

5403-SPH  
9:30 A.M.  
Nov. 1, 1961

PETITION OF MAYOR AND CITY COUNCIL : BEFORE THE  
OF BALTIMORE, OWNER, : ZONING COMMISSIONER  
and :  
WESTINGHOUSE ELECTRIC CORPORATION, :  
a body corporate of the state of : OF BALTIMORE COUNTY  
Pennsylvania, LESSEE

PETITION FOR SPECIAL HEARING

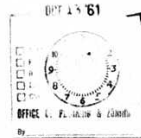
The petition of the Mayor and City Council of Baltimore, legal owner, and Westinghouse Electric Corporation, lessee, respectfully represents:

1. That the Mayor and City Council is the owner of property the Fourth Election District located in Baltimore County, Maryland, being known as the Liberty Dam site and has leased the following described parcel thereof to the Westinghouse Electric Corporation:

A square lot of ground located in Baltimore County, with two hundred (200) foot sides containing approximately forty thousand (40,000) square feet located South of Nicodemus Road, seven hundred (700) feet more or less, at the following approximate positions: latitude 39 degrees, 26 minutes, 34.25 seconds; longitude 76 degrees, 52 minutes, 35.25 seconds. The above described property is to be used by the Lessee, or the Agent of the Lessee as a test tower (receiver) site.

2. That the official zoning map for Baltimore County indicates that the above described property is publicly owned and bears no indication that it has been zoned by Baltimore County.

3. That the Westinghouse Electric Corporation is engaged, among other things, in various projects connected with the national defense and has been requested by appropriate Federal authorities to use the above described parcel of land for the purpose of a test receiver tower and to construct the same.



MAYOR & CITY COUNCIL OF BALTIMORE  
Liberty Dam site of Nicodemus Rd.  
100 acres of land  
5403-SPH  
5408-SPH

PETITION OF MAYOR AND CITY COUNCIL OF BALTIMORE, OWNER, and WESTINGHOUSE ELECTRIC CORPORATION, a body corporate, Lessee Petition for Special Hearing

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

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OPINION AND ORDER

The above entitled Petition was heard before me on November 1, 1961. The Petitioners were represented by Theodore C. Waters and Richard C. Murray and Mr. Thomas L. Hennessey of the Office of Law was present. There were no protestants.

It appears that Westinghouse Electric Corporation is engaged in a radar testing project for the United States Air Force and is required to erect and operate a test range for that purpose. The test range lies partly in Baltimore County and partly in Carroll County. That portion of the range in Baltimore County consists of a receiver site which will be improved by a receiver tower and a ground building. These improvements will be located entirely upon property owned by the Mayor and City Council of Baltimore which has leased the property for that purpose to Westinghouse, a copy of the lease being filed in this proceeding.

It further appears that the property in question is shown upon the Baltimore County zoning map as publicly owned land. The Petition was filed under Sections 500.6 and 500.7 of the zoning regulations seeking an interpretation as to whether or not this property is subject to Baltimore County zoning regulations. The official zoning map indicates that the property is un-zoned. In addition, Section 103.2 of the zoning regulations indicates, in my opinion, an intention by the legislative body of Baltimore County not to zone publicly owned property. This conclusion is concurred in by the Office of Law.

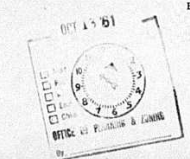
For the above reasons, it is hereby ORDERED this 21st day of November, 1961, that the property owned by the Mayor and City Council of Baltimore and leased unto Westinghouse Electric Corporation is not subject to the zoning regulations of Baltimore County nor is the contemplated use of subject property subject to these regulations.

*John G. Rose*  
John G. Rose  
Zoning Commissioner

4. That your Petitioners believe that the property described above is unzoned and being publicly owned may be used for any purpose by either the Mayor and City Council or its Lessee.  
5. That in the event that it is determined that the aforesaid property is zoned and that Baltimore County has the power to zone property of the Mayor and City Council of Baltimore, your Petitioners have simultaneously filed a Petition for a special exception for the aforementioned use.

Wherefore, your Petitioners pray  
(a) That the Zoning Commissioner may conduct a hearing under Sections 500.6 and 500.7 of the Baltimore County Zoning Regulations to interpret said Regulations and to determine the rights of your Petitioners in the use of the aforementioned property to the end that it may be declared that said use is not governed by the Baltimore County Zoning Regulations.  
(b) In the alternative, if it be determined that the aforementioned property is zoned and that the Petitioners are subject to the Baltimore County Zoning Regulations, that their request for a special exception for a wireless transmitting and receiver structure may be granted.

MAYOR AND CITY COUNCIL OF BALTIMORE  
By *Theodore C. Waters*  
Theodore C. Waters  
Department of Public Works  
of Baltimore City  
By *Michael Paul Smith*  
Michael Paul Smith  
Attorneys for Petitioners  
WESTINGHOUSE ELECTRIC CORPORATION,  
a body corporate  
By *John G. Rose*  
Executive Assistant to Vice President and  
General Manager, Baltimore Divisions



9:30 A.M.  
11/1/61

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO John G. Rose, Zoning Commissioner Date... September 22, 1961  
FROM Thomas L. Hennessey - Office of Law  
SUBJECT Petition for special hearing of Mayor and City Council of Baltimore

Please advise us when you will set the hearing on the attached Petition.

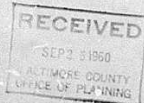
We are returning herewith all of the original papers submitted to us and ask that you furnish this office with photo-stated copies so that both your file and ours may be complete.

