

August 21, 2013

Mr. Don O'Dell
Turner Construction Company
250 W. Pratt Street, #620
Baltimore, Maryland 21201

Re: Celco Partnership
c/o Verizon Wireless-Real Estate
14209 Jarrettsville Pike
Jacksonville, Maryland 21131
Forest Conservation Variance
Tracking # 03-13-1676

Dear Mr. O'Dell:

A request for a variance from the Baltimore County Code Article 33, Title 6, Forest Conservation, was received by the Department of Environmental Protection and Sustainability (EPS) on August 19, 2013. This request proposes to base the afforestation required by Section 33-6-111 of the Forest Conservation Law on the 0.3-acre limit of disturbance rather than the entire 2.1-acre property. The project proposes to grade 0.3-acre in order to perform repairs and upgrades of an existing cell tower facility located in the Jacksonville section of Baltimore County. The property is not forested and currently is fenced and consists of lawn area and the impervious surfaces associated with the facility.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial

use of his property. The applicant is seeking to make improvements to an existing Verizon Wireless cell tower facility that serves the surrounding area. These improvements are necessary to maintain the functionality of ongoing site operations. However, full application of the law to the entire property would not deprive the applicant of beneficial use of the property or negatively affect its value. Therefore, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The metal communications towers and antennae attract lightning strikes and the repairs/upgrades will mitigate the effects of those strikes. Making the proposed improvements is due to unique circumstances and requirements associated with the subject property and its operation, rather than general conditions in the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. Only approximately 0.3-acre of the 2.1 acre property would be disturbed for the improvements associated with a cell tower facility that has been in the neighborhood for years. The use and appearance of the site will be maintained. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. We have determined that there are no wetlands, streams or floodplains on or immediately near the subject improvements. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not taken any related actions on the property prior to requesting this variance. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Reducing the afforestation obligation based on the limit of disturbance for necessary repairs and upgrades of an existing telecommunications facility would be consistent with the spirit and intent of the Forest Conservation Law. This is especially true given that no impacts to forest or water

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quality would result from the proposed redevelopment. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code, with no conditions since no afforestation is required based on the 0.3-acre limit of disturbance, and no impacts to forest or specimen trees are proposed. This variance does not exempt future development of this site from complying with Baltimore County's Forest Conservation Law.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request. Please have the property owner (s) sign the statement below and return a signed copy of this letter to this Department prior to building permit issuance.

If you have any questions regarding this correspondence, please call Thomas Panzarella at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/tcp

I/we agree to the above conditions to bring the referenced property into compliance with Baltimore County's Forest Conservation Law.

Signatures(s) of Property Owner(s)

Date

Property Owner's Printed Names