

WHITEFORD, TAYLOR & PRESTON L.L.P.

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
FACSIMILE (410) 832-2015

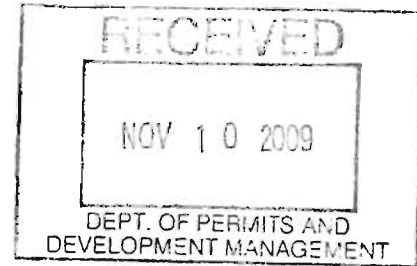
BALTIMORE, MD
COLUMBIA, MD
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

November 10, 2009

Hand Delivery

Timothy M. Kotroco, Esquire
Director,
Baltimore County Permits & Development Management
111 W. Chesapeake Avenue
Towson, MD 21204



Re: BGE Perry Hall Property - 9701 Belair Road
11th Election District; 5th Councilman District
Request for Spirit & Intent Relief

Dear Mr. Kotroco:

This office represents Baltimore Gas & Electric with regard to its property located on the east side of Belair Road south of Forge Road and known as the Perry Hall Service Center and Perry Hall Electric Substation. As you are aware, tremendous growth has been planned and is in the process of occurring in this area. This service center plays an important role in BGE's ability to maintain its equipment and service the surrounding area; and the electric substation plays an important role in BGE's ability to ensure reliable service to the area.

The property comprises 10.31 acres. It is a long and narrow split zoned parcel. The front of the property is improved with three one story buildings and parking, and is zoned BL. The middle portion of the property is zoned BLR and is improved with a one story building and parking. The rear of the property is zoned D.R. 3.5 and is improved with the electric substation.

The property was granted special exception approval in 1961 and approved for use as a public utility gas service distribution center (restricting the depth to 1000' from Belair Road) (Case 5364-X). In 1989, the special exception approval was amended to permit an outdoor electric public utility substation (also located within 1000' from Belair Road) (Case 89-528-SPH). In 2001, you granted a petition for special hearing to approve the nonconforming addition of the vehicle maintenance building now located on the BLR portion of the site (Case 02-085-SPH), as an amendment to the previously granted special exception approvals. In September of 2008, your office approved spirit & intent relief to permit the installation of a fuel island and tank on the property. A copy of all of the above noted zoning history cases are attached hereto. Also attached is a copy of the plan approved in Case 89-528-SPH.

9.12-09

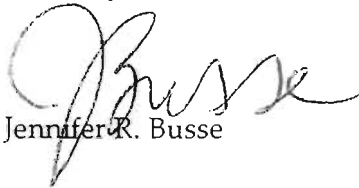
09-297

In order to more efficiently operate its existing Service Center, BGE desires to install a new transformer, some related equipment (such as a circuit breaker and switches) and two firewalls. The proposed transformer and firewalls will be located within the existing substation's fence lines, and therefore within 1000' from Belair Road and the area previously provided special exception approval. Attached hereto, per Joe Merrey's instruction, is a site plan from the 89-528-SPH case, updated to show the location of the now proposed equipment and fire walls. I have attached several photographs of firewalls at other substations which are similar to and will serve the same function as the two firewalls proposed for the Perry Hall Substation.

We respectfully request your agreement that the installation of this equipment falls within the spirit & intent of the previously granted zoning approval. As always, BGE will obtain any required permits.

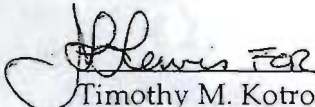
Thank you for your kind consideration of this matter.

Sincerely,


Jennifer R. Busse

Attachments

SPIRIT & INTENT REQUEST APPROVED:

 _____ (AND ^{*}SUBJECT TO)
Timothy M. Kotroco, Esq.
Director, Permits & Development Management

11/13/09
Date

cc: Michael Lookingland
Gregory J. Kappler
Bart Griffin
Joseph M. Bellew, Esquire

* This approval is given with the understanding that the use is accessory to and within the approved Special Exception area in cases 5364-X and 89-528-SPH and 02-085-SPH.

412130

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.

Zoning Ltr. # 09-297 JLL for TK/JCM

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 47870

Date: 1-12-09

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS	Acct	Amount
				Source/	Rev/					
				Obj	Sub Obj					

Total: 50

Rec

From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 47870

Date: 1-12-09

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				Source/	Rev/					
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Total: 50

Rec

From:

For:

DISTRIBUTION

WHITE - CASHIER

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PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 28, 2001

Mr. Michael L. Fowler
Water and natural Resources Unit
Constellation Energy Group
P.O. Box 1475
Baltimore, MD 21203-1475

RE: Spirit and Intent-Zoning Case 89-528-SPH & 5364-X, BGE Perry Hall Service Center, 9701-9703
Belair Road, Perry Hall, MD 21128, 11th Election District

Dear Mr. Fowler:

Your recent letter to Arnold Jablon, Director, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

1. A public utility service center is not a permitted use by right nor by special exception in the BLR zone.
2. The parking configuration has been modified considerably since the site plan was approved in Zoning Case 89-528-SPH.
3. Your submitted site plan indicates that the storage racks and gasoline island no longer exist.
4. The modification requested in that case was specifically for an "outdoor electric substation", not for any other structure or building on the property.

Based on the above, your request does not appear to meet the spirit and intent of the Baltimore County Zoning Regulations (BCZR). To meet the spirit and intent of the BCZR, you will need to file a new petition for Special Hearing (checklist and petition forms enclosed) wherein a public hearing will be held before the Baltimore County Zoning Commissioner. The new petition request must amend the site plans and restrictions in Zoning Case 89-528-SPH & 5364-X.

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.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey Perlow".