If there is a technical problem involved, prior to the hearing, please contact me; however, we believe this action falls properly within the domain of the zoning commissioner, and from the limited information we have, believe that it is a federal project being conducted on publicly owned city land, and that it would be permissible to grant a special exception for a wireless transmitting and receiver structure, as all the facts indicate general public welfare.

*Thomas L. Hennessey*  
Thomas L. Hennessey  
Assistant County Solicitor

TLH:lp

enc.



INVOICE  
BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE  
Division of Collection and Receipts  
COURT HOUSE  
TOWSON 4, MARYLAND

TELEPHONE VALLEY 3-3000 No. 8223 DATE 10/26/61

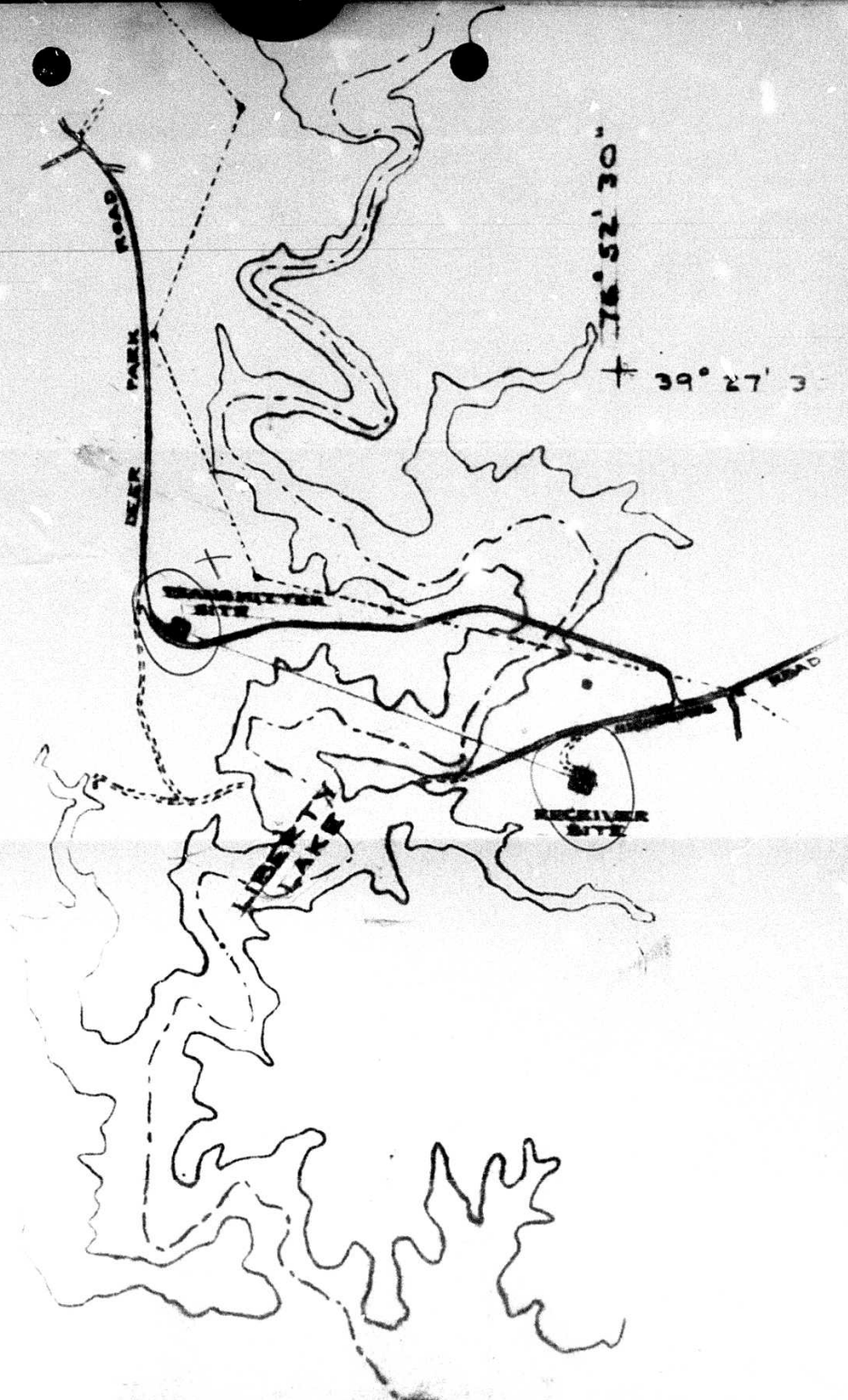
To Messrs. Smith & Harrison Jefferson Building Towson 4, Maryland BILL BY Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO.	QUANTITY	DESCRIPTION	TOTAL AMOUNT \$	COST
01622		Petition and posting of property for Mayor and City Council of Baltimore for a Special Hearing	30.00	
			30.00	

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND  
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND  
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 4 Date of Posting 10-18-61  
Posted for: Special Hearing  
Petitioner: Mayor and City Council of Baltimore  
Location of property: SP of Nicodemus Road, etc. See A-28  
Location of Sign: Posted according to the Plat  
Remarks: George R. Hennessey  
Posted by: George R. Hennessey Date of return: 10-19-61



PROPOSED LOCATION OF WESTINGHOUSE  
ANTENNA TEST RANGE

71 53 00

39° 25' 00"

+

JUNE 1961