

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

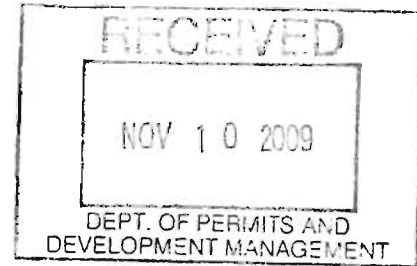
BALTIMORE, MD
COLUMBIA, MD
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

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

orD

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:

Timothy M. Kotroco, Esq.
Director, Permits & Development Management

Date

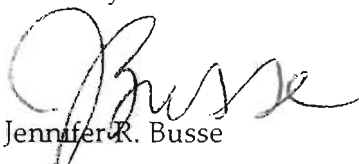
cc: Michael Lookingland
Gregory J. Kappler
Bart Griffin
Joseph M. Bellew, Esquire

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.

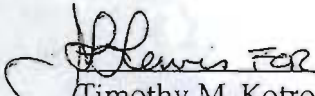
Thank you for your kind consideration of this matter.

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

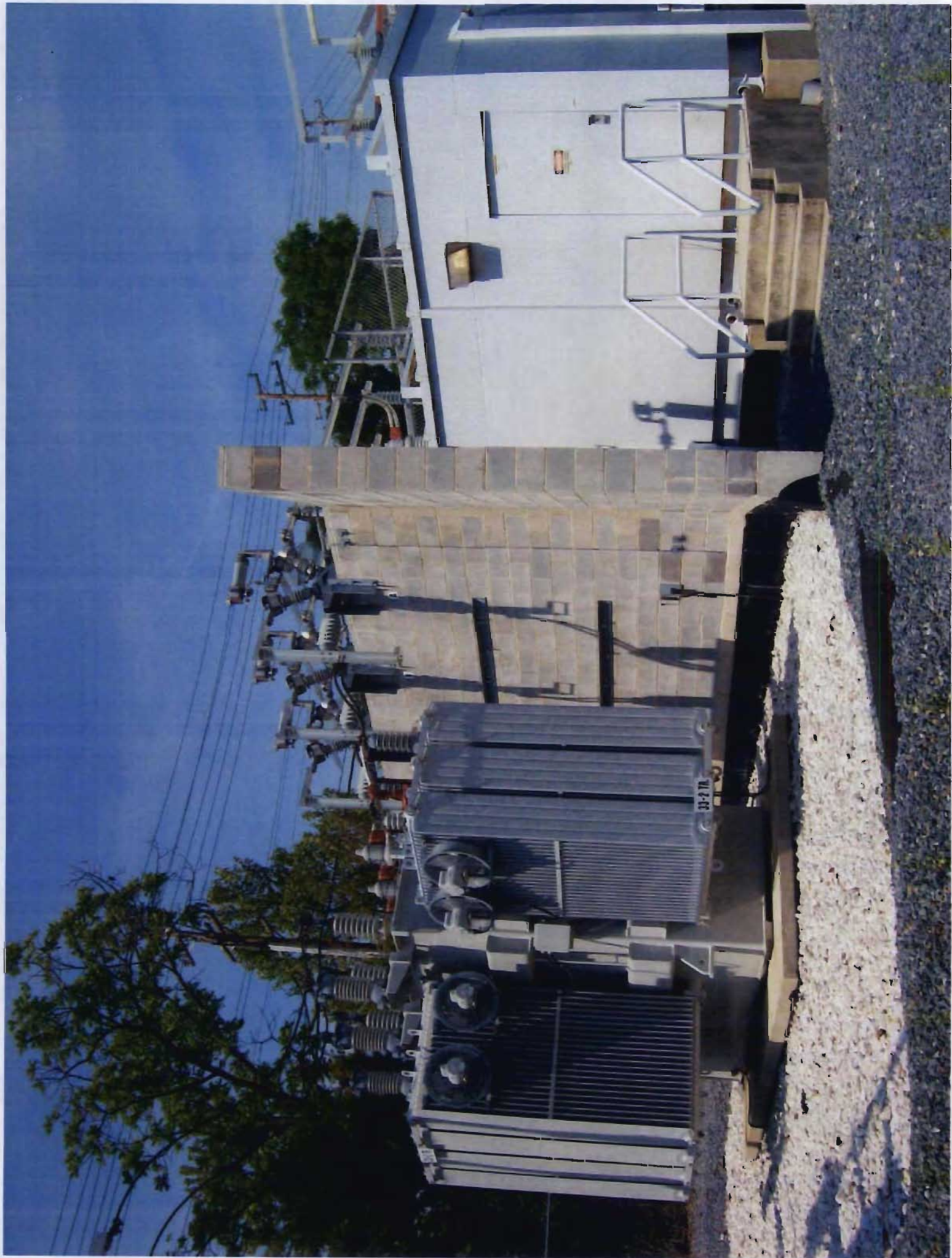
* This approval is given with the understanding that the use is accessory to and within the approved Special Exception area in cases 5364-X and 89-528-SPH and 02-085-SPH.

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.