Jeffrey Perlow
Planner II
Zoning Review

JNP
Enclosures
c: Zoning Hearing Files 89-528-SPH & 5364-X
File-Spirit and Intent Letters

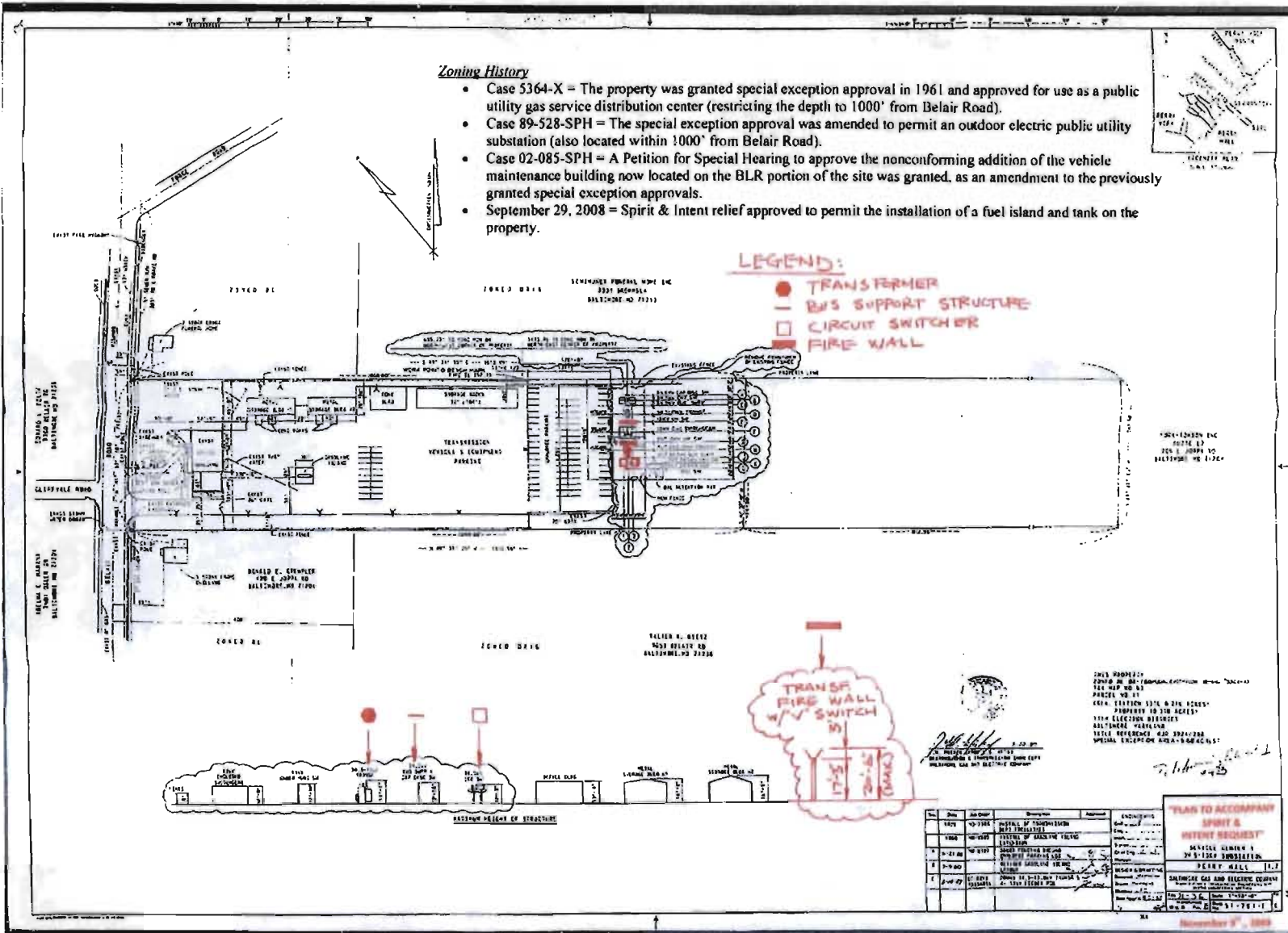


Zoning History

- Case 5364-X = The property was granted special exception approval in 1961 and approved for use as a public utility gas service distribution center (restricting the depth to 1000' from Belair Road).
- Case 89-528-SPH = The special exception approval was amended to permit an outdoor electric public utility substation (also located within 1000' from Belair Road).
- Case 02-085-SPH = A Petition for Special Hearing to approve the nonconforming addition of the vehicle maintenance building now located on the BLR portion of the site was granted, as an amendment to the previously granted special exception approvals.
- September 29, 2008 = Spirit & Intent relief approved to permit the installation of a fuel island and tank on the property.

