

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
SW side of Middletown Road; 1361 feet	*	DEPUTY ZONING
NW of the c/l of Beckleysville Road	*	COMMISSIONER
6 th Election District	*	
3 rd Councilmanic District	*	FOR BALTIMORE COUNTY
(20234 Middletown Road)	*	
Jon Charles and L. Diane Meadowcroft	*	
<i>Legal Owners</i>	*	Case No. 2011-0097-X
Cellco Partnership	*	
<i>Lessee</i>	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by Jon Charles Meadowcroft, Sr. and L. Diane Meadowcroft, the legal owners of the subject property, and Brian Stover, Real Estate and Zoning Manager, on behalf of Cellco Partnership d/b/a Verizon Wireless, the proposed lessee (hereinafter “Verizon” or “Petitioner”). Petitioner is requesting a Special Exception to use the property for a wireless telecommunications tower, 155 feet in height, and related facilities pursuant to Sections 1A01.2.C.28, 426 and 502 of the Baltimore County Zoning Regulations (“B.C.Z.R.”). The subject property and requested relief are more fully described on the 3-page site plan which was marked and accepted into evidence as Petitioner’s Exhibits 1A through 1C.

David H. Karceski, Esquire and Christopher Mudd, Esquire with Venable, LLP appeared at the requisite public hearing as attorneys for Verizon. Also appearing in support of the requested relief were: Jon Charles Meadowcroft, the property owner; Jose Espino, a Verizon Wireless Radio Frequency (“RF”) Engineer; Michael McGarity, Director of Wireless Services for Daft McCune Walker Inc. (“DMW”), the engineering firm responsible for preparation of the

site plan for this property; Mitchell Kellman, Director of Zoning Services for DMW; Charles Ryan with SCE Engineering, tower development consultants for Verizon; and Paul Dugan, President of Millennium Engineering, the consulting firm who confirmed compliance of Verizon's proposed tower with Federal Communication Commission ("FCC") electromagnetic safety regulations.

After introducing Verizon's team of witnesses, Mr. Karceski indicated that there are many local community members who, while not in attendance, were in support of Verizon's special exception request. Specifically, it was explained that Mr. Meadowcroft, who owns and operates an automobile service garage on a portion of the subject property, spent the weeks leading up to the hearing date informing residents of Freeland about the wireless telecommunications tower proposed for his property. As a result of these conversations Mr. Meadowcroft collected ninety-eight (98) letters of support for the proposed tower on his property, which were marked collectively and accepted into evidence as Petitioner's Exhibit 2.

Additionally, two interested citizens, Reb Scavone and Jeff Lambert, appeared at the hearing. Mr. Scavone resides on a historic property, known as the "Middletown Lodge," located at 20220 Middletown Road in close proximity to the subject property. He addressed this Commission and had a few questions for Verizon's experts, but, as discussed below, indicated that he does not object to the special exception relief requested by Verizon. Mr. Lambert also offered no objections or testimony of any kind.

I. Introduction

The subject Petition consists of a request to construct a 155-foot tall wireless telecommunications facility, which Verizon proposes as a monopole structure, as well as related equipment that will be clustered together in a compound next to the monopole. The facility is

proposed to be constructed on a 26.44 acre parcel located in northern Baltimore County, west of and adjacent to Middletown Road and north of Beckleysville Road. Specifically, the monopole is proposed to be located 550 feet from Middletown Road and over 1300 feet from Beckleysville Road.

As shown on the first page of the site plan and the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 10, a small portion of the subject property, immediately adjacent to Middletown Road, is zoned B.L.-C.R. and improved with buildings serving Mr. Meadowcroft's business, but the remaining majority of the property is zoned R.C.2 and is unimproved. The tower is to be located on the R.C.2 zoned portion of the property. While there are some fields and open land on that portion of the property, a review of the aerial photograph shows that existing conditions on the property will help shield the tower from view from surrounding properties. For example, there is a cluster of existing buildings and improvements along this section of Middletown Road in front of the proposed tower location; there is significant tree cover on the northern and western boundaries of the property; and the monopole and related equipment are proposed to be located adjacent to an existing mature tree line to the south. Additionally, there are changes in grade from the surrounding roads such that the tower and equipment will be situated below grade from the roads; specifically, the ground elevation at the proposed tower location is eighteen (18) to twenty (20) feet lower than the road surface of Middletown Road, as shown on page 2 of the site plan (Petitioner's Exhibit 1A). Petitioner submitted photographs of the subject property from various vantage points that help demonstrate the natural screening this site provides, which were marked and accepted into evidence as Petitioner's Exhibits 13A through 13F.