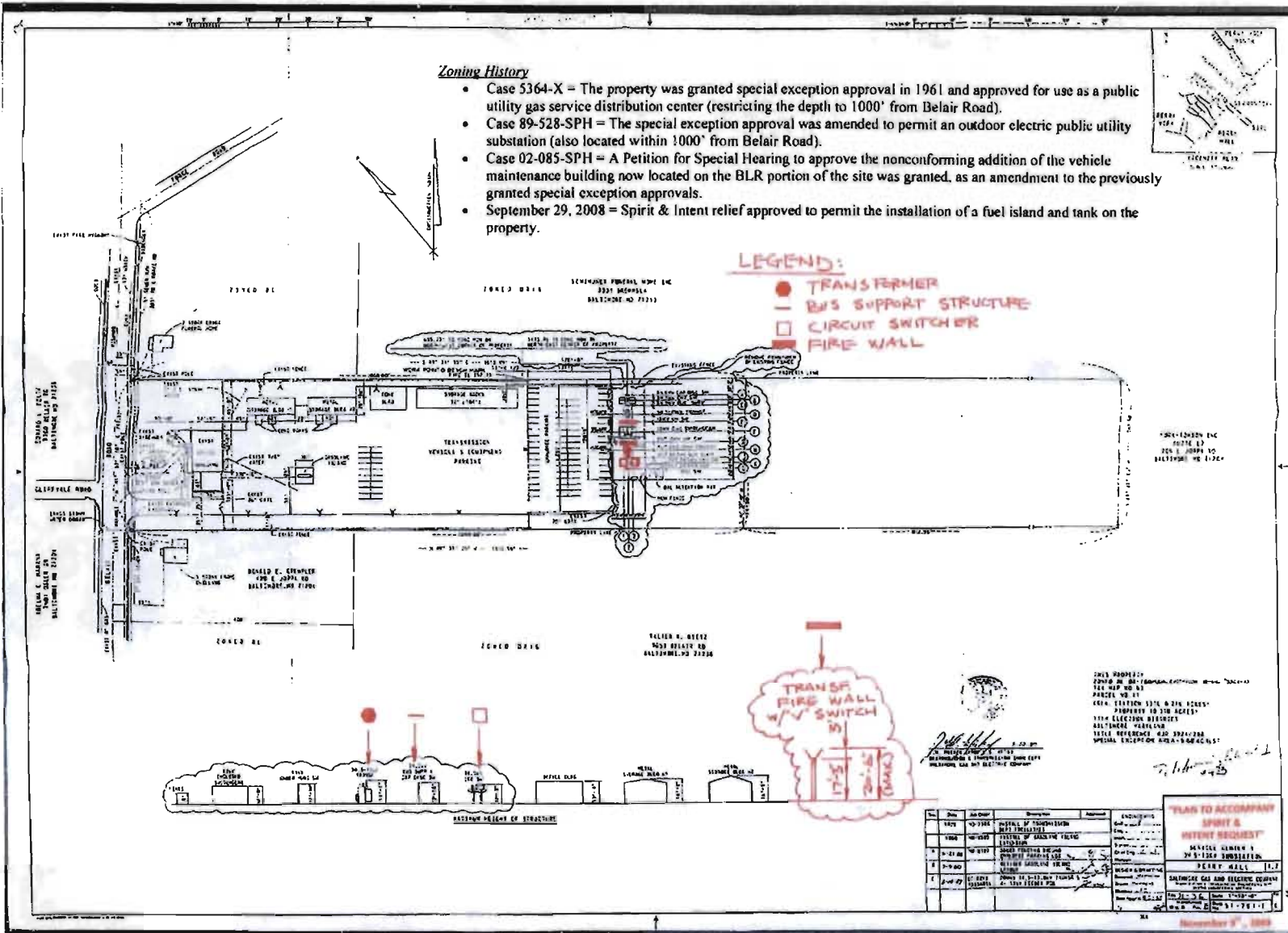
Zoning Ltr. # 09-297 JLL for TK/JCM







- 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.



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

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS	Acct	Amount
				Source/	Rev/					
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Total: 50

Rec

From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

IN RE: PETITION FOR SPECIAL HEARING

SE/S Belair Road, 68' SE
centerline of Cliffvale Road
11th Election District
5th Councilmanic District
(9701-9703 Belair Road)

Baltimore Gas & Electric
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-085-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Baltimore Gas & Electric, by and through their attorney, G. Scott Barhight. The special hearing request involves property located at 9701-9703 Belair Road. The Petitioners are requesting approval for the construction of a vehicle maintenance facility as an amendment to the public utility special exception which was previously granted in Case Nos. 5364-X and 89-528-SPH.

Attending the hearing on behalf of the special hearing request were Joseph Sclafani, appearing on behalf of Baltimore Gas & Electric, Edwin Howe, the professional engineer who prepared the site plan of the property and Jennifer Busse and G. Scott Barhight, attorneys at law, representing the Petitioners. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 10.31 acres, more or less, split-zoned BL, BLR and DR.16. The subject property is located on the south side of Belair Road, opposite its intersection with Cliffvale Road in the Perry Hall area of Baltimore County. The subject property is improved with a one-story office building, 2 separate one-story storage buildings and an associated parking lot. The subject property is occupied by Baltimore Gas & Electric which keeps and maintains its offices, as well as its vehicles and equipment on the property. Approximately in the middle of

ORDER RECALCULATED FOR FILING

Date 10/17/01

By [Signature]

the subject property, on property zoned BLR, Baltimore Gas & Electric has, for many years, stored, maintained and serviced its fleet of vehicles that is used in conjunction with its company. The Petitioners are desirous at this time of constructing a 40 ft. x 48 ft. one-story maintenance facility building wherein the maintenance of such vehicles can occur. At this time, the Petitioners service their vehicles out in the open, which subjects them to inclement weather. They wish to improve the property with this new building so that their mechanics may service, inspect and work on their vehicles indoors. In order to proceed with the construction of this building, the special hearing request is necessary.

