black Friars Rd. (410) 456-3426
Address Telephone No.
Croonsville MD 21228
City State Zip Code

Attorney For Petitioner:

ROBERT W. CANNON
Name - Type or Print
Robert W. Cannon
Signature
SAUL EWING
Company
500 E. PRATT ST. 410-332-8816
Address Telephone No.
BALTIMORE MD 21202
City State Zip Code

Representative to be Contacted:

Amy Bird 410-703-6541
Name
12050 Baltimore Ave
Address Telephone No.
Beltsville MD 20705
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 4 HRS

UNAVAILABLE FOR HEARING —

Case No. 2009 0161 SPHXA

Reviewed By JL Date 12/05/08

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 3-17-09

By [Signature]

telecommunications tower can under §102.2 share space with concession
stand and swimming pool; and (4) that, ^{NOTWITHSTANDING SECTION 104.1} ~~these swimming pool is~~
are ~~a~~ nonconforming uses APPROVED FOR THIS CHANGE
AB - changes OK

-To determine whether or not the Zoning Commissioner should approve a wireless telecommunication tower and determine (1) that the property meets the 3 acre ~~to~~ requirement in §426.9(c)(2); (2) that the 30' rear yard setback from §B01.21(c)(1)(a) does not apply because the rear yard abuts the Beltway (I695); that a wireless telecommunications tower can under §B2.2 share yard space with concession stand and swimming pool; and (4) that ~~these~~ nonconforming uses approved for this change.
notwithstanding section 104.1



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1315 Black Friars Rd

which is presently zoned DR5.5

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

Approve
To locate a telecommunications facility on a portion of the property
(A Tower and structure)

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

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

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

Contract Purchaser/Lessee:

Amy Bird for T-Mobile
Name - Type or Print

Signature

12050 Baltimore Ave 410-703-6541
Address Telephone No.

Beltsville MD 20705
City State Zip Code

Attorney For Petitioner:

ROBERT W. CANNON
Name - Type or Print

Signature

SAUL EWING
Company

500 E. PRATT ST. 410-332-8816
Address Telephone No.

BALTIMORE MD 21202
City State Zip Code

Legal Owner(s):

Stephen Snyder - President
Name - Type or Print

Signature

For mail P.O. Box 9362
Name - Type or Print

Aransville md 21228
Signature

1315 BLACK FRIARS RD (410) 456-3426
Address Telephone No.

Aransville md 21228
City State Zip Code

Representative to be Contacted:

Amy Bird 410-703-6541
Name

12050 Baltimore Ave
Address Telephone No.

Beltsville MD 20705
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 4 Hrs.
UNAVAILABLE FOR HEARING -

Reviewed By JL Date 12/05/08

Case No. 2009 0161 SPHX A

REV 09/15/98

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Date 3-17-09

By DW



TAX. ACCOUNT # 6123155361

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1315 Black Friars Rd.
which is presently zoned DRS.5

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)

§§ 4.26.9(c)(2), 1801.2(c)(1)(a), and 102.2 (See attached for wording)

Telecommunications tower area to be determined as adequate by the zoning commission in lieu of the required 3 acres, and to allow a rear yard setback of as close as 9 ft. in lieu of 30 ft. and as little as 0 ft. in lieu of a maximum of 80 ft. (Front yard to Front yard to Front yard separating the structures/uses.

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

Only in the alternative and only in the relief sought and through the Special Hearings is not granted.

- Practical Difficulty/Hardship 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:

Name - Type or Print Amy Bird for T-Mobile, Zoning Manager
Signature [Signature]
Address 12050 Baltimore Ave. Telephone No. 410-703-6541
City Beltville State MD Zip Code 20705

Attorney For Petitioner:

Name - Type or Print Robert W. Cannon
Signature [Signature]
Company Saul Ewing LLP
Address 500 E. Pratt St Telephone No. 410-332-8600
City Baltimore State MD Zip Code 21202

Legal Owner(s):

Name - Type or Print Stephen Snyder For Westview Swimming Club
Signature [Signature] President
Name - Type or Print _____
Signature _____
Address P.O. Box 9362 Telephone No. 410 456-3426
City Crownsville State MD Zip Code 21228

Representative to be Contacted:

Name Amy Bird
Address 12050 Baltimore Ave. Telephone No. 410-703-6541
City Beltville State MD Zip Code 20705

OFFICE USE ONLY

Case No. 2069 0161 SPHXA

ESTIMATED LENGTH OF HEARING 4 hrs.

REV 9/15/98

DATE RECEIVED FOR FILING
Reviewed By [Signature]
Date 3-17-09
By [Signature]

UNAVAILABLE FOR HEARING —
Date 12/05/08

Variance.

ATTACHMENT

0161

§§ 426.9(c)(2), 1801.2(c)(1)(a), and 102.2 to approve a telecommunications tower area to be determined as adequate by the zoning commissioner in lieu of the ~~regus~~ required ³ acres and to allow a rear yard setback of as close as 9 ft. in lieu of 30 ft. and as little as 0 ft. in lieu of a maximum of 80 feet (Front yard to front yard separating the structures/uses.

DMW
DAFT MCCUNE WALKER INC

Description
To Accompany Petition
For A Special Exception and Variance
Black Friars Road
Baltimore County, Maryland

Beginning for the same at the end of the second of the following two courses and distances measured from the point formed by the intersection of the centerline of Chesworth Road with the centerline of Black Friars Road, southeasterly along the centerline of Black Friars Road, 48 feet, more or less, thence northerly 25 feet, more or less, to the point of beginning, thence leaving point of beginning and running with and binding on a portion of Black Friars Road, referring all courses of this description to the Maryland Coordinate System (NAD 83), (1) Northwesterly by a line curving to the right, having a radius of 25.00 feet, for a distance of 41.09 feet (the arc of said curve being subtended by a chord bearing North 45 degrees 39 minutes 10 seconds West 36.62 feet) to intersect the eastern right-of-way of Chesworth Road, thence running with said right-of-way line the two following courses and distances: (2) North 01 degree 26 minutes 01 second East 166.14 feet, and thence (3) Northeasterly by a line curving to the right, having a radius of 25.00 feet, for a distance of 38.14 feet (the arc of said curve being subtended by a chord bearing North 45 degrees 08 minutes 20 seconds East 34.55 feet), thence running for lines the eight following courses and distances: (4) Northeasterly by a line curving to the left, having a radius of 1185.92 feet, for a distance of 34.89 feet (the arc of said curve being subtended by a chord bearing North 87 degrees 59 minutes 14 seconds East 34.89 feet), thence (5)

South 02 degrees 51 minutes 23 seconds East 25.00 feet, thence (6) South 87 degrees 58 minutes 14 seconds East 114.09 feet, thence (7) South 87 degrees 08 minutes 20 seconds East 107.35 feet, thence (8) North 85 degrees 50 minutes 16 seconds East 66.86 feet, thence (9) South 69 degrees 24 minutes 38 seconds East 138.52 feet, thence (10) South 07 degrees 21 minutes 20 seconds East 339.83 feet, and thence (11) South 82 degrees 38 minutes 35 seconds West 165.00 feet to intersect the eastern right-of-way line of Black Friars Road, thence running with and binding on said right-of-way, (12) North 07 degrees 21 minutes 19 seconds West 28.12 feet, thence (13) Northwesterly by a line curving to the left, having a radius of 225.00 feet, for a distance of 335.30 feet (the arc of said curve being subtended by a chord bearing North 50 degrees 02 minutes 50 seconds West 305.12 feet), thence (14) South 87 degrees 15 minutes 40 seconds West 98.64 feet to the point of beginning; containing 3.010 acres of land, more or less.

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

June 19, 2007

Project No. 06097 (L06097)



Michael D. Mitty 6/19/07

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

JL
 2009 0161 SPHXA No. 2222

Date: 12/05/08

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					800.00

Total: 800.00

Rec
From:

For:

1315 BLACK FRANK RD

SPHXA

MAX FEE 800.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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: # 2009-0161-SPHXA

1315 Black Friars Road

N/side of Black Friars Road, 48 feet east of Chesworth Road

1st Election District — 1st Councilmanic District

Legal Owner(s): Westview Swimming Club

Special Hearing: to determine whether or not the Zoning Commissioner should approve a wireless telecommunication tower and determine that the property meets the 3 acre requirement in section 426.9(c) (2); that the 30 feet rear yard setback from section B01.1. (c)(1)(a) does not apply because the rear yard abuts the beltway (I-695); that a wireless telecommunication tower can under section 102.2 share yard space with concession stand and swimming pool; and that not withstanding section 104.1; these non conforming uses approved for this change. **Variance:** to approve a telecommunications tower area to be determined as adequate by the Zoning Commissioner in lieu of the required 3 acres and to allow a rear yard setback as close as 9 feet in lieu of 30 feet and as little as 0 feet in lieu of a maximum of 80 feet (front yard to front yard separating the structures/uses). **Special Exception:** to approve telecommunications facility (a tower and structure).

