

JUN 6 1955

#3553-X

PETITION FOR SPECIAL EXCEPTION UNDER THE ZONING REGULATIONS AND RESTRICTIONS OF BALTIMORE COUNTY

IN THE MATTER OF BALTIMORE GAS AND ELECTRIC COMPANY

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

For a Special Exception Under the Zoning Regulations and Restrictions of Baltimore County

To the Zoning Commissioner of Baltimore County:

Baltimore Gas and Electric Company hereby petitions for a Special Exception under the Zoning Regulations and Restrictions of Baltimore County, passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, and amendments thereto, for a certain use and exception as provided under said Regulations as follows:

A Special Exception for the construction of an electrical transformer substation on a parcel of land situated on the southwest side of Liberty Road 235 feet northwest of the center line of Patterson Avenue in the Second Election District of Baltimore County, Maryland.

The location and the description of the land to be used for said electrical transformer substation is shown on the plat attached hereto marked Petitioner's Exhibit "A" and made a part hereof. Said parcel of land is described as follows:

BEING for the same on the southwest side of the Liberty Road at the distance of 235 feet northwest of a point where the southwest side of said Liberty Road is intersected by the center of Patterson Avenue produced southerly, thence bounding on the southwest side of

Liberty Road North 59 degrees West 193 feet, thence leaving said Road and running the three following courses and distances viz: South 36 degrees West 234.5 feet, South 82 degrees 15 minutes East 222.07 feet and North 31 degrees East 297.84 feet to the place of beginning.

Mary J. Husby (SEAL) July 6, 1955

Klaus A. Rector (SEAL) Clark A. Rector

Trustee under Deed of Trust over Bernhardt Frey OWNERS

BALTIMORE GAS AND ELECTRIC COMPANY By [Signature] Vice-President

CONTRACT PURCHASER

24 M. Pennsylvania Avenue Towson 4, Maryland

Benjamin Cohen

1109 Lexington Building Baltimore 1, Maryland

Attorneys for Petitioner

Upon hearing on petition for a Special Exception to use the property described therein for an Electrical Transformer Substation, it is the opinion of the Deputy Zoning Commissioner that the petition should be granted as it will not be detrimental to the health, safety, morals or general welfare of the community involved, therefore:

It is this 21st day of July, 1955, ORDERED by the Deputy Zoning Commissioner that the aforesaid petition for a Special Exception for an Electrical Transformer Substation, be and the same is hereby granted with the following stipulation:

1. That all plans for the development of this electrical transformer substation be as close as possible to those plans submitted with said petition for the special exception.

[Signature] Deputy Zoning Commissioner of Baltimore County

\$30.00

RECEIVED of Baltimore Gas and Electric Company, petitioner, the sum of Thirty (\$30.00) Dollars, being cost of petition for Special Exception, advertising and posting property, southwest side of Liberty 2nd District, Baltimore County.

Thank you.

Zoning Commissioner of Baltimore County

PAID JUN 10 1955 COUNTY COMMISSIONERS OF BALTIMORE COUNTY BY [Signature]

RECEIVED: July 6, 1955 at 1:00 p.m.

Reckard Building Towson, Maryland.

cc: Hon. John Gross Turnbull

August 5, 1955

RECEIVED of Bookbinder, White, Hinsel & Clarke, Attorneys for the protestants, the sum of Thirty (\$30.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the Order of the Zoning Commissioner granting a special exception for an electrical transformer substation, southwest side of Liberty Road, 2nd District.

Zoning Commissioner

PAID JUN 10 1955 COUNTY COMMISSIONERS OF BALTIMORE COUNTY BY [Signature]

74-114 1P 11

553-X

PETITION FOR SPECIAL EXCEPTION - BALTIMORE GAS & ELECTRIC COMPANY BY AL APPELLANTS, AND GUSTAVE C. WILLIAMS, GOSH LIENHART HIENHARTS, RESPECT, ET AL, PROTESTANTS

BEFORE THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

BALTIMORE COUNTY

Case: #3553-X

OPINION

The within case involves an application for a Special Exception under the Zoning Regulations for Baltimore County to permit the construction of an Electrical Transformer Substation on 1.25 acres of ground more or less located on the Southeast side of Liberty Road in a R. 6 zone. After due notice, a hearing was held before Charles L. Fitzpatrick, Deputy Zoning Commissioner of Baltimore County, who passed his Order on July 27, 1955 granting a Special Exception subject to a requirement therein specified. An appeal from this Order was duly docketed by George V. White, Attorney for appellants named in the notice of appeal. After proposed notice to all interested persons, an appeal was heard by this Board on October 6, 1955.

