

**Tax Map/Block/Parcel**  
**No. 52-22-91**  
**Case 5722**

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

**APPLICANT:** Verizon Wireless  
C/O Network Building and Consulting  
Attn: Harold Bernadzikowski  
7380 Coca Cola Drive, Suite 106  
Hanover, MD 21076

**ATTORNEY:** N/A

**REQUEST:** A request for a conditional use for the establishment of a telecommunication tower facility consisting of a proposed 190 foot tall monopole, a 12X16 foot equipment shelter, with a 50X50 foot fenced compound. Verizon Wireless antennas to be installed at a rad center height of 190 feet (top of antennas at 194 feet).

**LOCATION:** The site is located on the North side of Deer Park Road, East of Don Avenue, Westminster, on property zoned "A" Agricultural in Election District 4.

**BASIS:** Code of Public Local Laws and Ordinances, Section 223-15 (C) and 223-16.

**HEARING HELD:** January 28, 2014

**FINDINGS AND CONCLUSION**

On January 28, 2014, the Board of Zoning Appeals (the Board) convened to hear the request for the establishment of a telecommunication tower facility consisting of a proposed 190 foot tall monopole, a 12X16 foot equipment shelter, with a 50X50 foot fenced compound. Verizon Wireless antennas to be installed at a rad center height of 190 feet (top of antennas at 194 feet). Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Harold Bernadzikowski, zoning manager and agent for Verizon, testified on behalf of the telecommunication tower facility. He stated that Verizon needed to fill a gap in coverage for its phone users. The gap in coverage was between the Eldersburg area and the Gamber area. He noted that Verizon representatives could not find existing towers in the area to address the coverage gap. The intention for the tower included filling the coverage gap around Hook Road.

The telecommunication tower at the proposed site is in a heavily wooded area on one side with trees 70 to 80 feet high. Some trees may even be 90 feet or higher. The 190 foot tall monopole at the proposed site was designed to accommodate four different telecommunications carriers. One carrier would take the area from 150 feet to 160 feet on the tower; another company would take the area from 160 feet to 170 feet on the tower; a third company would take the area from 170 feet to 180 feet on the tower; and Verizon would take the best position of 180 feet to 190 feet on the tower. The tower would need to be at least 150 feet in order to provide coverage for phone use.

The subject property was selected because it is heavily wooded and provides a significant visual buffer to the proposed monopole from the surrounding communities. The compound area itself will not be visible at all. However, the upper portions of the tower may be seen in the area.

When Thomas Beach, IV asked the witness about whether he could see the tower from his property the answer was that the compound would basically be covered by the wooded area. Mr. Beach would only be able to see the upper portions of the tower.

The traffic at the site would be minimal. The proposed site would be an unmanned facility. No bathroom facilities would therefore be needed at the site. There might be one trip a month for routine maintenance checks once the construction was completed.

The application included propagation maps which showed the existing coverage without the facility and the proposed coverage with the facility. As the propagation maps show there is minimal coverage in the area, especially along the south side of Deer Park Road and at the intersection of Deer Park Road and Route 32.

There was a suggestion that the tower could be placed in or near the park. The athletic field complex near the intersection of Deer Park Road and Route 32, was deemed not viable by Verizon's RF Engineers because it (1) sits at a significantly lower elevation than the proposed facility location, (2) it is wide open with little to no wooded area to buffer a proposed monopole from surrounding properties, and (3) it would not provide the desired coverage to the east and north as well as the proposed location.

Scott Heffernan also testified on behalf of Verizon. He also stated that there was an existing gap in coverage at the location of the tower. Existing structures could not be used to address the gap in coverage. He noted that Verizon wanted to provide coverage for its customers up to the Hook Road corridor. He stated that the white area in Exhibit 2 showed no coverage and the dark blue area showed reliable coverage. Reliable coverage for Verizon meant that there would be no or fewer dropped calls. The light blue areas demonstrated inconsistent coverage that may provide coverage depending on a number of factors. The maps in Exhibit 2 showed that there was more coverage provided by the 190 foot tower as opposed to the 150 foot tower.

Lee Afflerbach, the founder and principal engineer with Columbia Telecommunications Corporation, testified as a consultant for the county. His company sent an October 30, 2013 letter to Jay Voight, Zoning Administrator, about the findings of the proposed tower. Exhibit 1. The consultant found that the vicinity along Route 32, and Deer Park Road "is not presently

served by signals at the target levels to meet the stated coverage objectives of providing advanced LTE and 4G services, and there is a need for new antennas to better cover the target areas.” Exhibit 1.

He testified that the proposed site was a good site from a technical and engineering point of view. He added that he did not like to place towers near parks, because children look at them as a challenge to be climbed when placed there. He agreed that the proposed site for the monopole of 190 feet would be appropriate.

Based on a November 21, 2013 letter from Philip R. Hager, Secretary, Planning & Zoning Commission and a December 4, 2013 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, the property was consistent with the policies and recommendations contained in the Carroll County Master Plan and the Carroll County Master Plan for Water & Sewerage, and other functional plans. Planning staff does not perceive that the construction of the tower as depicted in the submittal would have an adverse impact on the immediate neighborhood. The request is compatible with the visions and goals for the area as expressed in the plan. The Board accepted and agreed with this finding.

The Board was convinced that authorization of the request for the monopole of 190 feet at the proposed site was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The wooded area would buffer most of the compound. The traffic at the site of one trip per month would be minimal. The Board approved this conditional use request.

Signed 1/31/14

Date

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Harvey Tegeler, Chairman

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 unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.