

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
E side of Old Court Road; 215 feet N of	*	DEPUTY ZONING
Liberty Road		
2 nd Election District	*	COMMISSIONER
4 th Councilmanic District		
(8514 Liberty Road)	*	FOR BALTIMORE COUNTY
Liberty Crossing Land LLLP	*	
<i>Legal Owners</i>		
Verizon Wireless	*	
<i>Contract Lessee</i>		
	*	Case No. 2010-0147-SPHA
	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Kenneth L. Hankin on behalf of the legal owners of the subject property, Liberty Crossing Land LLLP, and Brian Stover on behalf of the contract lessee, Verizon Wireless. Special Hearing relief is requested in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to confirm that the proposed wireless telecommunications tower will not be located 200 feet or less from any other owner's residential property line and that a variance from Section 426.6.A.1 of the B.C.Z.R. is not required, and to amend the site plan approved in Case No. 97-587-X. In the alternative, Petitioner is requesting Variance relief from Section 426.6.A.1 of the Baltimore County Zoning Regulations to allow a wireless telecommunications tower to be set back 70 feet from another owner's residential property line in lieu of the required 200 feet. The subject property and requested relief are more fully described on the two-page site plan that was marked and accepted into evidence as Petitioner's Exhibits 1A and 1B.

Appearing at the requisite public hearing in support of the requested relief on behalf of Petitioner Verizon Wireless was Stephanie Petway with Network Building & Consulting, LLC

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("NBC, LLC"), Petitioner's wireless site development consultant. Arnold Jablon, Esquire and David Karceski, Esquire appeared as attorneys for Petitioner. Also appearing in support of the requested relief were Sherri Linton, a radio frequency engineer with Verizon Wireless for the northeast region, and Michael McGarity, a professional engineer specializing in wireless communications projects, and Mitch Kellman, Petitioner's zoning consultant, both with Daft – McCune – Walker, Inc., the firm that prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence proceeded by way of a proffer from Mr. Karceski and revealed that the subject property is an irregular-shaped property containing approximately 11.71 acres, more or less, zoned B.R. (Business, Roadside). The property is located on the northeast side of the intersection of Liberty Road and Old Court Road in the Randallstown area of Baltimore County. The property is improved with a large existing commercial building that contains a self-storage facility and a number of other retail uses including a grocery store. The property is situated in a commercial corridor of Liberty Road, with a number of commercial and institutional uses nearby. Immediately to the west and north is a church and cemetery, to the east is another church and cemetery. To the north is an elderly housing complex with two 74 unit, two-story elderly housing facilities, known as "Randallstown Nonprofit Housing Corporation" and "Randallstown II Nonprofit Housing Corporation," respectively. As shown on the aerial photographs that were marked and accepted into evidence as Petitioner's Exhibits 4A and 4B, these properties surround the subject property and the adjacent zoning is D.R.5.5. Further to the north and east are residential neighborhoods.

Mr. Karceski described the property and the requested zoning relief and proffered the testimony of Petitioner's land use, planning, and zoning experts, Messrs. McGarity and Kellman with Daft – McCune – Walker, Inc. ("DMW"). Mr. McGarity is a civil engineer and Director of

Wireless Services for DMW. He has been with DMW since 1997 and has over 10 years of experience managing wireless telecommunications projects for numerous wireless carriers and has a detailed knowledge of site design and implementation as it relates to the Baltimore County Zoning Regulations and specifically the telecommunications tower Regulations. He has testified numerous times before this Commission as an expert and was offered and accepted as such in this case. Mr. Kellman is the Director of Zoning Services for DMW. He has been with DMW since 2000 and has over 11 years of experience working in zoning administration and subdivision regulation for the public sector. He was previously employed with the Baltimore County Zoning Review Office where he reviewed zoning petitions and development plans and made determinations regarding compliance with County regulations. He has testified extensively as an expert before this Commission and was offered and accepted as an expert in zoning and the Baltimore County Zoning Regulations. Mr. McGarity and Mr. Kellman's resumes were marked and accepted into evidence as Petitioner's Exhibits 2 and 3, respectively.

Mr. Karceski indicated in his opening remarks that his client, Petitioner Verizon Wireless, desires to provide enhanced wireless services to its customers. They have identified a coverage gap in the area and desire to erect a 90 foot tapered steel monopole with exterior antennae at the rear of the property, behind the existing building, as shown on the site plan. Initially, Petitioner prepared a search ring in order to find suitable locations to alleviate the coverage gap. After investigating possible sites, the subject property was identified as the most ideal location. Specifically, its location and height would meet the coverage needs, while also meeting the requirements of Baltimore County that any new tower be constructed to accommodate at least three wireless providers, erected in a medium or high density commercial zone when available, and located and designed to minimize its visibility from residential and transition zones. As noted previously, the subject property is surrounded to the north, east, and west by property zoned

D.R.5.5, with a church and cemetery and elderly residential housing buildings located behind the subject property -- the closest property lines to where the proposed telecommunications tower would be located. As a result of the above, Petitioner is seeking special hearing relief to confirm that the proposed tower on the subject property would not be located 200 feet or less from an other owner's residential property line. In the alternative, Petitioner is seeking a variance to allow the tower to be set back 70 feet from another owner's residential property line.

In support of the special hearing request, Mr. Karceski asserted that there is a distinction in Section 426.6.A of the B.C.Z.R. between the phrases "other owner's residential property line" contained in Section 426.6.A.1, which refers to the tower's minimum 200 foot setback requirement, and "any other owner's property or zoning line" contained in Section 426.6.A.2, which refers to the structure housing the equipment for the tower meeting the minimum setback requirements. Mr. Karceski argued that the proposed tower in the instant matter would be at least 470 feet from the closest residential property line on nearby Valley Hill Court, and would also be more than 200 feet from the Randallstown and Randallstown II elderly housing facilities. Moreover, in his view, the two phrases referenced above indicate that the 200 foot setback should not be looked at in terms of the residential zone (i.e. -- the adjacent D.R. Zone), but rather in terms of the residential property line, which are the residential properties on Valley Hill Court. Therefore, it could be argued that a variance from Section 426.6.A.1 of the B.C.Z.R. is not necessary.

In the alternative, Mr. Karceski discussed the unusual features of the property and the legal threshold that must be met for variance relief to be granted. Specifically, Mr. Karceski pointed to the irregular shape of the property and its topography. As shown on the site plan, the property has a narrow strip of land that provides access to the site from Old Court Road, and also has two separate access points from Liberty Road. The subject property also surrounds a much smaller

property with a building pad site that is home to a video rental store. As to the topography, the dotted lines on the site plan show that the subject property is elevated from its Liberty Road and Old Court Road frontage, and sits above the other properties nearby. This is also illustrated in the photographs of the site that were collectively marked and accepted into evidence as Petitioner's Exhibit 5. In addition, at the rear of the site near the location of the proposed tower, the elevation increases significantly to the residentially zoned property. As to practical difficulty, Mr. Karceski explained that the site is already a built-out commercial shopping center known as "Liberty Crossroads" and the building and parking improvements are existing. The site itself, and the placement of the tower on the site, is an ideal location for the telecommunications tower. As the photo-simulations that were marked and accepted into evidence as Petitioner's Exhibits 6A through 6C indicate, there would be very little visual or other impacts associated with the presence of the tower (in fact, it resembles the existing light towers on the site). In Petitioner's view, it would be inopportune to allow such an obviously well suited site not to be utilized, given the coverage needs and the location's compliance with Baltimore County's mandates with regard to the erection of new towers.

Finally, Mr. Karceski noted that the instant proposal was considered by the Baltimore County Tower Review Committee ("TRC") on October 27, 2009 and recommended for approval by the TRC in its Memorandum dated December 17, 2009, which was marked and accepted into evidence as Petitioner's Exhibit 7. In the conclusion of its advisory comments, the TRC stated that:

a new 90-foot tower in the proposed location would serve to fill in Verizon's coverage gap in the area and help them toward their goal of seamless connectivity. It would meet all of the requirements of Section 426 [of the B.C.Z.R.], while allowing for needed emergency and non-emergency communications for customers in the area.