Verizon seeks to improve network coverage for its cellular services, due to customer complaints, dropped calls, and company studies and data confirming that Verizon's services are unreliable in this area. *See*, Petitioner's Exhibits 8 (Search Ring Map), 9 (Area Coverage Gap Map), and 18A & 18B (Propagation Maps). The County's Tower Review Committee ("TRC") confirmed the need for service, as indicated in their report and recommendations that was marked and accepted into evidence as Petitioner's Exhibit 11.

II. The Property and Proposal

This public hearing proceeded by way of a combination of testimony by Petitioner's expert witnesses, which is outlined below, and a proffer by Petitioner's counsel. The property, as illustrated on Petitioner's site plan and the aerial photograph, is irregular in shape and located on the west side of Middletown Road and north of Beckleysville Road. The base of the tower within the equipment compound will be positioned approximately 550 feet west of Middletown Road at a ground level that is approximately eighteen (18) to twenty (20) feet below the elevation of Middletown Road. The monopole will feature platform-mounted antennas for Petitioner at an antenna centerline of 150 feet, and page 3 of the site plan (Petitioner's Exhibit 1C) shows that the tower will also be able to accommodate at least three (3) other cellular providers who may desire to locate on the tower. In fact, Petitioner explained that Baltimore Gas and Electric ("BGE") intends to collocate an antenna on the tower. Petitioner also offered as Petitioner's Exhibit 3 a letter from BGE, which indicated its support for the requested relief because the collocation opportunity will provide BGE with the ability to expand its emergency communications network in this area. Essentially, it was explained that by installing its own antenna on this tower, BGE will be able to fill a gap in network coverage, thus enabling it to

improve its ability to provide critical communications to its field crews regarding both day-to-day and emergency maintenance needs.

The undersigned is generally familiar with the operations of Verizon Wireless and other wireless communications providers by virtue of the many cases that have come before me under similar requests. Suffice it to say, wireless telecommunications technology has exploded on the public scene and consciousness. Nearly everyone has mobile phone services to provide communications and provide access to online data bases and Internet applications. Many phones are now equipped with complex broadband micro processors capable of all types of applications and functions, not just sending and receiving text messages, e-mails, etc. This communications system would not be possible without the installation of a series of towers throughout the geographic area to be served.

Through the testimony of its RF engineer Jose Espino, whose resume was marked and accepted into evidence as Petitioner's Exhibit 7, Verizon explained that a "gap" exists in its communication network in the Freeland area in northern Baltimore County, which expert testimony was not disputed. This is also documented on the Propagation Maps that were marked and accepted into evidence as Petitioner's Exhibits 18A and 18B. The County's TRC, upon review of Verizon's application, likewise confirmed that this coverage gap exists, as indicated in Petitioner's Exhibit 11. Studies and investigations were undertaken to determine where a tower could be located for the placement of the company's antennas to fill this "gap" and to provide seamless service in the area. As explained by Mr. Espino and Charles Ryan, Petitioner's tower development consultant (*See*, Mr. Ryan's resume as Petitioner's Exhibit 6), Verizon was able to utilize various instruments and technology to identify the boundaries of the area in which a tower would need to be located in order to help fill the "gap," which area they identified as the "search

ring,” as depicted on the map that was marked and accepted into evidence as Petitioner’s Exhibit 8. They then conducted a thorough investigation within the search ring according to the requirements of Section 426 of the B.C.Z.R. and chose the subject location. Mr. Espino confirmed that in his expert opinion, this location fills the outstanding coverage “gap,” and he also testified that they did consider the site’s physical characteristics, which make it the preferred location for a tower in this area of the County.

