

Case 3248

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Bell Atlantic Mobile Systems, Inc.
180 Mt. Airy Road
Basking Ridge, N.J. 07920

ATTORNEY: Clark R. Shaffer
6 N. Court Street
Westminster, Maryland 21157

REQUEST: A conditional use for a cellular mobile telephone
communications tower, including antennae, and an
equipment building.

LOCATION: 3226 Marston Road in Election District 9

BASIS: Article 4, Section 4.11(b), (c), and (d);
Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: September 27, 1989

The Board heard testimony and received evidence concerning the request for a cellular mobile telephone communications tower with antennae, and an equipment building on property at 3226 Marston Road, Westminster, Maryland at the public hearing on September 27, 1989. Prior to the hearing, the Board had visited the proposed site on September 26, 1989. The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board will authorize the request. The pertinent findings include the following facts.

FINDINGS OF FACT

As shown by the location map included on the site plan identified as Applicant's Exhibit 1, the site is west of the intersection of Marston Road (Md. Rt. 407) and Ridge Road (Md. Rt. 27). The distance between the site and intersection is approximately 3,350 feet. (Applicant's Exhibit 5.) Vehicular access is from Marston Road by way of the driveway serving the farm on which to site is located and a field road. The site is wooded, except to the southeast. The woods and topography restrict visibility of the site from adjacent properties.

The facility will consist of:

- a leased parcel, 70 feet by 75 feet, surfaced with compacted gravel and enclosed with a chain link security fence
- a 12 feet by 28 feet modular equipment building
- a freestanding 280 feet tower with antennas extending an additional 12 feet
- an area, identified as the fall area, having a radius of 300 feet surrounding the tower in the event the tower collapses

The tower will be painted red and white, and equipped with red hazard lights in conformance with Federal Aviation Administration regulations.

APPLICABLE LAW

Article 4, General Provisions; Section 4.11, Utility Equipment and Towers (Amended 11/13/86) subsection (b) of Ordinance 1E provides that above ground "...building, yards, stations, or substations for transforming, boosting, switching...purposes are a conditional use in all zoning districts." Subsection (c) specifies that towers in excess of 200 feet in height are permitted as conditional uses in the Agricultural, Transitional, Business and Industrial districts. Subsection (d) specifies standards for freestanding towers.

The Application for Hearing notes that the property is zoned "A" Agricultural District as shown on zoning map 56B.

Article 20, Section 20.09 states that conditional uses are subject to Board of Appeals approval following a public hearing.

Article 17, Board of Appeals; Section 17.7, Limitations, guides and standards of Ordinance 1E governs the Board in considering conditional uses.

REASONING

In considering the record of this case, it is evident that establishment of the proposed tower will be in accord with the intent and purpose of Ordinance 1E.

CONCLUSION

The Board hereby authorizes the conditional use for the freestanding tower and antennae, and equipment building as proposed.

Oct. 10, 1989
Date

John Totura
John Totura, Chairman