Near the conclusion of the hearing, the undersigned conveyed concerns over the design of the proposed tower and inquired as to how the tower would be constructed and what would be the "fall zone" of the proposed tower. In response, Ms. Petway indicated that the tower would be designed specifically so that it would not have a broad fall zone. Ms. Petway also referenced a report prepared by Petitioner's tapered steel pole supplier, ROHN Products, LLC, which discusses in great detail the characteristics of the tower. A copy of the cover letter to that report, which summarized the findings, was marked and accepted into evidence as Petitioner's Exhibit 8. In short, the proposed tower would be designed and engineered not to fail in virtually any circumstances, but in the event that it did, the tower would not simply "fall over" with a fall zone of at least 90 feet -- the height of the tower. Rather, the tower would be designed so that stronger sections are provided in the lower portion of the pole (approximately the first 50 feet of the pole). The design would enable the pole to fail through a combination of bending and buckling in the upper portion of the pole should a catastrophic wind loading occur. Failure in this scenario would result in the upper portion of the pole "folding over" the lower portion, resulting in no more than a 50 foot fall zone radius. The design would also make it highly unlikely that the pole would completely break or shear off and hit the ground, but would more likely be a local buckling failure.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated December 11, 2009 which indicates that development of the property must comply with the Forest Conservation Regulations. If this project does not qualify for any of the exemptions listed in Section 33-6-102 of the Baltimore County Code, then this site must comply with the Forest Conservation Law. Recent changes to the current regulations do not allow for forest conservation waivers. However, since the site was developed prior to the forest

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conservation regulations, Petitioner may request a forest conservation variance to base the afforestation calculations on the limit of disturbance rather than the entire site coverage.

Turning first to the Petition for Special Hearing, wireless telecommunications towers and facilities are governed by Section 426 of the B.C.Z.R. Section 426.5 of the B.C.Z.R. provides that wireless telecommunication towers are permitted in the B.R. Zone as a matter of right. In addition, however, a petitioner must also meet mandatory setback requirements for these towers. In the event these setbacks cannot be met, variances from the wireless telecommunications facility requirements are authorized, pursuant to Section 426.11 of the B.C.Z.R. and governed by Section 307 thereof. Section 426.6.A.1 of the B.C.Z.R. states that "[a] tower shall be set back at least 200 feet from any other owner's residential property line." In the instant matter, Petitioner, through its attorneys, contends that a variance in this case is not necessary. They assert that the phraseology of Section 426.6.A.1, wherein the tower shall be setback at least 200 feet from any other owner's *residential property line* (emphasis added), explicitly does not mention "zoning line." Petitioner believes it meets this requirement because the nearest residential property lines are the residential properties at Valley Hill Court, over 470 feet away.

In this case, I disagree with Petitioner's analysis on the necessity of the variance and believe a variance is required in this case. As shown on the site plan, the property line to the rear at the northeast side of the subject property is the boundary that is potentially implicated by the 200 foot setback requirement of Section 426.6.A.1 of the B.C.Z.R. The properties adjacent to this boundary that are owned by Mount Olive United Methodist Church and Randallstown II Nonprofit Housing Corporation, respectively, are zoned D.R.5.5 and these nearest property lines are approximately 70 feet from the proposed location of the telecommunications tower. Section 426.5.D designates "Residential Zones" and includes the D.R. Zone. In my view, this is a strong factor in the determination here that the boundary lines of the adjacent properties are "residential

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property lines" as referenced in Section 426.6.A.1 of the B.C.Z.R. In addition, there is a property line that bisects the two adjacent properties and runs perpendicular to the subject property, as also shown on the site plan in proximity to the proposed location of the tower. This property line also constitutes a "residential property line" and is certainly less than 200 feet from the proposed tower location. Hence, in my judgment a variance request is required.

In this case, Petitioner did in fact request the variance from Section 426.6.A.1 of the B.C.Z.R. as an alternative in order to permit the proposed tower location to be set back 70 feet from another owner's residential property line in lieu of the required 200 feet. After considering the testimony and evidence presented in support of the request, I am persuaded to grant the relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Certainly, the subject property is unlike other properties in the area in shape and topography. I also find that strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship upon Petitioner. Petitioner has identified a coverage gap in its wireless service and is required by the Federal Communications Commission to ensure that its network is adequate to serve its customers and meet its licensing requirements. This need is also supported by the Baltimore County Tower Review Committee. The subject property is located in a commercial corridor with similar commercial and institutional uses along Liberty Road and, after an investigation into potential sites, is viewed as a suitable location for the proposed tower, with minimal impact. Finally, I find that the variance request can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. In viewing the surrounding area on the whole, the proposed location of the tower on the subject property is an ideal location. It is located well within the search ring prepared by Petitioner and would likely have very little impact, especially visually, on the community. The 90 foot tower would be

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buffered by the self storage building located in front of it, and would be approximately 545 feet from Liberty Road. It would also be buffered from the properties to the rear by the elevation of those properties over 10 feet about the surface location of the tower, plus the tall line of mature trees that runs along the property line. In my view, the visual appearance of the tower would not be unlike the appearance of the light poles on the property that light up the parking lot and rear alley.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 2010 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to confirm that the proposed wireless telecommunications tower will not be located 200 feet or less from any other owner's residential property line and that a variance from Section 426.6.A.1 of the B.C.Z.R. is not required, be and is hereby **DENIED**; and

IT IS FURTHER ORDERED that Petitioner's Special Hearing request to amend the site plan approved in Case No. 97-587-X be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's Variance request from Section 426.6.A.1 of the Baltimore County Zoning Regulations to allow a wireless telecommunications tower to be set back 70 feet from another owner's residential property line in lieu of the required 200 feet, be and is hereby **GRANTED**.

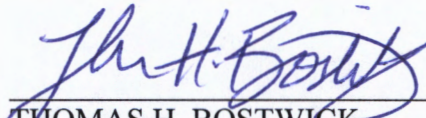
The relief granted herein is subject to the following conditions:

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[Signature]

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). If this project does not qualify for any of the exemptions listed in Section 33-6-102 of the Baltimore County Code, then this site must comply with the Forest Conservation Law. Recent changes to the current regulations do not allow for forest conservation waivers. However, since the site was developed prior to the forest conservation regulations, Petitioner may request a forest conservation variance to base the afforestation calculations on the limit of disturbance rather than the entire site coverage.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 14, 2010

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

ARNOLD JABLON, ESQUIRE
DAVID KARCESKI, ESQUIRE
VENABELE LLC
210 WEST PENNSYLVANIA AVENUE
TOWSON MD 21204

Re: Petition for Special Hearing and Variance
Case No. 2010-0147-SPHA
Property: 8514 Liberty Road

Dear Messrs. Jablon and Karceski:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

- c: Mitch Kellman and Michael McGarity, DMW-Draft Mccune Walker Inc., 200 East Pennsylvania Avenue, Towson MD 21286
Stephanie Petway and Charles Solomon, Network Building & Consulting, LLC 7380 Coca Cola Drive, Hanover MD 21076
Sherri Linton, Verizon Wireless, 9000 Junction Drive, Annapolis Junction MD 20701



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8514 Liberty Road

which is presently zoned BR

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

SEE ATTACHED SHEET 1

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 bound 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 SHEET 2

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 West Pennsylvania Avenue 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED SHEET 3

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 West Pennsylvania Avenue 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

2 HRS

Case No.

2010 0147 SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

SL

Date

11/03/09

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Petition for Special Hearing
Attached Sheet 1
8514 Liberty Road

1. Special Hearing to confirm that the proposed wireless telecommunications tower will not be located 200 feet or less from any other owner's residential property line and that a variance from Section 426.6.A.1 of the Baltimore County Zoning Regulations is not required.
2. Special Hearing to amend the site plan approved in Case No. 97-587-X.