From Verizon’s perspective, this site was advantageous, not only in terms of its location within the area of need, but also because of on-site grade changes and other existing site features, including: (i) the size and depth of the property from Middletown Road and Beckleysville Road, (ii) the ability to locate the tower along an existing tree line on the site, and (iii) the fact that there is a significant amount of intervening structures and improvements situated along Middletown Road to the east of the subject property shielding the tower from view along that road, all of which will allow for the monopole to be constructed without having a greater impact on the surrounding locale than if the tower were located elsewhere within the search ring. *See* Petitioner’s Exhibits 13A-13F and 14. Mr. Espino also offered his expert opinion that the monopole’s proposed height of 155 feet is the minimum height necessary to fill the “gap” in Verizon’s communications network.

Mr. Ryan testified that, in accordance with Sections 426.2.A and .2.B of the B.C.Z.R., the proposed monopole would be constructed to accommodate a total of at least three providers and that no existing structures or towers exist in the area that would allow Petitioner to fill the “gap” that now exists in its communication network. He also stated that, while there are small commercially zoned properties in the area, none of these sites are feasible for placement of a tower; they all either lack sufficient area to facilitate the construction of a tower without a

variance, or lack sufficient area to accommodate a tower altogether. Additionally, all of the commercial zones are located immediately adjacent to Middletown Road, and locating a tower on these sites would place the tower that much closer to the road.

Mr. Ryan further testified regarding Petitioner's efforts to reduce any visual impacts from the tower on adjoining properties and from surrounding roadways. First, he explained that the tower and equipment compound were sited to take advantage of the site's natural screening by positioning it nearby an existing tree stand and in an area where the grade is lower than the surrounding roadways, thereby minimizing the view. He also reiterated Mr. Espino's point that the tower itself has been kept to the minimum height necessary to provide seamless coverage and signal strength for both emergency and non-emergency communications as part of its wireless network in Baltimore County, and, as required, by Verizon's FCC license.

Mr. Ryan also testified that the monopole design will have less visual impact for this particular site, than if Verizon were to use other stealth technology. Mr. Ryan indicated that, even though the tower will be located in close proximity to an existing tree stand, the "monopine" tower design (which disguises the tower as a pine tree) would be ineffective here, because the tower would stand out against the deciduous trees in the area. He presented a photographic example of a monopine tower to demonstrate the ineffectiveness of the "disguise" in a similar situation. *See* Petitioner's Exhibit 15A (photograph of monopine). He also acknowledged that the monopole could be painted blue or another color to help disguise it, and he presented two photographs of blue painted poles in an effort to demonstrate that this measure of disguise would not always be effective, especially on cloudy or gray days. *See* Petitioner's Exhibits 15B and 15C (photographs of blue painted monopoles).

Ultimately, Mr. Ryan offered his expert opinion that the standard monopole design, when combined with the existing site conditions, would best help to minimize any visual impact of this proposed tower. To support his opinion, Mr. Ryan submitted into evidence as Petitioner's Exhibit 14 balloon test photographs and photographic simulations of the tower taken from various points near or along Middletown Road, including at the intersection of Middletown Road and Freeland Road, which is over 1300 feet from the proposed tower. Additionally, both the TRC in its report and the County's Department of Environmental Protection and Resource Management ("DEPRM") in its Zoning Advisory Committee ("ZAC") comment determined that Verizon has minimized visual impacts. Both determined that the particular location selected by Verizon and the choice to utilize a monopole design would help reduce visual impacts. Based upon the expert testimony, photographic simulations, and the supporting agency comments, I agree that Verizon's proposal successfully minimizes the visual impact of the monopole. Additionally, the undersigned agrees with Mr. Ryan's opinion that the monopole was very well sited on the property and would not have any detrimental effect on the health, safety or general welfare of the surrounding area.

Mr. Ryan also specifically indicated that the tower would not have any impact on a historic property that is in the area. The ZAC comment issued by the Office of Planning referenced Mr. Scavone's Middletown Lodge property, which is on the Baltimore County Final Landmarks List. Planning expressed some concern about the impact of the tower on this historic property. However, Mr. Ryan also noted that over the years, commercial uses have become more prevalent along this stretch of Middletown Road near the Middletown Lodge, and he opined that when considering the addition of these commercial uses, the proposed tower would not have any further impact on that property. He presented an email confirming that the State

Historic Preservation Officer found there would be no adverse effect on historic properties in the area of the tower. *See*, Petitioner's Exhibit 16. He also noted that just about any potential tower location that could help fill Verizon's coverage gap would be visible from the lodge property. Based on all of this testimony, Mr. Ryan opined that Verizon already had made every effort to find another tower location that would further minimize the impact in the area, consistent with Planning's recommendation, and that this is the best location.