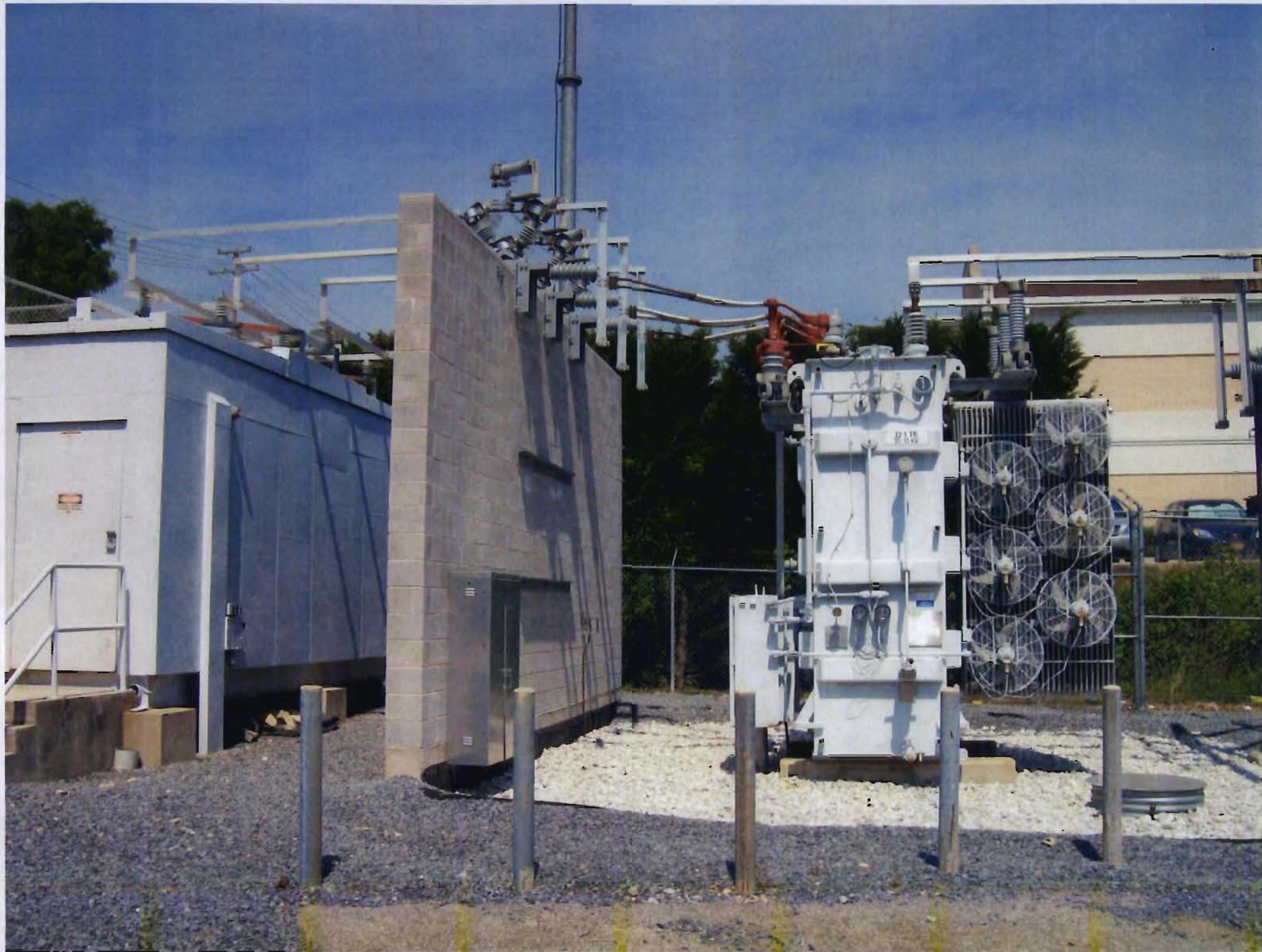
LEGEND:

- TRANSFORMER
- BUS SUPPORT STRUCTURE
- CIRCUIT SWITCHER
- FIRE WALL









BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

RECEIVED
JUN 1 1989
ZONING OFFICE

Case No. 89-528-SPH
Item No. 425

Re: The Petitioner requests a special hearing to amend an existing special exception to permit construction of an outdoor electric public utility service center. In reference to this request, staff offers the following comment:

A landscape plan must be approved prior to the issuance of any building permit.

A:62899.txt Pg.1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 4/1/89

Posted for: Special Hearing

Petitioner: Baltimore Gas & Electric Co.

Location of property: NE/S Belair Rd., 532.5' S of c/l of Forge Rd., 9701-03 Belair Road

Location of Signs: Belair Rd., 532.5' S of c/l of Forge Rd., 9701-03 Belair Road

Remarks: See Petition for details.

Posted by: J. Robert Haines Date of return: 6/1/89

Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

Date: 6/9/89

J. Robert Haines
Zoning Commissioner

Baltimore Gas & Electric Company
P. O. Box 1475
Baltimore, Maryland 21203

ATTN: WILLIAM E. COLBURN, ESQ.

Re: Petition for Special Hearing
CASE NUMBER: 89-528-SPH
NES Belair Road, 532.5 ft. S of c/l of Forge Road
9701-03 Belair Road
11th Election District - 6th Councilmanic
Petitioner(s): Baltimore Gas & Electric Company
HEARING SCHEDULED: THURSDAY, JUNE 29, 1989 at 9:30 a.m.

Gentlemen:

Please be advised that \$95.60 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 304, 210 Allegheny Ave., Baltimore, Maryland 21203, at least 15 minutes before the hearing.