Hearing: Wednesday, February 18, 2009, at 9:00 a.m. In Room 104, Jefferson Building, 105 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 2/6/14 Feb. 3

193374

CERTIFICATE OF PUBLICATION

2/5/2009

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 2/3/2009.

- ☒ 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. 2009-0161-SPHXA

Petitioner/Developer _____

T-Mobile c/o Greg Rapisarda

Date of Hearing/Closing 2/18/09

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention:

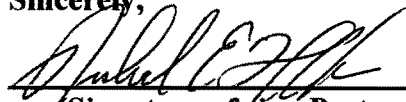
This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

1315 Black Friars Rd.

The sign(s) were posted on 2/3/09

(Month, Day, Year)

Sincerely,

 2/3/09
(Signature of sign Poster and date)

Richard E. Hoffman

(Printed Name)

See Attached
Photograph

904 Dellwood Drive

(Address)

Fallston, Md. 21047

(City, State, Zip Code)

410-879-3122

(Telephone Number)

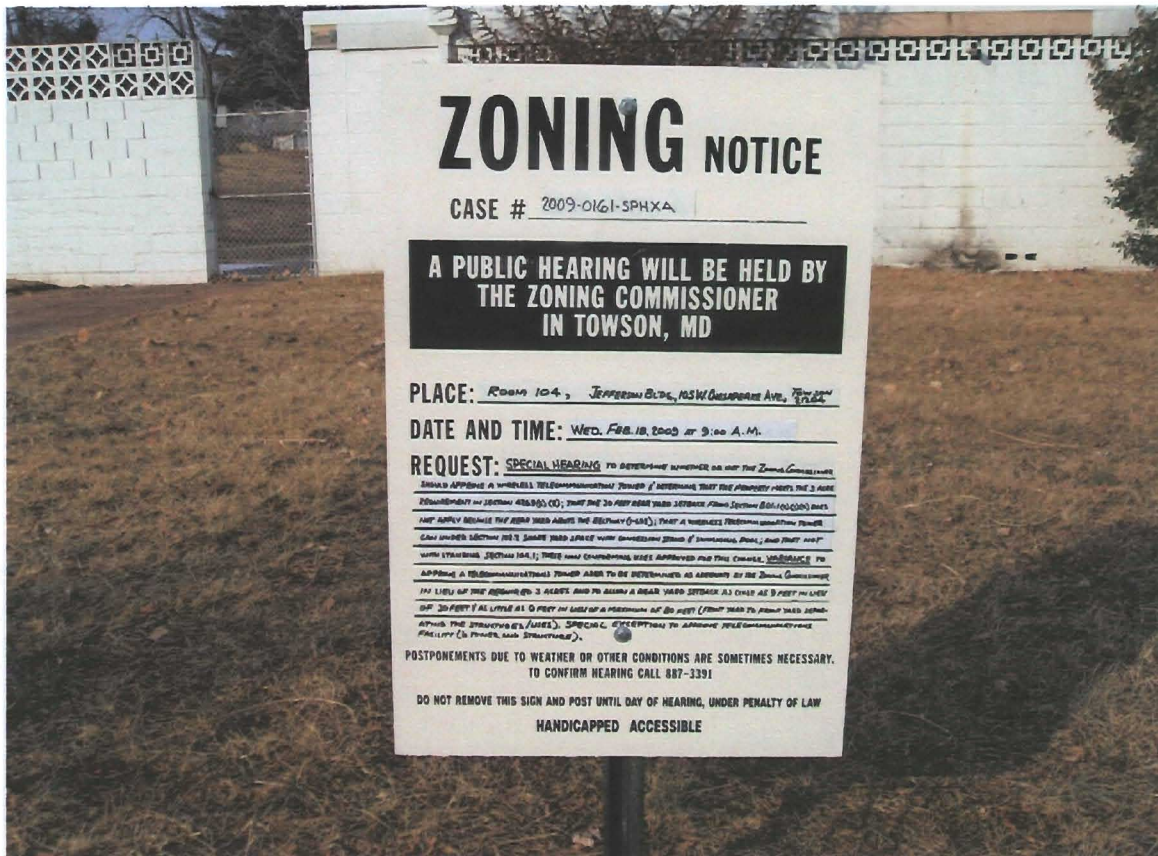
Certificate of Posting
Photograph Attachment

Re: 2009-0161-SPHXA

Petitioner/Developer: _____

Stephen Snyder

Date of Hearing/Closing: 2/18/09



1315 Black Friars Road

Posting Date: 2/3/09

Richard E. Hoffman 2/3/09
Richard E. Hoffman

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 3, 2009 Issue - Jeffersonian

Please forward billing to:

Amy Bird
12050 Baltimore Avenue
Baltimore, MD 20705

240-264-8616

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: 2009-0161-SPHXA

1315 Black Friars Road

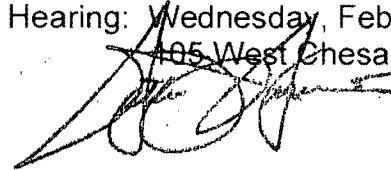
N/side of Black Friars Road, 48 feet east of Chesworth Road

1st Election District – 1st Councilmanic District

Legal Owners: Westview Swimming Club

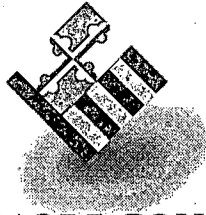
Special Hearing to determine whether or not the Zoning Commissioner should approve a wireless telecommunication tower and determine that the property meets the 3 acre requirement in section 426.9(c) (2); that the 30 feet rear yard setback from section B01.1. (c) (1)(a) does not apply because the rear yard abuts the beltway (I-695); that a wireless telecommunication tower can under section 102.2 share yard space with concession stand and swimming pool; and that notwithstanding section 104.1; these non conforming uses approved for this change. Variance to approve a telecommunications tower area to be determine as adequate by the Zoning Commissioner in lieu of the required 3 acres and to allow a rear yard setback as close as 9 feet in lieu of 30 feet and as little as 0 feet in lieu of a maximum of 80 feet (front yard to front yard separating the structures/uses). Special Exception to approve telecommunications facility (a tower and structure).

Hearing: ~~Wednesday~~, February 18, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
~~405 West Chesapeake Avenue, Towson 21204~~



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY

M A R Y L A N D

January 20, 2009

JAMES T. SMITH, JR.

NOTICE OF ZONING HEARING

TIMOTHY M. KOTROCO, *Director*

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: 2009-0161-SPHXA

1315 Black Friars Road

N/side of Black Friars Road, 48 feet east of Chesworth Road

1st Election District – 1st Councilmanic District

Legal Owners: Westview Swimming Club

Special Hearing to determine whether or not the Zoning Commissioner should approve a wireless telecommunication tower and determine that the property meets the 3 acre requirement in section 426.9(c) (2); that the 30 feet rear yard setback from section B01.1. (c) (1)(a) does not apply because the rear yard abuts the beltway (I-695); that a wireless telecommunication tower can under section 102.2 share yard space with concession stand and swimming pool; and that not withstanding section 104.1; these non conforming uses approved for this change. Variance to approve a telecommunications tower area to be determine as adequate by the Zoning Commissioner in lieu of the required 3 acres and to allow a rear yard setback as close as 9 feet in lieu of 30 feet and as little as 0 feet in lieu of a maximum of 80 feet (front yard to front yard separating the structures/uses). Special Exception to approve telecommunications facility (a tower and structure).

Hearing: Wednesday, February 18, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Robert Cannon, Saul Ewing, 500 E. Pratt St., Baltimore 21202
Stephen Snyder, P.O. Box 9362, Catonsville 21228
Amy Bird, 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, FEBRUARY 3, 2009.**

- (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.

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.

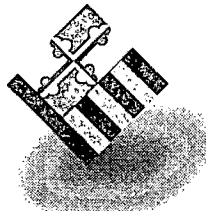
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009 0161 SPHXA
Petitioner: Westview Swim Club
Address or Location: 1315 Black Friars Rd, Catonsville, MD 21228.

PLEASE FORWARD ADVERTISING BILL TO

Name: Amy Bird, T-Mobile
Address: 12050 Baltimore Ave.
Baltimore, MD ~~2110~~ 20705
Telephone Number: 240-264-8616



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
February 12, 2009

Robert W. Cannon
500 E. Pratt St.
Baltimore, MD 21202

Dear: Robert W. Cannon

RE: Case Number 2009-0161-SPHXA, 1315 Black Friars Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 5, 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Stephen Snyder; 1315 Black Friars Rd.; Catonsville, MD 21228
Amy Bird; 12050 Baltimore Ave.; Beltsville, MD 20705

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

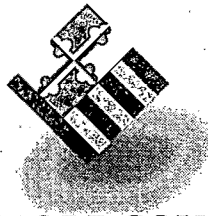
DATE: December 18, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 22, 2008
Item Nos. 2009-0153, 0158, 0159, 0160,
~~0161~~ 0162, 0163, 0164, 0165, and 0166

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

DAK:CEN:lrk
cc: File
ZAC-122208 -NO COMMENTS



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

December 16, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: December 15, 2008

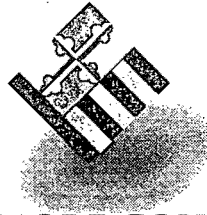
Item No.: 2009-0135-A, 2009-0153-X, 2009-0158-SPHAXA, 2009-0159-A,
2009-0160-A, **2009-0161-SPHAXA**, 2009-0162-A, 2009-0163-A,
2009-0165-A, AND 2009-0166-SPH.

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
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

December 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 6th 2009

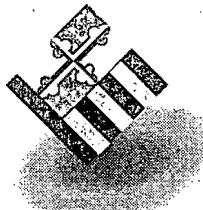
Item Numbers: 0152, 0156, 0157, 0158, 0160, 0161, 0162, 0163, 0164, 0165

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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

December 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 6th 2009

Item Numbers: 0150, 0159, 0161

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

BW
2-18-09
9am

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

DATE: January 22, 2009

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

RECEIVED

FEB 02 2009

SUBJECT: 1315 Black Friars Road

INFORMATION:

ZONING COMMISSIONER

Item Number: 9-161

Petitioner: Stephen Snyder

Zoning: DR 5.5

Requested Action: Special Hearing, Special Exception and Variance

SUMMARY OF RECOMMENDATIONS:

The proposed monopole is located within a residential neighborhood. The location between the beltway sound wall and the existing concession stand/ pavilion should help mitigate the visibility. However, should the Zoning Commissioner grant the petitioner's request the following conditions should apply to mitigate visibility from residential properties :

1. The monopole should be a stealth monopole where all the antennas are concealed within the interior of the pole.
2. The monopole should be painted a brownish color to match the color of the wood utility pole located to the south and identified on the petitioner's plan as BGE331235.
3. Provide Class A screening along the south side of the compound/lease area.

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

Prepared by:

Division Chief:
AFK/LL: CM



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: 12/16/2008

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

RE: Baltimore County
Item No 2005-0161-SP4XA
1315 BLACK FRIARS ROAD
WESTVIEW SWIMMING CLUB
VARIANCE
SPECIAL HEARING

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. 2005-0161-SP4XA.

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,

For 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.marylandstate.gov



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 21 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: January 21, 2009

SUBJECT: Zoning Item # 09-161-SPHXA
Address 1315 Black Friars Road)
(Westview Swimming Club)

Zoning Advisory Committee Meeting of December 15, 2008.

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

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

X 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).

X 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: Glenn Shaffer

Date: December 22, 2008

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & VARIANCE *
1315 Black Friars Road; N/S Black Friars * ZONING COMMISSIONER
Road, 48' E of Chesworth Road *
1st Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Westview Swimming Club *
Contract Purchaser(s): Amy Bird * BALTIMORE COUNTY
Petitioner(s) *
09-161-SPHXA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

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

RECEIVED

DEC 30 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of December, 2008, a copy of the foregoing Entry of Appearance was mailed to Amy Bird, 12050 Baltimore Avenue, Beltsville, MD 20705 and Robert W. Cannon, Esquire, Saul Ewing, 500 E. Pratt Street, Baltimore, MD 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Westview Park Improvement & Civic Association

WPICA
6400 Baltimore National Pike
Box 537
Catonsville, MD 21228

President: Steve Whisler – (410) 788-3232
Vice President: Ganiyu Raji – (410) 788-0090
Treasurer: Genie Poplawski – (410) 788-4833
Sergeant-at-Arms – (410) 788-8602
Website: <http://www.westviewpark.org>

Our Charter

A non-partisan and non-commercial association that functions solely for the mutual benefit and civic needs of the residents of Westview Park in Baltimore County, Maryland

February 18, 2009

Baltimore County Government
County Office Building
111 West Chesapeake Avenue, Suite 105
Towson, MD 21204
Attention: Mr. Don Rascoe
Deputy Director of Permits & Development Management
410-887-3868 (voice); 410-887-3468 (fax)

RECEIVED

FEB 18 2009

ZONING COMMISSIONER

Subject: Tower Review Commission Hearing Case #2009-0161

Dear Sir,

We have worked extensively with T-Mobile and the Crosby Crossing Swim Club over the past two years to decrease the tower's size from 130' to 103'. We appreciate their efforts to interact with property owners and entire community to minimize the impact to our quality of life.

Since 2007, the community association has held several community meetings to educate nearly 1800 families to the proposal. Project details have been sent to the entire community via quarterly newsletters. Our website, www.westviewpark.org, has kept neighbors informed and also offers computer-generated photographs to depict the visual impact to our region.

There appears to be no opposition to the project proposed in case #2009-0161. All feedback we have received at semi-annual community meetings suggests extensive community support.

As a result, our community association supports the petitioner's request to establish a 103' cell phone tower at the Crosby Crossing Swim Club, which is located at 1315 Black Friar's Road in Catonsville, MD 21228.

Unfortunately, we are unable to make a formal appearance at today's hearing. Please accept this letter to indicate the community's support for case #2009-0161.

Sincerely,



S. D. WHISLER
President

Timothy R. Pyle5122 Moorefield Road
Catonsville, MD 21228
410-340-2292

RECEIVED

FEB 18 2009

Baltimore County Tower Review Commission
105 West Chesapeake Avenue
Towson, MD 21202

ZONING COMMISSIONER

February 7, 2009

RE: Proposed Tower on Crosby Crossing Swim Club Property

Dear Commission Members:

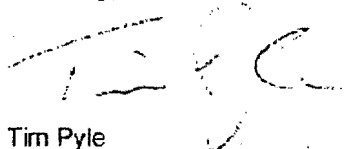
Please accept this letter as support for the proposed tower referenced above.

The reasons for my support are three-fold:

1. As a member of the pool, I can attest that the income from the tower is vital to the well being of an important community resource, especially in these tough economic times.
2. I currently work from home for a company based in Atlanta, and my cell service through them is provided by T-Mobile. A new tower would improve the quality of my calls.
3. The site selected for the tower is one that will not have a negative impact on the community. Many citizens are now accustomed to the site of these towers that have become a part of the 21st century landscape. The photos that show the visual impact of the tower indicate how minimal that impact will be.

I will be in Atlanta the day of the hearing, so I appreciate you reviewing these written comments and considering them in your deliberations.

Sincerely,



Tim Pyle

Westview Swimming Club
CASE NAME 1315 Black Friars
CASE NUMBER 2009-0161- Rd.
DATE 2-18-09 SPH X A

[illegible]

