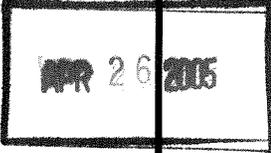


STANDARD APPLICATION Harford County Board of Appeals Bel Air, Maryland 21014	RECEIVED		Case No. <u>5492</u>
			Date Filed <u>04/21/05</u>
	HARFORD COUNTY COUNCIL <i>Shaded Areas for Office Use Only</i>		Hearing Date _____
			Receipt _____
			Fee \$ <u>400</u>

Type of Application <input type="checkbox"/> Administrative Decision/Interpretation <input checked="" type="checkbox"/> Special Exception <input type="checkbox"/> Use Variance <input type="checkbox"/> Change/Extension of Non-Conforming Use <input type="checkbox"/> Minor Area Variance <input type="checkbox"/> Area Variance <input type="checkbox"/> Variance from Requirements of the Code <input type="checkbox"/> Zoning Map/Drafting Correction	Nature of Request and Section(s) of Code CASE 5492 MAP 49 TYPE Special Exception ELECTION DISTRICT 03 LOCATION 1200 Churchville Rd., Bel Air BY St. Matthew Lutheran Church, 1200 Churchville Rd., Bel Air and APC Realty & Equipment Co. LLC, 6580 Sprint Pkwy, Overland Park, KS 66251 Appealed because a special exception pursuant to Sec. 267-53.4C and 267-53.6 of the Harford County Code to allow a communications tower in the R2 District requires approval by the Board.
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NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name APC Realty & Equipment Company, LLC Phone Number _____
d/b/a Sprint PCS)

Address 6580 Sprint Parkway Overland Park, Kansas 66251
Street Number Street City State Zip Code

Co-Applicant St. Matthew Lutheran Church of Bel Air Phone Number 410-879-6710

Address 1200 East Churchville Road, Bel Air, Maryland 21014
Street Number Street City State Zip Code

Contract Purchaser APC Realty & Equipment Company Phone Number _____
d/b/a Sprint PCS)

Address 6580 Sprint Parkway Overland Park, Kansas 66251
Street Number Street City State Zip Code

Attorney/Representative Karl Nelson Phone Number (410) 332-8663

Address 100 South Charles Street, Baltimore, MD 21201
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1200 East Churchville Road
Bel Air, Maryland 21040

Subdivision _____ Lot Number 430

Acreage/Lot Size 57.09 Election District E Zoning R2

Tax Map No. _____ Grid No. _____ Parcel _____ Water/Sewer: Private Public

List ALL structures on property and current use: existing church parking lot for St. Matthews Church

Estimated time required to present case: 2 hours

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes No

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes No

Is this request within one (1) mile of any incorporated town limits? Yes No

Request

Special Exception pursuant to Section 267-31, to permit a 125' high monopolo
in the R-2 zone

Justification

To be presented at the hearing

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Harford County Maryland Board of Zoning Appeals

Special Exception Request

APC Realty & Equipment Company, LLC (d/b/a Sprint PCS), requests a Special Exception to permit a 125 foot monopole (telecommunication facility), with related equipment cabinets in the R2- Urban Residential District. Under Section 267.53.4.C of the zoning ordinance, communication towers are allowed by special Exception, up to 199 feet in the R2 District.

Sprint PCS is proposing to construct a telecommunication facility on the property located at 1200 East Churchville Road. The facility will consist of 125' monopole which will be enclosed 6' chain link fence. Within the chain link fence, Sprint will locate its radio and battery equipments. The proposed monopole will be designed to accommodate up to two additional carriers and the fenced compound area will also accommodate additional equipment structures for the additional carriers.