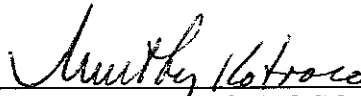
The Petitioners have filed this special hearing request to approve the nonconforming nature of the vehicle maintenance that occurs on the property. In the last zoning cycle, the zoning classification of the property was changed. This particularly affects the area where the maintenance building is proposed to be constructed. Prior to the year 2000, the maintenance, repair and inspection of vehicles was permitted on the property. Therefore, the Petitioners need only show that this type of activity was occurring on the property since prior to the year 2000. The testimony and evidence overwhelmingly supported the fact that the Petitioners have been maintaining and working on their vehicles on the subject property well before the year 2000. Accordingly, the special hearing request shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of October, 2001, that the Petitioners' request for special hearing, to approve the nonconforming addition of a vehicle maintenance facility building as an amendment to the previously approved special exception in Case Nos. 5364-X and 89-528-SPH, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

ORDERED FOR FILING
Date 10/27/01
By [Signature]

1. The building which is proposed to be constructed on the property shall be of similar building materials as the other existing buildings located on this site.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

OFFICE OF THE CLERK
Date 10/17/01
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

October 17, 2001

G. Scott Barhight, Esquire
Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No.: 02-085-SPH
Property: 9701-9703 Belair Road

Dear Mr. Barhight & Ms. Busse:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9701-9703 Belair Road

which is presently zoned BL, BLR & DR16

This Petition shall be filed with the Department of Permits and Development Management. 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 Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the non-conforming addition of a vehicle maintenance facility as an amendment to the Public Utility Special Exception previously approved in Case Nos. 5364-X and 89-528-SPH

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

G. Scott Barhight

Name - Type or Print

Signature

Company

Whiteford, Taylor & Preston L.L.P.

Address 210 W. Penna. Ave.

Telephone No.

Towson

MD

21204

City

State

Zip Code

410-832-2000

Legal Owner(s):

Baltimore Gas & Electric

Name - Type or Print

STEPHEN C ROTH

Signature

Name - Type or Print

Signature

2900 Lord Baltimore Dr.

410 832 2077

Address

Baltimore

MD

Telephone No.

21244

City

State

Zip Code

Representative to be Contacted:

Jennifer R. Busse

Name

Whiteford, Taylor & Preston LLP

210 W. Pennsylvania Ave.

410 832 2077

Address

Towson

MD

21204

City

State

Zip Code

410-832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By CTM

Date 8/28/01

ORDER RECEIVED FOR FILING

Date

By

Case No. 02-085-SPH

220 915198



ENGINEERING
TECHNOLOGIES

Re: Baltimore Gas & Electric Co.

#9701-#9703 Belair Road

KCW Engineering Technologies, Inc.
3104 Timanus Lane, Suite 101
Baltimore, MD 21244

(410) 281-0030
Fax (410) 298-0604
www.KCW-ET.com

William K. Woody
President and CEO

Douglas L. Kennedy
Senior Vice President

J. Peter McDonnell
Vice President

Ronald J. Lind
Associate Vice President

Edwin S. Howe, III
Associate Vice President

Joseph P. Wood
Associate

William C. Usher
Associate

Reginald C. Roberts
Associate

J. Jay Wooldridge
Associate

Zoning Description

Beginning at a point on the Southeasterly side of Belair Road (variable width right-of-way) at the distance of 68 feet Southeast from the centerline intersection of Cliffvale Road and Belair Road thence leaving said point and running with and binding on the Southeasterly right-of-way line of Belair Road:

1. North 41 degrees 57 minutes 10 seconds East 247.50 feet; thence leaving said right-of-way
2. South 49 degrees 31 minutes 10 seconds East 1818.99 feet, thence leaving said right -of-way
3. South 43 degrees 21 minutes West 247.50 feet; thence leaving said right-of-way
4. North 49 degrees 31 minutes 35 seconds West 1812.96 feet; to the place of beginning containing 10.310 Acres of land, more or less.



#085

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

5716

DATE 8/28/01 ACCOUNT R601 006 6150

AMOUNT \$ 250.00

RECEIVED FROM: WHITEFORD, TAYLOR & PRESTON

FOR: 040 SPH

085-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
8/28/2001 8/28/2001 11:22:10

RE: W903 CASHIER R605 LRB DRIVER 3
>> RECEIPT # 204240 OFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 005716

Receipt Tot 250.00
250.00 CR .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-085-SPH

901-9703 Belair Road

SE/SE Belair Road, 68' SE centerline of Cliffride Road

11th Election District - 5th Councilmatic District

Legal Owner(s): Stephen C. Roth BGE

Special Hearing: to approve the non-conforming addition of a vehicle maintenance facility as an amendment to the Public Utility Special Exception previously approved in Case Nos. 5364X and 89-528-SPH.

Hearing: Thursday, October 11, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

IT 9/813 September 25

C496288

CERTIFICATE OF PUBLICATION

9/27/2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/25/2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

[illegible]

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-085-SPH
Petitioner: Baltimore Gas & Electric
Address or Location: see below

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jenn Busse, Esq.
Address: Whiteford, Taylor & Preston
210 W. Pennsylvania Ave.
Telephone Number: 410. 832. 2077

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 25, 2001 Issue – Jeffersonian

Please forward billing to:

Jennifer R. Busse
Whiteford Taylor & Preston
210 W Pennsylvania Avenue
Towson MD 21204

410 832-2000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-085-SPH

901 – 9703 Belair Road

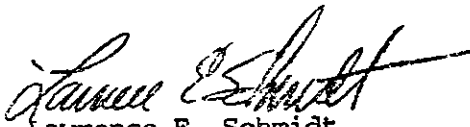
SE/S Belair Road, 68' SE centerline of Cliffvale Road

11th Election District – 5th Councilmanic District

Legal Owner: Stephen C Roth BGE

Special Hearing to approve the non-conforming addition of a vehicle maintenance facility as an amendment to the Public Utility Special Exception previously approved in Case Nos. 5364X and 89-528-SPH.

HEARING: Thursday, October 11, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

September 18, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-085-SPH
901 – 9703 Belair Road
SE/S Belair Road, 68' SE centerline of Cliffvale Road
11th Election District – 5th Councilmanic District
Legal Owner: Stephen C Roth BGE

Special Hearing to approve the non-conforming addition of a vehicle maintenance facility as an amendment to the Public Utility Special Exception previously approved in Case Nos. 5364X and 89-528-SPH.