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

DATE: 6/29/89 ACCOUNT: 89-528-SPH

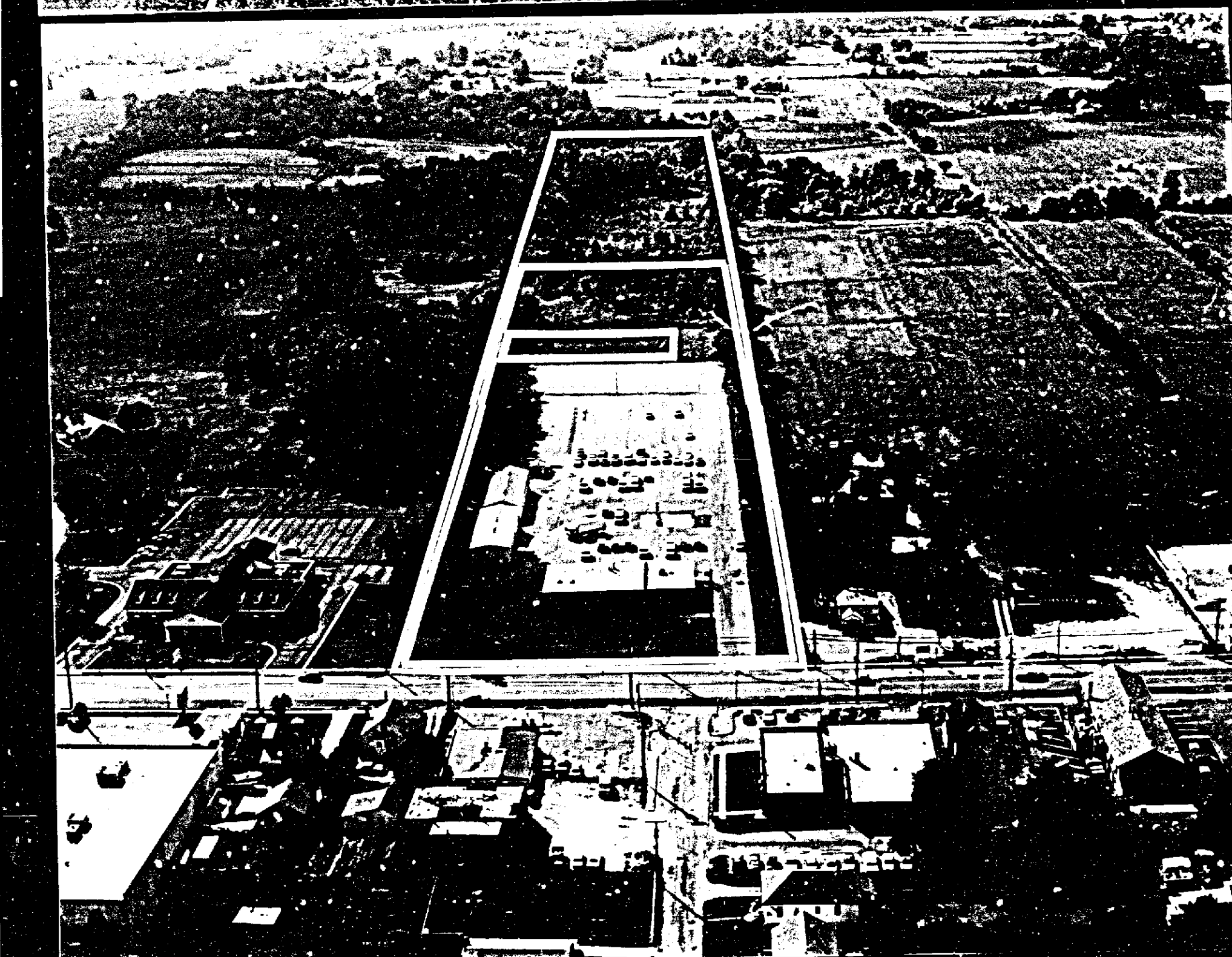
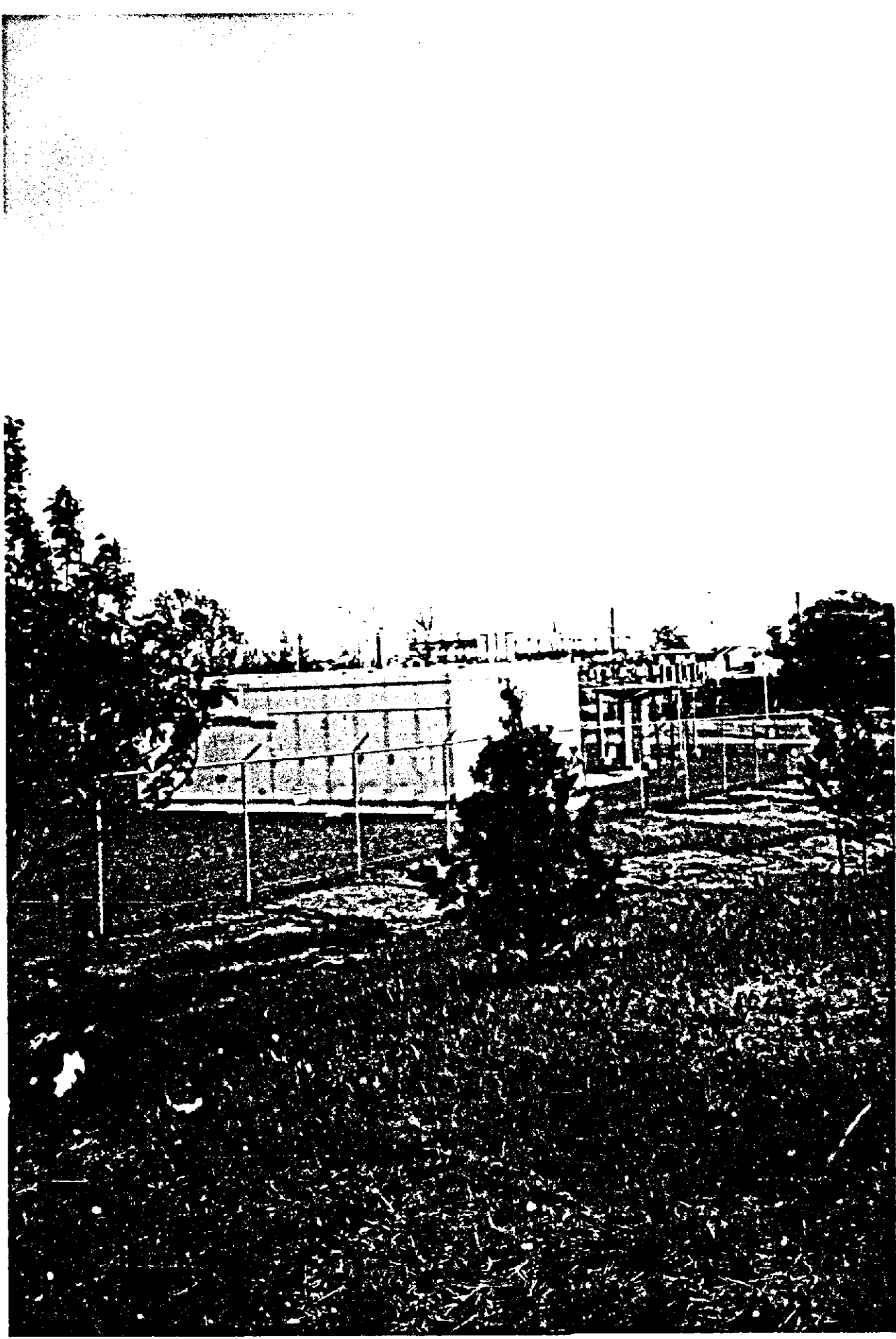
AMOUNT: \$95.60