Case No.: 2009-0161 - SPHXA

1315 BLACK FRIARS RD

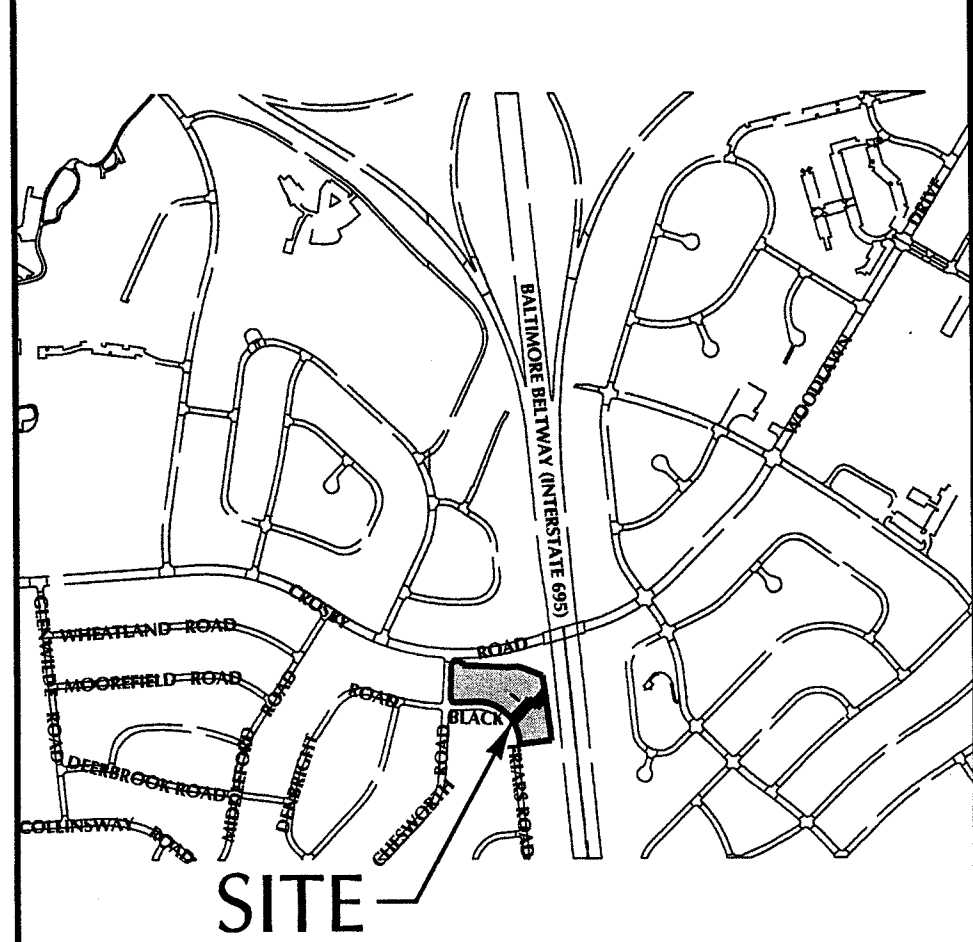
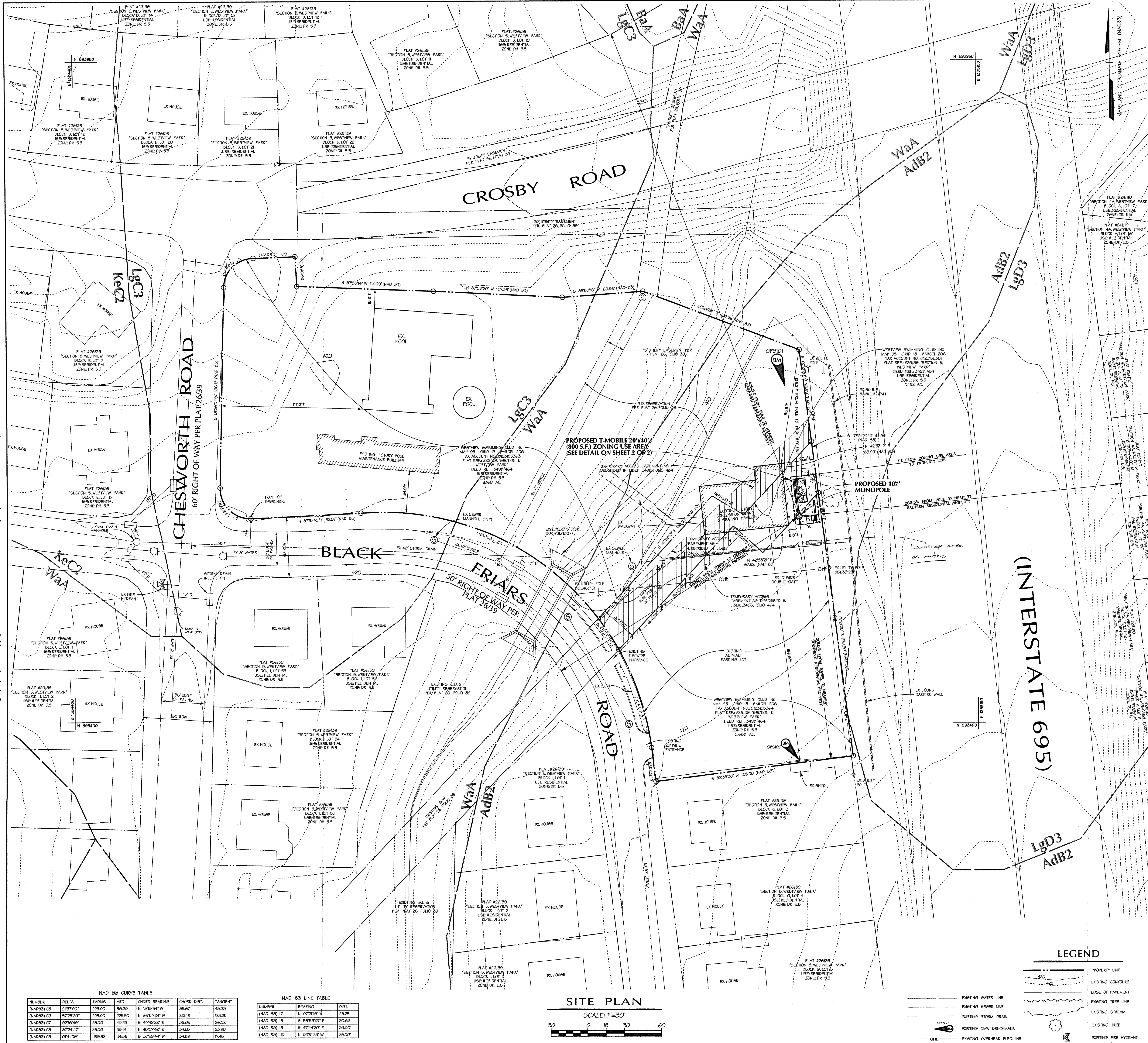
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1A SITE PLAN 1B -	
No. 2	SPECIAL EXCEPTION Area Description 3.01 acres	
No. 3	Aerial MAP	
No. 4	Tower Review Committee Report	
No. 5	A - Westview Park Improv. B - Letter - Timely P/E	Civic Assoc.
No. 6	RESUME - BRAR RAJ KANUNIA	
No. 7	A - PROPAGATION MAPS B - COVERAGE HOLE	
No. 8	Resume - McGarity Site Construction - and Plan Preparation.	
No. 9	FAR - No lighty Requirement at this site	
No. 10	Resume Michell Kelman	
No. 11		
No. 12		

This document is the creation, design, property and copyrighted work of T-Mobile Northeast LLC. Any duplication or use without express written consent is strictly prohibited.



GENERAL NOTES

- Current Owner and Street Address: Westview Swimming Club Inc. Box 3563 Baltimore, MD 21228
- Contract Lessee/Applicant: T-Mobile Northeast LLC 12250 Baltimore Avenue Beltsville, Maryland 20705
- Site Area: Lot 1 + Lot 2 + Lot 3 = 3.01 acres 3.01 acres = 131,161.81 sq. ft.
- Existing Use: Swimming Club
- Site Address: 1315 Black Friars Rd Catonsville, MD 21228
- Site Data: Tax Map 95 Grid 13 Parcel 206 Deed Reference: 349B1464 Plat Reference: #26139, 'Section 5, Westview Park' Tax Account Numbers: 0123155361, 0123155363, & 0123155364 Councilmanic District: 1 Zoned: DR 5.5
- Proposed Monopole Location: Latitude: N 39°17'46.36" (NAD 83) Longitude: W 76°44'35.63" (NAD 83) Ground Elevation: 419.21' AMSL (NAVD 88) Proposed Monopole Height: 107' AGL Total Proposed Elevation: 525.01' AMSL (NAVD 88)
- The topographic information shown herein, in the area of the proposed compound, is the result of a DWM field survey performed on 9/29/2005. Topography outside of the compound area is provided by Baltimore County digital GIS, dated March 1996. Boundary information shown herein is based on a plat entitled 'SECTION 5 WESTVIEW PARK' and recorded among the Land Records of Baltimore County in Plat Book 26, Folio 39, together with field located evidence and rotated to meet NAD 83 Coordinates. This plan is not the result of a DWM boundary survey and, therefore, is subject to change. This plan may be subject to easements and restrictions that may be recorded or unrecorded and may not be shown herein.
- No water or sanitary utilities are required for the proposed facility.
- There are no existing well or septic systems located on this property.
- Zoning information is taken from the Baltimore County zoning map 095A2.
- 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 (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.
- This site is not located within a 100 year flood plain as per the National Flood Insurance Program. Flood Insurance rate map community panel number 240100396C revised July 16, 2004.
- Proposed work includes the installation of a 10'x20' concrete pad with (1) equipment cabinet, a battery cabinet, and a power cabinet within a proposed 20'x40' fenced gravel compound at the base of a proposed 107' high monopole. A ccc cabinet, utility backboard, and transformer will also be installed at the base of the proposed monopole. (3) panel antennae will be installed at a height of 104'-5" on the proposed monopole.
- Required number of employees: 0 (unmanned facility)
- Required parking spaces: 0 (unmanned facility, ex parking spaces on site)
- Floor area ratio: N/A
- Ground disturbance for this telecommunications facility: 825± s.f.
- Building permits on record for this property: B354608, B375448.
- The proposed project is not within the Chesapeake Bay Critical Area.
- The proposed facility is not located within a Baltimore County Historic District or National Register District. The subject property is not listed as a Baltimore County Historic Property. This information was obtained from the historic map on the Baltimore County website.
- 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.
- 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.
- No CRG, DEC, or waivers are on record for this site.
- There are no zoning cases on record for this site.
- This site is not within the basic services map moratorium area.
- The proposed telecommunications facility was approved by the Baltimore County Tower Review Committee on May 22, 2005.

