IN RE: PETITION FOR SPECIAL HEARING

E/S Gundrys Lane, W/S Viaduct Avenue,

Approx. 425' N of the c/l Railroad Avenue *

(5161 & 5169 Gundrys Lane)

13th Election District

1st Council District

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 04-017-SPH

Baltimore Gas & Electric Company and Margaret K. Bennett, Owners/Applicants*

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject properties, Margaret K. Bennett (5161 Gundrys Avenue) and Baltimore Gas and Electric Company (BG&E) (5169 Gundrys Avenue), through their attorney, Dino C. LaFiandra, Esquire. The Petitioners request a special hearing to reduce the special exception use area for a "public utility service center and wireless telecommunications tower" to 18.34 acres, more or less, shown on the site plan as "Proposed Tract A." In addition relief is requested to approve the creation of Lot 1 with 16.51 acres, more or less, with associated density; to approve the reconfiguration of the existing lot line between 5161 Gundrys Lane and 5169 Gundrys Lane; to abandon the variance relief granted in prior zoning Case No. 97-265-SPHXA; and to amend the previously approved site plans in Cases Nos. 74-114-CX and 97-265-SPHXA, accordingly. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Margaret Bennett, owner of 5169 Gundrys Lane, and her grandson and granddaughter-in-law, Ron and Tracy Bennett. Also appearing were R. Scott Woodall and Kevin T. Ryan, representatives of Baltimore Gas and Electric Company, owners of 5161 Gundrys Lane, and Dino C. LaFiandra, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

OFFDER RECEWED FOR FILLING
Date

By

Testimony and evidence offered revealed that the instant Petition generally relates to a large tract of land presently owned by BG&E. That property contains 35.18 acres in area, zoned D.R.3.5, and is located with frontage along Gundrys Lane and Viaduct Avenue near that road's intersection with Railroad Avenue in southwestern Baltimore County. The property is located immediately adjacent to the right-of-way for Interstate 95 and the Patapsco Valley State Park, not far from the Baltimore County/Howard County line.

The zoning history of this property is significant. In Case No. 74-114-X, special exception relief was granted for an outdoor electric public utility service center on October 31, 1973. As a result of that relief, the property was developed with an electrical substation, which has existed on the site since the 1970s. The substation is built to approximately 1/3 of its capacity and additional improvements/enlargement are anticipated in the future as development in the area continues. The substation presently serves approximately 3,000 homes in the area.

The second zoning decision of note was in Case No. 97-265-SPHXA. In that case, relief was granted on February 26, 1997 to permit the construction of a 180-foot wireless communications tower, which was constructed in 1997.

Although the primary property impacted by the instant Petition is the 35-acre tract owned by BG&E, the adjacent property owner, Margaret Bennett, also filed the Petition. Ms. Bennett owns property immediately adjacent to the BG&E tract, known as 5169 Gundrys Lane. Her property is improved with a single-family dwelling, which she occupies. It is also to be noted that other members of the Bennett family have owned property in the area and at one time, the subject properties were all part of a larger tract owned by Ms. Bennett's family.

In the instant matter, Ms. Bennett's grandson, Ron Bennett, and his wife, Tracy Bennett, wish to reside in the area. Apparently they approached BG&E regarding the potential acquisition of a portion of the BG&E tract so that they could build a home adjacent to Mr. Bennett's grandmother. Following lengthy negotiations, the parties reached an agreement for the Bennett's acquisition of approximately 16.513 acres of BG&E's holdings. That parcel is shown as Lot 1 on the site plan and the lot line has been drawn so as to respect the location of the existing

electrical substation and planned improvements thereto, as well as the location of the tower. The site plan also shows the proposed house location as well as a septic reserve area. There is no additional subdivision anticipated.

Relief is requested as set forth above due to the proposed subdivision and conveyance of 16.513 acres. The proposed conveyance will reduce the special exception use area for the public utility service area and wireless communications tower to the 18.34 acres to be retained by BG&E. Moreover, relief is requested to approve the creation of Lot 1, which will comprise the 16.513 acres, more or less, to be conveyed to the Bennett's and improved with a single-family dwelling. Third, as part of this conveyance, there is a land swap proposed between BG&E and Margaret Bennett. As shown on the site plan, two triangularly shaped properties will be exchanged between these respective owners. This land swap is made so that a uniform property line will be created and to reflect the topography and conditions in the field. Fourth, the regulations for communications towers have changed since relief was granted for the existing tower in Case No. 97-265-SPHXA. Specifically, the regulations at that time required the tower to be set back twice its height from any tract boundary, which could be as much as 380 feet because the tower is 190 feet tall. The regulations have since been changed to require only a 200-foot setback and the tower has a 200-foot setback so that variance is no longer necessary. The fifth request is to amend the approved plans in the prior cases to be consistent with the instant relief.

Based upon the testimony and evidence presented I am persuaded that the relief requested should be granted. In my judgment, the proposed subdivision and reconfiguration of the property appears appropriate and consistent with the existing use of the property. However, pursuant to the Zoning Plans Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), the well and septic system locations for the proposed dwelling must be approved prior to the issuance of any permits. Moreover, there shall be no further subdivision of the property. The property conveyed to the Bennetts can only be used to support one house, unless there is another public hearing to amend this Petition.

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

October 9, 2003

Dino C. LaFiandra, Esquire Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING

E/S Gundrys Lane, W/S Viaduct Avenue, approx. 425' N of the c/l Railroad Avenue

(5161 & 5169 Gundrys Lane)

13th Election District – 1st Council District

Baltimore Gas & Electric Co. & Margaret Bennett - Petitioners

Case No. 04-017-SPH

Dear Mr. LaFiandra:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. R. Scott Woodall, BGE, 2900 Lord Baltimore Drive, Baltimore, Md. 21244

Mr. Kevin T. Ryan, BGE, 3120 Lord Baltimore Drive, Baltimore, Md. 21244

Ms. Margaret K. Bennett, 5169 Gundrys Lane, Baltimore, Md. 21244

Mr. & Mrs. Ron Bennett, 6974 Lehnox Avenue, Elkridge, Md. 21075

DEPRM; People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info



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OHORR RECEIV

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

5169 and

for the property located at 5161 Gundry Lane

which is presently zoned __DR.3.5

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

PLEASE SEE ATTACHED

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.

Legal Owner(s): Contract Purchaser/Lessee: PLEASE SEE ATTACHED. N/A Name - Type or Print Name - Type or Print Signature Signature Name - Type or Print Telephone No. Address Zip Code Signature City State Attorney For Petitioner: Telephone No. Address G. Scott Barhight, Esquire Dino C. La Fiandra, Esquire Zip Code State City Name - ype or Print Representative to be Contacted: Signature Dino C. La Fiandra, Esquire Whiteford, Taylor & Preston, LLP Name 410-Company 410-210 W. Pennsylvania Ave. 832-2000 210 W. Pennsylvania Ave. 832-2000 #400 Telephone No. Address Telephone No. #400 Address 21204 Maryland 21204 Towson Maryland Towson Zip Code State Zip Code City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING _____ UNAVAILABLE FOR HEARING Reviewed By _ LTU

Petition for Special Hearing

Continuation Sheet

Properties:

5161 & 5169 Gundrys Lane

Owner / Applicant:

Baltimore Gas & Electric Company (as to 5161 Gundrys Lane)

Margaret K. Bennett (as to 5169 Gundrys Lane)

Relief Requested:

1. Reduce the Special Exception use area for "public utility service center" and "wireless telecommunication tower" to 18.34 acres, more or less, reflected on the Plan to Accompany Petition for Special Hearing as "Proposed Tract A".

- 2. Approve the creation of "Lot 1" with 16.51 acres, more or less, with associated density.
- 3. Approve the reconfiguration of the existing lot line between 5161 Gundry Lane and 5169 Gundry Lane, in accordance with the site plan.
- 4. Abandon the variance granted in Zoning Case No. 97-265-SPHXA.
- 5. Amend the approved plans in Zoning Case Nos. 74-114X and 97-265-SPHXA in accordance with the relief granted.

Petition for Special Hearing

Continuation Sheet

Properties:

5161 & 5169 Gundrys Lane

Owner / Applicant:

Baltimore Gas & Electric Company (as to 5161 Gundrys Lane)

Margaret K. Bennett (as to 5169 Gundrys Lane)

Signatures of Legal Owners:

As to 5161 Gundrys Lane:

BALTIMORE GAS & ELECTRIC COMPANY

7152 Windsor Boulevard Baltimore, Maryland 21244

By: Stephen C. Roth

Title: Executive Director, Real Estate & Facilities Services

Phone: (410) 597-6941

As to 5169 Gundrys Lane:

Margaret K Bennett 5169 Gundrys Lane

Baltimore, Maryland 21244

Phone: 410-242-8529

Margaret Ø. Bennett

271676

117



3120 Lord Baltimore Drive Suite 211 Baltimore, Maryland 21244-2662 410 265 9500 410 265 8875 fax www.dewberry.com

Beginning at a point in the centerline of Viaduct Avenue, a Baltimore County maintained road with no established right of way width, at the distance of approximately 425' north of the centerline of Railroad Avenue. Thence the following courses and distances: \$04'29'25"W - 90.00'; \$51'42'25"W - 301.59'; \$71'57'25"W - 49.67'; \$74'42'25"W - 31.33'; \$83'57'25"W - 16.50'; \$N81'28'30"W - 43.67'; \$N67'34'17"W - 50.26'; \$N48'29'17"W - 12.31'; \$N49'44'17"W - 16.18'; \$78'54'11"W - 112.45'; \$S08'06'25"W - 195.15'; \$13'10'25"W - 159.35'; 258.13' along the arc of a 540.14' radius curve; \$N35°59'00"W - 663.00'; \$41.99' along the arc of a 952.02' radius curve; \$N28°43'19"E - 92.69'; \$N58°37'08"E - 126.44'; \$N29°34'28"E - 75.17'; \$N30°20'11"E - 168.24'; \$N30°19'22"E - 150.21'; \$N26°07'27"E - 150.03'; \$N26°48'41"E - 250.01'; \$N27°16'11"E - 26.95'; \$N88°00'48"E - 28.99'; \$63°29'12"E - 360.00'; \$85°29'12"E - 200.00'; \$N86°00'48"E - 249.00'; \$01°03'28"W - 570.27'; \$09°59'42"E - 114.00'; \$19°59'42"E - 160.00'; \$16°46'23"E - 190.77' to the place of beginning as recorded in Deed Liber 5301, folio 696 containing 1,532,613 square feet or 35.184 acre. Also known as 5161 Gundry's Lane and located in the 13th election District of Baltimore County, Maryland.

Date

Thomas M. Yoakum

MD Property Line Surveyor 534

PAO 534 SUP GISTERSUP LINES

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: #04-017-SPH

Case: #04-017-SPH
5161 and 5169 Gundry Lane
W/side Viaduct, N/west corner of Gundry's Lane
13th Election District — 1st Councilmanic District
Legal Owner(s): BGE Company; Stephen Roth, Real Estate & Facilities Services (5161 Gundrys Lane); Margaret
Bennett (5169 Gundry's Lane)

Special Hearing: to reduce the Special Exception use area
for "public utility service center" and "wireless Telecommunication tower" to 1,834 acres, more or less. To approve the creation of "lot 1" with 16.51 acres, more or
less, with associated density. To approve the reconfiguration of the existing lot line between 5161 Gundry Lane and
5169 Gundry Lane, in accordance with the site plan. To 5169 Gundry Lane, in accordance with the site plan. To abandon the variance granted in zoning case no. 97-265-SPHXA. To amend the approved plans in zoning case nos, 74-114-X and 97-265-SPHXA in accordance with the relief granted.

Hearing(s): Monday, September 15, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-

nue.

LAWRENCE E, SCHMIDT

Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing. Contact the Zoning Review Office at (410) 887-3391. C617970 7/395 July 31

CERTIFICATE OF PUBLICATION

| 7/31,2003 |
|--|
| THIS IS TO CERTIFY, that the annexed advertisement was published |
| n the following weekly newspaper published in Baltimore County, Md., |
| once in each ofsuccessive weeks, the first publication appearing |
| on 7/31/,20 <u>03.</u> |
| M colon to constant |
| The Jeffersonian |
| Arbutus Times |
| ☐ Catonsville Times |
| ☐ Towson Times |
| Owings Mills Times |
| □ NE Booster/Reporter |
| ☐ North County News |
| |
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J. WULLINSON LEGAL ADVERTISING