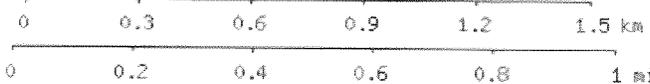
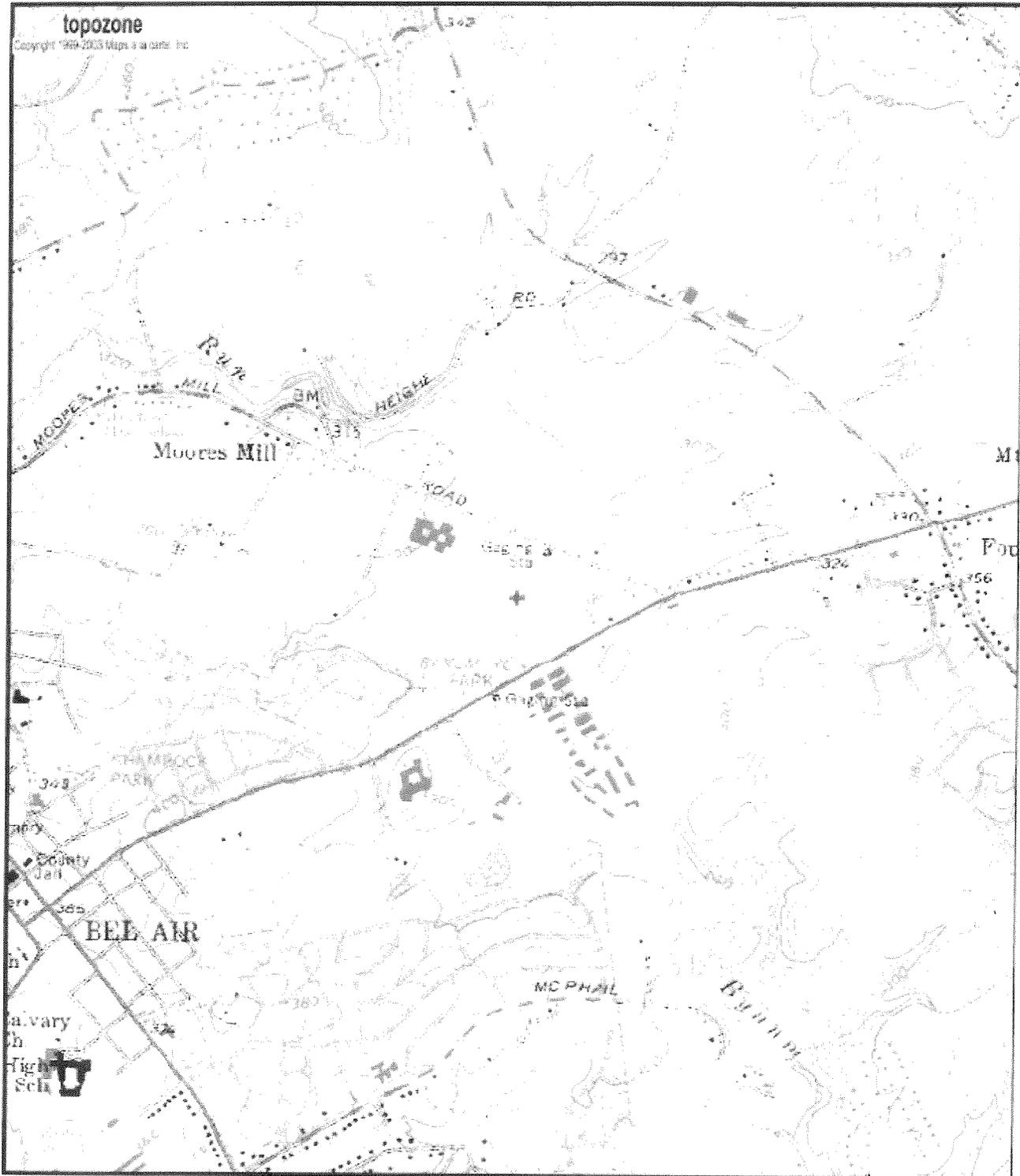
As shown on the plan, Sprint proposes to locate the proposed monopole to the rear of the property, near the driveway entrance which is located off on Morres Mill Road. The proposed monopole will meet and exceed the minimum setback and yard requirements for a transportation, communication and utilities structures in the R-2 district, as required in Article 267-36, Table V of the zoning ordinance. The proposed monopole will be located near the treed area to the rear of the property, which will help screen a portion of the monopole. As shown on the plans, the proposed monopole will be a "low-profile" structure, which the antennas will be mounted "flushed" to the monopole. The proposed facility will be unmanned and will only require periodic maintenance and emergency visits to the site. There will be no lights placed on the monopole. All signage at the site will be in compliance with Article 267.53.5 (E) of the zoning ordinance.

Currently Sprint PCS has poor service in the Oak Ridge, Harford Woods and Fountain Green Heights areas. The closest existing Sprint antenna location to the proposed facility are an existing Cingular Monopole in Bel Air, approximately 2 miles west of the proposed facility and an existing Spectrasite monopole on Newport Drive, 1.8 miles north of the site. As is

always the case, Sprint first investigates the feasibility of installing its antennas on existing tall structures in order to avoid the expense and possible visual impact considerations often associated with erecting a new antennas support structure. Sprint's was unable to locate, in its search of possible site locations, any structure of sufficient height within the coverage objective area, to install its antennas.

The proposed site will provide seamless services of voice and data communications to residents and commuter for daily commuter use, to Churchville Road, Morres Mill Road, Fountain Green Road, South Hampton Road, Shamrock Road, Factory Road, Lee Way and the surrounding residential and commercial areas within an approximate 1 mile radius from the proposed facility location.

