

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

SEP 6 2007

Case No. 5621
 Date Filed 8/21/07
 Hearing Date _____
 Receipt _____
 Fee \$400.00

Shaded Areas for Office Use Only

Type of Application

- Administrative Decision/Interpretation
- Special Exception
- Use Variance
- Change/Extension of Non-Conforming Use
- Minor Area Variance
- Area Variance
- Variance from Requirements of the Code
- Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5621 MAP 61 TYPE Special Exception
ELECTION DISTRICT 01 LOCATION 2500 Winters Run Road, Joppa 21085
 BY Mary Alice & George Kern
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 AG District requires
approval by the Board.

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.

Owner (please print or type)

Name Mary Kerns & George Kerns et al Phone Number 410-679-5796
 Address 2500 Winters Run Road Joppa MD 21085
Street Number Street City State Zip Code

Co-Applicant Liz West for T-Mobile Phone Number 443 995 3498
 Address 12050 Baltimore Ave Beltsville MD 20705
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
 Address _____
Street Number Street City State Zip Code

Attorney/Representative Karl Nelson Esq Phone Number 410-332-8663
 Address 500 E. Pratt Street Baltimore MD 21202-3171
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2500 Winters Run Road, Joppa MD

Subdivision _____ Lot Number NA

Acreage/Lot Size 157 acres Election District 1 Zoning AG

Tax Map No. 61 Grid No. 3C Parcel 101 Water/Sewer: Private X Public _____

List ALL structures on property and current use: 3 residences - one barn structure.

Property is used as Residence & some agriculture.

Estimated time required to present case: one hour

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

I-Mobile seeks to construct a telecommunications facility (monopole and equipment cabinets) on property zoned AG.

Justification

The request meets the specific and general standards for a special ~~to~~ exception for a telecommunications facility in the AG district. Justification and Code criteria are included in attached Justification letter and Special Exception application

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.)

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August 18, 2007

Shane Grim
Site Plan and Building Permits Review Section
220 South Main Street
Bel Air, MD 21014

RE: Special Exception for 2500 Winters Run Road, Joppa

Tax ID # 01052365
Tax Map 61 Parcel 101
Zone: AG
T-Mobile Site BAN407

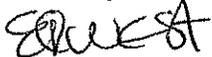
Dear Mr. Grim:

T-Mobile Northeast LLC (T-Mobile) seeks to construct a telecommunications facility that will measure 199 feet in height on property located at 2500 Winters Run Road in Joppa. The proposed monopole meets all the setback and Special Exception standards required in the Harford County Zoning Code. A pre-file meeting for this site was held at your office on April 16, 2007.

Enclosed in this submittal is the justification for the monopole as per Section 267-53.1 and Section 267-53.5 of the County Code, propagation maps, a County-Wide Plan, site plans and copy of the signed lease between the property owner and T-Mobile authorizing T-Mobile to obtain County approvals and permits. A balloon test is scheduled for August 22 for the purpose of preparing photo-simulations. Once these are complete I will email you a set and express mail another set to you and to the RF consultant.

If you have any questions or require any additional information, please feel free to contact me at 443-995-3498.

Sincerely,



Liz West
Senior Planner
Agent for: T-Mobile USA

Mail:
Liz West
T-Mobile
12050 Baltimore Avenue (rear)
Beltsville, MD 20705

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Table of Contents:

Statement of Justification

Petition for Special Exception

List of Exhibits:

- A. Zoning Drawings
- B. Equipment Specifications
- C. Federal Airways and Airspace Summary Report
- D. Radio Frequency Statement on Interference
- E. Radio Frequency Propagation Maps
- F. Section 106 NEPA Check List and Supporting Documents
- G. Signed Lease Agreement
- H. 5 Year Plan of Existing and Proposed Facilities
- I. Photo Simulations
- J. Topography Map
- K. Adjoining Property Owners
- L. Deed



Statement

In accordance with the requirements of the Harford County Zoning Code, T-Mobile Northeast ("T-Mobile or applicant") hereby furnishes the following statement in support of the request that a special exception be granted permitting the installation of an unmanned telecommunications facility ("a facility") to be located at 2500 WINTERS RUN ROAD in Joppa.

T-Mobile holds a license issued to it by the Federal Communications Commission ("FCC") to provide personal communication service ("service") throughout the greater Baltimore- Washington DC metropolitan areas, including all portions and sections of Harford County. T-Mobile seeks approval of this special exception to construct and operate a facility in accordance with the terms, obligations and responsibilities of its FCC license.

T-Mobile requests special exception approval to establish a telecommunications facility in the AG District. The facility will consist of nine antennas mounted on a monopole to be constructed at a total of 199 feet. In addition to the monopole and antennas, T-Mobile proposes three equipment cabinets on a 10 x 20 foot concrete pad. The equipment and monopole will be fenced by an 8 foot tall chain link fence and screened by planting white pine trees around the perimeter to soften the visual impact. This monopole will be constructed to carry a minimum of four carriers. You will notice that the lease area for T-Mobile is relatively small. As other carriers co-locate onto this tower they will negotiate the ground lease for their equipment with the landowner. The monopole and equipment are shown on the attached engineering drawings as *Attachment A* drawn by DMW dated August 2007.

Copies of the equipment cabinets and antenna specifications are attached in Attachment B. The facility will operate automatically and will not require personnel or hours of attendance. Therefore, there will be no impact on public facilities such as roads and schools. Maintenance personnel will visit the site periodically for repairs and modifications to the facility.

Rationale:

The proposed facility is a vital component of T-Mobile's area wide wireless telecommunications network. Telecommunications carriers must locate antenna sites according to a network design within limited geographic parameters in order to provide uninterrupted coverage. When carriers cannot site within these parameters network users will pass through an area where the lost signal results in interrupted or "dropped" calls. This poses a significant safety problem, both from the standpoint of lack of coverage in emergencies and because interrupted calls may cause a distraction to drivers.

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In addition, the number of emergency 911 calls from wireless phones is increasing rapidly. Because of this a new caller location system, called Enhanced 911, or E911, has been deployed. E911 serves three functions: 1) ensures that a 911 call from a wireless phone is routed to the nearest emergency dispatch center; 2) provides emergency dispatchers with the call back number of the distressed call; and 3) provides the approximate location of the distressed caller. For E911 to perform its many functions, wireless providers must have enough antennas placed throughout communities to ensure coverage.

When a gap or absence of coverage is recorded, either thru customer complaints or poor service areas T-Mobile seeks to locate antennas within the area to rectify the problem. In these situations the most cost effective and preferred sites for the carrier are existing tall structures such as existing monopoles, silos, and church steeples. Sometimes these existing structures do not work, as either the structure can support the load of the antennas, the land owner is not interested, or it does not meet our coverage objective. In general, the construction of new facilities is a last resort. Ideally, these new builds are done on lands that are zoned commercial and industrial, but when that is not possible other lands are considered. In assessing potential properties within a search parameter T-Mobile seeks to find large parcels that will meet all setback to adjoining residential property have natural screening in place such as trees, topography and other factors to assist in softening the visual impact.

Such is the case with the subject property. It is a large parcel consisting of 157 acres. The proposed facility will be located in a wooded portion of the site and will be accessed by an existing gravel driveway. The monopole will be 285 feet from the nearest property line. While non-tidal streams are present on the property this project will not disturb the streams or their buffers.

Anticipated Impacts on Adjoining Properties

The proposed facility will have no impact as to traffic, noise, light pollution, air quality, water quality or radiation on the adjoining properties. There will be no harmful emissions or any electrical or blanketing interference from the equipment, transmission or antennas.

As stated previously, the nine antennas will be attached internally within the proposed 199 foot monopole. It will not be lighted. The equipment area and base of the monopole will be screened with an eight foot high fence and white pine trees. The equipment area will not be visible from adjacent properties.



Alternative Sites Considered

Candidate A: ATTWS/Bel Air-Tollgate Road near Emmorton Elementary School, Bel Air, MD 21015. This candidate is a standpipe that ATTWS was attempting to obtain leasing rights for from the County. They were unsuccessful in doing so.

Candidate B: Preston Manor Standpipe-2917 Preston Lane, Bel Air, MD 21015. This is a county owned standpipe. The county rejected T-Mobile's proposed installation due to possible interference with the county's EMS System and limited ground space.

Candidate C: Harford County Water Tank- 2500 Tollgate Road, Bel Air, MD 21015. This site requires that tower (water tank) space be leased from Harford County Division of Water and Sewer along with ground space being leased from the Harford County Department of Parks. This site did not meet the coverage objective as it relates to connecting other on-air sites such as BAN104, BAN 106 and BAN098.

Festival at Bel Air-South Bel Air Parkway, Bel Air, Maryland, 21014. The landlord is not able to accommodate a tower on this site due to size and location constraints that prohibit them from working with T-Mobile on this venture.

Boyle Buick and Pontiac-3015 Emmorton Road, Bel Air, MD, 21014. The landlord is not able to accommodate a tower on this site due to needing all the parking lot space for automobile parking. He is not willing to give up any of the grassy area as they are looking at the possibility of expanding the dealership.