CORRECTED NOTICE OF ZONING HEARING

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| <u> </u> |
|--|
| THIS IS TO CERTIFY, that the annexed advertisement was published |
| in the following weekly newspaper published in Baltimore County, Md., |
| once in each ofsuccessive weeks, the first publication appearing on $828/_{,2003}$. |
| The Jeffersonian |
| Arbutus Times |
| ☐ Catonsville Times |
| ☐ Towson Times |
| Owings Mills Times |
| ☐ NE Booster/Reporter |
| ☐ North County News |
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LEGAL ADVERTISING

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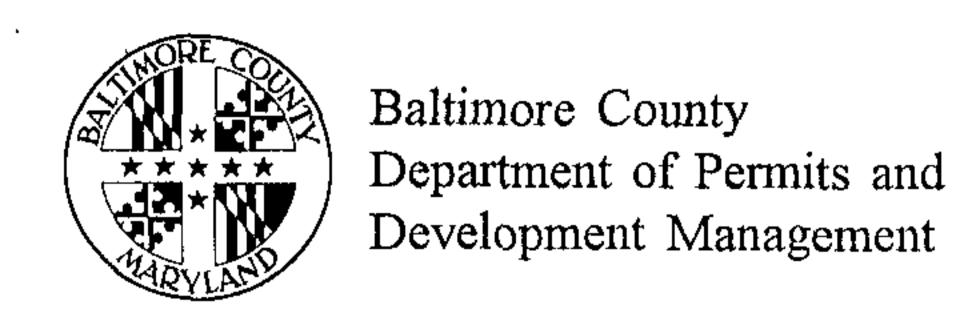
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CERTIFICATE OF POSTING

| | RE: Case No.: 04-017-5PLI |
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| | Petitioner/Developer: |
| | BGE CO % STEPHEN ROTH # |
| | MARCHARET BENLETT |
| | TO PARECULATE SELECTION OF THE PERECENT OF THE |
| | Date of Hearing/Closing: 9/15/03 |
| Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 | |
| Attention: Ms. Becky Hart | |
| Ladies and Gentlemen: | • |
| This letter is to certify under the penalties of pewere posted conspicuously on the property loca | · |
| | |
| W.S. VIADUCT | TVE. @ NWC GUNDAY'S LA. |
| | |
| The sign(s) were posted on | |
| (| Month, Day, Year) |
| CASE # 04-017-SPH | |
| | Sincerely, |
| A PUBLIC III ARRIAG WILL BE HILD BY IN LUWSON MD PLACE POWER COMPANION STORE TO MAKE AND | (Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) 904 DELLWOOD DR. (Address) [Address] (City, State, Zip Code) (410) & 79-3177 |
| | (Telephone Number) |
| 5161 \$ 5169 GUNDRYS LA. N.S. VIABUCT / N.W.C. GUNDRY'S LA. POSTED 8/30/03 Phellal Edill 8/30/03 | |
| the property of the party of th | |



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

Fax: 410-887-5708

July 28, 2003

CORRECTED 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:

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5161 and 5169 Gundry Lane

W/side Viaduct, N/west corner of Gundry's Lane

13th Election District – 1st Councilmanic District

Legal Owners: BGE Company; Stephen Roth, Real Estate & Facilities Services (5161 Gundrys Lane); Margaret Bennett (5169 Gundry's Lane)

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Hearings:

Monday, September 15, 2003, at 11:00 a.m. in Room 407, County Courts Building, 401 Boslov Avenue

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: G. Scott Barhight, Dino LaFiandra, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Ste. 400, Towson 21204

BGE Company, Stephen Roth, Real Estate & Facilities Services, 7152 Windsor Blvd., Baltimore 21244 Margaret Bennett, 5169 Gundrys Lane, Baltimore 21244

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 30, 2003.

- (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.

