

Tax Map/Block/Parcel
No. 51-4-15
Case 5586

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

APPLICANT: T-Mobile Northeast, LLC and Daniel & Rebecca Roop et al Stem
7380 Coca Cola Drive, H106
Hanover, MD 21076

ATTORNEY: Sean P. Hughes
6339 Ten Oaks Road
Clarksville, MD 21029

REQUEST: An application for a conditional use for a 135 ft. communications tower designed as a flagpole with ancillary equipment cabinet.

LOCATION: The site is located at 720 Chapel Road, Westminster, on property zoned "A" Agricultural District in Election District 7.

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

HEARING HELD: May 24, 2011

FINDINGS AND CONCLUSION

On May 24, 2011, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a 135 ft. communications tower designed as a flagpole with ancillary equipment cabinet. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant wishes to erect a 135 ft. communications tower designed as a flagpole on the subject property. The proposed location on this 97 acre (+/-) farm parcel is currently being used as a quarry. The project will consist of a 135 ft. flagpole, with a 45 ft. x 35 ft. concrete compound with power cabinets. Antennae will be hung inside the structure, rather than on top. The quarry property is naturally screened on all sides by large trees. A technician will inspect the tower once a month. No variances are required.

A radio frequency engineer working for the Applicant testified that there is a cell phone coverage gap in the surrounding area, and the proposed tower would provide needed phone service to local customers.

A qualified real estate appraiser hired by the Applicant testified that this type of "stealth" tower will not reduce property values of the surrounding neighbors. A land planning consultant hired by the Applicant testified that the tower will not be visible to most of the surrounding properties due to the topography of the land and the height of surrounding trees.

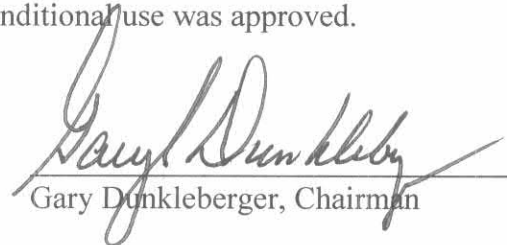
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Based on the above, the Board found that the Applicant had proven a need for the tower at this location to close a coverage gap. Furthermore, the only traffic generated by this use will be a single visit per month from a technician. No noise will be generated by the tower. No dust, fumes or odors will result from the tower. An appraiser testified that there will be no reduction in property values from the tower. The tower will not be visible to most neighbors. In short, the proposed tower at this location will not generate adverse effects above and beyond those normally associated with such a use. Accordingly, the conditional use was approved.

23 June 2011
Date


Gary Dunkleberger, Chairman

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Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C of the County Code, this approval will become void within 1 year from the date of this decision unless the use or variance is implemented. Please contact the Zoning Administrator at (410) 386-2980 to obtain a zoning certificate.