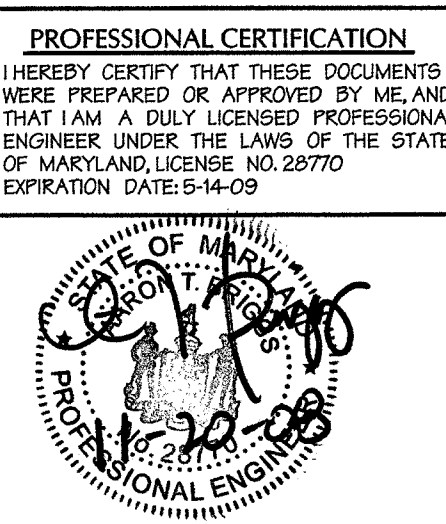
BENCHMARKS

DWM GPS100	DWM GPS101
MAGNETIC NAIL	RD AND CAP
N 593369.30	N 593679.46
E 138507.51	E 138499.21
ELV: 423.95	ELV: 416.30

PETITIONER'S EXHIBIT NO. 1A

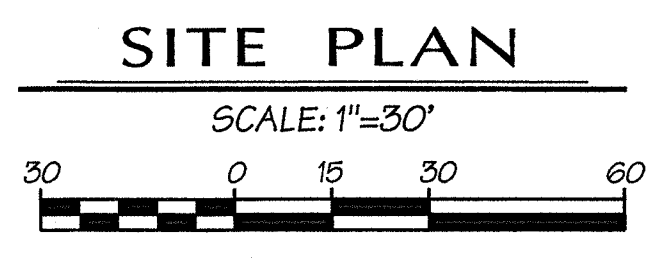
LEGEND

- PROPERTY LINE
- EXISTING CONTOURS
- EDGE OF PAVEMENT
- EXISTING TREE LINE
- EXISTING STREAM
- EXISTING TREE
- EXISTING FIRE HYDRANT
- EXISTING UTILITY POLE
- EXISTING SOILS LINE
- EXISTING SEWER MANHOLE
- EXISTING UTILITY EASEMENT
- EXISTING TEMPORARY ACCESS EASEMENT
- PROPOSED BOARD ON BOARD FENCE
- EXISTING CHAIN LINK FENCE



NUMBER	DELTA	RADIUS	ARC	CHORD BEARING	CHORD DIST.	TANGENT
(NAD83) C6	219°00'	225.00	26.20	N 19°10'54" W	85.67	43.63
(NAD83) C6	97°29'36"	225.00	225.00	N 69°54'24" W	216.18	123.25
(NAD83) C7	32°10'48"	25.00	42.08	S 44°42'22" E	36.09	26.02
(NAD83) C9	87°24'40"	25.00	38.14	N 40°07'42" E	34.92	23.90
(NAD83) C9	07°41'29"	105.92	34.09	S 87°59'44" W	34.89	17.45

NUMBER	DELTA	RADIUS	ARC	CHORD BEARING	CHORD DIST.	TANGENT
(NAD83) L7	0°00'00"	0.00	0.00	N 0°00'00" W	0.00	0.00
(NAD83) L8	0°00'00"	0.00	0.00	N 0°00'00" W	0.00	0.00
(NAD83) L9	0°00'00"	0.00	0.00	N 0°00'00" W	0.00	0.00
(NAD83) L10	0°00'00"	0.00	0.00	N 0°00'00" W	0.00	0.00



DRAWING TITLE: PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND/OR, IF NECESSARY, VARIANCE

DRAWING: 1 of 2

CHECKED BY: MDM

DATE CHECKED: 05/22/05

PROJECT NO.: 05097

BALTIMORE COUNTY, MD

1315 BLACK FRIARS RD CATONSVILLE, MD 21228

PROJECT: 78AC281E UNMANNED WIRELESS COMMUNICATION SITE

T-Mobile Northeast LLC

DAFT M'CUINE WALKER INC.

20 EAST PENNSYLVANIA AVE. JOWNSVILLE, MD 21206

TEL: 410-296-3313 FAX: 410-296-3745 WWW.DMW.COM

ENGINEERING/PLANNING/ENVIRONMENTAL PROFESSIONALS

SCHEDULE OF REVISIONS

NO.	DATE	REVISION
1	11-20-05	NAD 83 CURVE TABLE
2	11-20-05	NAD 83 LINE TABLE
3	11-20-05	NAD 83 CURVE TABLE
4	11-20-05	NAD 83 LINE TABLE
5	11-20-05	NAD 83 CURVE TABLE
6	11-20-05	NAD 83 LINE TABLE
7	11-20-05	NAD 83 CURVE TABLE
8	11-20-05	NAD 83 LINE TABLE
9	11-20-05	NAD 83 CURVE TABLE
10	11-20-05	NAD 83 LINE TABLE