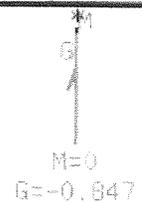
Propagation maps of Sprint's existing coverage without the proposed facility and the proposed coverage anticipated from the installation of the proposed facility are provided for County's review. A Radio Frequency exposure report prepared, by Jules Cohen, PE, on behalf of Sprint is also provided for review.



Map center is 39.5447°N, 76.3294°W (WGS84/NAD83)

Bel Air quadrangle

Projection is UTM Zone 18 NAD83 Datum



STATEMENT OF COMPLIANCE WITH ZONING REGULATIONS

267-53.5 PROVISIONS APPLICABLE TO ALL COMMUNICATIONS TOWERS.

- A. All communications towers shall be structurally designed to accommodate for co-location, which shall mean the ability of the structure to allow for the placement of antennas for 3 or more carriers. This provision may be waived by the approving body if it is determined that a co-location design will have an adverse impact on the surrounding area.

The proposed telecommunications structure and fenced compound area will be designed to accommodate up to two additional carriers. This will allow for a total of at least three carriers.

- B. No aviation-related lighting shall be placed upon any communications tower unless specifically required by the Federal Aviation Administration or other governmental entity.

The proposed telecommunications structure is not required by the FAA to be lighted since the structure will be less than 200 feet in height; accordingly, there will be no lighting on the telecommunications structure.

- C. Monopoles shall be the preferred communications tower structure type in the County.

The proposed telecommunication structure will be a 125 foot monopole.

- D. To the extent practicable, communications towers shall have suitable landscaping in order to screen the site from adjoining properties.

The proposed telecommunications structure is sited to work with the topography of the land to be naturally screened from adjoining properties. In addition, all Harford County guidelines relating to landscaping will be followed.

- E. The only signage permitted on any communication tower shall be a single sign no larger than 6 square feet, affixed to the equipment building or fence enclosure that identifies the tower owner, each locating provider and the telephone number for the person to contact in the event of an emergency.

Sprint will comply with the County's requirements regarding signage.

- F. Upon completion of a communication tower and every 5 years after the date of completion, the owner of the tower shall submit to the Zoning Administrator written certification from a professional engineer verifying that the tower meets all applicable building code and safety requirements applicable at the time the original building permit was issued. Failure to submit said certification within 60 days of written notification by

the Department of Planning and Zoning to the owner of the tower or any successor in interest shall result in the start of the revocation process for the tower approval.

Sprint will comply with the County's requirement to submit written certification verifying that the telecommunications structure meets all applicable building and safety codes.

G. All zoning certificate applications for the construction of new communications towers shall be subject to the DAC review process, with the following additional requisites:

- (1) Whether an applicant has satisfied the radio frequency need requirements identified in this section shall be reviewed by a radio frequency engineer. The engineer shall be retained by the County from an approved panel of such engineers to be created and maintained by the County. The engineer shall determine whether the applicant has shown a radio frequency need, based on coverage and/or capacity issues, or other engineering requisites, to construct a new communications tower;

The radio frequency information has been submitted to all of the appropriate parties.

- (2) When the communications tower is permitted by right, the engineer's determination shall be made in the ordinary course of DAC review;

Not applicable.

- (3) When the communications tower is allowed by special exception, the County's radio frequency engineering review shall be made in connection with the staff report review pursuant to Chapter A274-I.D. Such review will be completed prior to any zoning hearing and will preclude further DAC review of radio frequency issues; and

The radio frequency information has been submitted to the appropriate parties for review.

- (4) The County's radio frequency engineer shall ensure that any new tower does not interfere with or obstruct existing or proposed communications towers designed for public safety use.

The proposed telecommunications structure will not interfere with or obstruct existing or proposed communications towers designed for public safety use.

H. The applicant shall be responsible for maintaining the communications tower in a safe condition.

All components of the proposed telecommunications structure are designed and manufactured in accordance with strict FCC requirements to ensure against interference

with other electronic devices as well as with the American National Standards Institute (ANSI) and the Institute of Electrical and Electronic Engineers (IEEE) standards for radio frequency energy emission. Additionally, Sprint has notified and made the required applications to the FAA. The FAA has determined that the proposed tower will not exceed FAA obstruction standards or constitute a hazard to air navigation in the area. Sprint will ensure that the proposed telecommunications structure will be maintained in a safe manner on the subject property.

