

ALLEGANY COUNTY BOARD OF ZONING APPEALS

**IN RE: APPLICATION OF
US CELLULAR, INC.
FOR A SPECIAL EXCEPTION**

* Case No.: 939
* Hearing Date: 07/02/14

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FINDINGS

This case came before the Allegany County Board of Zoning Appeals (the "Board") upon US Cellular's request for a special exception for the construction of a cellular tower in a B-2 zoning district in accordance with Section 360-80.B(5) of the Allegany County Zoning Code.

A field inspection of the subject property was conducted by the members of the Board on June 26, 2014. The purpose of the field inspection was to familiarize the Board members with the site layout in order for them to develop an understanding as to where the proposed use would be located and as to whether the proposed use would be constructed in compliance with the terms of the Zoning Ordinance.

At the hearing on July 2, 2014, the Board considered the attached list of exhibits which consisted of information gathered by the Division Chief and information provided by other agencies and individuals.

The proposed use will be located on the west side of Winchester Road, one-half mile south of the intersection with McMullen Highway. It is to consist of a 195-foot tall communication tower located on a 34 acre tract of land leased from the John Mason Trust. Access to the structure shall be from Winchester Road and consists of a 1000-foot right-of-way for ingress and egress purposes.

The Board considered testimony presented at the hearing in order to ascertain whether the proposed use would meet the standards and criteria of the Zoning Ordinance. The Board's findings are as follows:

1. Cellular, relay, repeating and transmitting towers are a special exception use in the "B-2" Zoning District in accordance with Section 360-80.B(5) of the Ordinance.
2. The lot size is approximately 34 acres.
3. The proposed use meets all the requirements of the existing zoning code in regard to