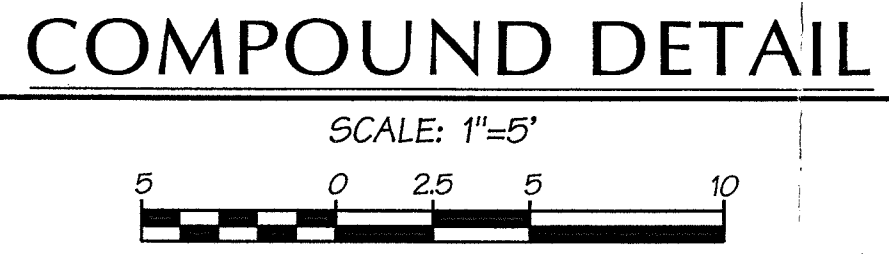
T-Mobile Northeast LLC

SITE NO. 78AC281E

CROSBY SWIM CLUB

1315 BLACK FRIARS RD CATONSVILLE, MD 21228

11/20/2008 mmccgarity c:\hpm\06097.prf



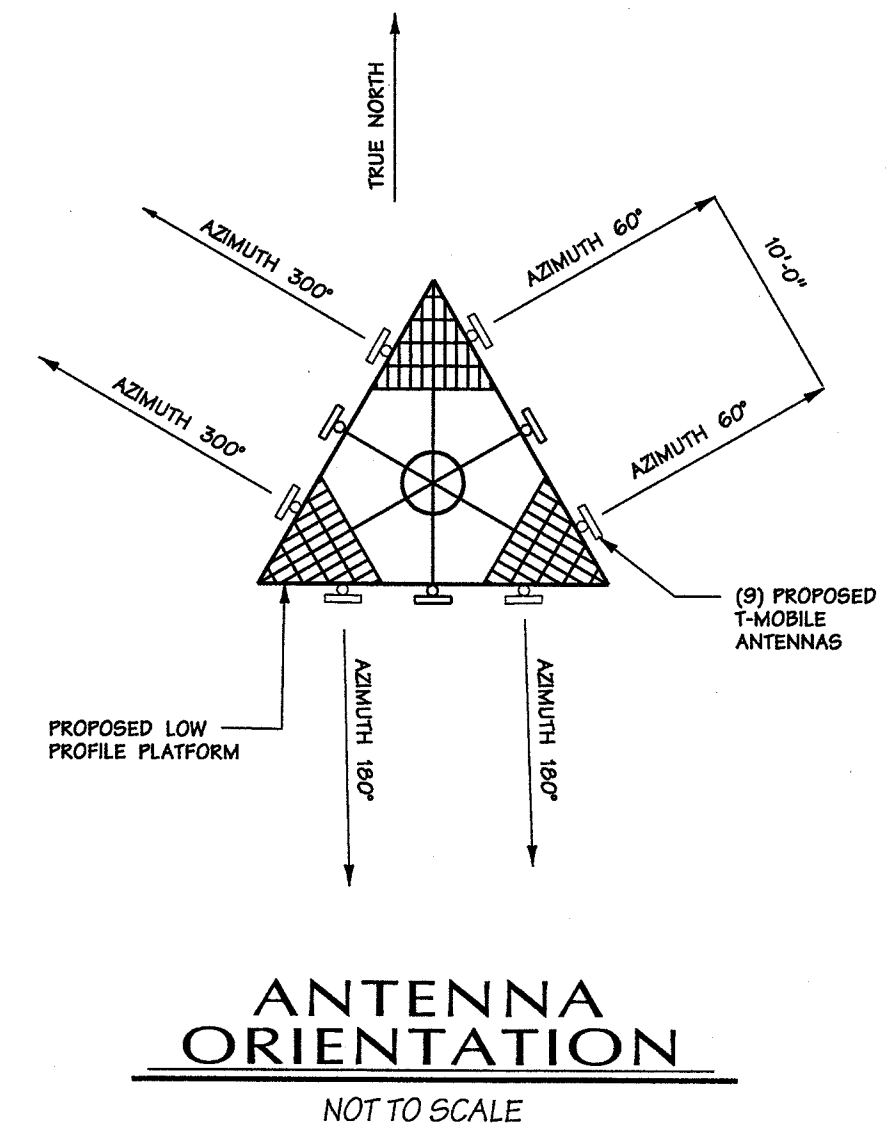
PETITIONER'S S

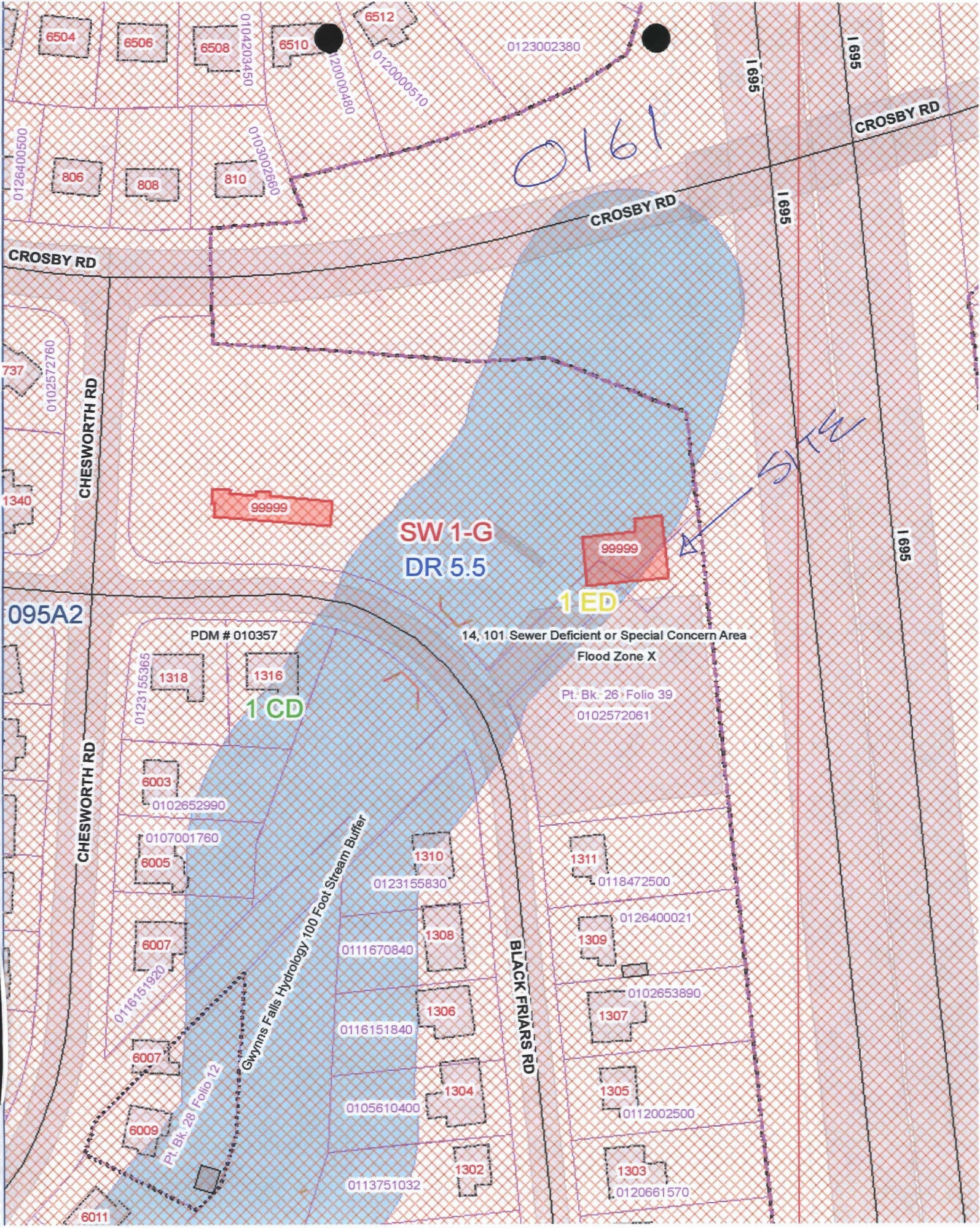
EXHIBIT NO. 1B

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. 29770
EXPIRATION DATE: 5-14-09

STATE OF MARYLAND
PROFESSIONAL ENGINEER





0161

SW 1-G
DR 5.5

1 ED

1 CD

14, 101 Sewer Deficient or Special Concern Area
Flood Zone X

Pt. Bk. 26 Folio 39
0102572061

Gwynns Falls Hydrology 100 Foot Stream Buffer

CROSBY RD

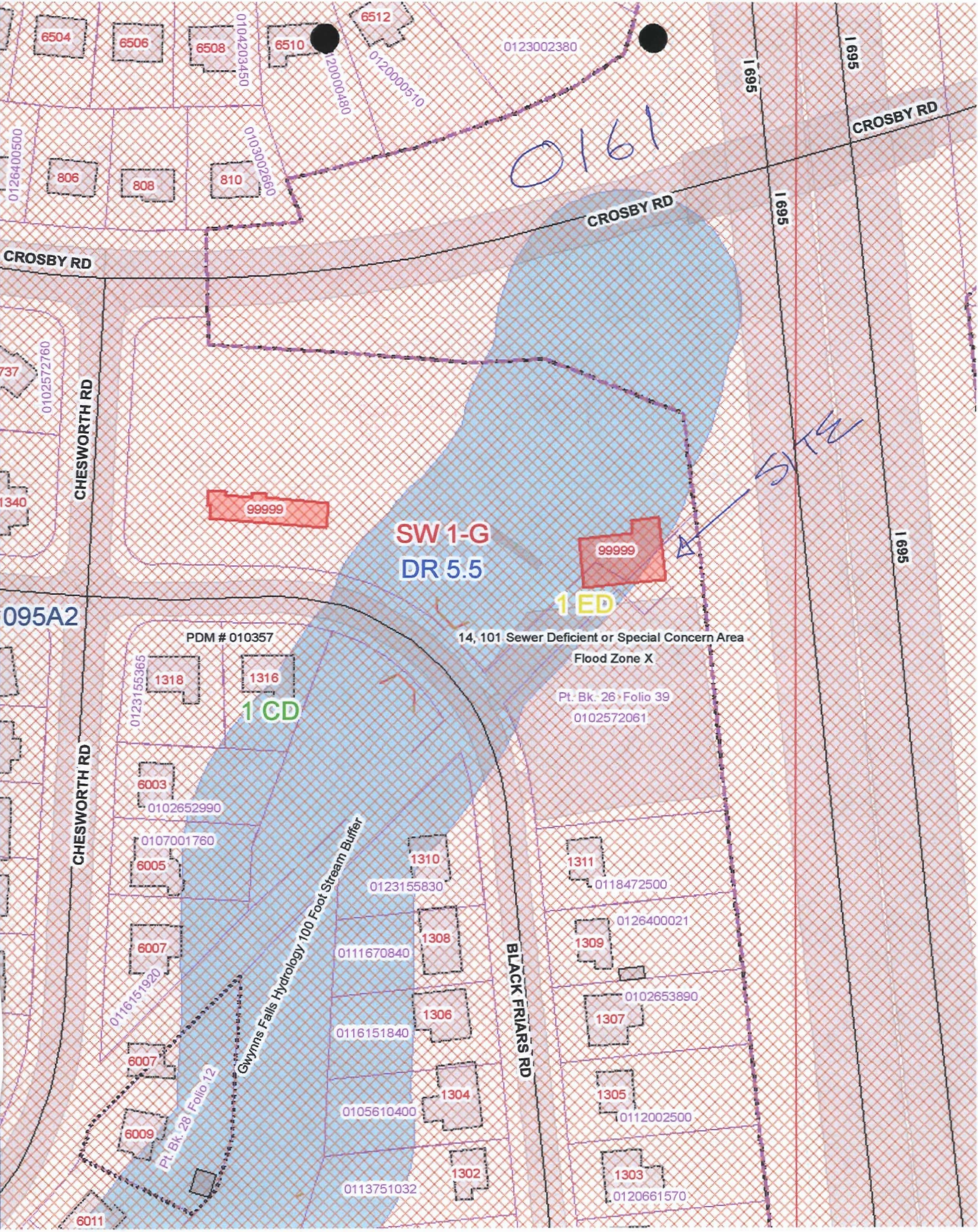
CROSBY RD

CHESWORTH RD

CHESWORTH RD

BLACK FRIARS RD

095A2



BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

DATE: May 22, 2008

TO: Walter Smith
Department of Permits and Development Management

FROM: Tower Review Committee

SUBJECT: New Tower – T-Mobile – 1315 Black Friars Road, Catonsville

The Tower Review Committee met on December 19, 2007 and discussed an application made by T-Mobile on November 13, 2007. As a result of questions that arose at this meeting, additional information was received on March 26th, 2008.

Reports generated by Columbia Telecommunications dated April 15, 2008 are attached to this memorandum.

The Committee is making the following advisory comments to the Development Review Committee (DRC) in accordance with section 426.4 of the Baltimore County Zoning Regulations in reference to the proposed construction of a new 130' monopole to be located on the property owned by Westview Swimming Club, Inc. 1315 Black Friars Road, Catonsville.

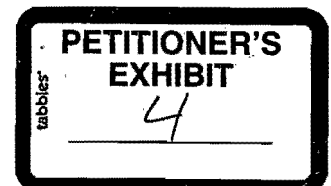
- *Antennas should be placed on existing towers, buildings, and structures, including those of public utilities, where feasible.*

Findings: The proposed site is located at the Crosby Swim Club. T-Mobile has provided all requested information to the Tower Review Committee (TRC) to successfully demonstrate that no other co-location opportunities exist at or near this location that would suffice in providing their requested coverage of the intended area. T-Mobile has proposed to install a new 130-foot monopole. The total height of the proposed structure is 130-feet including all appurtenances.