RECEIVED FROM: Veronica [illegible]

FOR: 11th Election District - 6th Councilmanic District

VALIDATION OR SIGNATURE OF CASHIER

Dennis F. Rasmussen
County Executive



CERTIFICATE OF PUBLICATION

TOWSON, MD., June 1, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 1, 1989.

THE JEFFERSONIAN,

S. Zeke Orman
Publisher

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
NE/S Belair Rd., 532.5' S of c/l of Forge Rd. (9701-03 Belair Rd.) OF BALTIMORE COUNTY
11th Election District;
6th Councilmanic District :
BALTIMORE GAS & ELECTRIC : Case No. 89-528-SPH
COMPANY, Petitioner :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

RECEIVED
MAY 24 1989
ZONING OFFICE

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 23rd day of May, 1989, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204; & William E. Colburn, Esquire, Gas & Electric Bldg., P.O. Box 1475, Baltimore, MD 21203.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

May 18, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

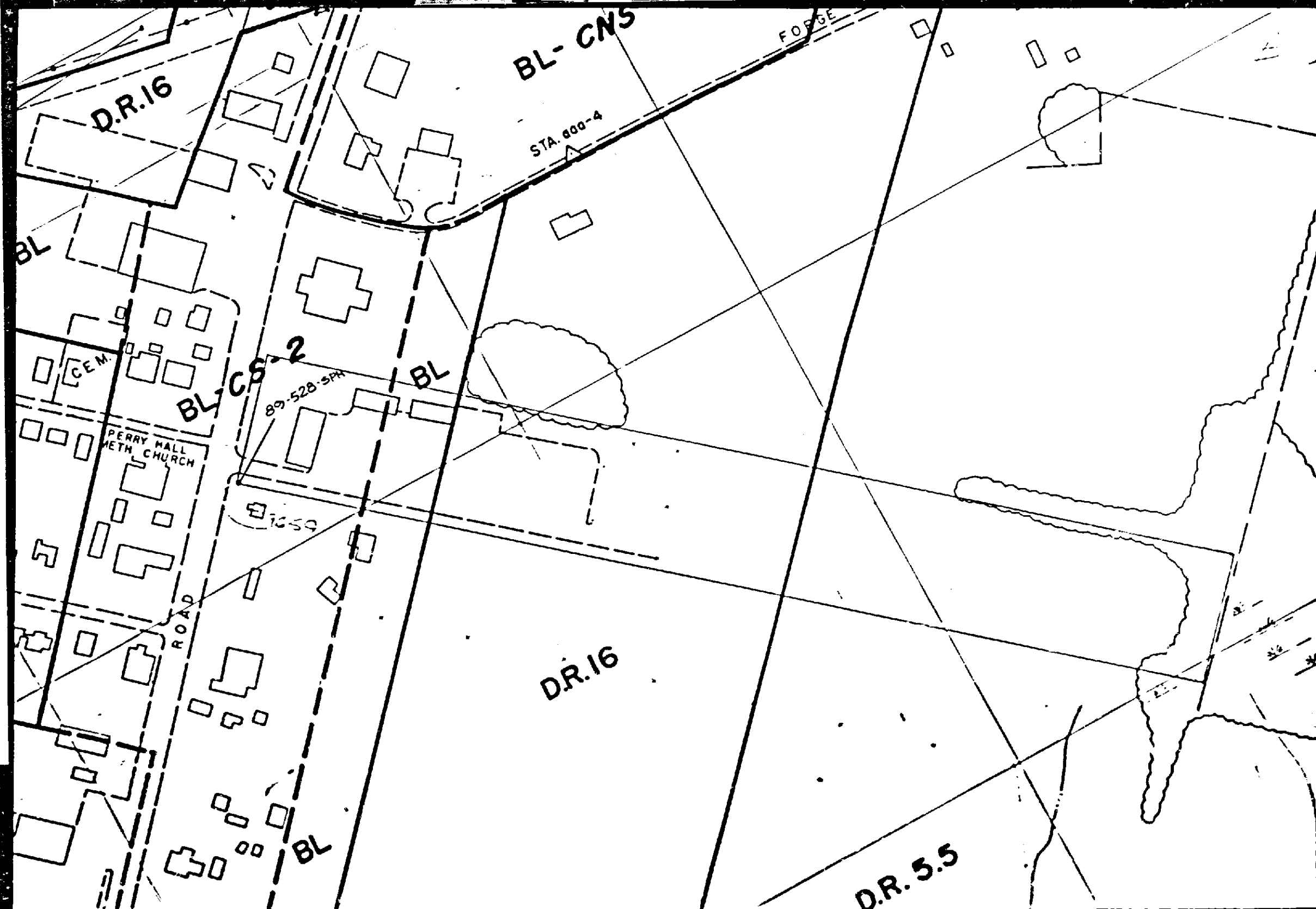
Petition for Special Hearing
CASE NUMBER: 89-528-SPH
NES Belair Road, 532.5 ft. S of c/l of Forge Road
9701-03 Belair Road
11th Election District - 6th Councilmanic
Petitioner(s): Baltimore Gas & Electric Company
HEARING SCHEDULED: THURSDAY, JUNE 29, 1989 at 9:30 a.m.