Petition for Special Hearing
Attached Sheet 2
8514 Liberty Road

Contract Lessee:
Verizon Wireless

By: 
Brian Stover, Manager Real Estate/Zoning
Verizon Wireless - Annapolis Junction Office
9000 Annapolis Junction Drive
Annapolis, Maryland 20701
(301) 512-2000

Petition for Special Hearing
Attached Sheet 3
8514 Liberty Road

Legal Owner:

Liberty Crossing Land LLLP

BY: LIBERTY CROSSING CENTER LLLP, general partner

BY: SIENA CORPORATION, general partner

By: Kenneth L Hanken

Name/Title: KENNETH L HANKEN CEO

Address: 8221 SNOWDEN RIVER PARKWAY
COLUMBIA MARYLAND 21045

Telephone: 410-539-3006



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 8514 Liberty Road
which is presently zoned BR

Deed Reference: 13371 / 345 Tax Account # 2300003538

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 SHEET 1

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

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 SHEET 2

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 West Pennsylvania Avenue 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED SHEET 3

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 West Pennsylvania Avenue 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 2010 0147 SPHP

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

2 HRS

Reviewed by JL

Date 11/03/09

REV 8/20/07

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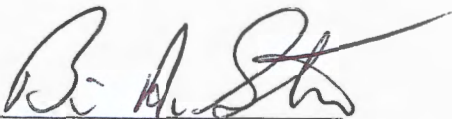
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Petition for Variance
Attached Sheet 1
8514 Liberty Road

Variance from section 426.6.A.1 of the Baltimore County Zoning Regulations to allow a wireless telecommunications tower to be set back 70 feet from another owner's residential property line in lieu of the required 200 feet, if necessary.

Petition for Variance
Attached Sheet 2
8514 Liberty Road

Contract Lessee:
Verizon Wireless

By: 
Brian Stover, Manager Real Estate/Zoning
Verizon Wireless - Annapolis Junction Office
9000 Annapolis Junction Drive
Annapolis, Maryland 20701
(301) 512-2000

Petition for Variance
Attached Sheet 3
8514 Liberty Road

Legal Owner:

Liberty Crossing Land LLLP

BY: LIBERTY CROSSING CENTER LLLP general partner

BY: SIENA CORPORATION, general partner

By:

Kenneth L Hankin

Name/Title: KENNETH L HANKIN CEO

Address: 8221 SNOWPEN RIVER PARKWAY
COLUMBIA MD 21045

Telephone: 443-539-3006

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Description
To Accompany Petition
For a Variance
and Special Hearing
8514 Liberty Road
Baltimore County, Maryland

Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Old Court Road (70 feet wide) and the centerline of Liberty Road (variable width right-of-way), Northeasterly 215 feet, more or less, thence Southeasterly 35 feet, more or less, to the point of beginning, thence leaving said point of beginning and running with and binding on a portion of said Old Court Road, referring all courses of this description to the Maryland Coordinate System (NAD 83/1991): (1) North 25 degrees 22 minutes 16 seconds East 72.31 feet, thence leaving said right of way, (2) South 59 degrees 20 minutes 45 seconds East 325.05 feet, thence (3) North 32 degrees 57 minutes 30 seconds East 440.91 feet, thence (4) South 58 degrees 55 minutes 12 seconds East 796.23 feet, thence (5) South 59 degrees 40 minutes 55 seconds East 128.42 feet, thence (6) South 41 degrees 09 minutes 45 seconds West 412.50 feet, thence (7) South 38 degrees 06 minutes 55 seconds West 173.29 feet, thence (8) North 64 degrees 22 minutes 35 seconds West 352.16 feet, thence (9) North 38 degrees 52 minutes 45 seconds West 23.23 feet, thence (10) North 58 degrees 40 minutes 05 seconds West 50.26 feet, thence (11) North 63 degrees 13

minutes 45 seconds West 150.05 feet, thence (12) North 31 degrees 30 minutes 42 seconds East 232.61 feet, thence (13) North 58 degrees 55 minutes 07 seconds West 198.01 feet, thence (14) South 31 degrees 03 minutes 02 seconds West 116.78 feet, thence (15) Southwesterly by a line curving to the left, having a radius of 66.00 feet, for a distance of 66.27 feet (the arc of said curve being subtended by a chord bearing South 02 degrees 17 minutes 13 seconds West 63.52 feet), thence (16) Southwesterly by a line curving to the right, having a radius of 90.30 feet, for a distance of 86.88 feet (the arc of said curve being subtended by a chord bearing South 01 degree 05 minutes 12 seconds West 83.57 feet), thence (17) North 65 degrees 31 minutes 15 seconds West 120.45 feet, thence (18) North 25 degrees 37 minutes 27 seconds East 148.76 feet, thence (19) North 58 degrees 54 minutes 33 seconds West 139.10 feet, thence (20) South 25 degrees 37 minutes 25 seconds West 27.13 feet, thence (21) North 58 degrees 04 minutes 55 seconds West 198.03 feet to the point of beginning; containing 510,303 square feet or 11.715 acres of land, more or less, as now surveyed by Daft-McCune-Walker, Inc., in May 2009.

October 30, 2009

Project No. 08049.D (L08049.D)



Michael D. Martin
10.10.09

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

2010-0147-SPHA

Petitioner:

Liberty Crossing Land LLLP

Address or Location:

~~8251 St~~ 8514 Liberty Road, Randallstown MD
21133

PLEASE FORWARD ADVERTISING BILL TO

Name:

Kedrick Whitmore

Address:

210 W. Pennsylvania Ave.
Towson, MD 21204

Telephone Number:

410-494-6204

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

2010 0147 SPH
No. 47540
Date: 11/03/09

PAID RECEIPT

ARTHEG ACTUAL TIME DRW
11/03/2009 11/03/2009 14:14:46 5
REG 1503 WALKER 1005-110
RECEIPT # 42999 11/03/2009 OFLN
5 520-30100 VERIFICATION
EX 101 047540
Dept Tot 1650.00
1650.00 - 00 \$ 0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				650.00

Total: 650.00

Rec From: _____
For: SPH + A 8514 Liberty Rd.

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: # 2010-0147-SPHA

8514 Liberty Road

E/side of Old Court, 215 feet north of Liberty Road

2nd Election District — 4th Councilmanic District

Legal Owner(s): Liberty Crossing Land, LLLP

Contract Purchaser: Verizon Wireless

Special Hearing: to confirm that the proposed wireless telecommunications tower will not be located 200 feet or less from any other owner's residential property line and that a variance from Section 426.6.A.1 of the Baltimore County Zoning Regulations is not required; to amend the site plan approved in case no. 97-587-X. **Variance:** to allow a wireless telecommunications tower to be setback 70 feet from another owner's residential property line in lieu of the required 200 feet, if necessary

Hearing: Monday, January 11, 2010, 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 12/853 December 22

224683

CERTIFICATE OF PUBLICATION

12/24, 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 12/22, 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

2010-0147-SPH

RE: Case No.: _____

Petitioner/Developer: _____
Verizon Wireless

Date of Hearing/Closing: January 11, 2010

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

Attn: Kristin Matthews

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____
8514 Liberty Road

The sign(s) were posted on December 26 2009

(Month, Day, Year)

Sincerely,

Robert Black Dec 29 2009

(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)

ZONING NOTICE

CASE #2010-0147-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

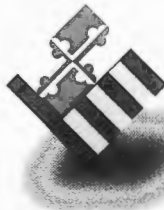
Room 104, JEFFERSON BUILDING
PLACE: 105 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MONDAY, JANUARY 11, 2010 AT 9:00^{a.m.}