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

Findings: T-Mobile has stated, in the application to the TRC the proposed typical monopole structure will be constructed to support 2 additional wireless service providers in addition to T-Mobile.

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



Westview Park Improvement & Civic Association

WPICA
6400 Baltimore National Pike
Box 537
Catonsville, MD 21228

President: Steve Whisler – (410) 788-3232
Vice President: Ganiyu Raji – (410) 788-0090
Treasurer: Genie Poplawski – (410) 788-4833
Sergeant-at-Arms – (410) 788-8602
Website: <http://www.westviewpark.org>

Our Charter

A non-partisan and non-commercial association that functions solely for the mutual benefit and civic needs of the residents of Westview Park in Baltimore County, Maryland

February 18, 2009

Baltimore County Government
County Office Building
111 West Chesapeake Avenue, Suite 105
Towson, MD 21204
Attention: Mr. Don Rascoe
Deputy Director of Permits & Development Management
410-887-3868 (voice); 410-887-3468 (fax)

RECEIVED

FEB 18 2009

ZONING COMMISSIONER

Subject: Tower Review Commission Hearing Case #2009-0161

Dear Sir,

We have worked extensively with T-Mobile and the Crosby Crossing Swim Club over the past two years to decrease the tower's size from 130' to 103'. We appreciate their efforts to interact with property owners and entire community to minimize the impact to our quality of life.

Since 2007, the community association has held several community meetings to educate nearly 1800 families to the proposal. Project details have been sent to the entire community via quarterly newsletters. Our website, www.westviewpark.org, has kept neighbors informed and also offers computer-generated photographs to depict the visual impact to our region.

There appears to be no opposition to the project proposed in case #2009-0161. All feedback we have received at semi-annual community meetings suggests extensive community support.

As a result, our community association supports the petitioner's request to establish a 103' cell phone tower at the Crosby Crossing Swim Club, which is located at 1315 Black Friar's Road in Catonsville, MD 21228.

Unfortunately, we are unable to make a formal appearance at today's hearing. Please accept this letter to indicate the community's support for case #2009-0161.

Sincerely,



S. D. WHISLER
President

PETITIONER'S
EXHIBIT

5A

Timothy R. Pyle6122 Moorefield Road
Catonsville, MD 21228
410-340-2292

RECEIVED

FEB 18 2009

Baltimore County Tower Review Commission
105 West Chesapeake Avenue
Towson, MD 21202

ZONING COMMISSIONER

February 7, 2009

RE: Proposed Tower on Crosby Crossing Swim Club Property

Dear Commission Members:

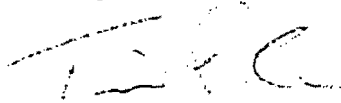
Please accept this letter as support for the proposed tower referenced above.

The reasons for my support are three-fold:

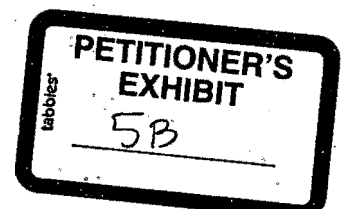
1. As a member of the pool, I can attest that the income from the tower is vital to the well being of an important community resource, especially in these tough economic times.
2. I currently work from home for a company based in Atlanta, and my cell service through them is provided by T-Mobile. A new tower would improve the quality of my calls.
3. The site selected for the tower is one that will not have a negative impact on the community. Many citizens are now accustomed to the site of these towers that have become a part of the 21st century landscape. The photos that show the visual impact of the tower indicate how minimal that impact will be.

I will be in Atlanta the day of the hearing, so I appreciate you reviewing these written comments and considering them in your deliberations.

Sincerely,



Tim Pyle



Rajkanwar Brar

12050 Baltimore Ave.,
Beltsville, MD 20705

Rajkanwar.Brar@t-mobile.com
(443) 739-7489(C)
(240) 264-8646(O)

SUMMARY:

- Experience in GSM RF Design and introduction to BSS optimization.
- Experience with Drive test units like TEMS Investigation, DTI, Agilent, Wider and Invenx.
- Experience with mapping tools like MapInfo.
- Experience with Optimization tools like OptPCS.
- Experience with Planning tools like Asset.
- Experience with Desktop Applications like Excel, Word, and PowerPoint.
- Experience with VB6, Oracle8 programming and Crystal Reports.
- Experience with Novell Intranetware (4.11).

EXPERIENCE

A) Telecom Technology Services Inc. (Consultant to T-Mobile, Washington DC-Baltimore Market)

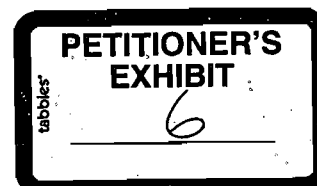
Date: April 2006 - Present

RF Engineer, RF Design (Nov 2007 - Present)

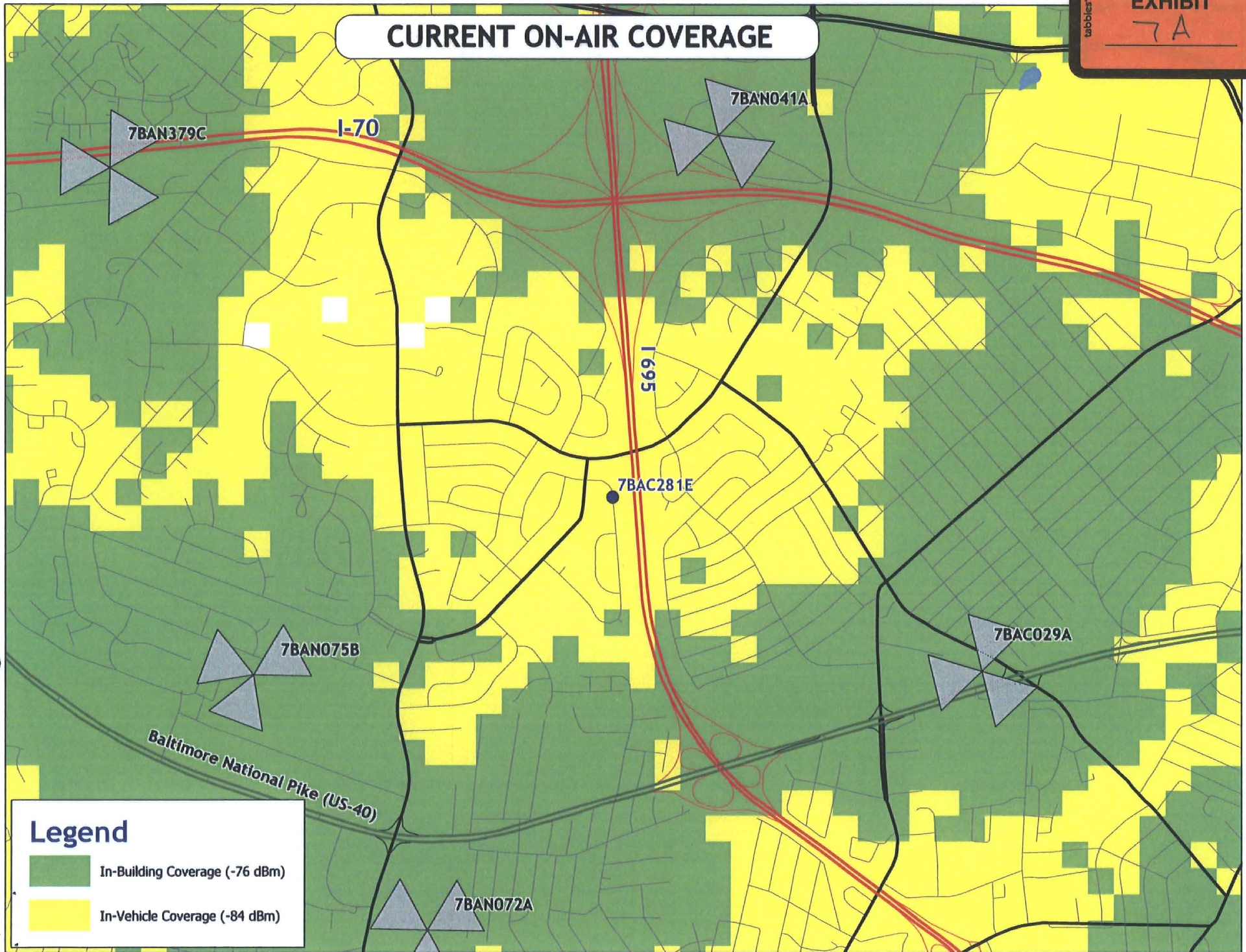
1. Drive test data analysis using TEMS and OptPCS.
2. Voice and Data Traffic Planning and Analysis.
3. Provided technical support in City Council and Zoning Hearings.
4. Planning and designing sites in the Washington Metro area and coordinating all activities to make sites on-air.
5. Design of cell split sites to offload high traffic sites and infill sites for low coverage areas.
6. Design Review Presentation for the senior management.
7. Candidate site selection, ranking and evaluation.
8. Coordination and assistance in defining low coverage areas.
9. Preparation of search rings.
10. Provided technical support in zoning hearings, planning commission hearings and neighbourhood / pre-zoning meetings.
11. Neighbor List Assignment, Frequency Plan Review, Interference Analysis.

