151

PETITION FOR ZONING VARIANCE 83-234-XSPHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.2B(V.B.2ofC.M.D.P.) 203.4 to permit a front yard setback of 15 feet instead of the required 40 feet, sideyard setbacks of 2 feet and 16 feet in lieu of the required 20 feet and a rear yard setback of 3 feet in lieu of the required 30 feet, of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The easement area on which the structure is to be located is not of sufficient length and width to provide the setbacks required by the applicable regulations.)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Melvin Kabik and Ruth Kabik
(Type or Print Name)

Melvin Kabik & Ruth Kabik
Signature

JMJ Associates
By: Jack Pechter, General Partner
(Type or Print Name)

Signature

3711 Gardenview Road 486-2174
Address Phone No.

Pikesville, MD 21208
City and State

Attorney for Petitioner:
Keith E. Ronald
W. Lee Thomas, P.A.
(Type or Print Name)

Signature
409 Washington Avenue
Suite 314
Address

Towson, MD 21204
City and State

Attorney's Telephone No.: 296-6777

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Keith E. Ronald
Name
409 Washington Avenue, Suite 314
Towson, MD 21204 296-6777
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of February, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of April, 1983, at 10:30 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

MAP 22 Zone RO
ELECTION DISTRICT 3
BY ___ DATE 9/2
FINAL ___ BY ___

83-234-XSPHA
#151

Melvin Kabik, et al
SW/S Reisterstown Rd., 209' SE of
C/L of Mt. Wilson Lane
3rd

151

PETITION FOR SPECIAL EXCEPTION 83-234-XSPHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a public utility use not permitted as of right (the installation of an underground digital electronic communications terminal).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Melvin Kabik and Ruth Kabik
(Type or Print Name)

Melvin Kabik & Ruth Kabik
Signature

JMJ Associates
By: Jack Pechter, General Partner
(Type or Print Name)

Signature

3711 Gardenview Road 486-2174
Address Phone No.

Pikesville, MD 21208
City and State

Attorney for Petitioner:
Keith E. Ronald
W. Lee Thomas, P.A.
(Type or Print Name)

Signature
409 Washington Avenue
Suite 314
Address

Towson, MD 21204
City and State

Attorney's Telephone No.: 296-6777

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Keith E. Ronald
Name
409 Washington Ave., Suite 314
Towson, MD 21204 296-6777
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of February, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of April, 1983, at 10:30 o'clock A.M.

Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1

(over)

MAP 22 Zone RO
ELECTION DISTRICT 3
BY ___ DATE 9/2
FINAL ___ BY ___

ORDER RECEIVED FOR FILING
DATE July 14, 1983
BY Mary Campagna (Clerk)

151

PETITION FOR SPECIAL HEARING 83-234-XSPHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve (1) a variance from those setback requirements promulgated by the Baltimore County Planning Board pursuant to §504 of the Baltimore County Zoning Regulations as codified in the Comprehensive Manual of Development Policies. (See attached Addendum for Questions 2 and 3)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Melvin Kabik and Ruth Kabik
(Type or Print Name)

Melvin Kabik & Ruth Kabik
Signature

JMJ Associates
By: Jack Pechter, General Partner
(Type or Print Name)

Signature

3711 Gardenview Road 486-2174
Address Phone No.

Pikesville, MD 21208
City and State

Attorney for Petitioner:
Keith E. Ronald
W. Lee Thomas, P.A.
(Type or Print Name)

Signature
409 Washington Avenue
Suite 314
Address

Towson, MD 21204
City and State

Attorney's Telephone No.: 296-6777

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Keith E. Ronald
Name
409 Washington Avenue, Suite 314
Towson, MD 21204 296-6777
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of February, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of April, 1983, at 10:30 o'clock A.M.

Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1

(over)

MAP 22 Zone RO
ELECTION DISTRICT 3
BY ___ DATE 9/2
FINAL ___ BY ___

ADDENDUM TO
PETITION FOR SPECIAL HEARING

(2) The qualification of the underground digital electronic communications terminal as a minor public utility structure under §306 of the Baltimore County Zoning Regulations in order to exclude the terminal from the application of those minimum lot area regulations proscribed in the aforesaid Regulations and C.M.D.P.

(3) The installation and operation of an underground digital electronic communications terminal as a public utility use permitted as of right in all zones.

Melvin Kabik
Melvin Kabik

Ruth Kabik
Ruth Kabik

JMJ Associates

By: Jack Pechter, General Partner

ORDER RECEIVED FOR FILING
DATE July 14, 1983
BY Mary Campagna (Clerk)

however, to the following restrictions:

1. The aboveground equipment shall not exceed 7' x 6' x 3' in height.

2. Sufficient setbacks to allow landscaping and landscaping plan approved by the Current Planning and Development Division shall be provided for each individual site.

3. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Department of Public Works and the Office of Planning and Zoning.

4. This Order shall become null and void at such time as regulations regarding underground digital electronic communications terminals become effective.

Deputy Zoning Commissioner of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCES
SW/S Reisterstown Rd., 209' SE of the Centerline of Mt. Wilson Lane, 3rd District

MELVIN KABIK, et ux, Petitioners

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY

Case No. 83-234-XSPHA

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 21st day of March, 1983, a copy of the foregoing Order was mailed to Keith E. Ronald, Esquire and W. Lee Thomas, P. A., 409 Washington Avenue, Suite 314, Towson, Maryland 21204, Attorneys for Petitioners.

John W. Hessian, III

W. LEE THOMAS, P.A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

IN THE MATTER OF
THE PETITIONS OF
MELVIN KABIK, ET AL
FOR A SPECIAL HEARING,
SPECIAL EXCEPTION, AND
VARIANCE ON PROPERTY
LOCATED ON THE SOUTHWEST
SIDE OF REISTERSTOWN ROAD
209 FEET SOUTHEAST OF THE
CENTERLINE OF MT. WILSON LANE
3rd District

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 83-234-XSPHA

MEMORANDUM OF LAW

Petitioners, Melvin Kabik, Ruth Kabik, and JMJ Associates, along with C & P Telephone Co., Inc., (hereafter C & P), by and through their counsel, Keith E. Ronald, have sought a hearing in the above captioned case in order to have answered certain questions regarding the rights of C & P, which has obtained from the Petitioner the right to use a portion of the property which is the subject matter of this hearing.

STATEMENT OF FACTS

In order to provide additional and more efficient services to its customers in outlying areas, C & P has developed a controlled environment vault (CEV). The unit is a totally self-contained, climate controlled vault, in which is encased certain electronic equipment designed to collect various incoming telephone calls on several different lines and process them so that they may be sent out again towards their destinations on one line.

The means by which C & P has elected to service its outlying customers is by installing the CEVs in various strategic locations throughout the country chosen to maximize the equipment's efficiency. C & P has designed several containers in which to store its machinery, including various above ground huts as well as the underground vault here at issue, both of which obviate the need for erecting additional telephone poles and wires or installing additional underground cable, which would otherwise be necessary in order to provide the extended service supplied by the vaults and the equipment enclosed therein.

As of this date, it is C & P's intent to install some fourteen vaults in Baltimore County through 1986. To date, C & P has installed their vaults in several counties in the State of Maryland without the necessity of first obtaining a special exception or variance from the appropriate county zoning authority. It is Petitioner's position that the terms of the Baltimore County Zoning Regulations do not require C & P to obtain a special exception or variance for each vault it wishes to install in Baltimore County; rather, there exist provisions in the aforementioned Regulations which (1) allow the installation of the vault as a matter of right and (2) exclude the vault installation from the application of the County's minimum lot area regulations.

ARGUMENT

THE ZONING COMMISSIONER AND/OR THE DEPUTY ZONING COMMISSIONER HAVE THE AUTHORITY TO GRANT A VARIANCE FROM THOSE SETBACK REQUIREMENTS FROMULGATED BY THE BALTIMORE COUNTY PLANNING BOARD PURSUANT TO SECTION 504 OF THE BALTIMORE COUNTY ZONING REGULATIONS AS CODIFIED IN THE COMPREHENSIVE MANUAL OF DEVELOPMENTAL POLICIES.

The property which is the subject matter of this hearing is zoned R.O. Pursuant to Section 1B02.2.B of the Baltimore County Zoning Regulations, the setbacks which Petitioner is required to comply with are those promulgated by the Baltimore County Planning Board as codified in the Comprehensive Manual of Developmental Policies (CMDP).

W. LEE THOMAS, P.A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

PETITIONER'S
EXHIBIT 3

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the decision rendered in the accompanying Special Hearing Order, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14TH day of July, 1983, that the Petition for Variances to permit a front yard setback of 15 feet in lieu of the required 40 feet, side yard setbacks of 2 feet and 16 feet in lieu of the required 20 feet, and a rear yard setback of 3 feet in lieu of the required 30 feet, is hereby DISMISSED.

Jean M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on th Petition and it appearing that by reason of the decision rendered in the accompanying Special Hearing Order, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14TH day of July, 1983, that the Petition for Special Exception for a public utility use not permitted as of right, i.e., the installation of an underground digital electronic communications terminal, is hereby DISMISSED.

Jean M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

1. The petitioner herein seeks a determination as to whether or not a variance from those setback requirements promulgated by the Baltimore County Planning Board pursuant to Section 504 of the Baltimore County Zoning Regulations, as codified in the Comprehensive Manual of Development Policies (CMDP), should be required; qualification of an underground digital electronic communications terminal as a minor public utility structure under Section 306 of the zoning regulations in order to exclude said terminal from the application of those minimum lot area requirements prescribed in the zoning regulations and CMDP; and approval of the installation and operation of the aforementioned terminal as a public utility use permitted as of right in all zones.

2. Testimony in behalf of the petitioners described the underground digital electronic communications terminal equipment as:

   a. a 16' x 6' x 9' in height, underground controlled environment vault (CEV or vault),

   b. a 6' x 5' x 2.5' in height, aboveground air conditioning unit and access hatch, and

   c. a standard size electric meter rising three feet out of the ground.

   The vault is similar in function and size to the "...repeater, booster, or transformer stations, or small community dial offices." mentioned in Section 306-Minor Public Utility Structures. In addition, the vault serves the same function as an underground conduit and the aboveground equipment (access hatchway, air conditioner and electric meter) serves as accessory to the vault.

3. No one appeared at the hearing in opposition to the requests.

4. The determinations set forth herein would be in strict harmony with the spirit and intent of the zoning regulations and will not adversely effect the health, safety, and general welfare of the community.

ORDER RECEIVED FOR FILING
DATE July 14, 1983
BY Mary Longazer (Clerk)
ADMINISTRATIVE ASSISTANT

and, thus, the public hearing is required.

Since it is this Commissioner's opinion that the vault described is a minor public utility structure and an underground conduit and that the aboveground equipment is accessory thereto, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14TH day of July, 1983, that a variance from those setback requirements promulgated by the Baltimore County Planning Board pursuant to Section 504 of the Baltimore County Zoning Regulations, as codified in the Comprehensive Manual of Development Policies (CMDP), is not required; an underground digital electronic communications terminal is a minor public utility structure under Section 306 of the zoning regulations and thereby is excluded from the application of those minimum lot area requirements prescribed in the zoning regulations and the CMDP; and the installation and operation of said terminal and accessory equipment, as previously described, is a public utility use permitted as of right in all zones and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject,

In Case No. 83-177-A, the Petitioner, DHL Partnership, sought a variance from the same CMDP, which, if not granted, could have required the destruction of an historic residental dwelling in Baltimore County. On February 22, 1983, Deputy Commissioner Jung granted the requested variance. Petitioner contends that the Office of the Commissioner has the same authority to grant variances from the CMDP in cases involving non-residential use of properties as it exercised in Case No. 83-177-A, as nowhere in either the Baltimore County Zoning Regulations nor the CMDP is the power and authority of the Commissioner to grant a variance distinguished on the basis of whether the subject property is residential or non-residential.

2. THE UNDERGROUND CEV WHICH C & P DESIRES TO INSTALL AT THE SITE IN QUESTION AND THROUGHOUT BALTIMORE COUNTY QUALIFIES UNDER SECTION 306 OF THE BALTIMORE COUNTY ZONING REGULATIONS AS A MINOR PUBLIC UTILITY STRUCTURE.

As was testified to on December 16, 1982, during the hearing for Case No. 83-140XA, involving the first CEV which C & P sought to install in Baltimore County, only that lot of ground necessary to house the vault and the equipment accessory to its use is selected by C & P as the site of the installation. The various dimensions of the equipment to be installed at the site in question are as follows:

1) the CEV: 16' x 6' x 9' in height--all underground;
2) access hatch and air conditioning unit: 6' x 5' x 2.5' in height--all above ground;
3) electric meter: standard size meter rising 3 feet out of the ground.

C & P has elected to install their CEVs in private lots of land as opposed to public rights of way so as not to interrupt

the flow of traffic during installation and maintenance visits and to avoid the expense of moving the vault in the event the roadway is widened. All the aforementioned equipment is connected to the existing telephone communication system by underground conduit.

Although each lot in which C & P selects to install its vault may vary in size, it is C & P's policy to only obtain the minimum amount of ground necessary to hold the above described equipment so as to reduce the vault's impact on the neighboring properties and to reduce the cost to consumers. The plot of land on which the vault was located in Case No. 83-140 measured 36' x 15' (540 square feet), the lot in the instant case measures approximately 35' x 25' (940 square feet), and a proposed future site contains approximately 650 square feet.

Section 306, entitled "Minor Public Utility Structures", states that "(m)inimum lot area regulations in any zone should not apply to repeater, booster, or transformer stations, or small community dial offices." The Section was incorporated into the Baltimore County Zoning Regulations by Resolution dated November 21, 1956, for the purpose of relieving public utilities from the necessity of obtaining variances for every small piece of equipment they wished to install in the County.

Although the CEV may not technically qualify as a "repeater, booster, or transformer station, or small community dial office" as those terms were intended by the drafters of §306, Petitioner contends that the intent behind the section may properly be applied to the installations of C & P's vaults in Baltimore County. The repeater, booster, and transformer stations and small community dial offices of 1956 took up as much or more space and had a more negative impact on the neighboring community than do the CEVs of twenty-five years hence. The functions performed by the equipment in the CEV, although not precisely the

same, are very similar to those functions provided by the equipment listed in Section 306, in that the CEV receives and sends out telephone calls (as did the booster and repeater stations) and provides the 1980's version of mechanized assistance to outlying areas which the small community dial offices provided in the the 1950's. Consequently, Petitioner believes that the CEV should be treated by the Commissioner as a Minor Public Utility Structure for purposes of §306.

In the various sections of the Baltimore County Zoning Regulations dealing with R.C. zones, the provisions relating to County setback requirements fall under the sub-heading of Area regulations (See §§1A01.3B 1A02.3B, 1A03.4B and 1A04.3B of Baltimore County Zoning Regulations, 1981 edition). The R.O. zone has no such provision; but pursuant to §203.4, there are bulk regulations pertaining to D.R. 5.5 zones which govern the question, from which point one is referred to §V.B.2 of the CMDP. As there are no specific provisions labelled as area regulations in the R.O. or D.R. zones, Petitioner contends that those bulk regulations stated therein dealing with various setback requirements are the same minimum lot area regulations referred to in §306, albeit the fact that the provisions are labelled differently. This position is supported by the wording of the section itself which states in pertinent part that "(m)inimum lot area regulations in <u>any</u> zone...", suggesting that those who drafted §306 intended that the section be applied to all zones, no matter how the various provisions dealing with the subject matter may be worded or what their label may be. For these reasons, Petitioner contends that the wording of §306 should be interpreted so as to allow C & P to install its CEVs in Baltimore County without the need of first obtaining a variance from the Baltimore County Office of Planning & Zoning.

THE INSTALLATION AND USE OF THE CEV BY C & P IS EQUIVALENT TO THE USE OF AN UNDERGROUND CONDUIT, AND AS SUCH, CONSTITUTES A USE PERMITTED AS OF RIGHT.

The Baltimore County Zoning Regulations provide for various uses of property in Baltimore County as a matter of right. One of those such uses is that of an underground conduit (See §§1A01.2.B.5 for Zone RC-2, 1A02.2.A.8 for Zone RC-3, 1A03.3.A.4 for Zone RC-4, 1A04.2.A.9 for Zone RC-5 and 1B01.1.A.5 for D.R. Zones.).

In <u>Craig v. Southern Bell Telephone and Telegraph</u>, 208 Miss. 881, 45 S.2d 732,733(1950), the Supreme Court of Mississippi ruled that, as it relates to telephone business, a conduit is

> a structure, usually installed underground, containing one or more ducts or tubes in which cables are installed, that they usually contain more than one duct, that they may be constructed of iron pipe, tile, creosoted wood or other materials,...and that cables can be installed in each of the ducts in the conduit structure without disturbing the surrounding ground.

The CEV serves the function of a conduit as defined in <u>Craig</u> in that it is an underground structure containing one or more ducts or tubes in which cables are installed on which telephone calls are received, processed and sent back out toward their original destination.

When C & P personnel use the term conduit, they are referring to structures such as the CEV and the "manhole", which are in turn linked together by underground ducts housing the communications cable. The manhole is no more than a splicing junction which is positioned so as to join together sections of C & P's underground communications cable. In addition to serving as a conduit for telephone calls, the manhole also acts as a container for various pieces of equipment designed to assist

C & P in providing extra services to its customers. C & P has installed their manholes in County and State rights of way as well as on private property throughout Baltimore County and the State of Maryland. To this date, the only County procedures which C & P has been required to follow prior to installing their manhole were those necessary to secure the proper grading, construction, space and use permits as determined by the appropriate County agencies. In no instance has C & P been asked or required to petition the Baltimore County Office of Planning and Zoning for a variance or special exception before installing a manhole.

Despite the fact that their names are different, the CEV is identical in nature and serves the same function as the manhole, with one exception. Because a different type of concrete is used in the CEV than in the manhole, the former is watertight whereas the latter is not. As a consequence of this change in design, the interior climate of the CEV must be mechanically controlled in order to regulate temperature and humidity levels, requiring the installation of an air conditioning unit which, by necessity, extends above ground level. Because of this difference, the unit's designation has been upgraded from that of manhole to that of controlled environment vault. Despite the new terminology, Petitioner contends that the two units are the same and should be treated in a similar fashion by the various agencies and departments of Baltimore County which are authorized to regulate the installation of the CEV. Consequently, Petitioner, on behalf of C & P, would request that the CEV be treated as an underground conduit, thereby qualifying its use as one permitted as of right under the Baltimore County Zoning Regulations.

In furtherance of this same position Petitioner would additionally request that the equipment installed as part of the CEV which is positioned above ground (the access hatchway, air

conditioning unit and electric meter) be deemed as serving a use which is accessory in nature to that of the vault, thereby constituting a use permitted as a matter of right according to the various provisions related thereto for each zone. The use of these items may properly be considered as accessory to the vault, as the said equipment is essential to the proper functioning of the vault. The air conditioning unit, which constantly regulates the CEVs interior climate, allows C & P to utilize less costly equipment (at a savings to consumers) in a more efficient manner while improving service by assuring that there will be less possibility of equipment failure caused by excessive heat or humidity. The above ground access hatchway furthers the design of maintaining a water tight interior as it prevents water from spilling into the vault when the hatchway is opened to allow access to the equipment. Finally, the electric meter is required by Baltimore Gas & Electric before they will provide the necessary electrical hookup to power the equipment. For these reasons, Petitioner submits that the use of the CEV and its accessory equipment located above ground on the site should be permitted in Baltimore County as a matter of right.

C & P recognizes a potential concern of the Commissioner regarding those of Petitioner's contentions which might, if granted, relieve the County of all its authority over the installation of future vaults. There would be no such loss of authority were the Commissioner to rule in Petitioner's favor, however, as C & P would still be required to procure the necessary building, grading, construction and other miscellaneous permits which it must presently obtain with respect to its manholes and other equipment located throughout the County. Due to these requirements, all future CEV sites would still be subject to County review and approval before C & P could install any vault, and any problems involving the proposed CEV site would

W. LEE THOMAS, P.A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

be brought to the attention of the parties well before ground was broken for said installations.

The CEV is the most efficient and cost effective method of supplying C & P's customers with uninterrupted telephone service. However, the efficiency of the system is reduced when C & P must delay installation in order to obtain the requisite zoning approval and incur legal fees to effect same. As the Baltimore County Zoning Regulations allow for the installation of the vault without first obtaining a special exception from the Office of Planning and Zoning, Petitioner respectfully requests that the Commissioner so interpret said Regulations and rule that the installation of C & P's controlled environment vault and its accessory equipment is a use permitted as of right.

THE INSTALLATION OF THE CEV ON THE SITE IN QUESTION QUALIFIES FOR THE GRANTING OF A SPECIAL EXCEPTION AND VARIANCE.

The equipment which C & P desires to install on the site in question is identical to that which was the subject of Petition No. 83-149-XA for special exception and variance. On December 15, 1982, the Deputy Zoning Commissioner heard extensive testimony from C & P's representatives regarding all features of the CEV and the effect which the installation would have on the community. Neighboring residents were also given an opportunity to express their views and concerns regarding the installation of the vault. After evaluating all the testimony and exhibits presented during the hearing, Deputy Commissioner Jung granted the Petitioner's request for special exception and variance on February 1, 1983.

Should the Commissioner disagree with Petitioner's contentions and interpretations of the Baltimore County Zoning Regulations as outlined above, then, and in that event,

W. LEE THOMAS, P.A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

Petitioner would request that the Commissioner grant its requests for variance and special exception based on the oral testimony presented in the December 16 hearing as well as the oral and written evidence presented to the Commissioner at the April 14 hearing.

Respectfully submitted

Keith E. Ronald

Keith E. Ronald
Suite 314, 409 Washington Ave.
Towson, Maryland 21204
296-6777
Attorney for Petitioner

Certificate of Service

I hereby certify that a copy of this Memorandum of Law was hand delivered this 14th day of April, 1983 to John W. Hessian III, Esquire, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

Keith E. Ronald

Keith E. Ronald

W. LEE THOMAS, P.A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

c/o

Nicholas B. Commodari
Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

April 1, 1983

Keith E. Ronald, Esquire
409 Washington Avenue
Suite 314
Towson, Maryland 21204

RE: Item No. 151 - Case No. 83-234-XSPHA
Petitioner - Melvin & Ruth Kabik
Special Exception, Special Hearing
and Variance Petitions

Dear Mr. Ronald:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

The special hearing is required in order to determine whether a proposed underground digital electronic communications terminal should be allowed as a matter of right in any zone and as such should be excluded from the minimum lot area regulations as stated in Section 300 of the zoning regulations. The special exception and variances are included in the event that the special hearing is not granted.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari, bc

NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures
cc: KCW Consultants, Inc.
744 Dulaney Valley Court
Towson, Md. 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

March 21, 1983

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #151 (1982-1983)
Property Owner: Melvin & Ruth Kabik
S/WS Reisterstown Rd. 209' N/E from centerline of Mt. Wilson Lane
Acres: 0.022 District: 3rd

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property in connection with item 209 (1980-1981) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 151 (1982-1983).