REQUEST: SPECIAL HEARING TO CONFIRM THAT THE
PROPOSED WIRELESS TELECOMMUNICATIONS TOWER WILL NOT BE
LOCATED 200 FEET OR LESS FROM ANY OTHER OWNER'S RESIDEN-
TIAL PROPERTY LINE AND THAT A VARIANCE FROM SECTION
426.6A.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS
IS NOT REQUIRED, TO AMEND THE SITE PLAN APPROVED IN CASE
NO. 97-587X. VARIANCE TO ALLOW A WIRELESS TELECOMM-
UNICATIONS TOWER TO BE SETBACK 70 FEET FROM ANOTHER
OWNER'S RESIDENTIAL PROPERTY LINE IN LIEU OF THE REQUIRED
200 FEET IF NECESSARY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 25, 2009

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: 2010-0147-SPHA

8514 Liberty Road
E/side of Old Court, 215 feet north of Liberty Road
2nd Election District – 4th Councilmanic District
Legal Owners: Liberty Crossing Land, LLLP
Contract Purchaser: Verizon Wireless

Special Hearing to confirm that the proposed wireless telecommunications tower will not be located 200 feet or less from any other owner's residential property line and that a variance from Section 426.6.A.1 of the Baltimore County Zoning Regulations is not required; to amend the site plan approved in case no. 97-587-X. Variance to allow a wireless telecommunications tower to be setback 70 feet from another owner's residential property line in lieu of the required 200 feet, if necessary.

Hearing: Monday, January 11, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 W. Pennsylvania Avenue, Towson 21204
Brian Stover, Verizon Wireless, 9000 Annapolis Junction Dr., Annapolis 20701
Kenneth Hanken, Liberty Crossing Land, LLLP, 8221 Snowden River Pkwy., Columbia 21045

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 26, 2010.**
(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, December 22, 2009 Issue - Jeffersonian

Please forward billing to:
Kedrick Whitmore
Venable, LLP
210 W. Pennsylvania Ave
Towson, MD 21204

410-494-6204

NOTICE OF ZONING HEARING

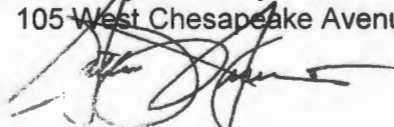
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Hearing: Monday, January 11, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

January 6, 2010

David Karceski
210 W Pennsylvania Ave.
Towson, MD 21204

Dear: David Karceski

RE: Case Number 2010-0147-SPHA, 8514 Liberty Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 03, 2009. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Brian Stover: Verizon Wireless; 9000 Annapolis Junction Dr.; Annapolis, MD 20701
Kenneth Hanken: Liberty Crossing Land, LLP; 8221 Snowden River Pkwy; Columbia, MD 21045



BALTIMORE COUNTY
MARYLAND

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

November 18, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 9, 2006

Item Numbers: 0139,0140,0141,0142,0143,0144,0145,0146,0147

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 17, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For November 23, 2009
Item Nos. 2010-116, 140, 141,
142, 143, 144, 146 and 147

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

DAK: CEN: cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-11232009 -NO COMMENTS.doc



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Nov. 17, 2009

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

RE: Baltimore County
Item No. 2010-0147-SHA
MD 126
8514 LIBERTY RD
LIBERTY CROSSING LAND, LLP
VARIANCE SPECIAL HEARING -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 11-09-09. A field inspection and internal review reveals that an entrance onto MD 26 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for LIBERTY CROSSING, Case Number 2010-0147-SHA.

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

Very truly yours,

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

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.sha.maryland.gov

TB 1/11 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 16, 2009

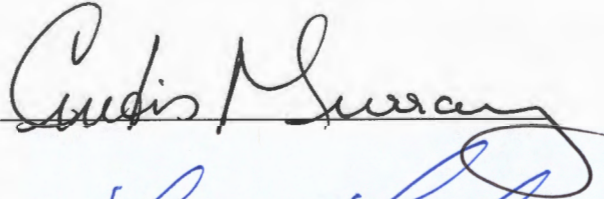
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-147- Variance and Special Hearing**

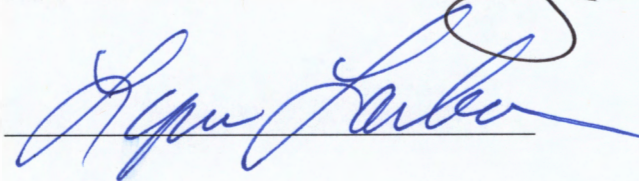
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:
CM/LL



RECEIVED

NOV 17 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 11 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: December 11, 2009
SUBJECT: Zoning Item # 10-147-SPHA
Address 8514 Liberty Road
(Liberty Crossing Land LLLP)

Zoning Advisory Committee Meeting of November 9, 2009

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

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).

Additional Comments:

1. If this project does not qualify for any of the exemptions listed in Section 33-6-102 of the Baltimore County Code, then this site must comply with the Forest Conservation Law. Please be advised that recent changes to the current regulations do not allow for forest conservation waivers. However, since the site was developed prior to the forest conservation regulations, the applicant may request a forest conservation variance to base the afforestation calculations on the limit of disturbance rather than the entire site acreage.

Reviewer: J. Russo

Date: 11/25/09

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
8514 Liberty Road; E/S Old Court Road,	*	ZONING COMMISSIONER
215' N Liberty Road		
2 nd Election & 4 th Councilmanic Districts	*	FOR
Legal Owner(s): Liberty Crossing Land, LLLP		
Contract Purchaser(s): Verizon Wireless	*	BALTIMORE COUNTY
Petitioner(s)	*	10-147-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

NOV 23 2009

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 23rd day of November, 2009, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 8514 Liberty Rd
CASE NUMBER 2010-0147-SHA
DATE 1/11/16

[illegible]





3



4



5



6



7









Case No.: 2010-0147-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Mike McGarity resume	
No. 3	Mitch Kellman resume	
No. 4 A+B	aerial photographs	
No. 5	Photographs of property and nearby area	
No. 6 A-C	Photo simulations	
No. 7	12-17-09 Tower Review Committee Report	
No. 8	Cover letter 12-16-09 from consultant RE: tower design	
No. 9		
No. 10		
No. 11		
No. 12		



MICHAEL D. McGARITY
Director of Wireless Services

Education

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

Professional Summary

Mr. McGarity has ten 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 NO. 2

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 NO.