Further, Mr. Scavone, the owner of the Middletown Lodge property, had but one concern which related to the safety of living near a wireless telecommunications tower. Other than this concern, which as explained in greater detail below, was adequately addressed by Verizon's expert Paul Dugan, Mr. Scavone indicated that he did not oppose the requested special exception relief because he recognized the need for cellular phone coverage in the area.

Verizon next called Mitchell Kellman, Petitioner's zoning specialist (*See* Mr. Kellman's resume as Petitioner's Exhibit 4). Mr. Kellman discussed his familiarity with the project and personal knowledge of the site from multiple prior visits. As did Mr. Ryan, Mr. Kellman reviewed the character of the surrounding land uses, including agricultural operations, commercial uses, and residential uses, the tower's distance to Middletown Road and Beckleysville Road, and the changes in elevation from the base of the tower site to the surrounding roads.

As Mr. Kellman explained, and as shown on Petitioner's site plan, the closest adjacent residential property to the subject site is 207 feet to the southeast, which is in excess of the 200-foot setback requirement for a tower from any other residential property line. It is for this reason and by virtue of this proposal meeting all other applicable setback regulations of the B.C.Z.R. that Petitioner is able to propose a variance-free site plan for this Commissioner's consideration.

Next, Mr. Kellman examined the proposal in the context of Sections 1A01.2.C, 426, 502.1 and 502.7 of the B.C.Z.R., which are the sections of the Zoning Regulations that govern the approval and construction of wireless communications facilities. In summary, Mr. Kellman testified that the tower and associated equipment compound will not have a negative impact on the primary agricultural uses in the vicinity, a required finding for this special exception use in the R.C.2 Zone. In particular, he noted that the subject property is located fairly close to existing residential and commercial uses and is to be placed on property that is *not* subject to an agricultural preservation easement, and in fact is not actively farmed, which makes it a more desirable location for the tower. He pointed out that this fact was also a key component of the ZAC comment issued by DEPRM, which effectively found the proposed site to be an appropriate location for the tower, because it will reduce urban sprawl by being placed closer to existing residential and commercial uses, rather than an open field that may be subject to an agricultural preservation easement.

Mr. Kellman then testified that, with respect to each required finding under Section 502.1, the proposed special exception use, at this particular location, will not result in any of the adverse impacts listed and that at this location, particularly given its placement along a stand of mature trees, the significant setback from the surrounding roads, the existing topography between the tower location and the roads, and the existence of commercial and residential buildings situated between Middletown Road and the tower, the monopole would actually be less impactful than at other locations elsewhere in the zone and, more specifically, within the search ring identified by Verizon's RF engineer.

With regard to the requirement of Section 502.7.B of the B.C.Z.R. that the proposed tower not interfere with or be detrimental to the scenic viewshed elements if located within a

scenic viewshed, Mr. Kellman confirmed that although there are scenic routes in the Freeland area, he was not able to determine from a review of the *Master Plan 2020*, the Baltimore County Code, or the Comprehensive Manual of Development Policies (“CMDP”) that the tower would, in fact, impact any documented scenic viewshed “elements.” However, with the efforts made by Verizon in locating the tower and its use of the monopole design, Mr. Kellman indicated that, in his professional opinion, Petitioner had nevertheless complied with the spirit, intent, and legislative purpose as set out in the relevant B.C.Z.R. sections and that there would be no impact on the County’s scenic resources. He also addressed the concerns expressed in Planning’s ZAC comment regarding visibility from scenic roadways by confirming that, consistent with Planning’s recommendation, Verizon has already taken every effort to locate the tower in a location that would further minimize its impact from scenic roadways and that he, like Mr. Ryan, agreed that this is the best location.

As indicated, two community members appeared at the hearing. Mr. Scavone was the only person to speak and after indicating that he did not oppose the request, he expressed some concerns about the safety of living so close to a wireless telecommunications tower. Verizon’s expert, Mr. Dugan, explained how the technology works and presented a report, marked and accepted into evidence as Petitioner’s Exhibit 17, demonstrating that the electromagnetic emissions generated by the proposed tower will be far less than that permitted by the FCC. Mr. Scavone asked a few specific questions regarding the technology, which Mr. Dugan answered, and ultimately Mr. Scavone indicated that he was satisfied with Mr. Dugan’s explanation and again confirmed that he did not object to the requested zoning relief.