RF Engineer, Solutions Group (Apr '06-Jul '07 and Oct '07 - Nov '07)

1. Post-Processed and Analyzed GSM and CDMA Drive-test Data collected using TEMS, DTI, Agilent, Wider using OptPCS, OptiCP, Mapinfo, TEMS Investigation and Wind Tunnel.
1. Performed Neighbor/Interferer Analysis using OptPCS based on TTS Spectral Efficiency Guidelines to identify top offenders in the market.
2. Recommended Parameter Changes to the Market RF Team based on the Drive Data.
3. Prepared Presentation/Project Document for the Management/RF Team in the market at the end of the project, outlining the process followed, results obtained, major recommendations based on the drive.



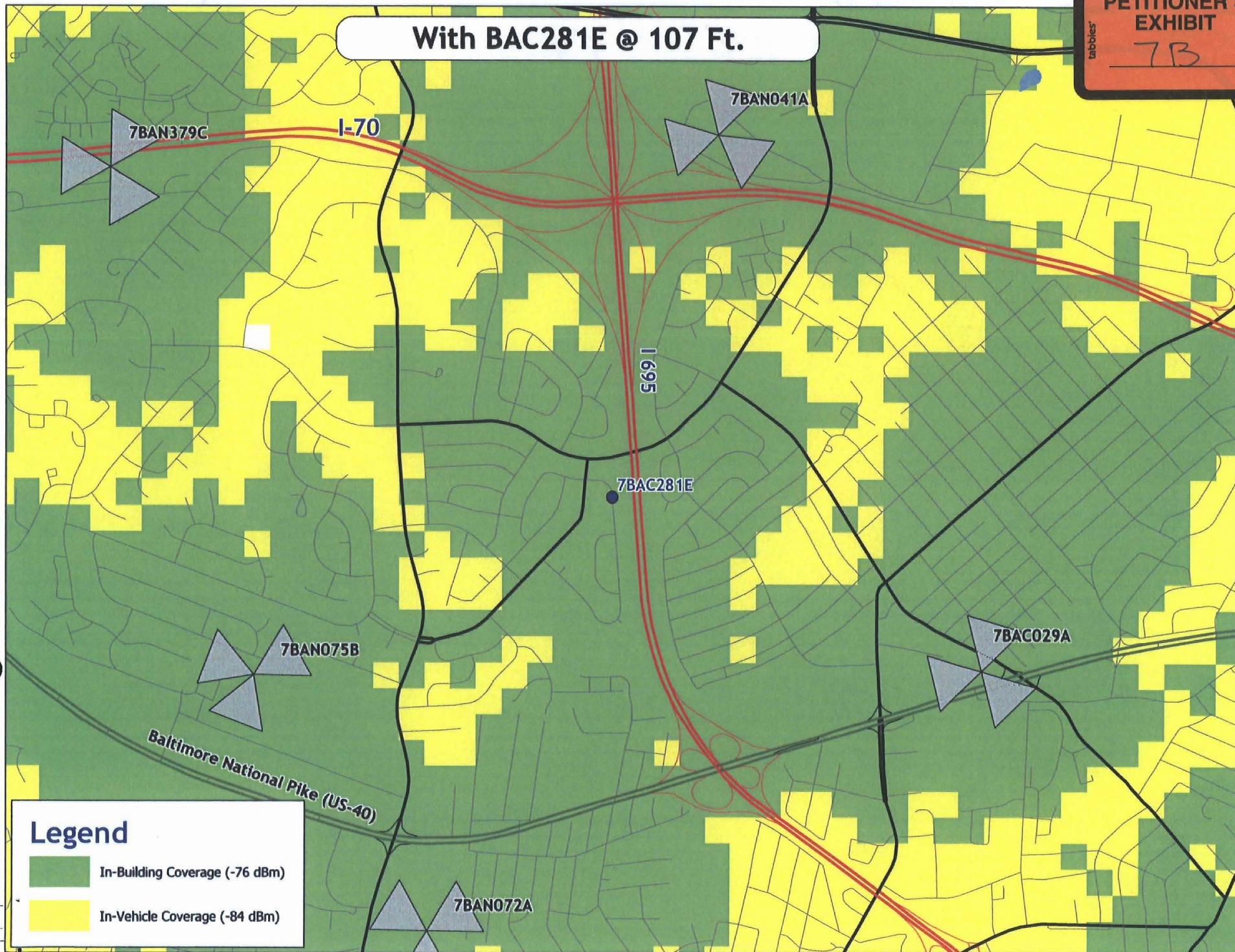
CURRENT ON-AIR COVERAGE



With BAC281E @ 107 Ft.

PETITIONER'S
EXHIBIT

7B



DMW

DAFT MCCUNE WALKER INC

MICHAEL D. McGARITY TEAM MANAGER WIRELESS SERVICES DIVISION

Education

University of Maryland College Park, B.S., Civil Engineering

Professional Summary

Mr. McGarity has nine years experience in managing wireless telecommunications projects for numerous carriers, including AT&T Wireless Services, Sprint PCS, Nextel Communications, Cingular Wireless, and T-Mobile USA. Mr. McGarity implements an innovative and practical approach to providing site planning, zoning, engineering, surveying and permitting services for wireless carriers throughout Maryland. Mr. McGarity provides a close and personal link with his clients, providing expertise from site inception to completion in the field. Mr. McGarity is proficient with Microstation and mentors his staff with providing detailed plans that are compliant with local jurisdictional standards. Mr. McGarity is actively involved with other development projects within DMW to gain additional engineering experience as he works toward acquiring his Professional Engineering License.

Partial List of Projects

AT&T Wireless expansions throughout the Maryland area
Cellular One network expansions throughout the Maryland area
Cingular Wireless network expansions throughout the Maryland area
Nextel Communications network expansions throughout the Maryland area
Sprint PCS network expansions throughout the Maryland area
T-Mobile USA network expansions throughout the Maryland area
Verizon Wireless network expansions throughout the Maryland area

Memberships and Awards

American Society of Civil Engineers (Student Chapter 1994-1996)

Professional Experience

Daft-McCune-Walker, Inc., Towson, Maryland, 1997 - Present
Pavex, Inc., Cockeysville, MD, 1996-1997

PETITIONER'S
EXHIBIT

tabbles

8

5155 CLIPPER DRIVE
ATLANTA, GA 30349

TEL 678.924.8088
FAX 678.924.8006

JEPPESEN.COM



STUDY FOR
T-Mobile Northeast, LLC

Jeppesen Study Number:	VSW 55798-09
Date:	January 31, 2009
Site ID/Name:	7BAC281E/Crosby Swim Club

Structure Location: Catonsville, MD

Latitude:	39°	17'	46.35"
Longitude:	076°	44'	35.67"
NAD 83			

Site Elevation:	418'	AMSL
Tower Height:	107'	AGL
Overall Height:	525'	AMSL

This study is conducted in accordance with the Federal Aviation Regulations (FAR) Part 77 and the Federal Communications Commission (FCC) Rules Part 17.

This report and the findings, opinions and recommendations expressed herein are intended for the exclusive use of T-Mobile Northeast, LLC in making appropriate regulatory filings and may not be reproduced by other parties in any form or manner.



DMW

DAFT MCCUNE WALKER INC

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

tabbles

10



Gregory E. Rapisarda
Phone: (410) 332-8963
Fax: (410) 332-8155
GRapisarda@saul.com
www.saul.com

January 30, 2009

Baltimore County Zoning Office
Baltimore County Zoning Review
County Office Building
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

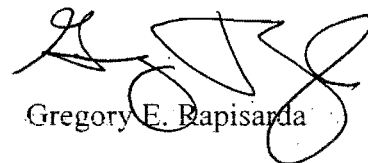
Re: Entry of Appearance of Gregory E. Rapisarda
Case No. 2009-01-61-SPHXA

To Whom It May Concern:

Please enter my appearance on behalf of T-Mobile in the above-referenced matter. Please place me on the notice list so that I am apprised of all filings and correspondence related to this case.

Please contact me if you have any questions or concerns, and I thank you for your time and attention to this matter.

Very truly yours,



Gregory E. Rapisarda

GER:kjg

TO THE CLERK
Baltimore County Zoning Office
County Office Building
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

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

DELAWARE MARYLAND NEW JERSEY NEW YORK PENNSYLVANIA WASHINGTON, DC

A DELAWARE LIMITED LIABILITY PARTNERSHIP