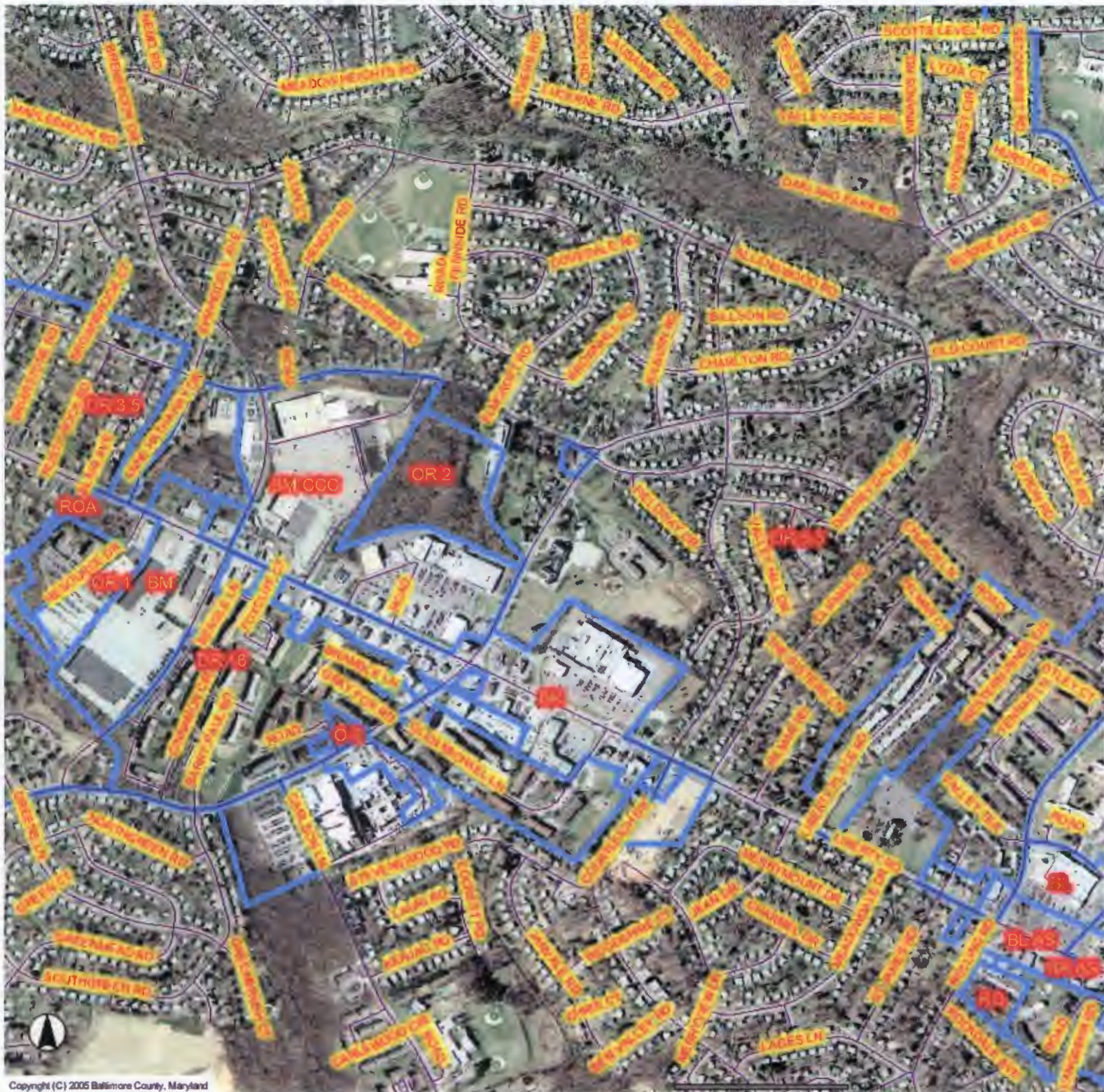
3



PETITIONER'S

EXHIBIT NO.

4A



PETITIONER'S

EXHIBIT NO. 4B



Site Name: VZW Old Court
Wireless Communication Facility
8514 Liberty Rd
Randalstown, MD 21133

Photograph Information:
Old Court Rd & Liberty Rd
View from the West
Showing the Proposed Site

 **NETWORK BUILDING
& CONSULTING, LLC**

PETITIONER' S

EXHIBIT NO.

6A



Site Name: VZW Old Court
Wireless Communication Facility
8514 Liberty Rd
Randallstown, MD 21133

Photograph Information:
8505 Liberty Rd
View from the Southeast
Showing the Proposed Site

 NETWORK BUILDING
& CONSULTING, LLC

PETITIONER'S

EXHIBIT NO.

6B



PETITIONER' S
EXHIBIT NO. 6C

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

DATE: December 17, 2009

TO: Colleen Kelley, Development Manager
Department of Permits and Development Management

FROM: Tower Review Committee *[Signature]*

SUBJECT: New Tower – Verizon – 8514 Liberty Road

The Tower Review Committee met on October 27, 2009 to discuss the application made by Verizon on October 6, 2009. 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 90-foot monopole. The structure is to be located on the property owned by Liberty Crossing Land, LLLP, located at 8514 Liberty Road, Randallstown, Maryland 21133, Council District #4.

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

Findings: We feel that Verizon has provided all requested information to the Tower Review Committee (TRC) to successfully demonstrate that no other co-location opportunities exists at or near this location that would suffice in providing Verizon's requested coverage of the intended area. The total height planned by Verizon for the new monopole tower structure is 90-feet, including all appurtenances.

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

Findings: Verizon has shown, in supplemental drawings submitted to the TRC along with their application, that the stated antenna structure will be constructed to support a minimum of 2 other wireless service providers in addition to Verizon.

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

Findings: This site is located in a BR (Business Roadside) zoned area. Due to the tower's proposed location on the property, it will be positioned only 30-feet away from an existing fence to its rear, just inside of the residential property line, causing it not to meet the 200-foot setback rule. It should be noted, however, that the adjacent residential property immediately to the rear of the proposed site is a cemetery. A Special Exception Hearing will be required.

Subject: New Verizon Tower
8514 Liberty Road

12/17/09

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

Findings: Based on the site survey and information presented, we find that Verizon's choosing to locate their monopole designed tower in a commercial zone, along Liberty Road, will minimize its visual impact on the surrounding residential community.

Conclusion

Based on the above findings, a new 90-foot tower in the proposed location would serve to fill in Verizon's coverage gap in the area and help them toward their goal of seamless connectivity. It would meet all of the requirements of Section 426, while allowing for needed emergency and non-emergency communications for their customers in the area.

Therefore, by a unanimous decision, the new 90-foot tower in the location as proposed by Verizon is recommended by the Tower Review Committee, whose request it is that the advisory comments provided herein be forwarded to the Development Review Committee for further processing.

Tower Review Committee

Richard A. Bohn, Tower Coordinator
Curtis Murray, Office of Planning
Harry Wujek, Community Member TRC
Richard Sterba, OIT Representative

CC: Donald Rascoe, Deputy Director, Permits and Development Management
David Karceski, Venable, LLC c/o Verizon
Sabrina Chase, Baltimore County Office of Law
Robert Stradling, Director, Baltimore County Office of Information Technology
celltower Administrator



6718 W. Plank Road
Peoria, IL 61604 USA
Phone 309-697-4400
FAX 309-697-5612
Toll Free 800-727-ROHN

December 16, 2009

Verizon Wireless
9000 Junction Drive
Annapolis Junction, Maryland 20701

Attn: Mr. Joseph Joyce

Reference: 90' of 110' Tapered Steel Pole, Site: Old Court
Randallstown, Baltimore County, Maryland
ROHN Engineering File No: 0606841

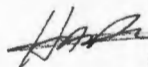
Dear Mr. Joyce:

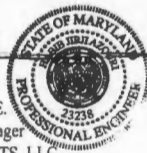
The referenced 90' of 110' tapered pole is designed to meet the specified loading requirements in accordance with ANSI/TIA-222-G for a 90 MPH 3-second gust wind speed with no ice and 40 MPH 3-second gust wind speed with 0.75 inches radial ice; Structure Class II, Exposure Category C, Topographic Category I.

It is our understanding that the design of the referenced pole requires consideration of a contained fall radius in the event a catastrophic wind speed were to result in a failure. Although the pole has not been designed to fail, stronger sections than required by analysis are provided in the lower portion of the pole. This design enables the pole to fail through a combination of bending and buckling in the upper portion of the pole should a catastrophic wind loading occur. Failure in this manner results in the upper portion of the pole folding over the lower portion, resulting in a **50 ft fall zone radius**. The failure mode would theoretically be a local buckling failure involving a crippling of the pole wall on one side of the pole as opposed to the pole shearing off or completely breaking off and hitting the ground.

Please contact us at your convenience should you have any further questions concerning the safety of pole structures or other aspects of pole design.

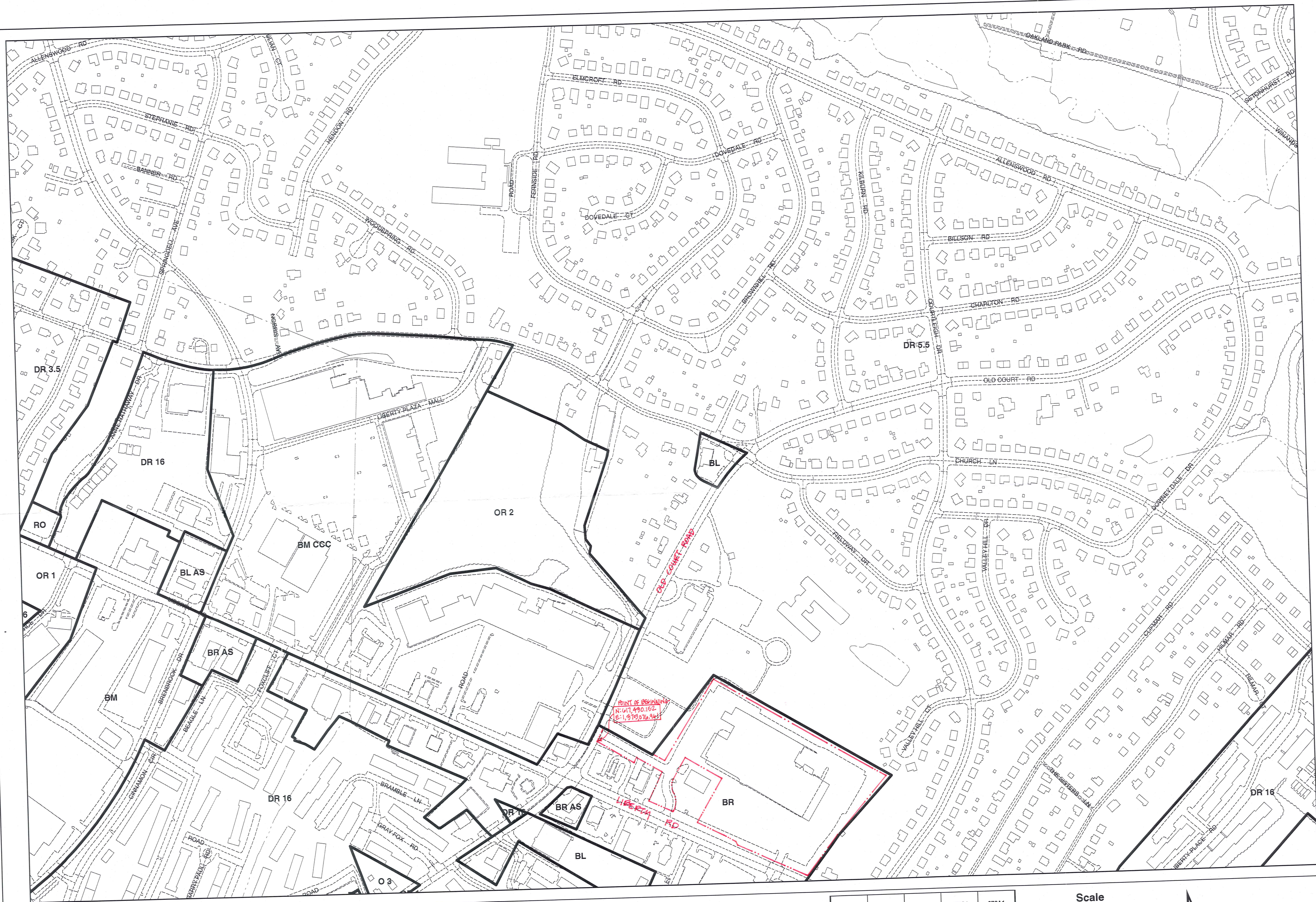
Sincerely,


Habib Azouri, P.E.
Engineering Manager
ROHN PRODUCTS, LLC



PETITIONER'S

EXHIBIT NO. 8



0147

Plan Sheet: 077B2

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

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

Baltimore County Office of Planning and Zoning Official Zoning Map

076C1	077A1	077B1	077C1	078A1
076C2	077A2	077B2	077C2	078A2
076C3	077A3	077B3	077C3	078A3

Scale

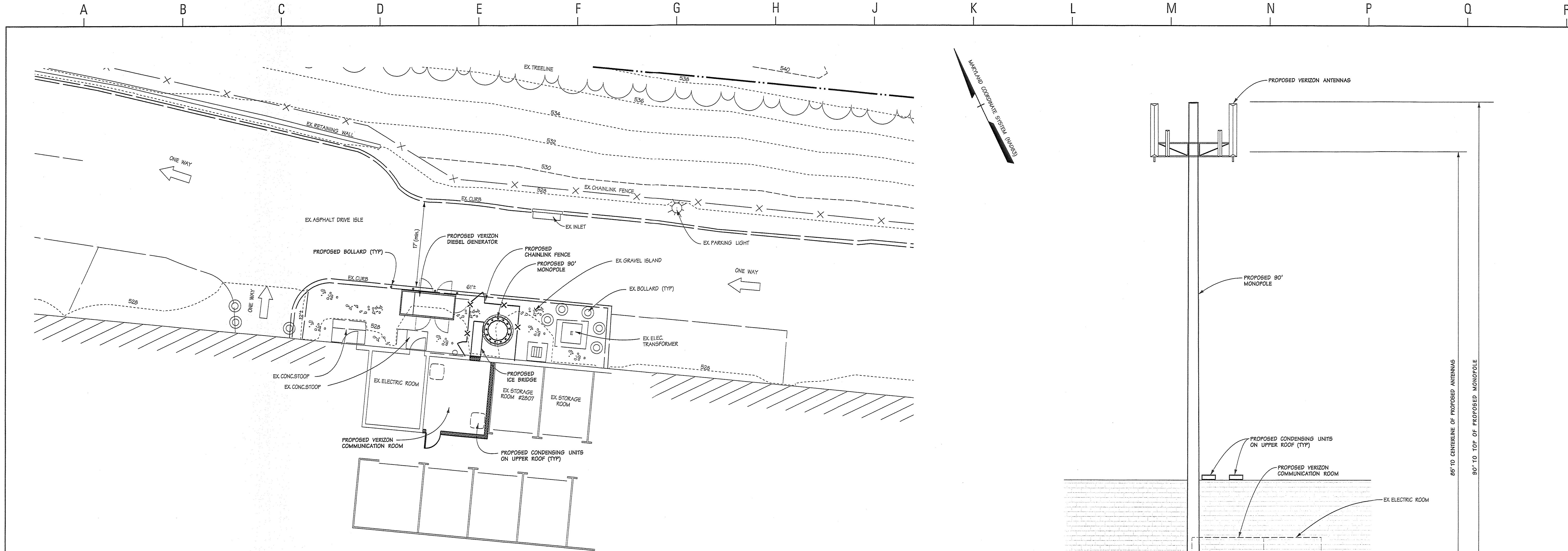
1" = 200'

0 100 200 400 Feet

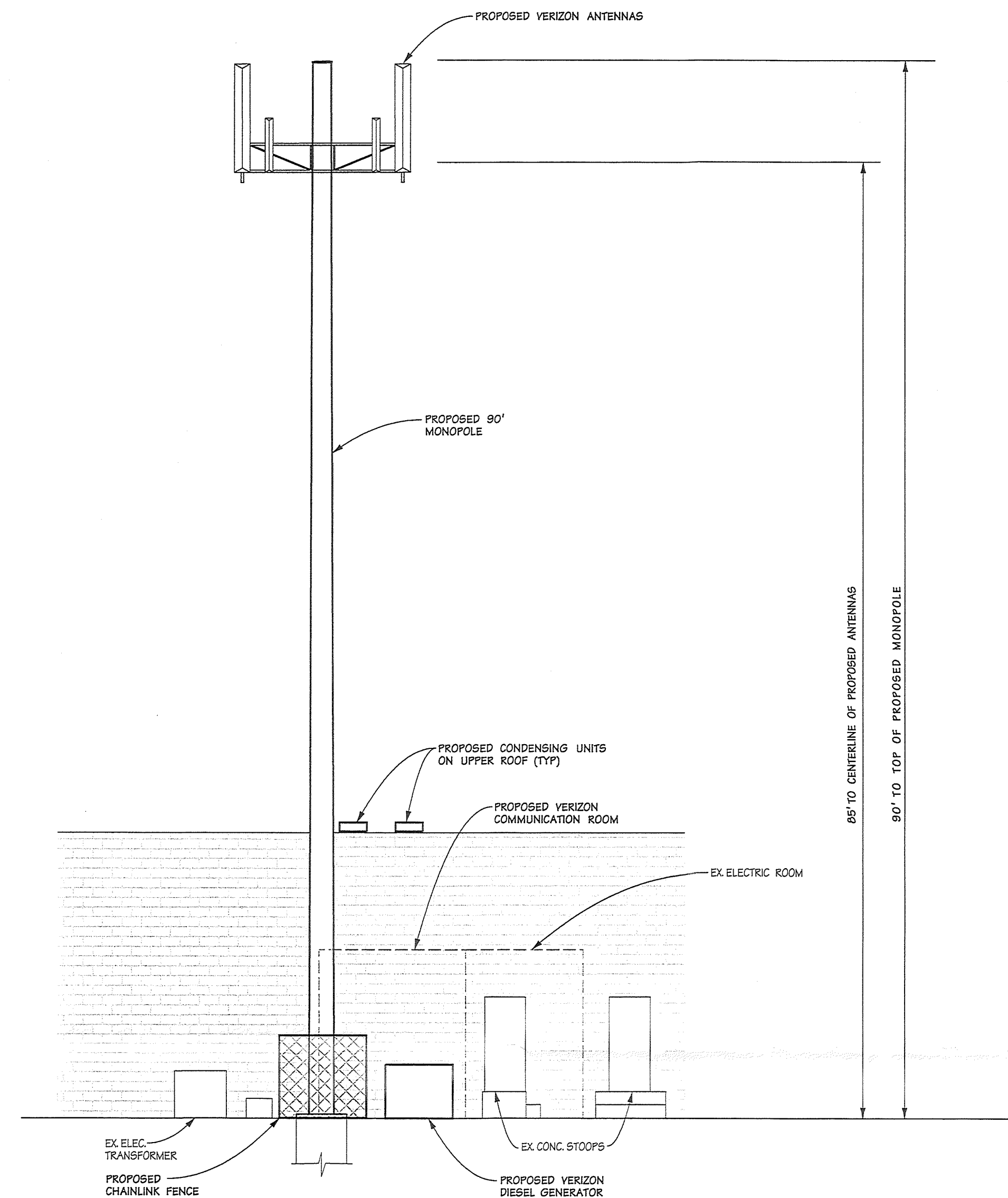


Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

10/30/2009 10:30:11 AM c:\pdm\08049.prp



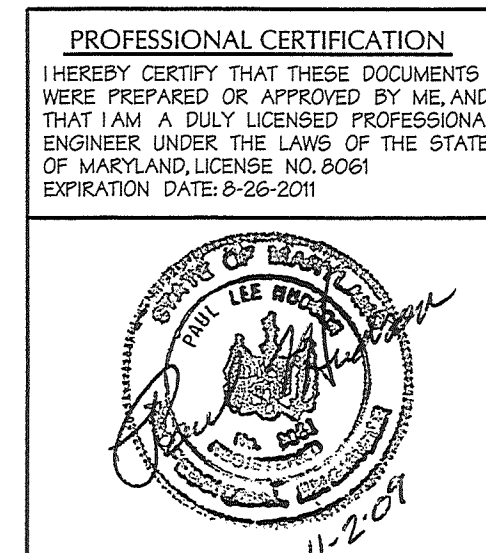
COMPOUND DETAIL
SCALE: 1"=10'



MONOPOLE ELEVATION
NOT TO SCALE

LEGEND	
	Property Line
	Existing Contours
	Existing Edge of Drive or Road
	Existing Trees and Shrubs
	Existing Utility Pole

PETITIONER'S
EXHIBIT NO. 1B



verizon wireless
OLD COURT (LIBERTY CROSSROADS) (#2007226700)
8514 LIBERTY ROAD RANDALLSTOWN, MD 21136
ELECTION DISTRICT 02

REVISIONS:		
NO.	DESCRIPTION	DATE
1	ZONING	10-29-09

LAST REV.:
PROJECT NO: 08049
DATE: 10-29-09
SCALE: AS SHOWN

TITLE:
COMPOUND DETAIL
& MONOPOLE
ELEVATION

SHEET:

Z-2

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
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A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

BALTIMORE COUNTY, MD

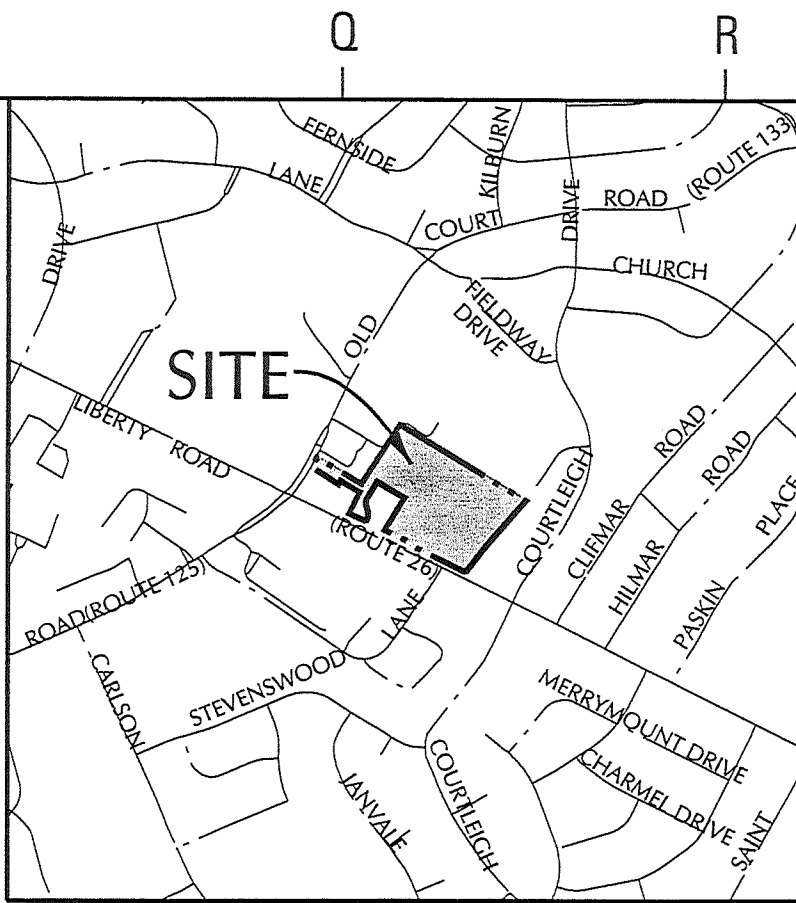
ELECTION DISTRICT 02

GENERAL NOTES

- Current Owner: Liberty Crossing Land LLP
c/o Sierra Corporation
8221 Snowden River Parkway
Columbia, MD 21045
- Contract Lessee/Applicant: Verizon Wireless
9000 Junction Dr.
Annapolis Junction, MD 20701
Phone: 301-512-2200
Fax: 301-512-2166
1171 AC (Lot 1)
- Site Area: N/A
- Min. Zoning Area for Tower: N/A
- Existing Use: Commercial
- Site Address: 8514 Liberty Road
Randallstown, MD 21133
- Site Data: Tax map 77 Grid 16 Parcel 661 Lot 1
Plat Reference: 701122
Tax Account Number: 23000033636
Councilmanic District: 4
Election District: 02
Zoned: BR
- Proposed Monopole Location:
Latitude: 39°21'42.67"N (NAD 83)
Longitude: 76°46'30.54"W (NAD 83)
Ground Elevation at Proposed Monopole: 528'± AMSL
Proposed Antenna Height (top of antennas): 90'± AGL
- The topography shown herein, in the area of the proposed additions, is the result of a field survey performed by DMW on 3-4-09. The topography shown herein, 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 Plat entitled "LIBERTY PARK, CENTER" dated January 3, 1997 and recorded among the land records of Baltimore County, Maryland in Plan Book 70, page 122 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 proposed equipment cabinets within an existing storage room inside the existing building. A proposed diesel generator at the base of a proposed 90' high monopole will be installed just outside the existing building. Proposed Verizon Wireless antennas will be installed at a height of 85'. Proposed conditioning units will be installed on the upper roof of the communication room.
- Zoning information is taken from the Baltimore County Official Zoning Map #07782.
- This proposed improvement area is not located within a 100 year floodplain as per the national flood insurance program, flood insurance rate map community panel number 240010-0360-F revised September 26, 2008.
- Ground disturbance limited to 165'± sq. ft.
- There are no advertising 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)
- Proposed number of parking spaces for the wireless facility: 0