III. Opinion

After having considered all of the testimony and numerous exhibits received in this case, I find that Verizon has met its burden of proof with regard to all applicable requirements of the B.C.Z.R., including those contained in Sections 1A01.2.C, 426, 502.1, and 502.7, as well as satisfying this Deputy Zoning Commissioner that the proposed monopole cell tower will not be detrimental to the scenic routes in the area or the scenic viewsheds, pursuant to the CMDP.

In order for me to approve the proposed wireless telecommunications tower, I must first find that Verizon has demonstrated compliance with Section 1A01.2.C of the B.C.Z.R., which requires a finding that the proposed special exception use would not be detrimental to the primary agricultural uses in the vicinity. Given that (i) the location selected for the tower and equipment compound area is not in active farming; (ii) the facility will be located along a mature stand of trees and nearby existing residential and commercial uses, (iii) as DEPRM found in its ZAC comment, the facility will not perpetrate urban sprawl within the agricultural preservation area, and (iv) the tower is unmanned and will, therefore, not impede any farming activities in the area, I easily find that the tower will have no negative impact on the primary agricultural uses in the vicinity.

Moving to the specific required findings under Section 426 of the B.C.Z.R. for a new tower, Verizon is required to demonstrate that it has made a diligent attempt to locate antennas on an existing tower or structure or, if not possible, why the new tower is warranted. Verizon must also demonstrate that the tower will be constructed to accommodate at least two other providers in addition to Petitioner and, in doing so, that it kept the height of the tower to the minimum height required. Based on the evidence and testimony presented before me by Mr. Ryan and Mr. Espino, I find that Verizon has demonstrated that the new tower is warranted and

that it will accommodate three other providers in addition to the Petitioner's location on the tower, at the lowest height possible. In fact, BGE already plans to collocate on Verizon's tower, and has expressed its support for the requested special exception. *See*, Petitioner's Exhibit 3. It is also important to note that the TRC made a recommendation confirming that Verizon's proposed monopole at a height of 155 feet satisfies all of the requirements of Section 426.2. *See*, Petitioner's Exhibit 11.

Because R.C. zones are considered "residential" zones, Verizon must also demonstrate that no medium or high intensity commercially zoned sites were available or that locating the tower at the proposed location is more consistent with legislative policy due to topographical or other unique features. Based on the testimony of Mr. Ryan and Mr. Espino, I find that an appropriate search was conducted and that, while there are commercial sites in the area, it would be impractical to locate the tower on these sites because of their small size, the inability to meet setbacks, and that fact that due to the proximity of the commercial zones to Middletown Road, it would require the tower to be located much closer to that road.

Next, Verizon must demonstrate that the general requirements of Section 502.1 of the B.C.Z.R. for all special exceptions have been met by the proposal. Having considered the expert testimony and opinions of Mr. Ryan and Mr. Kellman on this issue, I find that the proposed monopole does in fact meet all of the requirements of Section 502.1. The proposed cell tower and related equipment will have little or no impact on any of the conditions outlined in Section 502.1. It is to be expected that special exception uses may result in some impact on surrounding properties. *See, People's Counsel for Baltimore County v. Loyola College in Maryland*, 406 Md. 54 (2008); *Schultz v. Pritts*, 291 Md. 1 (1981). However, an administrative agency may only deny such a use:

... where there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

Loyola, 406 Md. at 102 (quoting *Schultz*, 291 Md. at 22-23). Further, the Court of Appeals in *Loyola* recently confirmed that the analysis of an individual case must be focused on the particular locality or “neighborhood” around the proposed site. *Id.* at 101-102. The evidence here shows that the adverse effects of the tower at the proposed site have been minimized to the maximum extent possible and that they will be no greater at the proposed location than if the tower were located at other locations in the neighborhood or locality. *See*, Petitioner’s Exhibits 8 & 10.