Very truly yours,

ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

P-NE Key Sheet
34 NW 24 Pos. Sheet
NE 9 F Topo
68 Tax Map

Attachment

June 17, 1981

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #209 (1980-1981)
Property Owner: Estate of Emily G. New
S/WS Reisterstown Rd. 173' S. of Mt. Wilson Lane
Acres: 3.44 District: 3rd

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Reisterstown Road (U.S. 140) and Mt. Wilson Lane (Md. 400) are State Roads; therefore, all improvements, intersections, entrances and drainage requirements as they affect the roads come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

The entrance locations are also subject to approval by the Baltimore County Department of Traffic Engineering.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Drainage studies, storm water management drawings and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

Storm Drains:

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water runoff through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

Item #209 (1980-1981)
Property Owner: Estate of Emily G. New
Page 2
June 17, 1981

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There are public 8, 16 and 36-inch water mains in Reisterstown Road.

Public 8-inch sanitary sewerage exists within Baltimore County utility easements, along the northerly portion of this site, and adjacent to the southerly outline of this property, as indicated on the submitted plan.

The Petitioner is cautioned that no encroachment by construction of any structure, including fences, is permitted within Baltimore County rights-of-way and utility easements. During the course of construction on this property, protection must be afforded by the Contractor for utilities within such rights-of-way and utility easements; any damage sustained would be the full responsibility of the Petitioner.

This property is tributary to the Gwynns Falls Sanitary Sewer System, subject to State Health Department regulations and allocation requirements.

Very truly yours,

(SIGNED) EDWARD A. MCDONOUGH

ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: J. Wimbley, S. Bellestri, J. Markle

P-NE Key Sheet
34 NW 24 Pos. Sheet
NE 9 F Topo
68 Tax Map

Maryland Department of Transportation

Highway Administration

Lowell K. Bridwell
Secretary

M. S. Caltrider
Administrator

MAR 3'83 AM
ZONING DEPARTMENT

February 23, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of Feb. 15, 1983
ITEM: #151.
Property Owner: Melvin & Ruth Kabik
Location: SW/S Reisterstown Road, Route 140, 209' S/E from centerline of Mt. Wilson Lane
Existing Zoning: R.O
Proposed Zoning: Special Hearing to approve (1) a variance from those setback requirements promulgated by the Baltimore County Planning Board pursuant to 504 of the B.C.Z.R. as codified in the Comprehensive Manual of Development Policies. (2) The qualification of the underground digital electronic communications terminal as a minor public utility structure under 306 of the B.C.Z.R. in order to exclude the terminal from the application of those minimum lot area regulations proscribed in the aforesaid regulations and C.M.D.P. (3) The installation and operation of an underground digital electronic communications terminal as a public utility use permitted as of right in all zones. Variance to permit a front yard setback of 15' in lieu of the required 40',

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

Mr. W. Hammond -2- Feb. 23, 1983

sideyard setbacks of 20' and 16' in lieu of the required 20' and a rear yard setback of 3' in lieu of the required 30'. Special Exception for public utility use not permitted as of right (the installation of an underground digital electronic communications terminal).
Acres: 0.022
District: 3rd

Dear Mr. Hammond:

On review of the site plan of January 11, 1983, the State Highway Administration finds the plan generally acceptable.

All work within the State Right of Way must be through permit from the District Utility Engineer, Mr. Robert Nelson @ 321-3466, Brooklandville, Md. 21022.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle
Mr. R. Nelson (w-attachment)

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

March 30, 1983

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Melvin and Ruth Kabik

Location: SW/S Reisterstown Road 209' S/E from centerline of Mt. Wilson Lane

Item No.: 151 Zoning Agenda: Meeting of February 15, 1983

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: [illegible] 3/30/83
Planning Group
Special Inspection Division

Noted and Approved: George W. Morgan 4/1
Fire Prevention Bureau

JK/mb / cm

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3900

TED ZALESKI, JR.
DIRECTOR

March 11, 1983

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond

Comments on Item # 151 Zoning Advisory Committee Meeting February 15, 1983 are as follows:

Property Owner: Melvin and Ruth Kabik
Location: SW/S Reisterstown Rd. 209' S/E from centerline of Mt. Wilson Lane
Existing Zoning: R. O
Proposed Zoning: See reverse side.

Acres: 0.022
District: 3rd

The items checked below are applicable:

X A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

X B. A building/and other miscellaneous permits shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.

X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0 of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0 of lot lines. A firewall is required if construction is on the lot line, See Table 401, line 2, Section 1407 and Table 1402.

F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

I. Comments:

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,

Charles E. Burnham, Chief
Plans Review

CEB:rrj

FORM 01-82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland – 21204

Date: 2/21/83

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: 2/15/83

RE: Item No: 148, 149, 150, 151, 152
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO William E. Hammond
Zoning Commissioner
Norman E. Gerber, Director
FROM Office of Planning and Zoning
Zoning Petition No. 83-234-XSpHA
SUBJECT Melvin Kabik, et al

Date March 23, 1983

In view of the nature of this request, this office offers no comment.

Norman E. Gerber per J. G. Hoswell
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:slc

cc: Arlene January
Shirley Hess

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

April 8, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 150 & (151) -ZAC- February 15, 1983
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 150 and 151.

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/ccm

83-234

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO William E. Hammond, Zoning Commissioner
Office of Planning and Zoning

Date April 27, 1983

FROM Ian J. Forrest

SUBJECT Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

Item #149 - Honolulu Limited
Item #150 - James R. Peak
Item #151 - Melvin & Ruth Kabik - 83-234 4/14
Item #162 - Jonathan & Teresa Marshall
Item #163 - Gilbert & Joyce Goetz
Item #164 - Edwin L. Crawford, et ux
Item #165 - The Vestry of the Church of the Good Shepherd
Item #168 - Thomas F. Early
Item #169 - Joseph E. & Sarah Catherine Poklis
Item #170 - N. Eugene & Mary Ellen Shoemaker
Item #173 - Thomas B. & Florenbelle Grooms
Item #183 - Norbert L. & Regina T. Griffin
Item #186 - Metropolitan Management Co.
Item #187 - Raymond T. & Alice A. Andrews
Item #196 - Harvey F. & Carolyn W. Heggie
Item #197 - Guerdon L. French
Item #200 - Mark S. & Karen A. Bartlett
Item #201 - James P. & Jeanne F. Freeman
Item #202 - Shell Oil Company
Item #206 - Donald E. & Wanda G. Higgs
Item #214 - Thomas A. Keller, et ux
Item #215 - Ambler M. Blick, et al
Item #216 - Grant Owings, et al
Item #218 - Paul Hobbs, et ux
Item #220 - Philip E. Klein, et al
Item #221 - Leonard Stoler

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/fth

Proposed Zoning:

Special Hearing to approve (1) a variance from those setback requirements promulgated by the Baltimore County Planning Board pursuant to 504 of the B.C.Z.R. as codified in the Comprehensive Manual of Development Policies; (2) the qualification of the underground digital electronic communications terminal as a minor public utility structure under 306 of the B.C.Z.R. in order to exclude the terminal from the application of those minimum lot area regulations prescribed in the aforesaid regulations and C.M.D.P.; (3) the installation and operation of an underground digital electronic communications terminal as a public utility use permitted as of right in all zones. Variance to permit a front yard setback of 15' in lieu of the required 40', sideyard setbacks of 20' and 16' in lieu of the required 20' and a rear yard setback of 3' in lieu of the required 30'. Special exception for public utility use not permitted as of right (the installation of an underground digital electronic communications terminal.)

Douglas L. Kennedy, P.E.
John M. Cosaraquis, L.S.
William K. Woody, L.S.

(301) 821-0852
(301) 821-0894

KCW CONSULTANTS INC.
Civil Engineers and Land Surveyors
744 Dulaney Valley Court
Towson, Maryland 21204

DESCRIPTION OF EASEMENT FOR
C&P TELEPHONE FACILITIES
SOUTHWEST SIDE OF REISTERSTOWN ROAD
209 FEET SOUTHEAST OF CENTERLINE
OF MT. WILSON LANE

BEGINNING FOR THE SAME at a point on the Southwest side of Reisterstown Road, as laid out 66 feet wide, said point being situated 209 feet, more or less, measured in the Southeasterly direction along said Southwest side of Reisterstown Road from the centerline of Mt. Wilson Lane; thence running from said point of beginning and binding along the Southwest side of Reisterstown Road South 42 degrees 00 minutes 59 seconds East 28.98 feet; thence leaving Reisterstown Road and running South 47 degrees 59 minutes 01 seconds West 35.00 feet; thence North 42 degrees 00 minutes 59 seconds West 25.00 feet; thence North 39 degrees 45 minutes 49 seconds East 37.08 feet; thence North 47 degrees 10 minutes 15 seconds East 8.20 feet to the place of beginning; containing 959 square feet or 0.022 acres of land more or less. BEING part of the land which by Deed dated February 25, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K. No. 6373, Folio 591, was granted by Hannah May Hagenbucher and James A. Remond, Jr., Co-Personal Representatives of the Estate of Emily G. New, deceased, to Melvin Kabik and Ruth Kabik, his wife, and J M J Associates, A General Partnership.

STATE OF MARYLAND — WILLIAM KENNETH ROOT — No. 10714 — REGISTERED LAND SURVEYOR

William K. Woody
1/11/83

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

July 14, 1983

Keith E. Ronald, Esquire
409 Washington Avenue
Suite 314
Towson, Maryland 21204

RE: Petitions for Special Hearing, Special Exception, and Variances
SW/S of Reisterstown Rd., 209' SE of the center line of Mt. Wilson Lane - 3rd Election District
Melvin Kabik, et al - Petitioners
NO. 83-234-XSPHA (Item No. 151)

Dear Mr. Ronald:

I have this date passed my Orders in the above captioned matter in accordance with the attached.

Very truly yours,

JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/MC

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

March 15, 1983

Keith E. Ronald, Esquire
409 Washington Avenue
Suite 314
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petitions for Special Exception, Special Hearing & Variances
SW/S of Reisterstown Road, 209' SE of the c/l of Mt. Wilson La.
Melvin Kabik, et al - Petitioners
Case No. 83-234-XSPHA

TIME: **10:30 A.M.**

DATE: **Thursday, April 14, 1983**

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

...NG COMMISSIONER OF
...IMORE COUNTY

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 112385

DATE 2/2/83 ACCOUNT R-01-615-000

AMOUNT 25.00

RECEIVED FROM W. Lee Thomas, Esquire
FOR Filing Fee for Item 151
Kabik + JMJ Assoc

B 055*****2500001D 0028A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

March 31, 1983

Keith E. Ronald, Esquire
409 Washington Avenue
Suite 314
Towson, Maryland 21204

Re: Petitions for Spec. Exception, Spec. Hearing & Variances
SW/S Reisterstown Rd., 209' SE of the c/l of Mt. Wilson Lane
Melvin Kabik, et al - Petitioners
Case No. 83-234-XSPHA

Dear Mr. Ronald:

This is to advise you that **$123.25** is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 117325

DATE 4-11-83 ACCOUNT R-01-615-000

AMOUNT $123.25

RECEIVED FROM W. Lee Thomas, Esquire
FOR Advertising & Posting Exp. #83-234-XSPHA (Melvin Kabik, et al.)