HEARING: Thursday, October 11, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GJZ
Director

C: G. Scott Barhight, Whiteford Taylor & Preston LLP, 210 W Pennsylvania Ave,
Towson 21204
Jennifer R. Busse, Whiteford Taylor & Preston LLP, 210 W Pennsylvania Ave,
Towson 21204
Stephen C Roth, BGE, 2900 Lord Baltimore Drive, Baltimore 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPTEMBER 26, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE, FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 4, 2001

G. Scott Barhight
Whiteford Taylor & Preston LLP
210 W Pennsylvania Avenue
Towson MD 21204

Dear Mr. Barhight:

RE: Case Number: 02-085-SPH, 9701 – 9703 Belair Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 28, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Stephen C Roth, BGE 2900 Lord Baltimore Drive, Baltimore 21244
Jennifer R Busse, Whiteford Taylor & Preston LLP, 210 W Pennsylvania Ave,
Towson 21204
People's Counsel



Census 2000



For You, For Baltimore County



Census 2000



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: October 16, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 24, 2001
Item Nos. 071, 072, 073, 074, 075, 076,
077, 078, 079, 081, 082, 083, 084, and
085

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

September 19, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF September 17, 2001

Item No.: See Below

Dear Ms. Stephens:

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.

Comment #5 applies to the following item #'s.

073, 074, 078, and 085

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", 1994 edition prior to occupancy.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: 8/28/01

TO: File

FROM: Lloyd T. Moxley

SUBJECT: Case No. 02-085-SPH

At the time of filing for the Petition for the Special Exception the attorney for the applicant discussed the following:

Because this SPH proposes to add to/amend the previous Case 89-528-SPH I requested that the engineer submit as a second exhibit a copy of the site plan filed in that case marked to show the proposed addition and changes.

Sign
10/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: September 20, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SEP 21

SUBJECT: 9701 - 9703 Belair Road

INFORMATION:

Item Number: 02-085

Petitioner: Baltimore Gas & Electric

Zoning: BL, BLR, & DR 16

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a non-conforming addition for a vehicle maintenance facility as an amendment to the Public Utility Special Exception previously approved in Case # 5364X and 89-528SPH.

Prepared by:

Marta A. Cunningham

Section Chief:

Jeffrey W. Z

AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9-19-01

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 085

LTM

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

K.A. Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ink
10/11

RE: PETITION FOR SPECIAL HEARING
9701-9703 Belair Road, SE/S Belair Rd,
68' SE of c/I Cliffvale Rd
11th Election District, 5th Councilmanic

Legal Owner: Baltimore Gas & Electric
Petitioner(s)

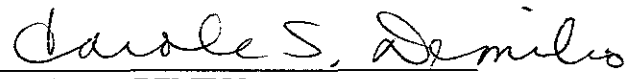
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-85-SPH

* * * * *

ENTRY OF APPEARANCE

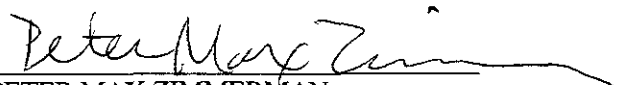
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of October, 2001 a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

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

JENNIFER R. BUSSE

DIRECT NUMBER
410 832-2077
jbusse@wtplaw.com

September 6, 2001

Via Hand Delivery

Arnold Jablon, Director
Department of Permits &
Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

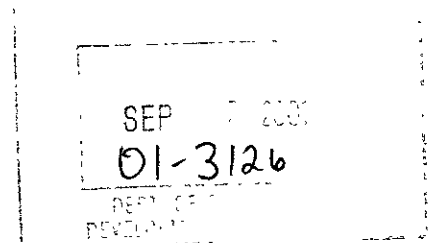
**Re: Zoning Item No. 02-085-SPH
BGE - Perry Hall Service Center at 9701-9703 Belair Road**

Dear Mr. Jablon

Please accept this letter as BGE's request for an expedited hearing in this matter. BGE submitted a request for a spirit and intent letter on June 20, 2001. Mr. Jeff Perlow issued a response through a letter dated June 28, 2001 denying the request for a spirit and intent letter and requesting that BGE proceed through the Special Hearing process.

BGE and the community will both suffer a hardship without obtaining an expedited hearing in this matter. BGE's proposal is to construct a vehicle maintenance facility at the site which currently contains a public utility service center and electric substation. This proposed vehicle maintenance facility will allow for a decrease in the response time for the community at times of power outage. The hardship involved is that BGE is under sever budgeting and timeframe constraints, and needs to complete this project by the end of 2001.

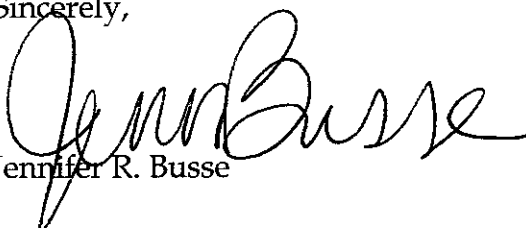
As you are aware, we requested a conditional permit from your office. That request was denied. Any efforts your office can make to assist BGE in obtaining an expedited hearing would be greatly appreciated.



Arnold Jablon, Director
September 6, 2001
Page 2

Please feel free to contact me with any questions or concerns, or should you need any additional information. Thank you for your kind consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer R. Busse". The signature is fluid and cursive, with the first name "Jennifer" and last name "Busse" clearly distinguishable.

Jennifer R. Busse

JRB:sl

cc: Mr. Carl W. Richards, Jr.
Theresa B. Shea, Esquire
Mr. Joe Sclafani
G. Scott Barhight, Esquire

233673

Arnold Jablon - Re: FW: BGE request

From: Arnold Jablon
To: Busse, Jennifer R.
Date: 9/10/01 2:41 PM
Subject: Re: FW: BGE request

i have no problem with trying to expedite the hearing date. I will tell George to get this scheduled within 30 days, depending on how quickly you can get it advertised.

>>> "Busse, Jennifer R." <jbusse@wtplaw.com> 09/10/01 01:00PM >>>

> -----Original Message-----

> From: Busse, Jennifer R.
> Sent: Monday, September 10, 2001 12:46 PM
> To: 'ajablon@ba.co.md.us'
> Subject: BGE request

>

> Hi Arnold - I wanted to see if you had a chance to discuss BGE's request
> for an expedited hearing in Case 02-085-SPH. I dropped off a letter to
> you on Thursday, 9/6/01 about this. Please let me know if you'd like me
> to come see you about this. Thanks!

ARTICLES OF ORGANIZATION

1926 Frederick Road, LLC

The undersigned, being authorized to execute and file these Articles of Organization, pursuant to sections 4A-101(b), et. al., of the Md. Corp. and Assn's Art. Anno (the "Act"), hereby certifies as follows:

FIRST: The name of the limited liability company (hereinafter referred to as the "Company") is 1926 Frederick Road, LLC".

SECOND: The latest date on which the Company is to dissolve is 31 December 2043.

THIRD: The purposes for which the Company is formed are:

(a) including in their entirety but not limited to those in section 4A-203, Act; and

(b) to acquire, hold, own, improve, lease, develop, manage, subdivide, sell and otherwise deal with real property and improvements thereon and other assets and to perform all of those duties related to accomplishing these purposes, as otherwise permitted by the laws of the State of Maryland.

FOURTH: The address of the principal office of the Company in Maryland is Route 40 West, Baltimore National Pike, Baltimore, Maryland 21228

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FOURTH: The address of the principal office of the Company in Maryland is Route 40 West, Baltimore National Pike, Baltimore, Maryland 21228

111 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204

Phone 410 887-3391

facsimile transmittal

To: JENNIFER BUSSE From: GEORGE D ZAINER
Fax: 410 832 2015 Date: 9-18-01
Phone: _____ Pages: 1 + COVER
Re: _____ CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Notes: -

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Jennifer Rose

210 W. Penn Ave 21204

G. Scott Barlight

"

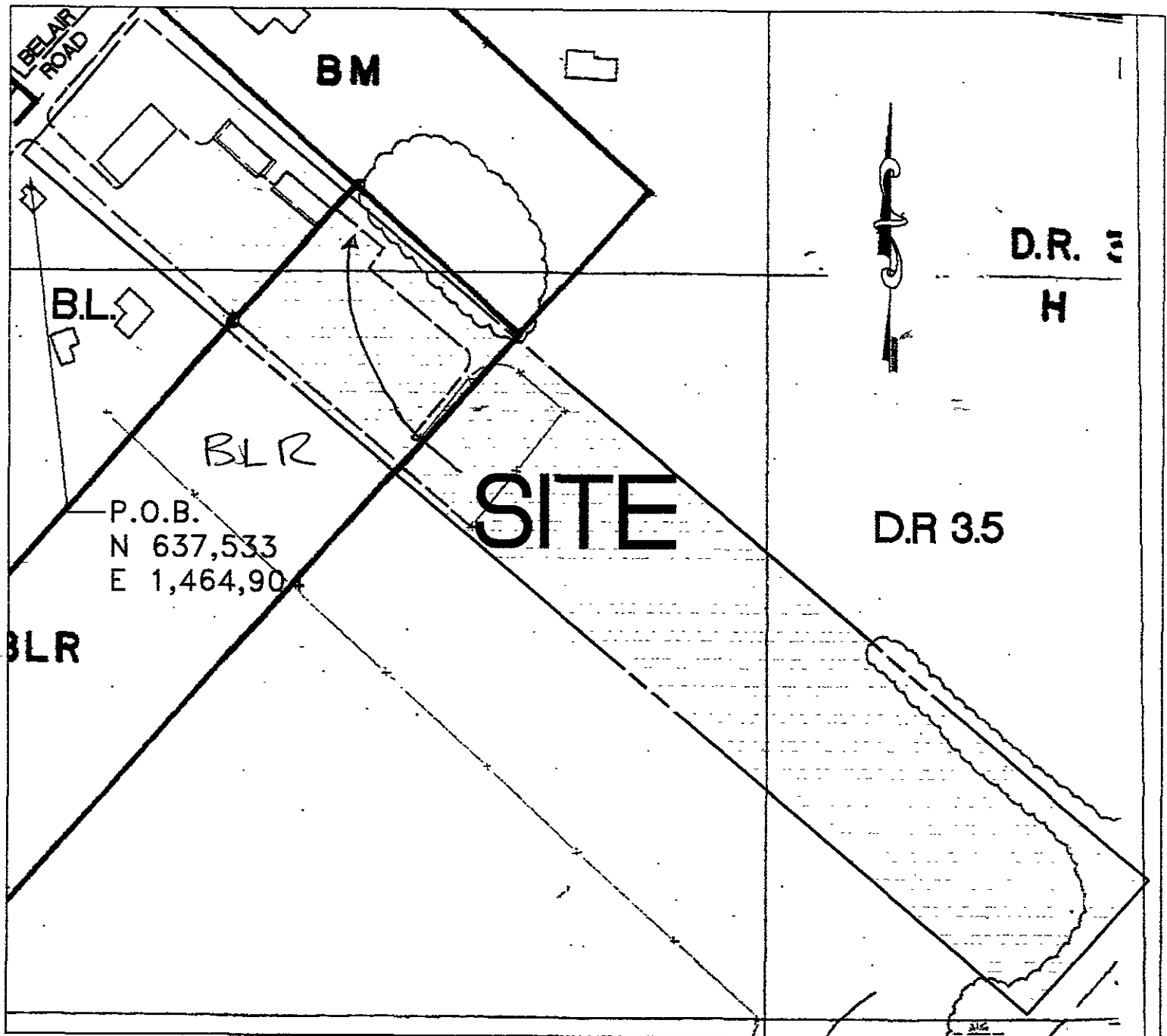
ROSALIND J. SCARANO

3 Stillway Ct. 21030

EDWIN S. HOWE

RCW ENGINEERING & TECHNOLOGIES INC.
3104 TIMANUS CANYE SUITE 101 BALTIMORE MD 21244





BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP NW 11-H (COPY)

#085



KCW Engineering Technologies, Inc.
3104 Timanus Lane, Suite 101
Baltimore, MD 21244
(410) 281-0033
Fax (410) 281-1065
www.KCW-ET.com

NE

PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING

1401 NORTH POINT ROAD

BALTIMORE, MARYLAND
SCALE 1" = 200'

ELECTION DISTRICT - 11
ELECTION DISTRICT - 5

2A



1 Panorama view - North end of site



2 Panorama view - Northeast end of site

2B



3 Panorama view- East end of site



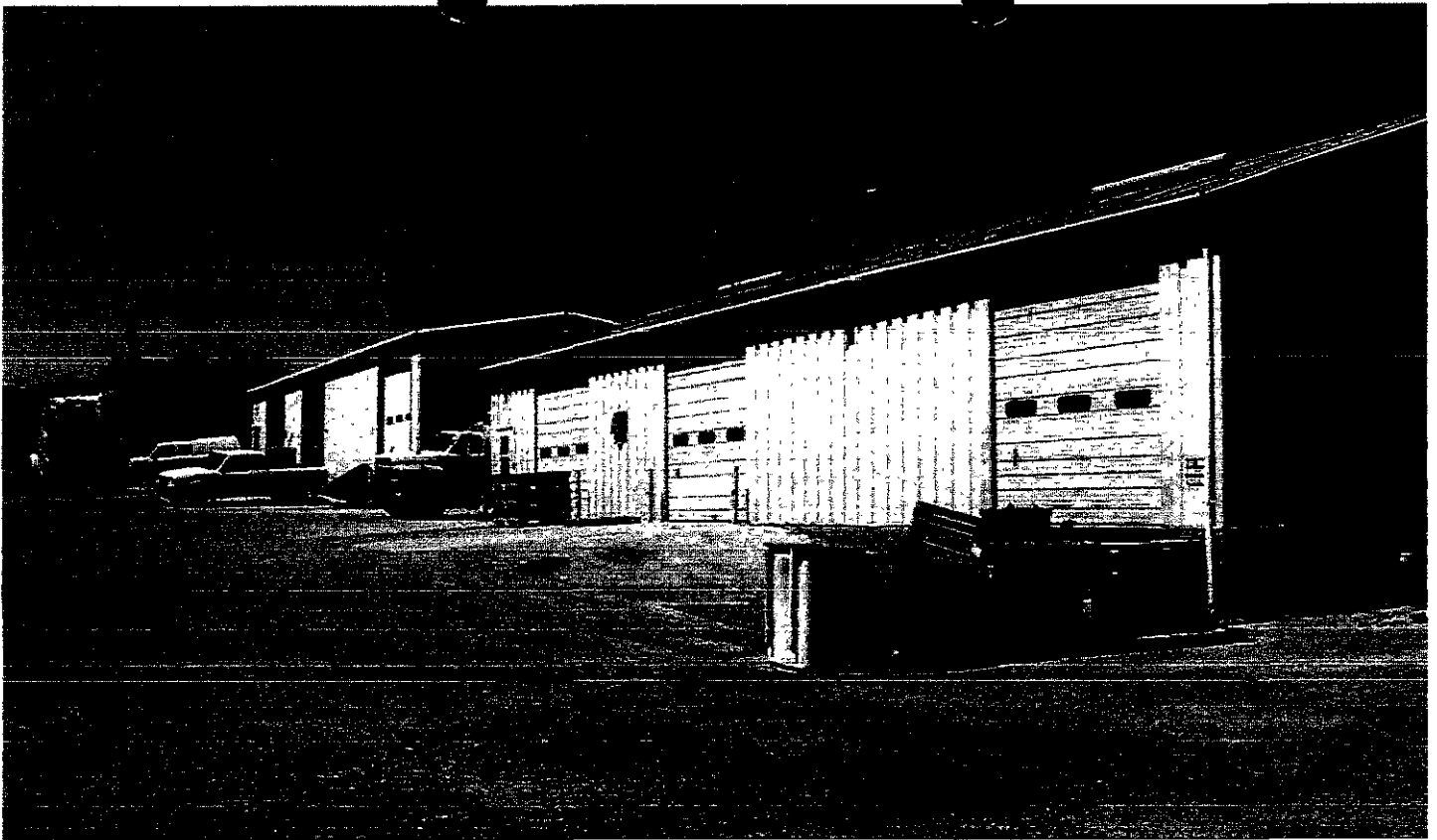
4 Panorama view - East end of site



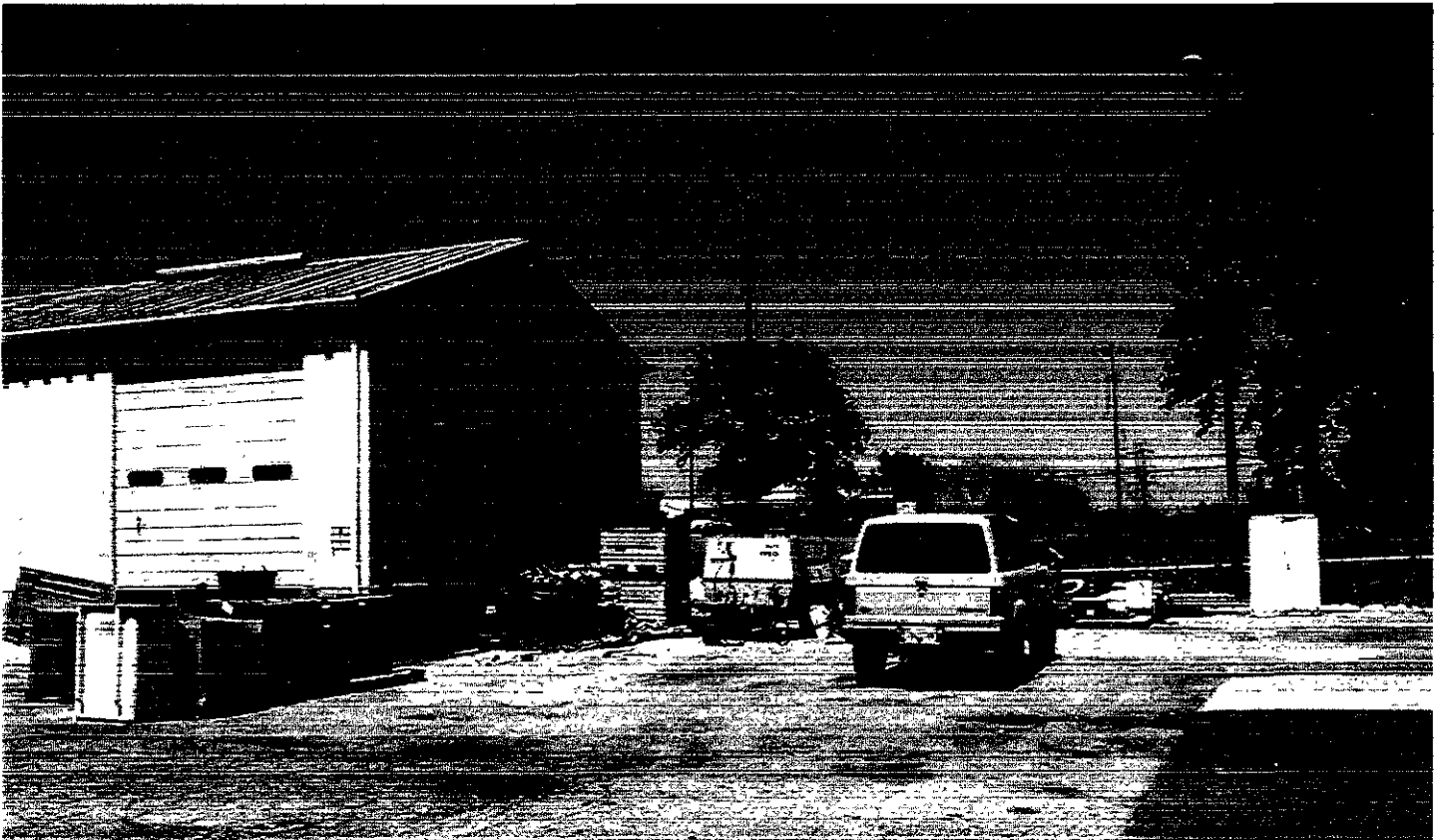
5 Panorama view- Southwest end of site



6 Panorama view - Northwest end of site



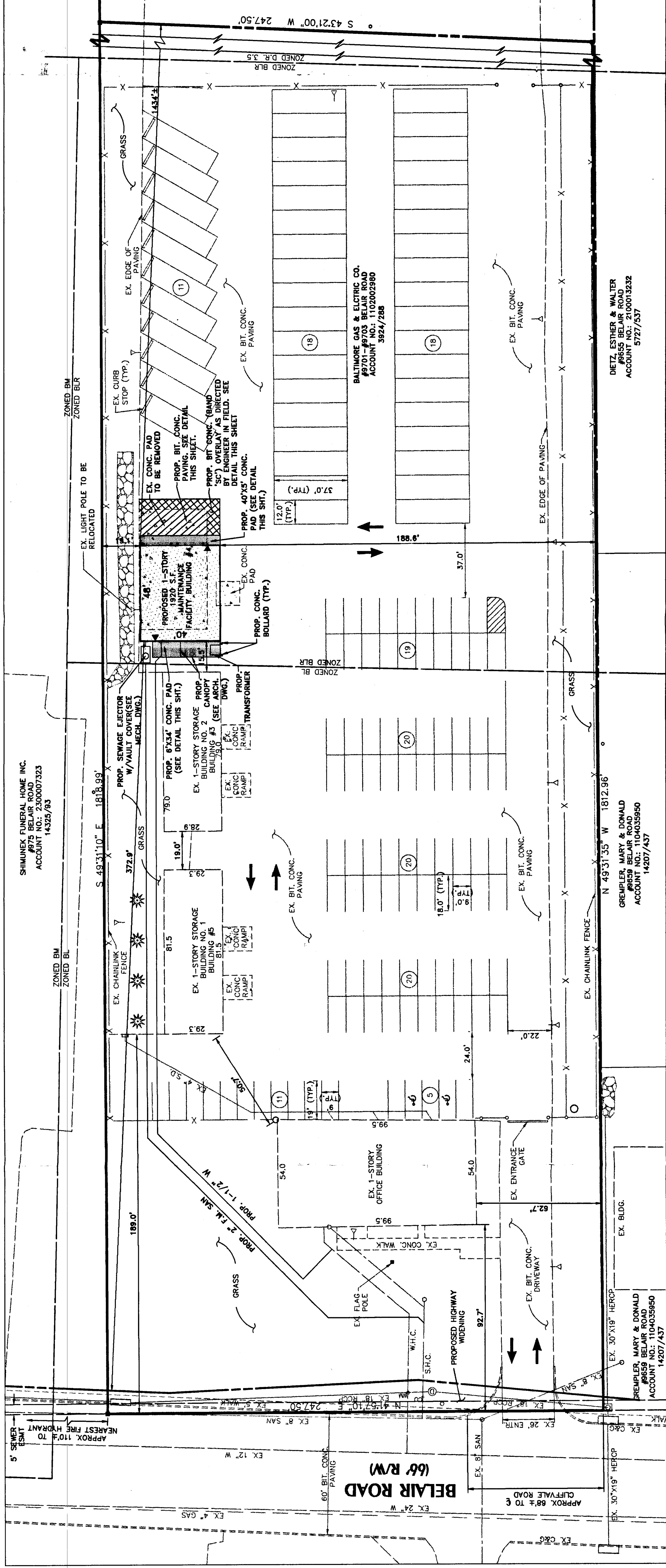
7 View showing existing adjacent Sheds



8 View showing site of proposed building

LEGEND

- BELL ATLANTIC MANHOLE
PIPE BOLLARD
BUSH
COLUMN
CONDUIT/PIPE
CONIFER TREE
DECIDUOUS TREE
DOUBLE INLET
STORM DRAIN MANHOLE
PUBLIC WORKS MANHOLE
ELECTRIC JUNCTION BOX
ELECTRIC MANHOLE
FENCE POST
FIRE HYDRANT
GUY WIRE
GAS VALVE
GAS VENT
HAND BOX
- LIGHT POLE
LITE SPAN CABINET
MAIL BOX
OIL WELL
TELEPHONE PEDESTAL
TELEPHONE BOOTH
SANITARY CLEAN OUT
SIGN
SINGLE INLET
SANITARY SEWER MANHOLE
TRAFFIC POLE
OTF
TELEPHONE CONTROL JUNCTION BOX
TELEPHONE MANHOLE
UNKNOWN MANHOLE
UTILITY POLE
WATER/MONITORING WELL
WATER METER
WATER VALVE



GENERAL NOTES

- OWNER / DEVELOPER: Baltimore Gas & Electric Co.
P.O. Box 1475
Baltimore, Maryland 21203-1475
ATTN: BOB GORDON
- PROPERTY LOCATION: #9701-#9703 Belair Road
Belair, Maryland 21206
- DEED: 3924/288
ACCOUNT NO.: 1102002980
AREA: 10.31 AC.
TAX MAP: 446.305 S.F.
ELECTION DISTRICT: 11 E-3
COUNCILMANIC DISTRICT: 5
- ZONING: BL & BLR (Per 1" = 600' Zoning Map NE 11H).
BL NET AREA: 91,886 S.F. BLR NET AREA: 74,361 S.F. D.R. 3.5 NET AREA: 283,048 S.F.
BL GROSS AREA: 98,350 S.F. BLR GROSS AREA: 74,361 S.F. D.R. 3.5 NET AREA: 283,048 S.F.
- EXISTING LAND USE: Maintenance and storage facility for BGE vehicles for BGE fleet.
- PROPOSED LAND USE: Addition of a 1920 s.f. building with 2 bays to be used for BGE fleet.
- There are no known historic buildings, archaeological sites, endangered species habitats, or septic systems located on this property. There are no significant views or site features that may affect the development proposal. There are no significant regulated plant or wildlife communities based upon an DNR survey of the property.
- BGE shall apply to exterior walls which face buildings on the same lot where the buildings on the same lot are such that if combined into one structure, the resulting will otherwise comply with the height and area limitations of Section 503.0.
- Actual Area: Bldg. #1 5,295 S.F.
Bldg. #2 2,233 S.F.
Bldg. #3 2,233 S.F.
Bldg. #4 11,681 S.F.
- Allowable Area: (Tabular Area) 8400 S.F. X 150K = 12,600 S.F.
* Use Group S-1
- BUILDING SETBACKS
REQUIRED
FRONT: 25'
SIDE: 10'
REAR: 10'
PROPOSED
FRONT: 372.4'
SIDE: 143.4'