Bel Air Remodeling and Home Improvement: 109 E. Wheel Road, Bel Air, MD 21041. This is an existing 140' radio communications tower located next to the building. It is too close to on-air site BAN104 (EZ Storage).

Constant Friendship Business Park:
Too close to on air site located at 1700 Van Bibber Road, Abington

Provisions Applicable to §267-53.5

T-Mobile

The proposed installation of a telecommunications facility on the subject lands is in the spirit and intent of this section of the Harford County Code. More specifically:

A. All communications towers shall be structurally designed to accommodate for co-location, which shall mean the ability of 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 monopole will be designed to accommodate up to four 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.

No lighting is proposed.

C. Monopoles shall be the preferred communications tower structure type within the county.

The proposed facility is a monopole.

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

The proposed ground equipment will be screened with an 8 foot tall chain link fence and a landscape buffer of white pines that will obscure the equipment from view.

E. The only signage permitted on any communications 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.

The only signage proposed at the site will be a single sign no larger than 6 feet affixed to the fenced compound identifying T-Mobile as the owner. No other signs are proposed.

F. Upon completion of a communications 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 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.

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T-Mobile agrees to submit written certification from a professional engineer every five years after the date of completion that the tower meets all applicable building code and safety requirements applicable at the time the building permit was issued.

G. All zoning certificate applications for the construction of 15 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;

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

(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 A274-1.D. Such review will be completed prior to any zoning hearing and will preclude further DAC review of radio frequency issues; and

(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.

Agreed and acknowledged. A letter of non interference has been submitted with this application as exhibit D. Propagation maps have been included in this application as Exhibit E.

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

T-Mobile will keep the monopole in an operable and safe condition per the County regulations and the regulations enforced by the FCC.

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 6 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 90 days after termination. The applicant shall

T-Mobile

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.

Acknowledged and Agreed.

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;

The propagation maps are included in Exhibit E. "Alternative Sites Considered" are discussed in the previous section.

(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;

The Section 106 of NEPA has been included as Exhibit F.

(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;

The Site Plan is included in Exhibit A.

(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 equipment specifications are shown in exhibit A. The site plans shown in Exhibit B, prepared by our registered engineer show "ghosts" of future carriers. T-Mobile intends to offset the cost of construction with lease agreements from other carriers. T-Mobile agrees to lease to other carriers at a fair and competitive rate.

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

As shown on the site plan (Exhibit A), T-Mobile agrees to design and construct this site in compliance with the American National Standards Institute standards.

T-Mobile

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

The signed lease agreement which gives T-Mobile authority to access the site and to apply for the appropriate zoning approvals is shown in Exhibit G.

(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

The letter of non-interference for T-Mobile is shown in Exhibit D. As part of its license with the FCC T-Mobile (and all service providers) are required to operate in accordance with Federal emissions standards.

(8) A nonbinding 5-year plan showing the applicant's existing and proposed communications network within 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.

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.

The 5 year plan has been included as Exhibit H.

§ 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 placement of the facility at the proposed location will not have a material negative impact on the value, use or enjoyment of any adjoining parcel. The proposed facility will have no impact as to traffic, noise, light or air and water quality. The proposed facility

T-Mobile

has been positioned on the large parcel in such a fashion to minimize the visual impact on adjoining neighbors. Most of the surrounding lots are also large, agricultural properties. The closest off site structure is over 1000 feet away.

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

Co-location of this equipment was not possible as there are not any existing tall structures in the area that will provide the required coverage and that will enter into business negotiations with T-Mobile. Please refer to the list of alternative sites provided in the previous section.

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

- (1) Photographs of existing site conditions and;
- (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

Photo simulations, balloon test results and existing conditions photos are included in Exhibit J.

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

The topography lines are printed on the site plan. A color copy aerial photo is included with the site plan as Exhibit A.

Design Requirements- AG District Sec 267-34

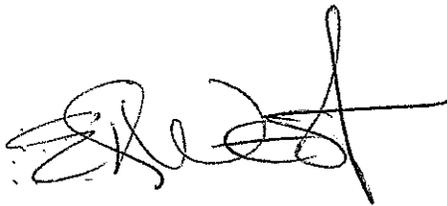
Transportation, Communications and Utility Uses in the AG district require a minimum lot area of 5 acres and minimum setback from adjacent residential lot of 200-feet.

T-Mobile's proposed facility will be located on a property that is 157 acres in size, well exceeding the minimum lot size. The facility exceeds all setback requirements as it is 287 feet from any other property line at its closest point.

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Thank you for your consideration regarding this application. Should you have questions or concerns please do not hesitate to contact me at either 443-994-3498 or at Elizabeth.west@t-mobile.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Liz West', with a long horizontal stroke extending to the right.