ZONING HISTORY

- ZONING CASE: 97-587-X
Petition: Special Exception for caretaker's residence in a BR-AS zone.
Order: Granted August 19, 1997
- ZONING CASE: 86-61-A
Petition: Variance for two signs of 184 sq. ft. in lieu of permitted 100 sq. ft.
Order: Dismissed September 30, 1987
- ZONING CASE: 74-220-A
Petition: Variance from Section 301.1, projection into yards in BR zone from 75% of 30' - 22.5' to 13.85' for drive-in bank canopy. To permit open canopy of 13' instead of 22.5'.
Order: Granted April 9, 1974
20. No water or sanitary utilities are required for the proposed telecom installation.
21. 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.
22. The subject property is not within the Chesapeake Bay Critical Area.
23. Class "A" screening to be provided if required by the Baltimore County.
24. Applicant agrees to section 426.6 D. & E. in Baltimore County Zoning Regulations.
25. 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.
26. There is no ex. well or septic on record for this property.
27. Current PDM File # 11-57B (Liberty Crossing)
EZ Storage
Limited Exemption - File not in PDM when researched.
28. No current building permit numbers were found based upon records in the zoning review office.
29. The proposed wireless facility will not utilize any existing parking or interfere with required loading areas.
30. The proposed use does not affect any basic services map moratorium areas.
31. The site is not subject to Residential Transition Area (RTA) requirements.



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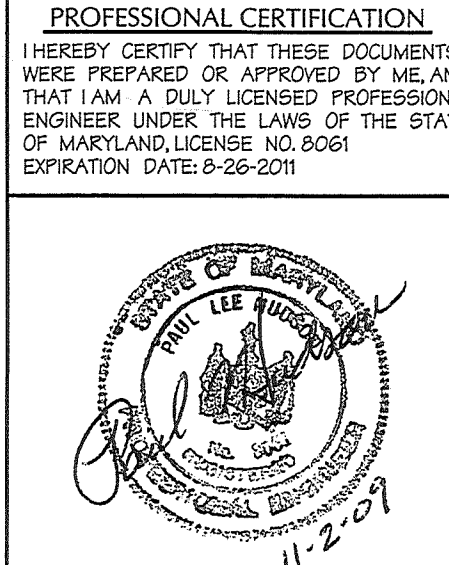
verizon wireless
OLD COURT (LIBERTY CROSSROADS) (#2007226700)
8514 LIBERTY ROAD RANDALLSTOWN, MD 21136
ELECTION DISTRICT 02

REVISIONS:		
NO.	DESCRIPTION	DATE
1	ZONING	10-29-09

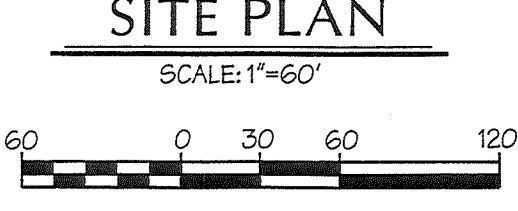
LAST REV.:
PROJECT NO: 08049
DATE: 10-29-09
SCALE: AS SHOWN

TITLE:
PLAN TO ACCOMPANY PETITION FOR VARIANCE & SPECIAL HEARING

SHEET:
Z-1



- LEGEND**
- Property Lines
 - Existing Contours
 - Existing Edge of Drive or Road
 - Existing Trees and Shrubs
 - Existing Trestline
 - Existing Utility Pole
 - DR 5.5 BR
 - Zoning Line



TOWER FROM RESIDENTIALLY ZONED PROPERTY

SETBACK	REQUIRED	PROVIDED
FRONT	200'	545'± MIN.
SIDE	200'	398'±
SIDE	200'	531'±
REAR	200'	71'±

GENERAL NOTES

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9221 Snowden River Parkway
Columbia, MD 21045
- Contract Lessee/Applicant: Verizon Wireless
9000 Junction Dr.
Annapolis Junction, MD 20701
Phone: 301-512-2000
Fax: 301-512-2186
11.71 AC (Lot 1)
- Site Area: N/A
- Min. Zoning Area for Tower: Commercial
- Existing Use: 9514 Liberty Road
Randallstown, MD 21133
- Site Address: Tax map 77 Grid 16 Parcel 661 Lot 1
Plan Reference: 701122
Tax Account Number: 2300003538
Councilmanic District: 4
Election District: 02
Zoned: BR
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Longitude: 76°46'30.34"W (NAD 83)
Ground Elevation at Proposed Monopole: 528.2' AMSL
Proposed Antenna Height (top of antennas): 90'± AGL

ZONING HISTORY

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Petition: Special Exception for caretaker's residence in a BR-15 zone.
Order Granted August 19, 1997
- ZONING CASE: 86-61-A
Petition: Variance for two signs of 104 sq. ft. in lieu of permitted 100 sq. ft.
Order Dismissed September 30, 1987
- ZONING CASE: 74-230-A
Petition: Variance from Section 301.1 projection into yards in BR zone from 75% of 30' to 13.65' for drive-in bank canopy. To permit open canopy of 13' instead of 25'.
Order Granted April 9, 1974

20. No water or sanitary utilities are required for the proposed telecom installation.
21. 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.
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26. There is no ex. well or septic on record for this property.
27. Current PDM File # II-578 (Liberty Crossing)
EZ Storage
Limited Exemption - File not in PDM when researched.
28. No current building permits numbers were found based upon records in the zoning review office.
29. The proposed wireless facility will not utilize any existing parking or interfere with required loading areas.
30. The proposed use does not affect any basic services map monstorum areas.
31. The site is not subject to Residential Transition Area (RTA) requirements.



VICINITY MAP

Scale: 1"=1000'



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verizon wireless
OLD COURT (LIBERTY CROSSROADS) (#2007226700)
8514 LIBERTY ROAD RANDALLSTOWN, MD 21136
ELECTION DISTRICT 02

REVISIONS:	
NO.	DESCRIPTION
1	ZONING
2	DATE
3	10-29-09

LAST REV.:
PROJECT NO: 08049
DATE: 10-29-09
SCALE: AS SHOWN

TITLE:
PLAN TO
ACCOMPANY
PETITION FOR
VARIANCE &
SPECIAL HEARING

SHEET:

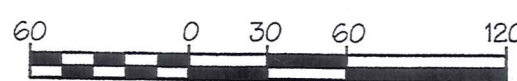
Z-1

LEGEND

- 100' Property Line
- 102' Existing Contours
- Existing Edge of Drive or Road
- Existing Trees and Shrubs
- Existing Treeless
- Existing Utility Pole
- DR 5.5 BR Zoning Line

SITE PLAN

SCALE: 1"=60'



TOWER FROM RESIDENTIALLY ZONED PROPERTY

SETBACK	REQUIRED	PROVIDED
FRONT	200'	545'± MIN.
SIDE	200'	395'±
SIDE	200'	531'±
REAR	200'	71'±

PETITIONER'S

EXHIBIT NO. 5

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. 9061
EXPIRATION DATE: 8-26-2011