REAR: 19.2'
- OFFICE SPACE REQUIREMENTS: 3.3 P.S. PER 1000 S.F. = 3.3 X (5295/1000) = 18 P.S.
TOTAL EMPLOYEES = 15 P.S.
MAINTENANCE FACILITY REQUIREMENTS: 1 P.S. PER EMPLOYEE X 15 P.S. = 15 P.S.
TOTAL EXISTING P.S. = 142 P.S.
- FLOOR AREA RATIO: 11681/43305 S.F. = 0.03 < 0.33 MAXIMUM
- PREVIOUS COMMERCIAL PERMITS: NONE KNOWN
- PREVIOUS SPECIAL EXCEPTIONS:
#5364X: SPECIAL EXCEPTION FOR PUBLIC UTILITY GAS SERVICE DISTRIBUTION CENTER W/IN 1000' (1/6)
#8528SPH: AMENDMENT TO SPECIAL EXCEPTION FROM 5364X TO ALLOW SUBSTATION W/IN 1000'.

ZONING RELIEF REQUESTED:
PETITION FOR SPECIAL HEARING TO APPROVE THE NON-CONFORMING ADDITION OF A VEHICLE MAINTENANCE FACILITY AS AN AMENDMENT TO THE PUBLIC UTILITY SPECIAL EXCEPTION PREVIOUSLY APPROVED IN CASE NOS. 5364-X AND 88-528-SPH.

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING
SITE DEVELOPMENT PLAN

BGE MAINTENANCE FACILITY
#9701 - #9703
BELAIR ROAD
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT - 11
COUNCILMANIC DISTRICT 5
SCALE: 1" = 30'
SHEET 1 OF 1

KCW J.O.: 2010357
SCALE 1" = 30'
DESIGNED: K.M.W.
DRAWN: K.M.W.
CHECKED: N.S.H.
DATE: AUGUST 24, 2001
Dwg: C-1

REVISIONS

DATE DESCRIPTION

DEVELOPER

BALTIMORE GAS & ELECTRIC CO.
P.O. BOX 1475
BALTIMORE, MD. 21203-1475
ATTN: BOB GORDON

LIST OF DRAWINGS

C-1 SITE DEVELOPMENT PLAN

KCW Engineering Technologies, Inc.

3104 Titman Lane, Suite 101
Baltimore, MD 21244
(410) 281-0033
Fax (410) 281-1085
www.KCW-ET.com