Special Hearing: An amendment to an existing Special Exception (Case No. 8364-X) to permit the construction of an outdoor electric public utility service center in a DR-16 zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: John B. Howard, Esq.
William E. Colburn, Esq.
File



CERTIFICATE OF PUBLICATION

TOWSON, MD., June 1, 1989

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THE JEFFERSONIAN,

S. Zeke Orman
Publisher

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Petition for Special Hearing
Case Number: 89-528-SPH
NES Belair Road, 532.5 ft. S of c/l of Forge Road
9701-03 Belair Road
11th Election District - 6th Councilmanic
Petitioner(s): Baltimore Gas & Electric Company
HEARING SCHEDULED: THURSDAY, JUNE 29, 1989 at 9:30 a.m.

Special Hearing: An amendment to an existing Special Exception (Case No. 8364-X) to permit the construction of an outdoor electric public utility service center in a DR-16 zone.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

RD 12620
Reg # 89-528-SPH
Case # 89-528-SPH
\$ 78.60

RD 12620
Reg # 89-528-SPH
Case # 89-528-SPH
\$ 78.60

89-528-SH

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
day of , 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: *William E. Colburn* Received by: *Robert W. Bowling*
Petitioner's Attorney: *William E. Colburn* Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for April 25, 1989

The Developers Engineering Division has reviewed
the zoning items for the subject meeting and we have
no comments for Items 424, 426, 427, 428, 429, 430, 431,
432, 435, 437, 439, 440, 441, 442, 443, 444, 445, 447, and
448. Comments are attached for Items 425, 434, 436, 438 and
446.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Encls.

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2386
(301) 887-4500

Paul H. Reinke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

RE: Property Owner: Baltimore Gas and Electric Company

Location: NES Belair Road, 532.5' S. of centerline of Forge Rd.

Item No.: 425 Zoning Agenda: April 25, 1989

Gentlemen:

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

The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Robert W. Bowling* Noted and *Robert W. Bowling*
Planning Group Approved Fire Prevention Bureau
Special Inspection Division

APR 26 1989

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

June 7, 1989

William E. Colburn, Esquire
Gas & Electric Building
P.O. Box 1475
Baltimore, MD 21203

RE: Item No. 425, Case No. 89-528-SPH
Petitioner: Baltimore Gas & Electric
Petition for Special Hearing

Dear Mr. Colburn:

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. Director of
Planning may file a written report with the Zoning Commissioner
with recommendations as to the suitability of the requested
zoning.

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN
COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE
ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. George D. England
Baltimore Gas & Electric Co.
G & E Bldg, P.O. Box 1475
Baltimore, MD 21203

23

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 424,
425, 426, 427, 428, 429, 430, 431, 432, 434, 435, 436, 437, 438, 439, 440,
441, 442, 443, 444, 445, 446, 447, and 448.

Very truly yours,

Michael S. Plantigan
Michael S. Plantigan
Traffic Engineer Assoc. II

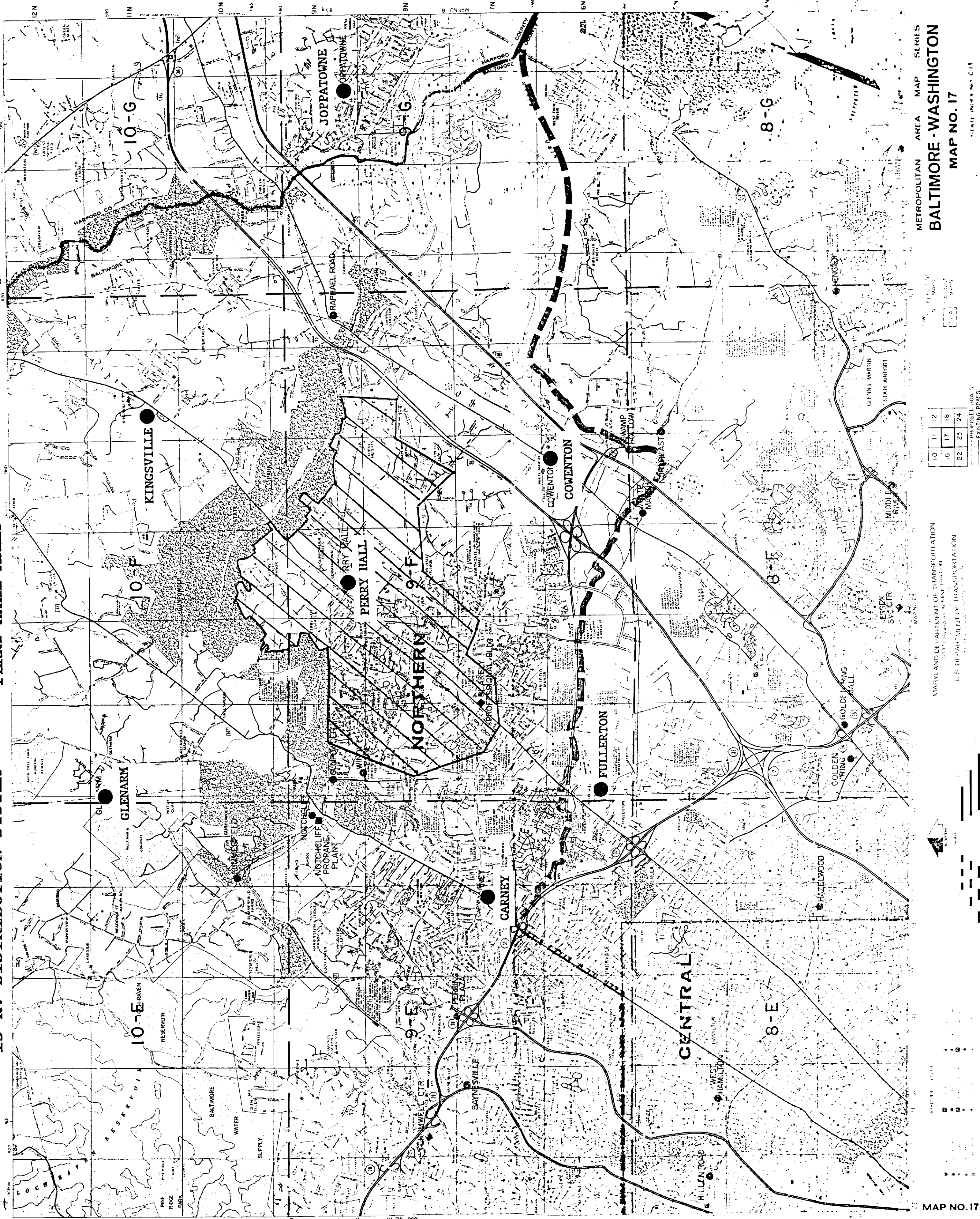
MSF/lab

RECEIVED
APR 29 1989
ZONING OFFICE

1989 WINTER

PERRY HALL AREA

13 KV DISTRIBUTION SYSTEM



METROPOLITAN AREA MAP SERIES
BALTIMORE-WASHINGTON
MAP NO. 17

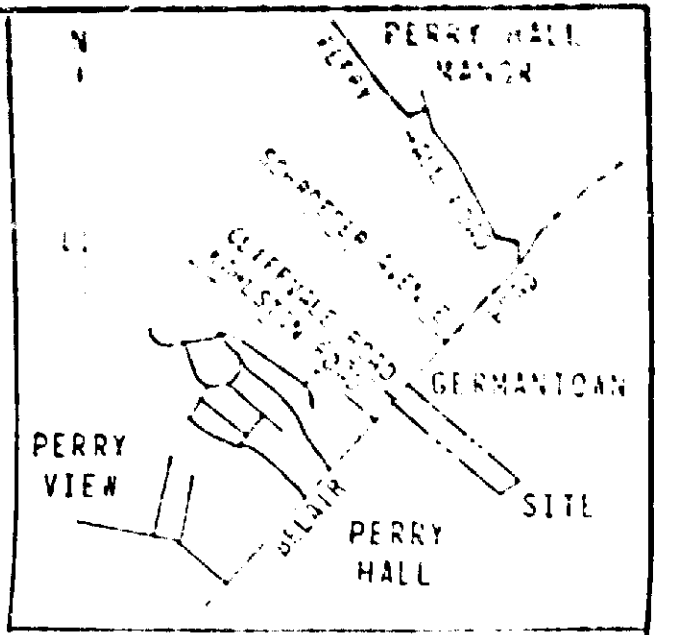
10	11	12
13	14	15
16	17	18
19	20	21
22	23	24

MAINTENANCE OF TRANSPORTATION
U.S. DEPARTMENT OF TRANSPORTATION
U.S. BUREAU OF PUBLIC ROADS

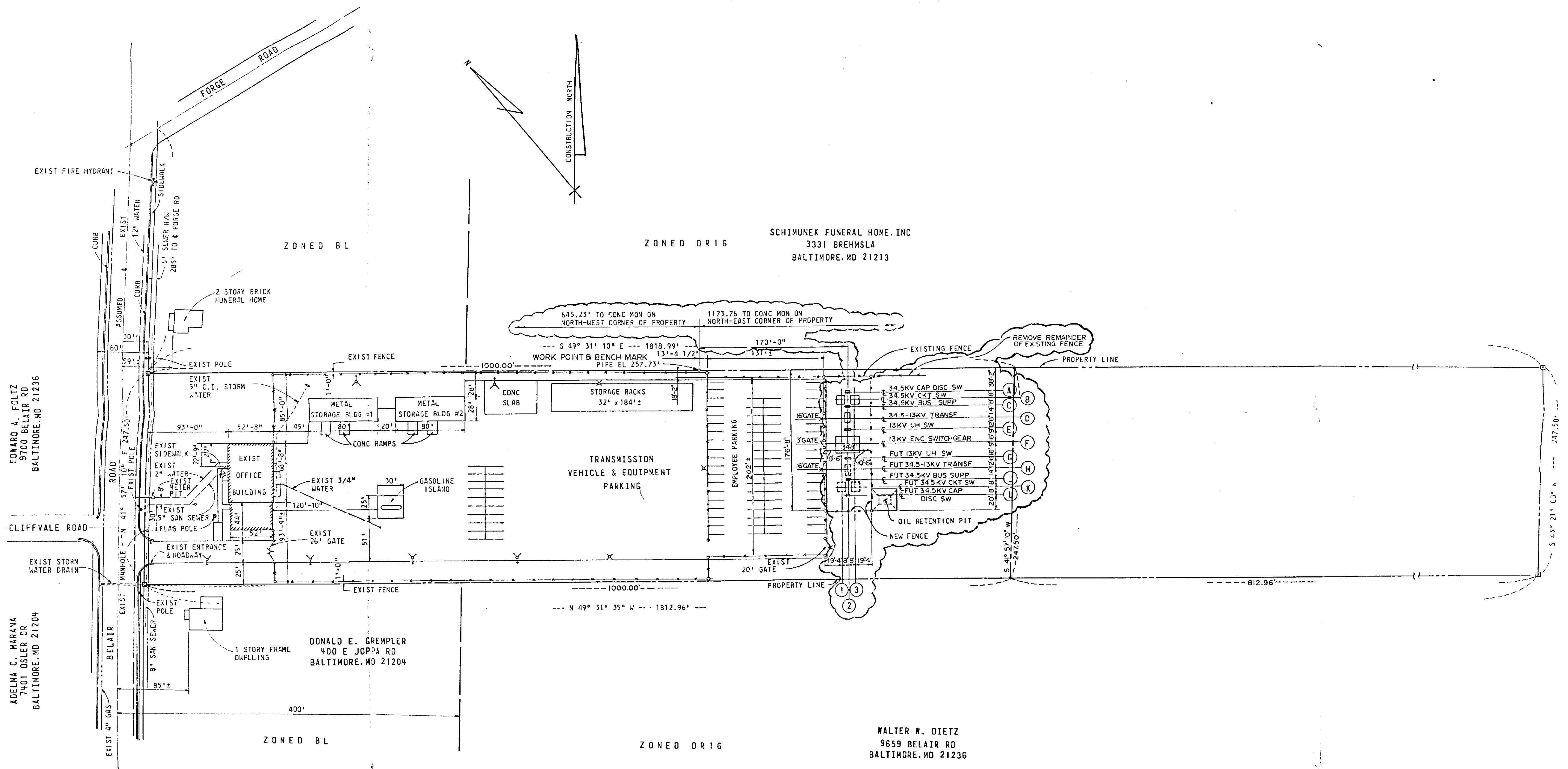
MAP NO. 17

1"=10' 10' 5' 0' 10' 20' 30' 40' 50'

1"=10' 10' 5' 0' 10' 20' 30' 40' 50'



VICINITY PLAN
SCALE: 1"=2000'



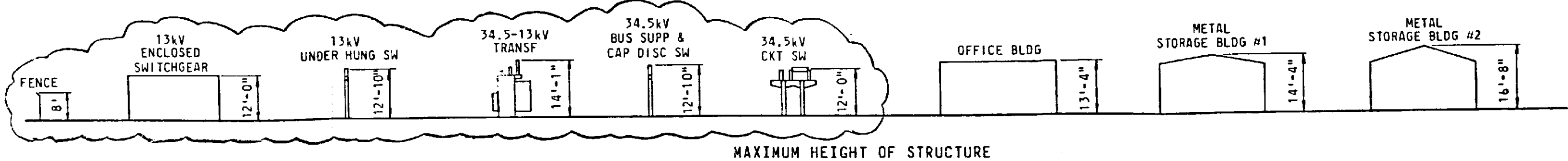
YORK-TOWSON, INC.
SUITE L3
204 E JOPPA RD
BALTIMORE, MD 21204

WALTER W. DIETZ
9659 BELAIR RD
BALTIMORE, MD 21236

DONALD E. GREMPER
400 E JOPPA RD
BALTIMORE, MD 21204

EDWARD A. FOLTZ
9700 BELAIR RD
BALTIMORE, MD 21236

ADELWA C. MARAYA
7401 OSLER DR
BALTIMORE, MD 21204



MAXIMUM HEIGHT OF STRUCTURE

THIS PROPERTY
ZONED BL DR-16(SPECIAL EXCEPTION 10-II-61 *5364-X)
TAX MAP NO. 63
PARCEL NO. 11
AREA: STATION SITE 0.216 ACRES:
PROPERTY 10.310 ACRES:
11TH ELECTION DISTRICT
BALTIMORE, MARYLAND
TITLE REFERENCE: #JR 3924/288
SPECIAL EXCEPTION AREA=5.68 ACRES



3-23-89
W. M. MICKER (PROF. E.S. #1116)
DISTRIBUTION & TRANSMISSION ENGR DEPT
BALTIMORE GAS AND ELECTRIC COMPANY

THIS DRAWING SUPERSEDES
DRAWING OF SAME NUMBER DATED 2-12-62

Rev.	Date	Job Order	Description	Approved	ENGINEERING	DESIGN & DRAFTING	FILE	Scale	1"=50'-0"	Rev.
	1978	MD-7344	INSTALL OF TRANSMISSION DEPT FACILITIES		Civil	Designed	21-36	Scale	1"=50'-0"	
	1980	MD-8585	INSTALL OF GASOLINE ISLAND EXTENSION		Elec.	Drawn				
A	6-27-80	MD-8187	ADDED FENCING AROUND EMPLOYEE PARKING LOT		Mech.	Chief Eng.				
B	7-9-80		REVISED GASOLINE ISLAND LAYOUT		Trans.	Manager				
C	3-10-87	EC-8218 93834036	20MVA 34.5-13.8KV TRANSF. & 4-13KV FEEDER POS							

PLOT PLAN FOR BUILDING PERMIT & ZONING	
SERVICE CENTER & 34.5-13KV SUBSTATION	
PERRY HALL 1,2	
BALTIMORE GAS AND ELECTRIC COMPANY	
File	21-36
Scale	1"=50'-0"
Rev.	51-761-E