B 047*****1232510 0148A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES

3rd Election District

ZONING: Petition for Special Exception, Special Hearing and Variances

LOCATION: Southwest side of Reisterstown Road, 209 ft. Southeast of the centerline of Mt. Wilson Lane

DATE & TIME: Thursday, April 14, 1983 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a public utility use not permitted as of right (the installation of an underground digital electronic communications terminal); Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve (1) a variance from those setback requirements promulgated by the Baltimore County Planning Board pursuant to Section 504 of the Baltimore County Zoning Regulations as codified in the Comprehensive Manual of Development Policies (2) The qualification of the underground digital electronic communications terminal as a minor public utility structure under Section 306 of the Baltimore County Zoning Regulations in order to exclude the terminal from the application of those minimum lot area regulations proscribed in the aforesaid Regulations and C.M.D.P. (3) The installation and operation of an underground digital electronic communications terminal as a public utility use permitted as of right in all zones; and Variances to permit a front yard setback of 15 ft. instead of the required 40 ft., side yard setbacks of 2 ft. and 16 ft. in lieu of the required 20 ft. and a rear yard setback of 3 ft. in lieu of the required 30 ft.

The Zoning Regulations to be excepted as follows:
Section 203.4 (1B02.2B (V.B. 2 of C.M.D.P.) - front, side and rear yard setbacks for uses other than dwellings in R-O zone

All that parcel of land in the Third District of Baltimore County

Being the property of Melvin Kabik, et al, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, April 14, 1983 at 10:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Keith E. Ronald, Esquire
409 Washington Ave
Suite 314
Towson, Md. 21204

KCW Consultants, Inc.
744 Dulaney Valley Court
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this **15th** day of **February**, 1983.

WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner **Melvin Kabik, et ux**
Petitioner's Attorney **Keith E. Ronald, Esq.** Reviewed by
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

83-234-XSPHA

District 3rd Date of Posting 3-24-83
Posted for: Special Exception - Special Hearing and Variances
Petitioner: Melvin Kabik et al
Location of property: S/W/S of Reisterstown Road, 209' SE of the Centerline of Mt Wilson Lane
Location of Signs: S W side of Reisterstown Road, approx 220' SE of the Centerline of Mt Wilson Lane
Remarks:
Posted by [signature] Signature Date of return: 3-31-83
Number of Signs: 5

PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES
3rd Election District

ZONING: Petition for Special Exception, Special Hearing and Variances
LOCATION: Southwest side of Reisterstown Road, 209 ft. Southeast of the centerline of Mt. Wilson Lane
DATE & TIME: Thursday, April 14, 1983 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a public utility use not permitted as of right (the installation of an underground digital electronic communications terminal); Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve (1) a variance from those setback requirements promulgated by the Baltimore County Planning Board pursuant to Section 504 of the Baltimore County Zoning Regulations as codified in the Comprehensive Manual of Development Policies (2). The qualification of the underground digital electronic communications terminal as a minor public utility structure under Section 306 of the Baltimore County Zoning Regulations in order to exclude the terminal from the application of those minimum lot area regulations prescribed in the aforesaid Regulations and C.M.D.P. (3) The installation and operation of an underground digital electronic communications terminal as a public utility use permitted as of right in all zones; and Variances to permit a front yard setback of 15 ft. instead of the required 40 ft., side yard setbacks of 2 ft. and 16 ft. in lieu of the required 30 ft. and a rear yard setback of 3 ft. in lieu of the required 30 ft.

The Zoning Regulations to be excepted as follows:
Section 203.4 (1802.2B V.E. 2 C.M.D.P.) — front, side and rear yard setbacks for uses other than dwellings in R-O zone

All that parcel of land in the Third District of Baltimore County

Beginning for the same at a point on the Southwest side of Reisterstown Road, as laid out 66 feet wide, said point being situated 209 feet, more or less, measured in the Southeasterly direction along said Southwest side of Reisterstown Road from the centerline of Mt. Wilson Lane; thence running from said point of beginning and binding along the Southwest side of Reisterstown Road South 42 degrees 00 minutes 59 seconds East 28.98 feet; thence leaving Reisterstown Road South 47 degrees 00 minutes 01 seconds West 25.00 feet; thence North 42 degrees 00 minutes 59 seconds West 28.00 feet; thence North 39 degrees 46 minutes 49 seconds East 27.06 feet; thence North 47 degrees 10 minutes 16 seconds East 8.20 feet to the place of beginning; containing 859 square feet or 0.022 acres of land more or less.

Being part of the land which by Deed dated February 25, 1962 and recorded among the Land Records of Baltimore County in Liber E.H.K. No. 5373, Folio 591, was granted by Hannah May Hagenbucher and James A. Remond, Jr., Co-Personal Representatives of the Estate of Emily G. New, deceased, to Melvin Kabik and Ruth Kabik, his wife, and J M J Associates, A General Partnership.

Being the property of Melvin Kabik, et al, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, April 14, 1983 at 10:30 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

By Order Of
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County

Mar. 24.

