

**ST. MARY'S COUNTY BOARD OF APPEALS**

In the Matter of Verizon Wireless, 24840  
Sotterley Road, Hollywood, Maryland

Case No. CUAP #13-135-001  
Verizon Wireless

**DECISION AND ORDER****Introduction**

Verizon Wireless (hereinafter "Applicant") filed an application for a conditional use permit pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance (hereinafter the "Ordinance") regarding property located at 24840 Sotterley Road, Hollywood, Maryland (hereinafter the "Property"). The application seeks a permit to construct a commercial communications tower.

After due notice, a public hearing was held at 6:30 p.m. on August 14, 2014, at the St. Mary's County Governmental Center at 41770 Baldrige Street in Leonardtown, Maryland. All persons desiring to be heard were heard after being duly sworn and documentary evidence was received. The proceedings were recorded electronically.

**Legal Standard**

The Board shall not approve a conditional use unless it finds, based on the evidence, that:

1. The conditional use complies with the standards of the district in which it is to be located and standards applicable to that use;
2. The establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, morals, order, or general welfare;
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood;
4. The proposed use at the proposed location will not have adverse effects above and beyond those inherently associated with the proposed use irrespective of its location within the zoning district;
5. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
6. Adequate measures have been or will be taken to provide ingress and egress following a design that minimizes traffic congestion in the public streets;

7. The proposed conditional use is not contrary to the goals, objectives, and policies of the Comprehensive Plan; and
8. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located or to the special requirements established for the specific conditional use in Chapter 51.

### **Findings of Fact**

1. There is a gap in the coverage provided by existing towers in the geographic area to be served by the proposed tower.
2. The proposed tower would provide coverage in the geographic area for which coverage is not provided by existing towers.
3. The RF Report containing the information required by Article 5, Section 91.b.(1) (a) through 91.b.(1)(d) of the St. Mary's Comprehensive Zoning Ordinance was submitted by the Applicant.
4. A detailed engineering analysis of the proposed new tower which included a summary of the proposed tower's capacity to provide space for future co-location by others was provided.
5. The specific type of tower to be constructed and the proposed materials to be used in the construction of the tower was identified.
6. The design of the proposed tower has been sealed by a licensed engineer licensed to practice in the State of Maryland.
7. All noise, odor and other potential nuisance producing facilities, appurtenances and/or outbuildings, or the like, that are associated with the proposed use were identified.
8. The maximum number of antennae and co-location spaces that can safely be placed on the tower were identified. An engineering statement was submitted that the proposed tower can accommodate a minimum of three (3) users.
9. An elevation drawing depicting the tower at its proposed height with all the planned antennae shown was submitted.
10. A visual impact study, which included photo-simulations, and the results of a balloon test were submitted.