After consideration of all testimony presented, this Board has determined the following findings of fact:

- 1 - All procedural requirements of the Zoning Regulations for Baltimore County have been complied with.
2 - The utility services to be rendered the area affected, require the construction of this Electrical Transformer Substation if such services are to be afforded the residents in said area.
3 - The Southern boundary line of the property abuts an existing Cemetery and the Northern boundary line adjoins the Liberty Road, a heavily traveled public thoroughfare.
4 - No adverse effect to adjoining residential properties would result from the proposed installation.

- 5 - Adequate screening for existing foliage can be afforded.
6 - There will be no depreciation in value of any surrounding property.
7 - After the proposed installation has been constructed, all lines to and from same will be placed underground.
8 - Without elaboration in detail, all requirements of Section 111 and 502 of the Zoning Regulations are fully satisfied by the evidence presented.
9 - The installation will be serviced for maintenance purposes only, involving no personnel in daily attendance.
10 - No odor, vibrations or unnecessary noises will be noticeable from 100 feet distance from the installation.

ORDER

It is therefore this 13th day of October 1955 by the Board of Zoning Appeals of Baltimore County ORDERED that the Petition for Special Exception in the within cause is granted, subject to the following conditions:

- 1 - Screening from existing natural growth or otherwise is to be provided along the Eastern and Western property line of the Petitioners property.
2 - A chain link fence shall be erected around the entire installation upon completion thereof.
3 - No visible part of said installation shall be erected nearer than 100 feet from the Liberty Road.
4 - All lines to and from the installation shall be underground.
5 - No part of said installation shall be greater than 35 feet in height above ground.
6 - The installation shall be constructed in conformance with the plans, photographs and descriptive testimony presented by the Petitioners.

BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

[Signature] Chairman

Carl F. Volker, Member

ZONING DEPARTMENT OF BALTIMORE COUNTY RE: PETITION FOR SPECIAL EXCEPTION

OFFICE OF THE BALTIMORE COUNTIAN THE COMMUNITY NEWS THE COMMUNITY PRESS

No. 1 Newburg Avenue CATONSVILLE, MD.

THIS IS TO CERTIFY, that the annexed advertisement of White & Adams, Zoning Commissioner of Baltimore County was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 25th day of June 1955, that is to say the same was inserted in 66 issues of June 17 and 24, 1955.

THE BALTIMORE COUNTIAN

By Paul J. Morgan Editor and Manager

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 2nd Date of Posting 6-22-55 Posted for Klaus A. Rector for an Electrical Transformer Substation Petitioner: Klaus A. Rector and Mary J. Husby Location of property: Southwest side of Liberty Road at the distance of 235 ft. from Patterson Avenue. Location of signs: Southwest side of Liberty Road 235 ft. north of Patterson Avenue. Remarks: Signed by George V. White. Date of return: 6-23-55

APPEAL FROM THE DECISION AND ORDER OF
THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL EXCEPTION FOR AN
ELECTRICAL TRANSFORMER SUBSTATION,
S.W.S. Liberty Road, 2nd District,
Baltimore Gas and Electric Co.,
Petitioner.

Mr. Commissioner:

Please note an appeal on behalf of the following resi-
dents and taxpayers of Baltimore County:

Gustave C. Wallace
6604 Liberty Heights Terrace

C. Morton Goldstein
6606 Liberty Heights Avenue

W. Cardon Jameson
3638 Lochearn Drive

Howard Pfeiffer
3604 Tulsa Road

Norman Allers
Tulsa and Liberty Roads

and on behalf of The Lochearn Improvement Association, Inc. and
the individual members of said Association, jointly and severally,
being residents and taxpayers of Baltimore County, to the Board
of Zoning Appeals of Baltimore County from the Decision and Order
of July 21, 1955, of Charles L. Fitzpatrick, Deputy Zoning
Commissioner, in the above captioned matter.

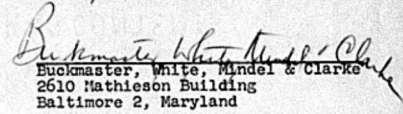
As grounds in support of this appeal, the Appellants
respectfully show that the granting of the said special exception
is illegal and arbitrary in that:

- (1) It will be detrimental to the health, safety and
general welfare of the locality involved;
- (2) It constitutes "spot" zoning;
- (3) It will depreciate property values and interests;
- (4) It constitutes an arbitrary and capricious act
and a gross abuse of administrative discretion; and

(5) For other reasons to be assigned at the hearing to
be held hereon.

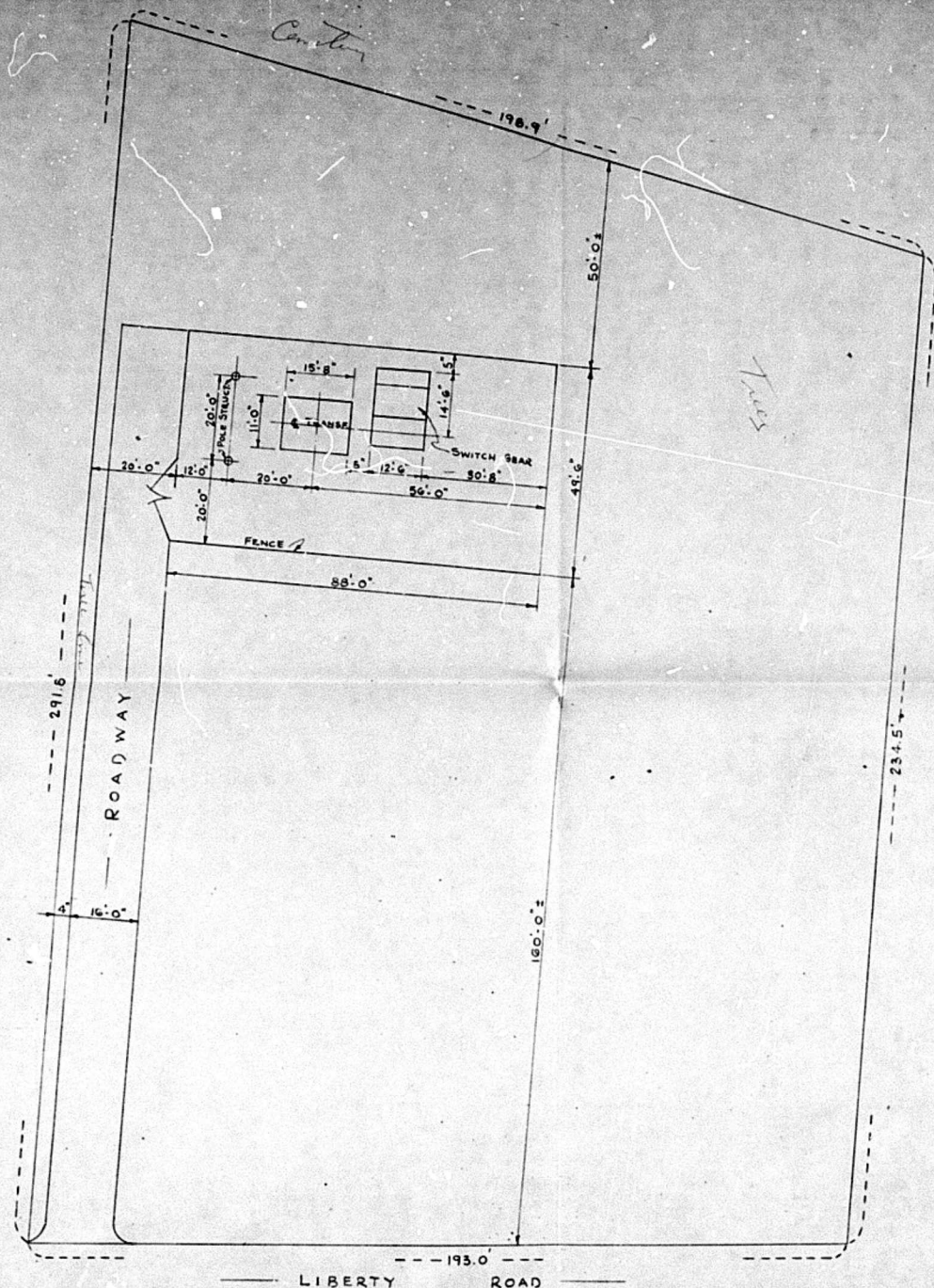
We respectfully request that you forward and present
to the Board of Zoning Appeals all pertinent papers in connection
with this Appeal.


George W. White, Jr.


Buckmaster, White, Mindel & Clarke
2610 Mathieson Building
Baltimore 2, Maryland

Attorneys for Appellants

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PURPOSED SUB-STA.
LOCATION PLAN

OUTDOOR SUB-STATION

LOCHEARN

CONSOLIDATED GAS ELECTRIC LIGHT AND POWER CO.
OF BALTIMORE, MD.
ELECTRIC ENGINEERING DEPARTMENT

F		D		B	
E		C		A	

REVISIONS	DRAWN	DATE	SCALE 1" = 20'-0"
	TRACED <i>F.Y.</i>	DATE <i>10/4/55</i>	USE DIMENSIONS ONLY
	CHECKED		SKETCH # 2
	APPROVED		