83-234-SPHA

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 24, 1983

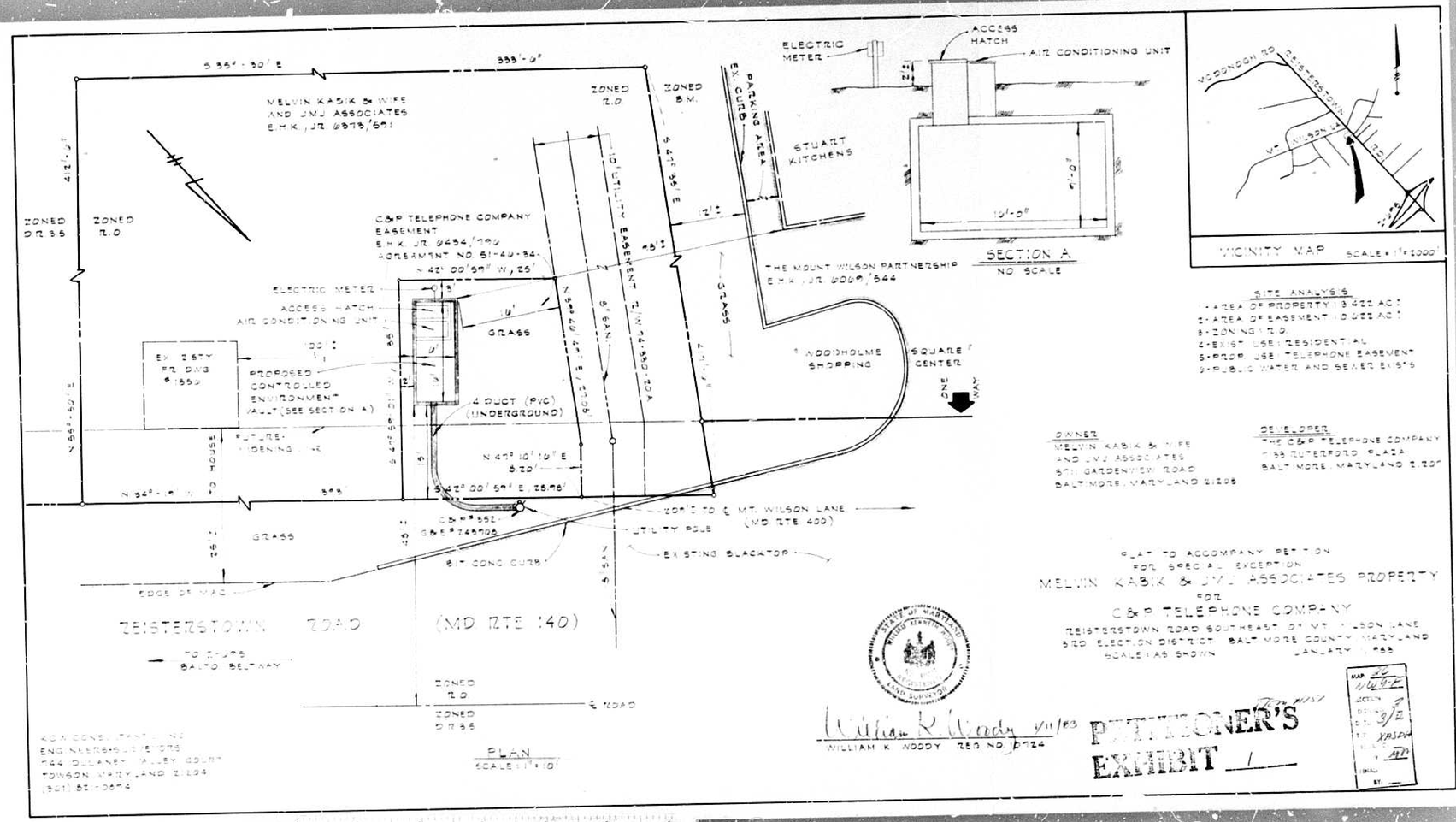
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once in each of one successive weeks~~ before the 14th day of April, 1983, the first publication appearing on the 24th day of March 1983.

THE JEFFERSONIAN,
L. Frank Streeter
Manager.

Cost of Advertisement, $

(3) Rear Towards Rest. Rd — Retest

(2) Rear Rd. West — Retest 2



PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE
3rd Election District

ZONING: Petition for Special Exception, Special Hearing and Variances
LOCATION: Southwest side of Reisterstown Road, 209 ft. Southeast of the centerline of Mt. Wilson Lane
DATE & TIME: Thursday, April 14, 1983 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a public utility use not permitted as of right (the installation of an underground digital electronic communications terminal); Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve (1) a variance from those setback requirements promulgated by the Baltimore County Planning Board pursuant to Section 504 of the Baltimore County Zoning Regulations as codified in the Comprehensive Manual of Development Policies (2) The qualification of the underground digital electronic communications terminal as a minor public utility structure under Section 306 of the Baltimore County Zoning Regulations in order to exclude the terminal from the application of those minimum lot area regulations prescribed in the aforesaid Regulations and C.M.D.P. (3) The installation and operation of an underground digital electronic communications terminal as a public utility use permitted as of right in all zones; and Variances to permit a front yard setback of 15 ft. instead of the required 40 ft., side yard setbacks of 2 ft. and 16 ft. in lieu of the required 20 ft. and a rear yard setback of 3 ft. in lieu of the required 30 ft.

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Section 203.4 (1802.2B V.E. 2 C.M.D.P.) - front, side and rear yard setbacks for uses other than dwellings in R-O zone

All that parcel of land in the Third District of Baltimore County

BEGINNING FOR THE SAME at a point on the Southwest side of Reisterstown Road, as laid out 66 feet wide, said point being situated 209 feet, more or less, measured in the Southeasterly direction along said Southwest side of Reisterstown Road from the centerline of Mt. Wilson Lane; thence running from said point of beginning and binding along the Southwest side of Reisterstown Road South 42 degrees 00 minutes 59 seconds East 28.98 feet; thence leaving Reisterstown Road and running South 47 degrees 00 minutes 01 seconds West 25.00 feet; thence North 42 degrees 00 minutes 59 seconds West 28.00 feet; thence North 39 degrees 46 minutes 49 seconds East 27.06 feet; thence North 47 degrees 10 minutes 16 seconds East 8.20 feet to the place of beginning; containing 859 square feet or 0.022 acres of land more or less.

BEING part of the land which by Deed dated February 25, 1962 and recorded among the Land Records of Baltimore County in Liber E.H.K. No. 5373, Folio 591, was granted by Hannah May Hagenbucher and James A. Remond, Jr., Co-Personal Representatives of the Estate of Emily G. New, deceased, to Melvin Kabik and Ruth Kabik, his wife, and J M J Associates, A General Partnership.

Being the property of Melvin Kabik, et al, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, April 14, 1983 at 10:30 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., Mar. 24 19 83

THIS IS TO CERTIFY that the annexed Req. # 142281 P.O. Order 12831 was published for one (1) successive weeks (days) previous to the 24th day of Mar. 19 83, in the

- [ ] Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland.
- [ ] South Carroll Herald, a weekly newspaper published in Eldersburg, Carroll County, Maryland.
- [x] Community Times, a weekly newspaper published in Reisterstown, Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Per

(1) Rear Rd. West — Retest