

Case 3249

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: Southeasterly side of Mayberry Road about 900 feet northeast of Basehores Mill Road intersection in Election District 2

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

HEARING HELD: September 29, 1989

On September 29, 1989 the Board of Zoning Appeals heard testimony and received evidence concerning a conditional use request for a cellular telephone communications tower, including antennae, and an equipment building on property located on the southeasterly side of Mayberry Road about 900 feet northeast of Basehores Mill Road. The Board visited the property on September 26, 1989, prior to the public hearing. 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 FACTS

The location of the property is as noted above and shown by the site location map used to post the property with the Hearing Notice--contrary to the Key Map included on the site plan, identified as Applicant's Exhibit 1, depicting the location otherwise. The 3.6406 acre property fronts on Mayberry Road and is presently unimproved. A proposed driveway will be constructed

to provide access to the facility which will be located about 250 feet east of Mayberry Road and 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 30 feet modular equipment building
- a freestanding 250 feet tower with antennas extending an additional 10 to 17 feet
- an area, identified as the fall area, having a radius of 270 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.

A potential problem--presently supposition--that may result is that the tower and antennae may obstruct or distort satellite television signals presently received by an adjacent resident's dish antenna. In accordance with testimony presented on behalf of the application, if in fact there is an actual problem, it will be corrected by the applicant, Bell Atlantic Mobile Systems, Inc.

In the opinion of an expert in real estate appraisal, neither the value of adjacent residential properties nor their marketability, would be adversely affected by establishment of the proposed tower.

#### 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 29A.

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

There is no evidence that establishment and operation of the proposed facility will unduly affect the surrounding properties, or that it would be contrary to the provisions 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