- I. Communications towers shall be utilized continuously for wireless communications. In the event that a communications tower ceases to be used for wireless communications for a period of six months, the approval will be revoked. In the event that the Zoning Administrator is presented with evidence that further viability of the tower is imminent, the Zoning Administrator may grant one extension of the approval for a period not to exceed 6 months beyond the revocation of the use. The applicant shall take all necessary steps to dismantle the tower and remove and dispose of all visible remnants and materials from the subject parcel within 90 days after termination. The applicant shall ensure removal of the tower and all associated accessory structures by posting an acceptable monetary guarantee with the County on forms provided by the Office of the Zoning Administrator. The guarantee shall be submitted prior to the issuance of a building permit and shall be for an amount equal to a cost estimate approved by the Zoning Administrator for the removal of the tower, plus a 15% contingency.

Sprint shall comply with all County requirements concerning the removal of the telecommunications structure if it is not used for wireless communication for a period of 6 months. In addition, Sprint agrees to post all required bonds prior to issuance of the building permit.

- J. Every application for the construction of a new communications tower shall include the following:

- (1) Information demonstrating the applicant's radio frequency need for the facility, including computer modeling information, an explanation as to why co-location is not feasible and a list of alternative sites considered;

Please see ATTACHMENT 1, RF propagation maps.

- (2) A checklist prepared in conformity with Section 106 of the National Environmental Policy Act and any other documents filed by the applicant with the FCC related to this site if requested by the department.

NEPA/SHPO documents will be supplied if requested by the department.

- (3) A site plan, including the layout of the site, a drawing or other physical depiction of the proposed communications tower and any equipment buildings, and a map showing the area within a one mile radius of the tower;

Please see ATTACHMENT 2, Sprint's site plan of the proposed telecommunications facility.

- (4) A description of the number of carriers' equipment that the tower can accommodate and a statement as to whether the applicant will allow other carriers to co-locate on the facility.

The proposed monopole will accommodate the equipment of three carriers, including Sprint PCS. Sprint PCS will make the monopole available to other carriers for co-location.

- (5) Documentation demonstrating the tower shall be designed and constructed in accordance with any applicable American National Standards Institute standards.

Sprint will provide evidence to the County that the tower will be designed and constructed in accordance with any applicable American National Institute standards at the time of building permit filing.

- (6) Proof that the applicant owns or otherwise has permission to use the site, along with any easements necessary to access the site;

A copy of the property owner's executed statement assenting to Sprint's use of the site is included as ATTACHMENT 3.

- (7) A certification from each carrier that will utilize the facility that its equipment will meet all applicable federal standards governing the emission of energy from such facilities; and

Sprint will meet all applicable federal standards governing the emission of energy from the telecommunications facility.

- (8) A nonbonding 5-year plan showing the applicant's existing and proposed communications network with the County. In accordance with state law on access to public records, § 10-611 et seq. of the State Government Article, the department shall treat the 5-year plan it obtains as confidential and shall not permit public inspection of that information.

See ATTACHMENT 4.

K. When proposing a new communications tower, the applicant must demonstrate a radio frequency need for such a facility by showing:

- (1) That the applicant has researched the co-location possibilities in the area, including in its research a review of the County's database of structures; and

- (2) That due to the absence of sufficiently tall structures in the search area, the absence of structural capacity on existing structures or other valid engineering or economic factors, no viable co-location opportunities exist in the search area.

Please see ATTACHMENT 5.

267-53.6. ADDITIONAL SPECIAL EXCEPTION REQUIREMENTS.

An applicant proposing a new communications tower in the R, RR, R1, R2, VR, VB, B1, B2 or AG Districts shall demonstrate that the request complies with the following conditions:

- A. The placement of the communications tower at the proposed location will not have a material negative impact on the value, use or enjoyment of any adjoining parcel.

The design of the proposed telecommunications facility is compact and not of a nature that alters the existing character of the church or adversely impacts nearby properties. The proposed telecommunications facility will be a monopole design, which is preferred by the County. Since the tower will be less than 200 feet in height, lighting will not be required.

- B. The applicant has made a diligent attempt to locate the applicant's antenna on an existing tower or nonresidential building or structure.

Please see response to 267-53.5 K(1)(2) and ATTACHMENT 5.

- C. The applicant shall provide the following additional information in support of its application.

- (1) Photographs of existing site conditions.

Please see ATTACHMENT 6, photographs of the existing site conditions.

- (2) Photographs demonstrating that a balloon test has been conducted, or other evidence depicting the visual impact of the proposed tower within a one mile radius of the tower; and

Please see ATTACHMENT 7, balloon test photographs and photo simulations of the proposed monopole.

- (3) A map describing the topography of the site and the area within a one-mile radius of the proposed tower.

Please see ATTACHMENT 8.