Lastly, Verizon must demonstrate that the “proposed tower will not interfere with or be detrimental to the scenic viewshed elements.” *See*, Section 502.7.B.1 of the B.C.Z.R. Section 502.7.B.2 requires that such determination be made by comparing the “elements” to the proposed tower location and, thus, determining whether “the proposed tower blocks any scenic viewshed elements or is not visually in harmony with any scenic viewshed elements when the elements and the tower can be seen simultaneously.” Verizon explained that such a comparison cannot be made without the Baltimore County Planning Board first identifying the particular “visual elements of a scenic viewshed which are of a quality, character, rarity and nature to cause a viewshed to be designated in the Baltimore County Master Plan by the Baltimore County Planning Board.” *See*, Section 426.1 of the B.C.Z.R., Scenic Viewshed, Subsection A. It would appear, based on the testimony and evidence presented before me, that the Planning Board did not in fact identify or catalogue any such elements from which a comparison can now be made. As Verizon contends, without such identification, there is no evidence, much less “substantial

evidence,” upon which I can determine that the proposed tower would interfere with or be detrimental to the scenic viewshed elements.

Even without such technical elements having been identified, Mr. Kellman’s expert opinion was that the location proposed for the monopole, taking into account its distance from surrounding scenic roads, the on-site grade changes and mature tree cover, and the extensive existing commercial and residential buildings between the tower and the Middletown Road, would not be detrimental to the scenic routes or scenic viewsheds. In support of this opinion, Verizon submitted photo simulations designed to give an indication of the ultimate appearance of the tower from surrounding roadways and properties. *See*, Petitioner’s Exhibit 14. While these photo simulations are not exact, they give a general idea of just how visible the tower will be when constructed. Without delving too deeply into the legitimacy of the scenic viewshed elements argument, it is my opinion, based on the totality of the evidence and testimony presented, that the proposed tower will not interfere with or be a detriment to any scenic viewsheds.

IV. Conclusion

Based on the testimony and evidence presented, I am persuaded to grant the special exception for a wireless communications tower on this property. I should also note that Section 426.9.C.3 of the B.C.Z.R. provides me the ability to require “...that the tower be disguised as a structure or natural formation, such as a flagpole, steeple or tree, which is found, or likely to be found, in the area of the tower unless the Commissioner finds that the requirement is not reasonable or advisable for the protection of properties surrounding the tower.” Based on the evidence presented, both by the uncontradicted testimony of Mr. Ryan and DEPRM’s indicated preference for a monopole design, I find that in this particular instance, the best design for the

tower is a standard monopole; in my judgment, it would be impracticable and of no aesthetic benefit to require the tower to be disguised as a tree, silo, or other stealth-like structure.

There was also some testimony offered by Mr. Ryan regarding how the equipment shelter could be faced and screened. Because the tower and equipment shelter are to be located in a residential zone, the screening and facing requirements contained Section 426.6.C of the B.C.Z.R. apply to this case. Mr. Ryan indicated that in his opinion, the shelter could be faced with Verizon's standard materials and then screened with wooden board on board fencing. He felt this facing and screening would be most aesthetically pleasing, due to the shelter's location in a field set back a significant distance from other existing uses. While I understand Mr. Ryan's points, this Commission will not consider whether the requirements of Section 426.6.C can be altered. Of course, Mr. Ryan and Verizon, during the permitting process for this tower, may discuss the screening requirements contained in this section with the proper County agency representatives.

Finally, Petitioner specifically requested that I exercise my discretion under Section 502.3 to extend the time in which the requested special exception must be utilized from two years to five years. I will do so.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the respective parties, I find that Petitioner's special exception request should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of December, 2010 that Petitioner's request for a Special Exception to use the property for a wireless telecommunications tower, 155 feet in height, and related facilities pursuant to Sections 1A01.2.C.28, 426 and 502 of the Baltimore County Zoning Regulations

(“B.C.Z.R.”) be and is hereby **GRANTED** in accordance with the 3-page site plan accepted into evidence as Petitioner’s Exhibits 1A through 1C, and subject to the following conditions:

1. Petitioner may apply for its necessary building or use permits, as applicable, and be granted same upon receipt this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, 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).
3. 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).
4. The time in which Petitioner’s special exception must be utilized is hereby extended from two years to five years pursuant to Section 502.3 of the B.C.Z.R.

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

SIGNED
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz