

**Tax Map/Block/Parcel  
No. 66-19-367**

**Building Permit/Zoning  
Certificate No. 01-3446**

**Case 4643**

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

**APPLICANT:** Highpoint Development, Ltd.  
323 Port Richmond Avenue  
Staten Island, New York 10302

**ATTORNEY:** Christopher W. Hembree and Edward L. Donohue

**REQUEST:** An application for a conditional use for a 165 ft. lattice type tower (with a 15 ft. lightning rod) telecommunications facility in a 100 ft. by 100 ft. fenced area with a 8 ft. high chain link fence and a variance from the required minimum setback of 200 ft. plus the height of the tower to 110 ft.

**LOCATION:** The site is located at 5702 Ridge Road, Mt. Airy, MD 21771, on property zoned "A" Agricultural District in Election District 13.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-15 (C) and 223-182 (B)

**HEARING HELD:** January 4, 2002

**FINDINGS AND CONCLUSION**

On January 4, 2002, the Board of Zoning Appeals (the Board) convened to hear the request for the construction of a 165 ft. lattice type tower for a telecommunications facility and a variance from the required 200 ft. setback plus the height of the tower to 110 ft.

Highpoint Development, LLC proposes to install a new wireless transmitting antennae that will be used by Sprint for a Personal Communications Services (PCS) transmitting facility with as many as three PCS transmitters. The proposed tower would be located at 5702 Ridge Road, Mt. Airy, MD, on part of a 17-acre parcel in an agricultural zone. The proposed location for the facility is in an existing wooded area that offers natural screening but requires the variance from the adjoining property line.

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The Board finds that the Applicant has demonstrated a need for this tower to provide seamless coverage in the County. Also, the Board finds that no alternative towers exist in the area that would provide the Applicant with necessary coverage. In addition, the tower would not generate adverse effects at this location above and beyond those typically associated with such a use and will not adversely affect property values. Accordingly, the request for conditional use is granted.

However, the Applicant will need a variance setback to place the tower in the location proposed. The Board finds that there is nothing unique or unusual about the property or unreasonable hardship imposed on the Applicant that would justify the grant of a variance from the setback restrictions. The property is large enough to support a tower without violating the setbacks. Accordingly, the request for a variance is denied.

2-06-02

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman