

15THED DD TO ARCHIVE 74-102-45194

JENNIFER R. BUSSE

DIRECT LINE (410) 832-2077

DIRECT FAX (410) 339-4027

jbusse@wtplaw.com

Towson Commons, Suite 300 One West Pennsylvania Avenue Towson, Maryland 21204-5025 Main Telephone (410) 832-2000

BALTIMORE, MD COLUMBIA, MD FALLS CHURCH, VA TOWSON, MD WASHINGTON, DC WILMINGTON, DE

(800) 987-8705

July 12, 2011

Via Hand Delivery
W. Carl Richards, Jr., Chief
Baltimore County Zoning Review Office
Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Constellation Power Source Generation, Inc.

C.P. Crane Power Plant - 1001 Carroll Island Road Spirit & Intent Request for Equipment Installation

Dear Mr. Richards:

Please accept this letter as our request for Spirit & Intent relief for the above referenced property. In order to reduce emissions at the C.P. Crane Power Plant, Constellation Power Source Generation, Inc. ("Constellation") desires to install improvements to facilitate the addition of additives to the coal which will improve boiler operations and reduce air emissions.

Preliminarily, with regard to the site's zoning and development history, there are three previous zoning cases applicable to the Crane plant. Specifically, Case No. 4077 granted the site Special Exception approval, Case No. 72-41-A granted variances for the dock and sheet piling, and Case No. 74-102-ASPH granted a Special Hearing and Variance for a propane storage facility (interpreting it as properly includable within the Special Exception, and granting a variance for its height). The site has also been granted a variety of administrative approvals.

We are now seeking your office's administrative Spirit & Intent approval to permit upgrades which will improve the existing operation. The use of the site is not changing. Specifically, Constellation is seeking to add enclosures for additive storage and equipment, associated conveyors to facilitate the placement of the additives onto the coal, and leveling supports to stabilize the placement of the above listed new equipment. The area in which these improvements will be located within the existing coal pile area is shown on the attached plan.

If your office is in agreement with the contents of this letter and deems this Spirit & Intent relief request appropriate, please indicate your approval by executing below. Attached is our firm's check in the amount of \$50.00 representing payment for this request.

Sincerely,

Jenniker R. Busse

APPROVED FOR SPIRIT & INTENT RELIEF:

W. Carl Richards, Jr.

Chief, Zoning Review Office

7/13/11

. CC:

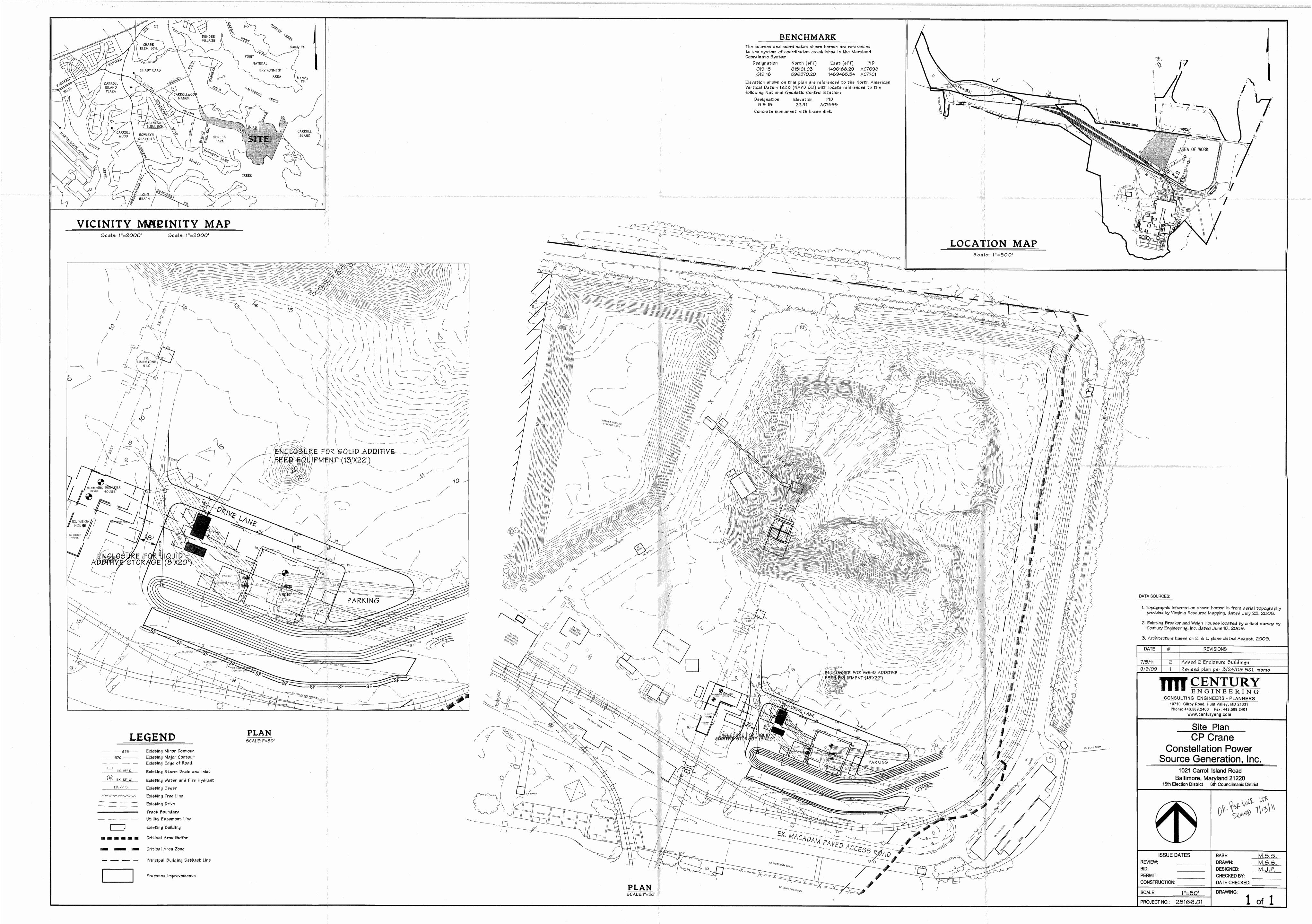
Barbara Kernan Richard A. Ransom, Esq. James F. Burkman Thomas Weissinger

1959618v3

I COPY TO LTR FILE

I COPY TO REPRO (WITH PLAN)

I COPY TO ARCHIVE 74-102-ASPH (WITH PLAN)





BALTIMORE COUNTY MARYLAND

JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

May 15, 2009

Richard A. Ransom, Esq. Constellation Power Source Generation, Inc. 750th East Pratt Street, 17th Floor Baltimore, MD 21202

EDF Development, Inc. 20, Place de la Defense 92050 Paris France Attention: Marianne Laigneau

EDFD C.P. Crane, LLC C/o EDF Development, Inc. 20. Place de la Defense 92050 Paris France Attention: Marianne Laigneau

RE: Zoning Verification Letter Crane Power Plant 1021 Carroll Island Road Baltimore County, Maryland

RECEIVED MAY 15 2009 DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT 09-124

Dear Gentlemen:

Per §1A04.2.B.12 of the Baltimore County Zoning Regulations, which permits by special exception public utility uses not permitted by right, the Crane Power Plant is permitted via special exception as a public utility at the above referenced property (the property is zoned R.C.5). The property was initially granted special exception approved in 1958 via Case No. 4077. A variance was then granted via Case No. 72-41-A to permit dock and sheet piling extensions. Relief was then obtained via Case No. 74-102-ASPH approving an amendment to the special exception to permit the construction of a propane storage facility at the property. Copies of each of these zoning cases are attached hereto.

Spirit & Intent approvals have also been approved for the property. On 9/26/03, this office approved a temporary change of coal operations (unloading of coal outside of enclosed unloader or alternatively the barging of coal), and on 6/9/05 this office provided approval to permit the barging of coal. A zoning verification letter was executed by the undersigned on 7/29/05, in which the undersigned confirmed that no zoning relief was required for then proposed equipment, which was approximately 110' tall.

Page Two Crane Power Plant May 14, 2009

Most recently, on 10/7/08, this office provided Spirit & Intent approval permitting a variety of minor repairs and improvement at the property, including: coal yard safety modifications, the installation of additional air quality emissions control equipment, earthen berm repairs, the installation of a boat access ramp, the installation of plantings as part of a stormwater mitigation plan, and associated grading activities. Copies of each of these approvals are also attached hereto.

With regard to the development history of the property, an (a)(2) exemption was provided by the Development Review Committee (DRC) on 3/4/02 approving the site as a lot of record. A copy of this approval is also attached hereto.

All above referenced zoning and development approvals run with the land and are not personal to the current owner of the property.

At this time, (i) the current use of the property is in compliance with all applicable regulations and zoning laws and (ii) this office has not issued any notification of any outstanding or pending zoning violations, and to the best of the undersigned's knowledge, no such violation exists, with respect to the property.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

Timothy M. Kotroco

livily Kotroco

Director, Permits & Development Management

Cc: G. Scott Barheight, Esq.

Whiteford, Taylor & Preston LLP One West Pennsylvania Avenue

Suite 300

Towson, Maryland 21204

TMK/klm

38-454 QUICK RESPONSE P2

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET BALTIMORE, MARYLAND 21202-1626 TELEPHONE 410-547-8700 FAX 410-752-7092

20 COLUMBIA CORPORATE CENTER 10420 LITTLE PATUXENT PARKWAY COLUMBIA, MARYLAND 21044-3528 TELEPHONE 410 884-0700 FAX 410 884-0719

JENNIFER R BUSSE

DRICT NUMBER
410 832-2077
jbusse@wtplaw.com

210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4515 410 832-2000 FAX 410 832-2015 www.wtplaw.com 1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405 TELEPHONE 202 659-6800 FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

COPY MITH

October 6, 2008

Via Hand Delivery

Timothy M. Kotroco, Director Office of Permits & Development Management Room 111 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: Constellation Energy - Crane Power Plant Spirit & Intent Request for Site Modifications

Dear Mr. Kotroco:

Please accept this letter as our request for Spirit & Intent relief for the above referenced property. In response to federal and state environmental compliance requirements related to power plant operations, Constellation desires to perform a variety of minor repairs and install a variety of improvements at the Crane Power Plant site. Constellation has been working closely with DEPRM to address all of their concerns with regard to all of the now proposed repairs and improvements.

There are three previous zoning cases applicable to the Crane plant, specifically Case Nos. 4077 (granting the site's Special Exception), 72-41-A (granting variances for the dock and sheet piling), and 74-102-ASPH (granting a Special Hearing and Variance for a propane storage facility - interpreting it as properly includable within the Special Exception, and granting a variance for its height). Previously, you provided Spirit & Intent relief on 9/26/03 to permit a temporary change of coal operations (unloading of coal outside of enclosed unloader or alternatively the barging of coal) and again on 6/9/05 to permit the barging of coal. In addition, via a zoning verification letter you executed on 7/29/05, you confirmed that no zoning relief was required for proposed equipment which was approximately 110' tall. Finally, an (a)(2) exemption was provided by the Development Review Committee (DRC) on 3/4/02 approving the site as a lot of record. Copies of each of these prior approvals is attached hereto.

We are now seeking your office's administrative Spirit & Intent approval to permit a variety of minor repairs and improvements at the site, including: coal yard safety modifications (the replacement of existing coal crusher and transfer facilities as well as conveyor

Timothy M. Kotroco, Director October 6, 2008 Page 2

belts/facilities, the installation of an underground access tunnel, as well as the replacement of coal handler equipment); the installation of additional air quality emissions control equipment (a new sorbent material storage silo); earthen berm repairs surrounding the existing oil dikes; and the installation of a boat access ramp in order to permit an improved method of response to any potential oil related spill. Constellation is also installing planting in an area on the north side of the site as part of a stormwater mitigation plan. All of these repairs and improvements are documented on the attached plan. Grading is required to accommodate these improvements and this letter is providing you with notification of this activity.

The original Special Exception approval provided via Case No. 4077 placed eight (8) restrictions on the approval. The proposed repairs and improvements are consistent with each of these restrictions. Constellation will obtain any and all necessary permits for the newly proposed equipment foundations and structures.

If your office is in agreement with the contents of this letter and deems this Spirit & Intent relief request appropriate, please indicate your approval by executing below. Attached is our firm's check in the amount of \$250.00 representing payment for this expedited request.

Sincerely,

CC:

Constellation Energy Group Century Engineering

APPROVED FOR SPIRIT & INTENT RELIEF: (SUBJECT TO THE FOLLOWING *

Timothy M. Kotroco, Esq.

Director, Permits & Development Management

10/07/08

Constellation Energy- Crane Power Plant Spirit & Intent Request 10/07/08

15th ED

404881

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Zoning Review Letter # 08-454 Approved quick response/JLL for TK

Geo Hummel Hurter 6-3425 RS: PETITION FOR MOLASSIFICATION : MIGH AN "8-6" ZORE TO AN "M-R" ZORE - Carroll Island Road Botween Soneca Crock & Salt Peter Grock, 15th District -Baltimore "as & Electric Co., MAP COUNTY BOARD OF APPEALS OF BALTIMOTE COUNTY 15-D

........... SUPPLEMENTAL ORDER

The majority opinion, in the above entitled case, contains ertent error which was caused by a misinterpretation of notes taken by a Payed marker during the proceeding.

Under the authority inherent in administrative bodies to rectify inadvertencies, Page 8 of the majority opinion herein is

"The temperature of the water at the point of expulsion in Salt Peter Crock shall at no time exceed 95° Fahrenheit."

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. 1-077

Tuella MK.

Dato: 4/1/58

October 31. 1957

\$30.00

MECSIVET of Leonard A. Vadala, attorney for protestants, the sum of Thirty (\$30.00) Dollars being cost of appeal from the decision of the Zoning Commissioner for a potition for a special hearing in the matter of property of Baltimore Gas & Electric Company, 15th District

Zoning Commissioner

MAGUIRE AND BRENNAN

THE STORE

Pett ti opera

ORDER

day of Coul . 1958, by the Girouit Court for Beltimore County.

Irish, Chairman, Spiro T. A gnew, and Nathan H. Kaufnan, constituting the County

Board of Appeals for Baltimore County, to roview the decision and order of the

County Board of Appeals for Baltimore County, dated March 26, 1958, and requir-

ing that Board to return to the Court all papers, records and proceedings, in

said matter and a transcript of all testimony and exhibits presented before

the Board in connection with said proceedings to enable this Court to review

said order and decision of the Board, and that a return to tide Potition shell

be made and served upon the Defendants' attorney within ton days from the date

for Baltimore County shall return to this Court all the original papers, or certified or sepre comics thereof, and the return shall concisely sat forth

such other facts as may be partitiont to show the counts of the decision and order appealed from, together with a transcript of all testimony taken at the

hearing and copies of the exhibits filed therewith.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

Date of Posting T. T. Jane & and My of Jone Date of Posting T. T. Protect for it in the Jane State of the Jane State of Bellevier Garden Victorian Comments of State of State of Bellevier State of State

Tocation of Signs: Principa 8, 3, 32th and by 8,500th and but 87th, and by 19th, and the 10,000 ft Sout of Bourdy S. Granley Bd. on Mr. harlet only Carrel World

Posted by Alouge R. Hummel Date of return: 4-25-57

Debnek Cleek

GEORGE L. BYERLY, Chit

I'me Copy I'est

District ... 15th

IT IS FIRTHER ORDERED that the said County Board of Appeals

Upon the foregoing Petition and Affiderit, it is this 2877

ORDERED that the Writ of Certifrari be issued to Charles C.

CURCUIT COURT

BALTINGER COUNTY

M. Law

Judas acrie True Copy Test

4077

Date of Posting 4-24-57

GEORGE L. BYERLY, Clerk

Per W. Z. Ollen Depaty Clerk

Tuly 12 1057

Mr. Wilsie H. Adams Zoning Commissioner County Office Building Towson 4, Maryland

Re: Petition for Reclassification of property on Carroll Island Road between Seneca Creek and Saltpeter Creek - 15th District-Baltimore Gas & Elec. Co., Petitioners

Dear Mr Adame:

Enclosed herewith is a check in the amount of \$276.00 payable to the Treasurer of Baltimore County representing the costs in the appeal of the above entitled matter.

Please mark your records of the appeal taken from your decision to the Appeal Board of Baltimore County.

Very truly yours. Shi & magine John N. Maguire

JNM:ds - JUL 17 5/ AM cc: John Grason Turnbull, Esq. 24 W. Pennsylvania Avenue Towson 4, Maryland

go H.

IN THE MATTER OF

BEFORE THE PETITION FOR RECLASSIFICATION OF BALTIMORE CAS AND ELECTRIC COMPANY Zoning Application No. h077

> APPEAL FROM DENIAL OF PETITION FOR SPECIAL BEART

Mr. Commitant

Please enter an appeal on behalf of Edward T. Cassidy, 125 Eastern Avenue, Essex 21, Maryland, Harry C. Weiskittel, Marshy Point, Chase, Maryland, George W. Bokos, Bowley's Quarters, Baltimore 20, Maryland and Osorge A. Biddison, Carroll Island Hoad, Baltimore 20, Maryland, Petitioners Protestants, who are jointly and severally grieved by your decision rendered in the within cause denying their Potition for Special Hearing, which Potition was filed October 25, 1957.

March 12, 1957

\$179.00

RECEIVED of Baltimore Cas and Electric Company, petitionerthe sum of One Hundred and Seventy-mine (\$179.00) dollars, being cost of petition for Zoning Reclassification, advertising and posting of property on Carroll Island Road between Seneca Creek and Salt Peter Greek, Fifteenth District of Baltimore County.

Zoning Countssioner of Baltimore County

01.622-4179.00



May 2. 1957

\$39.00

RECEIVED of Turnbull and Brewster, attorneys-atlaw, for petitioner Baltimore Gas and Electric Company, the sum of Thirty-nine (339.00) dollars to cover cost of advertising the property situate on Carroll Island Road between Seneca Creek and Salt Peter Creek, Pifteonth District of Baltimore County.

Thank you.

01600 12900

RECEIVL M/W 1 1957

01.122

July 18, 1957

1076.00

RECKIVED of Maguiro & Brennan, Attorneys for the protestants, the sum of \$276.00 being cost of appeal to the County Board of Appeals from the decision of the Zoning Commissioner granting a special exception to the Bultimore Gos & Electric Company for the erection of steam electric generating station, on property on Carroll Island between Senoca Creek and Saltpeter Greek, 15th District.

Zoning Comissioner

01.621

EX PARTE

COMPTROLLER'S OFFICE

HEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

IN THE MATTER OF PETITION FOR RECLASSIFICATION OF BALTIMORE GAS AND ELECTRIC COMPANY Zoning Application No. 4077

PETITION FOR SPECIAL HEARING

Edward T. Cassidy, 425 Eastern Avenue, Essex 21, Maryland, Harry C. Weiskittel, Marshy Point, Chase, Maryland, George W. Rokos, Bowley's Quarters Saltimore 20, Maryland, and George A. Biddison, Carroll Island Road, Baltimore 20, Maryland, interested persons, owners of real estate and taxpayers in Baltimore County, Maryland, through Leonard A. Vadala, Fletcher Krause and J. Elmer Weisheit, Jr., attorneys, under the authority of Article V of the Zoning Regulations for Baltimore County, do respectfully petition the Zoning Commissioner of Baltimore County as follows:

- 1. That heretofore, in the instant cause, the Commissioner did pas his Order of July 9, 1957, denying a petition for reclassification from an R.6 Zone to a M.H. Zone, but granting a special exception, all as more particularly detailed in the aforesaid Order filed in the official records of the instant cause
- 2. That the petition for reclassification filed by the Baltimore Gas and Electric Company requests only a reclassification from an R.6 Zone to a M.H. Zone, all as . e particularly detailed therein.
- 3. That there is no power or authority, expressed or implied, in the Zoning Regulations for Baltimore County to authorize or permit the Zoning Commissioner for Baltimore County to deny a petition for reclassification from an R.6 Zone to a M.M. Zone and in the same order of denial to grant a special exception for one of the permitted uses in a M.H. Zone.
- k. That, therefore, the hereinabove referred to Order of the Com sioner is illegal, woid and should be withdrawn, can elled and declared of no legal force and effect for the following reasons, among others:
 - (a) The Commissioner was without jurisdiction or authority to affect or bind the rights of the herein Petitioners and particularly

ME: PETITION FOR MEGLASSIFICATION OF PROPERTY OF CARROLL ISLAND BETWEEN SEMECLA CREEK AND SAIPPETE: CREEK, 15TH Dist. Baltimore Cas & Electric Co.,

BREORR WONTED COMMISSIONER OF RALTIMORE COUNTY No. 1077

.........

The above application is for the reclassification from an "R-6" residential zone to manufacturing heavy of a tract of land of approximately 138 acres located immediately west of the United States Government property at the end of Carroll Island Neck, and lying between Seneca Creek and Saltpeter Creek and in part abutting on both sides of Carroll Island Road. The purpose of the application is for use for a Stem Electric Generating Station and related facilitins.

An extensive hearing was held. The testimony has been transcribed and is available for those who may desire to

The Office of Planning comments in part as follows:

The Office of Planning comession in part as follows:

Fig. Baltience of an eff Bactic Company, crosses of the
property, here patitioned for Kan undertrang, leavy soung in order to
install the Sense Generating Plant as estimated shows. Assuming that it
is measured to be a sense of the plant in the Saltience are
in the control of the sense of

That Office recommended that, in the event the application were granted, the area be broken down into three classifications of manufacturing heavy, manufacturing light and manufacturing restricted, in order to provide a buffer between existing residential areas and the manufacturing heavy soning.

The Zoning Commissioner finds from the testimony the

1. That by reason of the tremendous increase in demand for electric emergy, there is a present monestry to erect such a plant to provide energy for future use;

- That by reason of increases in efficiency in scientific centrol of gases, fuses, fly-ash and residual ceal dust or clinkers, there will be no siverse effect upon adjacent or other areas if this was in new thete. use is permatted;
- 3. That the discharge of water of which the temperature has been raised by reason of cooling stem boilers will not aversely affect the waters into which it is discharged, will rail within the range of the requirements of the Siste Department of Seath and the Sate Water Pollution General Sourd, and will cause no pollution of such waters;
- 4. That the permitting of such use will not adversely affect the values of adjacent or meanby properties;
 - 5. That the permitting of such use will not:
 - a. Be detrimental to the health, safety, or general welfare of the locality involved;
 - b. Tend to create congestion in roads, streets or alleys therein;
 - c. Create a potential hazard from fire, panic or other
 - d. Tend to overcrowd land and cause undus concentration of population;
 - Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public re-quirements, conveniences, or improvements;

f. Interfere with adequate light and air.

Under the provisions of Section 200.15 of the Zoning Regulations a public utility use, such as the one requested, is perritted in a residential some if a special exception for the same be granted. It is the opinion of the Commissioner that it is unnecessary for the classification of this property to be changed. It is presently somed "R-6" and will so remain if a special exception for said use be granted under the provisions cited. Under such conditions, no necessity will exist for any "buffer some" to prevent extension of industrial use.

It is, therefore, the opinion of the Commissioner that the application as filed should be denied, but that a special exception should be granted authorizing the use of said property by the petitioner for the purpose of erecting a Steam Electric Generating Station and

It is this 9th. day of July, 1957, by the Zoning Commissioner of Baltimore County, CRDERED that the above petition be and the sars is hereby denied and that the above described property or area be and the same is continued as an "R-6" Zone. However, in accordance with the power and authority vested in me as Zoning Commissioner I hereby grant to the petitioner a special exception for the erection of a Steam Electric Generating Station and related facilities.

such of said Petitioners as were not present in person or by attorney, or otherwise represented at the original hearing.

- 2 -

- (b) A special exception was not petitioned for by the applicant.
- (c) A special exception is for a particular use in a particular zone and the application in this case requested a reclassification to M.H. which permits any one of the many lawful uses permitted in
- (d) A special exception must be advertised and publicly posted with a public hearing following thereafter, all in accordance with the procedure required by the aforesaid Zoning Regulations, and none of which was invoked in this case.
- (e) A steam electric generating station/described in the evidence produced before the Commissioner derives its power from a steam power plant which is a permitted use only in a MadaZone in Section 256.2 of the aforesaid Zoning Regulations; therefore, this use cannot legally be permitted as a special exception in any other Zone. A specific reference in Section 200.15 of these Regulations to certain public utility uses is intended and does refer solely to uses peculiar to public utilities and not to any or all uses needed in the operation of a public utility.
- (f) The legal and factual issues involved in a hearing on the morits of a petition for reclassification are different from those applicable to a petition for a special exception and may or may not he more restrictive.
- (g) And for other good and sufficient reasons as will be sho at the hearing on this petition. 5. That your petitioners state they will be irrevocably injured,
- harmed, damaged and prejudiced if their rights in this matter are not recognized and the relief sought in this petition granted.

WHEREFORE your Petitioners pray that the Zoning Commissioner will

- 3 -

pass his appropriate Order declaring null and void and of no further legal force and effect his Order passed in the within cause on July 9, 1957.

hutto enlerty

TAKE MOTICE: That a copy of the within Petition for Special Hearing was this 25th day of October, 1957, delivered at the office of Wilsie H. Adams, Zoning Corwissioner for Baltimore County.

ATTO MET- AT- LAW

NE: PETITION FOR RECLASSIFICATION FROM an R.S. Zone to an M.H. Zone - Carroll Islams Ed. between Seneca Creek & Salt Peter Greek - 15th Dist., Baltimore 3as Elactric Co., Petitioner.

TRATTON BEFORE

SALE

COUNTY HOARD OF APPAILS

SOLE

F MOTT

MAP

OPINION

The Petitioner herein seeks to have reclassified from an R.G. Zone to a N.H. Zone, a 98 acre tract of land shutting on the westermost portion of the U.S. Government property at the end of Carroll Island Mock, and lying roughly between Sennea Creek and Salt Peter Creek, both being estuaries of Middle River. The original request covered 138 acres, but was amended with the comment of the Board to conform with the description and maps which comprise Petitioner's Enhibit ETO, offered and received without objection during the course of the hearing. The purpose of the Petition is to allow the creetion of a Steam Electric Generating Station and related facilities.

Several legal points were raised by the Protestants immediately prior to the hearing on the scritt and, after argument upon same by counsel, the Beard made rulings for the record, which rulings, because of the present and future importance of certain of the questions, should be restated and supmented in this Opinion.

On October 25, 1957, after the time for appeal from the Zoning Commissioner's decision had expired, the Protestants filed with his a Petition for Special Hearing, which alleged in substance that the Commissioner's Order of July 9, 1957, which denied the realmostfication sought but greated in lieu thereof a Special Ecception for a Team Hiertric Generating Station and related facilities, was illegal. This Special Hearing Petition sought to have the Commissioner reopen the proceeding and declare his Order of July 9, 1957 mill, world, and of no further legal force and effect. After consideration

Having unanimously disposed of the legal questions, we move now to a determination on the merits by the majority members.

A tremendous amount of technical and other expert testinony has been produced by the Fetitioner, which has used its considerable resources to prove with great precision that the use is needed for the proper rendition of its services.

Mr. Pencians, its Vice Fremident in charge of Electric Fewer, testified with great clarity and at great longth as to this present need for expansion, based on scientifically computed projections of future need. He stated that the estimated 1961 lead will be over 1,250,000 kilowatts and that present peak capacity is now 1,108,800 kilowatts. He further explained that maintenance and overhead make it impossible to operate at the theoretical capacity.

The Pretestants, understandably, were unable to produce any origines to contravert the contral question of need, so we must find that the requested use is, in fact, needed within the meaning of the first part of Section hill of the Regulations.

while the Protestants implicely admit the need, they stremously maintain, and attempt to show both by cross examination and direct testimony, that the need can be adequately set in a zeroe appropriate location; further, that the last part of Section hill.], which provides that the location of the public utility use shall not seriously impair the use of neighboring property, prohibits the installation at this location.

The Petitioner's tentisory, mostly by Nr. Penninan and Dr. Christie, indicates that nearly four years were spent cearching for the best site to meet its purposes. Several locations, including Bush Hiter, Back River, and Cerrett Island in the Sesquehana River, were studied and compared with the Carroll Island site. The choice marrowed to Carrott Island vice. The choice marrowed to Carrott Island vice arroll Island, Bush River having bess eliminated because of inadequate water

of the Petition and commutation with the Solicitor's Office, the Zoning Commissioner passed an Order desping the relief sought, and the Protestants entered an appeal therefrom. We shall first consider the appeal from the Commissioner's double of the Petition for Special Mearing.

The casejof <u>Poart of Zoning Appeals we McKirmey, 17h Nat. 560</u> and <u>Maryland Clothing Hamfacturing Company we Baltimore, 207 Nat. 165</u> limit the power of a Zoning Board to respon terminated proceedings to instances involving fraud, surprise, mitiake, or inadvertence. The sound reasoning behind these rulings, relating to the evils of lack of finality, can be logically extended to apply to decisions by a Zoning Commissioner as well as by a Zoning Board. Therefore, fraud and the other factors specifically excepted in the appellate decisions being admittedly abone, we find that the Petition for Special Hearing was properly dented.

The Protestants then werbally raised, and counsel argued, the following two questions as part of this appeal:

- In acting upon a Petition for a Reclassification only, does the Zoning Commissioner have the power and authority to deny the reclassification but grant a Special Exception in lieu thereof;
- Is a Steam Electric Generating Station and its related facilities a public utility use within the meaning and scope of Saltimore County Zoning Regulations 200,3 and 206,2, which, when read together, appear and low public utility uses by Special Exception to an B.4. Tome.

As to the first point, the Protestants strongly argue that a reclassification is separate and distinct from a Special Exception, and that in this case, the Commissioner had no power to do other than grant or deny the reclassification requested. They further argue that different standards of proof apply, and contend that notice of a learning on a reclassification is not necessarily notice of a hearing on a Special Exception.

- 2 -

circulation and Back River because the effect of pollution on the condensing

equipment would cause tubes to blow and make operations prohibitively expensive.

and Carrett Island. It appeared from the testimony that due to the increased

distribution distance, (9.8 miles for Carroll against 25.8 miles for Garrett),

topography variation on Garrett, trackage difficulties, bridge construction,

and the lack of rail facilities; four units at Garrett Island would cost

\$40,958,000 more than four units at Carroll Island. Further, that Carrett

part of Section All.1 must still apply, and the Petitioner must show that

the use requested will not seriously impair the use of neighboring property.

This proof we think has been adequately met. The preponderance of testimony

shows that, through modern scientific control, gases, fly ash, and coal dust

will not adversely affect the neighborhood. That noise will not be a factor

The Protestants claim that wild fowl and fish will be harmed by the

proposed installation, but present no expert testimony to refute Petitioner's

and that the slight temperature increases are more attractive then repulsive

A careful inspection of voluninous notes taken during the extended

record, indicates to us that the proposed use will not seriously impair the

congestion in roads, streets or alleys therein, nor will it cause any other

use of neighboring property, nor will it be detrimental to the health, safety,

hearings plus verifications and augmentation by spot inspections of the

or general welfare of the locality involved, nor will it tend to create

testimony that the requirements of the Water Pollution Law have been met

Island operating expense for four units would be about \$270,000 more annually

However, regardless of the unsuitability of other locations, the second

Much testinony follows on the comparison of costs between Carroll Island

•

than Carroll Island operating costs.

is admitted by Protestant's own witness.

to wild fowl and fish.

We indicated orally our feeling that Section 501.7 of the Regulations, allowing the Board the power to modify, infers the right to upgrade, and we further indicated that we felt that the right to upgrade, or grant more restrictive soning than is sought, by implication and past administrative interpretation, also applied to the Zoning Counissioner. We believe the power to grant more restrictive, going applies not only within the various categories of reclassification, but also extends to Special Exceptions, Use Permits, or my lesser relief than that requested.

The case of Tyrie vs Baltanere County, 137 A 200 155, which dealt with
the statutory minimum time limit between fillings, would seem to indirectly
support our thinding in that, where a reclamatification as positioned for,
it makes the eighteen mosth varining period applicable to a Special Exception
as well as a new attempt at reclamatification, and vice versa. Under this
reasoning, the instant Potitioners, and in fact any Potitioner applying for
soming which can be granted either by Special Exception or Reclamatification,
would have to file for both concurrently to protect himself from the bar of
the eighteen month varting period in the event be guessed wrong in evaluating
we much the Conviscioner or Board would grant him. The not effect of this
would be to stimulate a fear of requesting the less restrictive soming
unless the more restrictive were also and at the mane time applied for as a
"hedge". We do not believe such meedless duplication of costs and administrative effort as over intended by the administrative effort of the Reclamation

Answering the Protestant's argument that different standards of proof apply to reclassifications than do to Special Exceptions, and that the constitutional requirement of notice has not, therefore, been met by advertising and porting for a reclassification, we maintain that all natters of preof which must appear to support a Special Exception case, plus either a showing of error in original going or a substantial champe in noighborhood conditions, must be proved in a reclassification case. (Price vs Cohen, 21)

84. My, where a reclassification was desired because a situation distrimental

- 3 -

It is contended by the Petitioner that substantial changes have occurred in the neighborhood since the adoption of the present map in 1915, and also contended that the original soning of R.6 was rectical and is erroneous. In support of these contentions, it produces evidence that the elevation of the property nakes its use for recidences prohibitive in cost, about 08,000 to 88,500 per acre being required to fill. A witness of the Protestants

In any event, we do not reach the questions going to justification of a reclassification. In our opinion, a reclassification to N.H. would open up the entire area to private commercialization, and such is not to the welfare of the locality. We reliterate our contention that relief by Special Exception is afforded to public willities to allow us the latitude to afford then the facilities needed to serve the public need without encreaching upon the neighborhood and inviting the creeping paralysis of misplaced industrialisation.

As the minority members of the Court of Appeals said in the case of Yad's vo Gas and Spectric Company 60 A 7m 75%, ".....there is a wast difference between restrictions upon private undertakings and those clothed with public interest which must have access to the camera of population if they are te perform their public function. In weighing the reasonableness.... the harm to property owners in the immediate vicinity must be balanced against the benefit to all the users of electrical power in the whole urban

We, therefore, grant the Special Exception and exercise the rights given us by Section 503.2 by placing the following restrictions upon the use of the subject property.

- This Special Exception shall apply only to the property petitioned for as amended by Petitioner's Exhibit #20.
- No more than four power producing units shall be constructed on the subject property.

to the public safety and weifare existed). Therefore, notice of the attempt to reclassify was, in our opinion, sufficient to meet the constitutional need of notice for granting the Special Enception. We would not, however, similarly find if the reverse situation applied, to wit: that the notice had been for a Special Enception and a Reclassification were granteded.

But regardless of the propriety or impropriety of the Commissioner's Order, a general appeal was taken therefrom, by which the Protestants voluntarily submitted to the jurisdiction of this Sears to entertain the matter de nove'. Had much Order dended the Petiticener may relief whatever, as the Protestants contend it should have done, the Petiticener would have appealed and the case would have atill come before this Soand without delay. To deny a public utility the right to be heard expeditiously on the merits in a matter vital to the welfare of a sizeable pertion of the County, would be a mockery of justice for the sake of questionable technicality.

As to the second question, verbally raised by the Protestants, we find that under Section 209, 3 and 2002 of the Regulations, all public utility uses, except those overed by Section 209,1 and 200.11, are premitted by Section 209.1 and 200.11 are permitted by Section 209.1 and 200.11 are permitted without a Special Exception in an R.G. Zone. The Protestants contend that we should read into the Regulations the word "pseudiar", so that if a use is not unique to utilities, it does not fall within those permitted. We do not agree, and we see no runent to exclude Steam Electric Generating Stations, which are certainly comen public utility uses in this age of electricity, even if not completely peculiar to public utilities. Nat the intention been to except them, they would have been specifically excepted. We believe the intention us to include such public utility uses to allow us the necessary latitude to zerve the public wifirare without the celligation to grant similar uses to private interests similarly situated.

- h -

). The temperature of the water at the point of expulsion in Salt Peter Creek shall at no time exceed 80° farenheit.

- 4. The requirements of the Maryland Water Pollution Control Law will at all times be met.
- 5. An adequate sewage disposal plant shall be constructed and maintained.
- Bulkheading will be done where necessary to prevent erosion of neighboring property.
- Coal will be dumped within buildings only, and coal piles will be oiled when necessary to prevent leiching of sulphur, so as not to create acidity in the surrounding water.
- No more than one shipment of coal per day per unit shall be received.

ORDER

For the reacces set forth in the aforegoing Opinion, a Special Exception for a Steam Hestra Generating Station is granted; subject, however, to the conditions and restrictions set forth in the Opinion. The said Special Exception is granted only on the 98 acre property particularly described in Feititoner's Exhibit FOO, said description being attached hereto and sade a next of this Conter.

GCUNTY BOARD OF APPEALS

DATE 3/26/57

-5-

conditions which the application of Section 502.1 of the Regulations would prohibit.

The undersigned member of the Board dissents from the conclusion of the majority despite the very persuasive arguments in favor of the special treatment of the public utility involved. The length of the hearing and the various legal questions involved have made the majority report lengthy and this dissenting report must of mocessity cover some of the same ground even though there is general agreement on many points.

It is agreed that there was competent testimony that the construction of a steam GeneratingPlant of an eventual 800,000 K.W. capacity was immediately necessary to meet the demands of the year 1960 and beyond, that this particular site was economically sivantageous and in the public interest because of its location on the perimiter of the transmission feeder lines of the entire system and because of its location on a peminsula which would allow cooling water to be taken from the Seneca Creek and discharged in the Salt Peter Creek.

Because of the technical nature of the project neither the Board nor the Protestants could question the authority of the experts of the utility who clearly and painstakingly presented their case by the use of photographs, maps, samples and personal testimony of experts and laymen. All members of this Board are convinced that a Generating Plant of this capacity must be built in the near future and be ready for the projected increase in demand for electrical energy that is sure to come with the continued growth of

This very agreement presents the Board with the dilemma of public meed of the larger area and the very real encroachment on the general welfare of the smaller but immediately affected area . Although not at issue in this action, the Board must also face up to the fact that a Steam Generating Plant using an average of 4000 tons of coal per day must be serviced by railroad limes with storage sidings as well as high voltage transmission lines which will have damaging effect on a much wider area than that owned and used by the patitioner.

in the original case appealed to this Board the Zoning Commissioner denied the application for reclassification from *R-6* to Manufacturing Heavy but granted a Special Exception to build and operate a Steam Generating Plant as well as other facilities connected therewith. All members of this Board agree that they could, under regulations as interpreted to date uphold the Zoning Commissioner in his decision under authority of Sec. 501.7 which states that "the decision and order of the Board of Appuals may affirm or reverse in whole, or in part, any decision of the Zoning Commissioner or may modify the order appealed from and direct the issuance of a permit for such modified use as it may deem proper, subject, however, to soming regulations and restrictions.

At this point, however, agreement ends and while we examined the same grounds we arrived at different conclusions. This member examined Sec. All of the Regulations for guidance in judging the relationship of need in this particular case of a public utility and found in Sec. All.1 a double-barrelled admonition that "the use must be needed for the proper rendition of the public utility service

and the location thereof shall not seriously impair the use of the neighboring property." Sec. 411.2 requires all public utility buildings and structures to have an exterior appearance harmonious with the general character of the neighborhood, including architectural treatment. Testimony and exhibits show rather startling disprepancies in this regard. Sec. 411.3 (6) directs both the commissioner and the Found to consider costs but specifically exhorts them not to allow extra cost to direct their decision. While this section of the Regulations deals with underground ws overhead power transmission, it can reasonably be argued that costs of construction and use of the power generating plant should likewise be weighed in arriving ct a de ision such as this. The obvious intent of Sec. 411 in its entirety is to grant to Public Utilities special privileges over other commercial uses but does not allow them unlimited latitude to exercise their judgment nor does it in any way indicate that it would be proper under the Regulations to build a public utility Steam Generating Plant

- 3 -

Mr. Penniman of the Gas Company and Dr. Alexander Graham Christie, encritus professor of Johns Hopkins and consultant engineer for many utilities, testified of their search for suitable locations in which preximity to use, rail transportation facilities, and sufficient coolant water are the prerequisites. An alternate site on Garrett Island in the Susquehanna River was examined carefully and estimates of the additional costs, both of construction and

in a residential zone under a Special Exception while such inherently

objectionable use is relegated to the manufacturing heavy classification

continuing use, were explained to the Board at their request. Were this the only site available there would be no dissent and the Board would have written a unanimous decision in favor of the greatest good to the greatest number at the expense of the few, allowing a review by the Courts to approve or disapprove the stretching of the Special Exception Regulations to cover a Steam Generating Plant in a residential neighborhood. However, other sites than the Garrett Island were dismissed too lightly with little or no argument of their insufficiency. As a case in point, the use of the Back River industrial area, where rail facilities are already available, transmission limes already a deterrent to certain types of residential property and as much if not more water available for the cooling coils of the Generator Plant, was waived aside because the water was "contaminated". Testimony in the case clearly showed that water was used only for the lowering of the temperature, that nothing was added or taken away in its travel through the system and that it must be treated chemically to control algaé. Both the Seneca Creek and Back River are tidewater of the Chesapeake Bay and both contain about the same amount of "contamination" since the Back River has been relieved of the effluent of the City Disposal Plant which is now piped directly to the Behtlehen Plant at Sparrows Point

While the minority report agrees with the conclusion of the majority on the reclassification, it differs on the granting of the Special E_{xception} which would, to all practical purposes, accomplish the same result as reclassification and in itself make such a change in the character of the neighborhood that the extension of commercial use on adjoining land would be inevitable. The end result would be to impair, if not actually destroy, a large area of fine, and potentially

fine, waterfront residential property in a region that contains the last uncontaminated waterfront in the vicinity of Baltimore. Besides the impact on the properties already in existence this Heavy Manufacturing would condemn the whole surrounding area of Carroll Island Nock, Bowleys Quarters, Seneca Park and other adjacent properties of this waterfront to commercialization of a character which it could not

overcome, nor from which it could ever be reclaimed.

DATE: March 26, 1958

PETITION FOR RECLASSIFICATION OF ZONE

BALTIMORE GAS AND MISCTRIC COMPANY :

MAP

For a Reclassification of Zone

To the Zoning Commissioner of Baltimore County:

Baltimore Gas and Electric Company hereby petitions for a reclassification of zone under the Zoning Regulations and Restrictions passed by the Zening Commissioners of Baltimore County agreeable to Chaper 877 of the Acts of the General Assembly of Maryland of 1963 and Amendments thereto, for the reclassification of mone of a certain tract of land as provided under the said Regulations as follows:

1. For a reclassification of zone of a tract of land containing 138 acres , more or less, of which 6.8 acres is submerged land, situate on both sides of Carroll Island Road between Seneca Creek and Salt Peter Creek abutting on the east property of the United States Covernment and approximately 8300 feet east of the intersection of Carroll Island Road with Bowleys Quarter Road, all of which land is located in the Fifteenth Election District of Baltimore County and all of which is zoned Residential, $(R\!-\!6)$ / as will more particularly appear from Petitioner's Exhibit A attached hereto and made a part hereof. Seid tract of land is described as follows:

first to the head of a mursh, thence through said mursh the two following courses and distances, vis., North, 20 degrees 17 minutes East 100,00 feet and North 8 degrees 19 minutes East 100,00 feet and tweet of degrees 19 minutes East 130,00 feet to the waters of a single control of the standard creek the birthers Counting on the waters of the single control of the single

Containing 138 seres of land, more or less, of which 6.8 acres is submerged land.

- 3 -The Petitioner requests that all of said land above described (R-6) be reclassified and zoned from Residential/to Heavy Monufacturing.

BALTIMONE CAS AND ELECTRIC COMPANY

Manuella L Lexington Building Baltimore 1, Md

ohn Grason Turnbull 2h W. Pennsylvania Avenue Towson - h. Maryland

Kearon Juin

Attorneys for Petitioner

1707 Lexingto

3/11/57 10

5-516115

Court of Appeals of Maryland

No. 125, September Term, 1958—Filed December 22, 1958

EDWARD T. CASSIDY ET AL.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY AND BALTIMORE GAS & ELECTRIC COMPANY

Appeal from the Circuit Court for Baltimore County. John E. Raine, Jr., Judge.

Argued by James N. Phillips, (Leonard A. Vadala and Fletcher Krause on the brief); all of Baltimore, Md., for appellants.

Argued by Wilmer H. Driver, (Paul S. Clarkson, both of Baltimore, Md., and John Grason Turnbull, Towson, Md., on the brief), for a, ellees.

Argued before BRUNE, C. J.; HAMMOND, PRESCOTT and HORNEY, JJ.

INVASA), 43.

Paning In Baltimere County—Petition For Reclassification Of Eve-Nation—Special Exception.

The Gas Company applied for reclassification of land somed residential to "Heavy Manufacturing," to allow construction of Fower Plant. Notice of proposed reclassification was given by Zoning Commissioner. The Board greated petitioner a Special Exception, Applicants contraded the notice was for reclassification and wife the contradiction of the Commissioner.

Appeliants centended the notice was for reclassionates and the second as a special exception.

HELD: The notice as given was a sufficient compliance with the statutory requirements. The erection of the plant is needed and would not be detrimental to the neighborhood. Decree affirmed

PRESCOTT. J.-

not be detrimental to the sequence of the Circuit Court for Baltimore This is an appeal from a decree of the Circuit Court for Baltimore County, field June 13. 1988, affirming an order of the County Board of Appeals of Baltimore County (Board) granting the appeale Religious of the County (Board) granting the appeale Ralifmore Gas and Electric Company or the County of the County

s been decided, and we have made more. Man more. Man more man administrative official or aride, required by a proper notice of a raring, required by law, is fatal the beard to conduct the heart of the beard to conduct the heart pata it requires no citation of thority to support the proposition; hence, we must examine termine whether the Commissioner and the Board lacked place and the proposition of the conductive of the proposition of the proposi

No question is raised concerning as enabling legislation, a discuson of which will be found in sig ex. Bd. of Zoning Appeals, 14 Md. 48; so, we shall confine ar consideration in this case to senotice and Zoning Regulations. The notice given by the Commissioner was as follows:

ore source given by the Commis-ioner was as follows:

"Pursuant to petition fleet with the Zoning Commissioners with the Coning Commissioner of reclassification from a R-6 Zone to a M. II. Zone of R-6 Loning Commissioner of Bal-timore County, by authority of the Zoning Commissioner of Bal-timore County, by authority of the Littimore County, will hold a public hearing in Room 168, County Office Building, 111 W. Chesapeake Avenne, Towson, Maryland:

On Wednesday, May 8, 1957, 10.00 A. M.

2 Merrill, Notice, sec. 796.

10.00 A. M.
determine whether or not
e following mentioned and deribed property should be
anged or reclassified as aforeid for Manufacturing Heavy
witt: (here followed a deilled description of the proptry)

thed description of the per-try) Containing 138 acres of land, nore or less, of which 6.8 acres submerged land, as shown on lat plan filed with the Zoning repartment, being property of laltimore Gas and Electric beneaver.

months.

We agree. We think the notice in this case we say at least, a she stantial compliance with the resistantial compliance of the professor Merrill, aspect. We can see an objective for a reclassification of the public that of protects, after proper notice, the classification. The notice in this case notified the public that the particle and consequently of the character of the action proposed and enough of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the lasts upon which it resisted its compliance of the last upon which it resisted its compliance of the last upon which it resisted its compliance of the last upon which it resisted its compliance of the last upon which it resisted its compliance of the last upon which it resisted its compliance of the last upon which it resisted its compliance of the last upon which it resisted its compliance of the last upon the

of such hearing by advertisement in a newspaper of general circulation in Ballimore County for at least fifteen days prior to the date of such hearing, and shall cause the project sought to be reclassified to be posted with an appropriate motice of such petition and the time and place of such hearing. And section 500.5 states;

"500.5—In cases of petitions for Special Exceptions under Section 502 of these regulations, the Zoning Commissioner shall receive such petitions in such form as he may presertle. He forms as he may presertle and the section of the giving public notice of such hearing as above provided with respect to petition for classification. After such a heart production of the petition for classification, after such a heart production of the petition of the p

cial Exception."
Thus it is seen that the notice required in cases of petitions for relative to the control of the control of

Section 502 authorizes the Com-nissioner, subject to an appeal to missioner, subject to an appeal to for "uses (of land) listed as Special Exceptions." Section 200.3 permits the granting of special exceptions in R.6 sones for "jushici utility services listed in 200.11 are such as telephone and telegraph lines, which are permitted in resi-cient and the second of the properties of pain, comprehensive and express language of the regulations per-nuts the issuancy of special ex-nuts. of pleadings in justicial contests."

2 Mervill, Notice, sec. 706.

The Board, in its able opinion.

The Board, in its able opinion.

The Board, in its able opinion of the proof apply to petitions of reclassification; than do to special

of proof apply to petitions of reclassification; than do to special

exceptions and that constitutional

therefore, had not been met by advertising and posting for a reclassification, pointed out that all

matters of proof which must aptered to the proof which must ap
classifications, must be estab
cited as authority the case of Price

st Cohen, 213 Md. 457, where a re
classification was denied became

a simuation derimental to public

standard therefore, held that the

notice of the attempt to reclassify

was sufficient to meet the constitu
tional need of notice, as well as
train the proof of the attempt to reclassify

was sufficient to meet the constitu
tional need of notice, as well as
train the proof of the proof of the situa
tional need of notice, as well as
train the proof of the situa
tion were in reverse, namely, had

the notice been for a special ex
granted.

Judge Raine held likewise, and

pointed out, from a practical point

of view, that everylody properly

before his court had angles and

was to consider, calling attention

to the fact that the hearings before eptions.) Thus it is seen that the plain, comprehensive and express language of the regulations per-nists the issuance of special ex-ceptions in It.3 Zones for "public experisons in It.3 Zones for "public and no limitations are placed thereon. It cannot seriously be argued that "a steam electric gen-derived by a public utility company for the benefit of the pub-lic are not "public utility uses," If a steam generating plant is to be excluded from the phrase "pub-rac also to be excluded and what are to be considered as included, without clarifying language to guide us? We think it clear that the regulations, in express terms,

"A tremendous amount of technical and other expert testimony choice, which has used its considerable resources to prove with great precision that the use is to the considerable resources to prove with the considerable resources of the considerable resources of its services." "Mr. Penniaman, its Vice President in charge of Electric Power, testified with great clarity and at great tenth as to this considerable resources of the computer of the considerable resources of the computer of the considerable resources of the computer of the considerable resources of the consid

antife as T. We think it clear that the regulations, in express terms, authorize a special exception to public utility companies in Rd zones for the operation of steam generating plants and related great that the state of the

The head of the content of the conte

Most of this was considered and naswered in II.

While much may be said concruing the difference between restrictions upon private unsertakent of the said control of

strong case in favor of the reclassification requested.

The appellants do not question the general need of the Gas and Electric Company to add to its generating capacity, but insist that the use of this particular. This contention that the requirement in Section 411.1 that the use of the land must be needed means that an individual piece of property must be needed in the exclusion transition of the land must be needed means that an individual piece of property must be needed in the exclusion were sound and there were two or more pieces of property available for the use needed, none could receive a special exception merely because the others were available, and the content of the content

ingent to use of neighboring particularly under the conditions, particularly under the conditions with the control of the cont

PROPERTY SALES

ADMINISTRATRIX SALE

VALUABLE LEASEHOLD PROPERTY 2809 QUANTICO AVE.

Pursuant to an order of th. Orphana' Court of Baltimore City, pa-sed in deceased, the undersign A. Administratrix c. L. a., will sell at public autoration at the PERDAY, PERBRANK C. 1959, AT 2 O'CLOCK P. M. ALL THAT LOT OF GROUND AND THE EMPHOYEMENTS thereon, either the Baltimore City, and described and the Baltimore City, and described and the Baltimore City, and described the sell and the Baltimore City, and described the Baltimore City, and the Baltimore City and described the Baltimore City and City a

ite in Bartimers as follows: Beginning for the same southeast side of Quantico a distance of 164 feet south Beginning for the same on the Beginning for the same on the Beginning for the same on the Beginning for the subwectery the distance of 164 fort southwestery from the southwest side of Reisters—with the centre of a partitle wall beginning to the southwest side of Quantice areases 16 feet to a point in a line wall there situate these southwest side of Quantice areases 16 feet to a point in a line wall there situate these southwest states and the centre of the partitle wall beginning the same centre paralle with the northwest side of an alley 22 feet the parallel with the northwest side of an alley 22 feet the parallel with the northwest side of an alley 22 feet the parallel with the northwest side of an alley 32 feet the parallel with the northwest side of and alley with the use contains therewith in common with y to and through the centre of and first mornished partition will in all improvements thereon being known and the parallel par

All documentary stamps the purchaser. LILLIAN STEINER, Administratrix c. t. a.

A. J. BILLIG & CO.,

William M. Smith, Jr., Solicitor, 3224 Eastern Avenue, Edward B. Rybezynski, Solicitor, Equitable Building.

TRUSTEES' SALE OF

VALUABLE LEASEHOLD PROPERTY 1213 S. CLINTON ST.

By virtue of a decree of the Circuit Court No. 2 of Baltimore City (68C-6), the undersigned, Trustees, will sell at public auction, on the premises,

Chart No. 2 of Johnson Chart Services of the undersigned Appendix of the theorem and the control of the control DIPHOVEMINITS thereon situate in administer Cuty and described as fol-Beginshing for the same on the east also of Cinition street at the distance state of Cinition street at the distance southerly from the south life of the control of the control of the con-cept of the control of the con-trol of the con-

DWELLING. Inserverse of a BRICK
Terms of Naie; One-third cash, bal-cash, as the purchaser may elect at the time of sale; credit payments to hoar interest from the day of sale and the undersigned Trustess. All expenses, including special par-ing tax, if any, to be adjusted to day of the control of the control of the control of the A deposit of \$700.......

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Administrators of The Bar Association of Baltimore City Insurance Trust

Consultants for

 Group Life Insurance Plans · Business Life Insurance

Administrators' and Executors' Bonds

Riggs - Warfield - Roloson 129 E. Redwood Stre LExington 9-4535

PROPERTY SALES Joseph J. Huesman, Soliciter, 502 Maryland Trust Building

TRUSTEE'S SALE OF VALUABLE IMPROVED

LEASEHOLD PROPERTY 1630 INVERNESS AVE.

TRUE TABLE

1630 INVERNESS AVE.

The virtue of a decree of the Creent of the Corner of Indiance City 1900—137, the undersigned, Truestee, will sell at Corner of Indiance City 1900—137, the undersigned, Truestee, will sell at WEENISSAN, FERREAW 11, 1808.

AT 3 O'CLOCK F. M.

AT 3 O'CLOC

JOSEPH I. HUESMAN,

E.J. Mwell of one Auctioners 210,22,30,50,11 Plans 2-3500 Fue, Nickerson, Whiteford & Taylor, 301 Meyerboff Building.

TRUSTEE'S SALE OF VALUABLE LEASEHOLD PROPERTY 2340 N. MONROE ST.

By virtue of a decree of the Circuit Court of Baltimore City (1980—382), the undersigned, Trustee, will sell at public arction, on the premise, on MONDAY, FERRICARY'S, 1989, AY 2 O'CLOCK P. M. AX 1 O'CLOCK P. M. DAY THE COURT OF GROUND AND MATHEMATICAL COURT OF THE COURT OF Baltimore City and described as follows:

MPROVERIEVES thereon stunte in the control of the c

SAMUEL E. PROCTOR, JR., Truste

SALTRETER CREEK Mes Bis Sens Steen SHET BULLET N11.200 FUTURE SUBSTATION

