

**Tax Map/Block/Parcel**  
**No. 67-2-635**  
**Case 5539**

**OFFICIAL DECISION**  
**BOARD OF ZONING APPEALS**  
**CARROLL COUNTY, MARYLAND**

**APPLICANT:** T-Mobile Northeast LLC and John Condon  
12050 Baltimore Avenue  
Beltsville, Maryland 20705

**ATTORNEY:** Greg Rapisarda

**REQUEST:** Review of location analysis for a proposed 120 ft. cellular communication tower.

**LOCATION:** The site is located at 1600 W. Old Liberty Road, Sykesville, MD 21784, on property zoned "B-G & A" General Business and Agricultural Districts in Election District 9.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-15

**HEARING HELD:** March 30, 2010

**FINDINGS AND CONCLUSION**

On March 30, 2010, the Board of Zoning Appeals (the Board) convened to review a location analysis for a proposed 120 ft. cellular communication tower. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant is proposing to build a 120 ft. cellular communications monopole tower and a 50 ft. x 50 ft. fenced compound on a 2.82 acre piece of property located at 1600 W. Old Liberty Road. The property is split zoned, with a "B-G" General Business and "A" Agricultural designation. The tower is to be located on the "B-G" General Business portion of the property, and is therefore a principal permitted use. However, according to the Code of Public Local Laws and Ordinances Chapter 223-15 (6) (b), applicants for all cell towers must provide a location analysis to the County to demonstrate a need for the tower at this spot and to show that all reasonable alternatives to the new tower have been exhausted. A consultant engaged by the County concluded that there was insufficient documentation with regard to the need for this tower, so the matter came to the Board pursuant to Chapter 223-15 (6) (b) for a ruling on the question of the need for this tower at this location.

The Applicant presented testimony from their radio frequency engineer pertaining to a cellular phone coverage gap in the area of the proposed tower site, resulting in missed calls and

insufficient phone service. He testified further that there were no existing towers on which to co-locate the necessary antennae in the area, and that the Applicant is not in the business of designing or constructing alternative technology systems which would not require cell towers.

After hearing the above testimony, a frequency engineer working with the County's consultant concurred with the Applicant that there was a need for a tower at this location and that no feasible alternative to a tower exists. The proposed tower can accommodate two additional carriers' antennae.

Based on the above, the Board found that the Applicant had proven a need for the proposed tower to close a "coverage gap" for cell phone users in this area. Furthermore, the Board concluded that there were no other towers in the area which could be used for co-location. Finally, the Board determined that this Applicant is not currently equipped to use an alternative technology system which does not require a cell tower. Based on the above findings, the Board decided that the Applicant had carried its burden of proof with regard to its need for a tower at this location, and that the Application should be processed by the County.

April 19, 2010  
Date

  
Charles H. Wheatley, III, Chairman