Liz West
Agent for T-Mobile
12050 Baltimore Ave.
Beltsville MD 20705

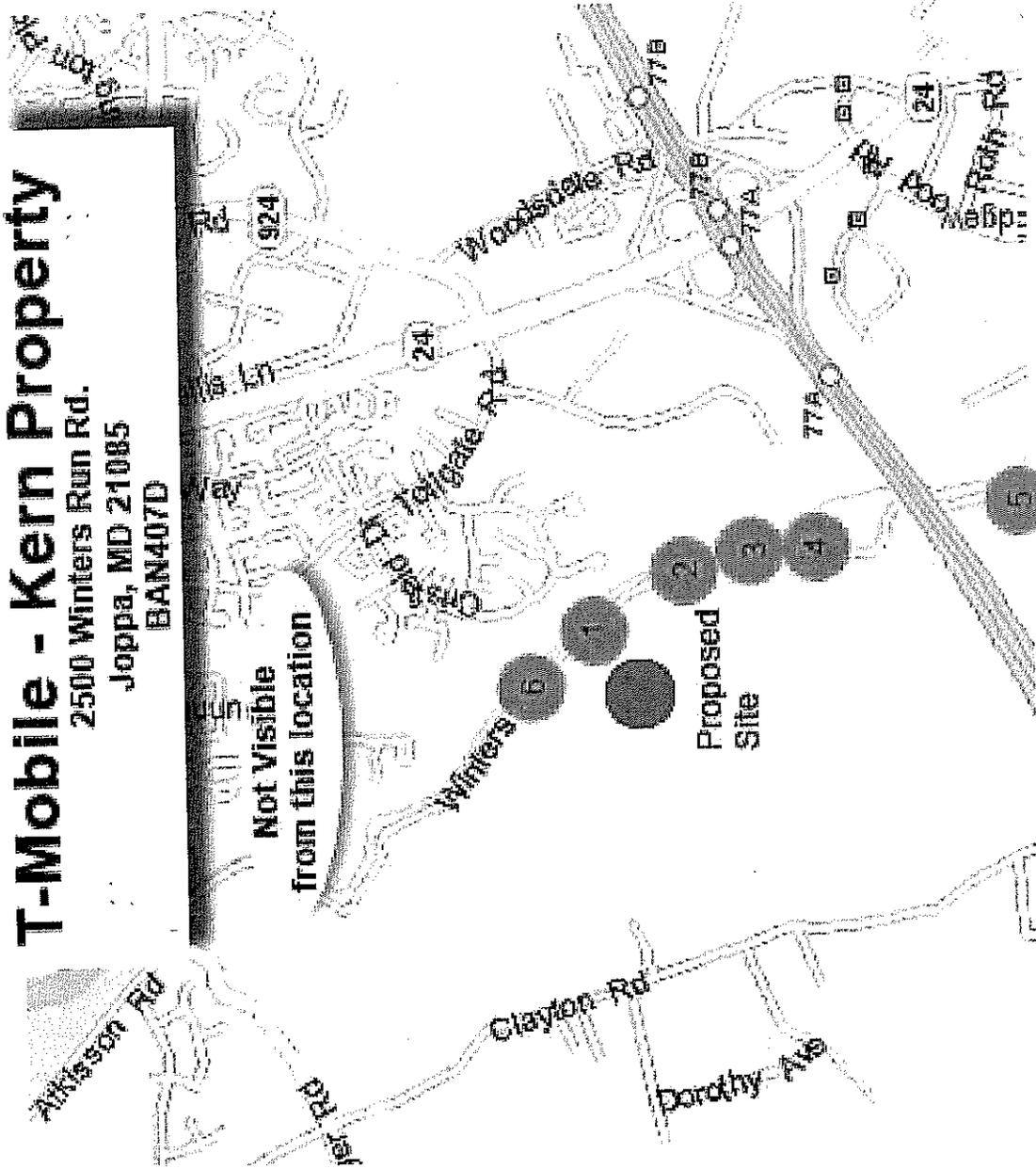
T-Mobile - Kern Property

2500 Winters Run Rd.

Joppa, MD 21085

BAN407D

Not Visible
from this location



**NETWORK BUILDING
& CONSULTING, LLC**

- 1. Photo 1 - 2500 Winters Run Rd.
- 2. Photo 2 - 2616 Winters Run Rd.
- 3. Photo 3 - 2702 Winters Run Rd.
- 4. Photo 4 - 3238 Winters Run Rd.
- 5. Photo 5 - 3300 Fashion Way
- 6. Photo 6 - 2450 Winters Run Rd.