PATUXENT PUBLISHING COMPANY TO:

Thursday, August 28, 2003 Issue - Jeffersonian

Please forward billing to:

Dino LaFiandra, Esq. 210 W. Pennsylvania Avenue, Ste. 400 Towson, MD 21204

410-832-2000

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Hearings:

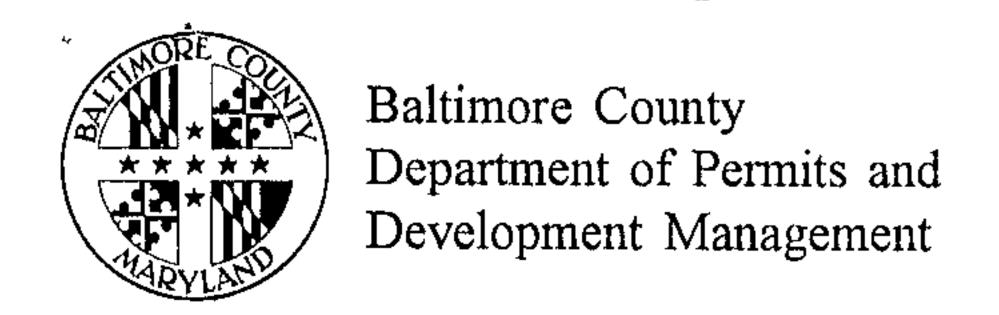
Monday, September 15, 2003, at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Fax: 410-887-5708

July 23, 2003

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Timothy Kotroco

Director

TK:klm

C: G. Scott Barhight, Dino LaFiandra, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Ste. 400, Towson 21204

BGE Company, Stephen Roth, Real Estate & Facilities Services, 7152 Windsor Blvd., Baltimore 21244 Margaret Bennett, 5169 Gundrys Lane, Baltimore 21244

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TO: PATUXENT PUBLISHING COMPANY

Thursday, August 28, 2003 Issue - Jeffersonian

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LAWRENCE E. SCHMIDT

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ZONING COMMISSIONER FOR BALTIMORE COUNTY

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

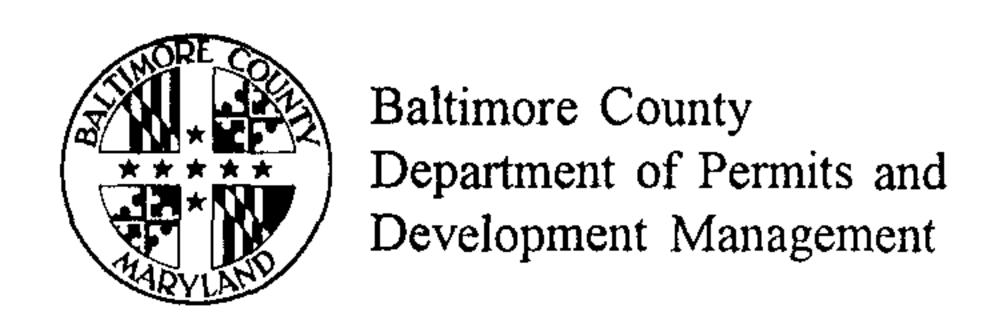
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

| Item Num | ber or Case Number: 04-017 - 5PH |
|------------|---|
| Petitioner | : Baltimore Grast Electric Co. / Margaret K. Bennett |
| Address c | Baltimore Grast Electric Co./Margaret K. Bennett or Location: 5/69 Grundrys Lane |
| _ | FORWARD ADVERTISING BILL TO |
| Name: _ | Dino C. La Frandra, Esq. |
| Address: | 210 w. Pennsylvania Ave = 400 |
| | Towson WD ZIZOH |
| | $\underline{\hspace{1cm}}$ |



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

September 12, 2003

Dino LaFlandra Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, MD 21204

Dear Mr. LaFiandra:

RE: Case Number: 04-017-SPH, 5169 & 5161 Gundry Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 9, 2003.

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.

Supervisor, Zoning Review

U. Callibal)

WCR:klm

Enclosures

c: People's Counsel BGE, 7152 Windsor Blvd, Baltimore 21244 Margaret Bennett, 5169 Gundrys Lane, Baltimore 21244



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

July 21, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 21, 2003

Item No.: 015-020, 022-026 / 017

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

LTM

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.22.03

Baltimore County

Item No. 017

RE:

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

Dear. Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration 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,

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley RES HOT

DATE:

August 28, 2003

SUBJECT:

Zoning Item 017

Address

5161 and 5169 Gundy Lane

Zoning Advisory Committee Meeting of July 21, 2003

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Additional Comments:

Soil evaluations must be conducted prior to the approval of this proposal.

Reviewer:

Sue Farinetti

Date: August 28, 2003

Hours Halk

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: August 4, 2003

RECEIVED

AUG - 4 2003

SUBJECT: Zoning Advisory Petition(s): Case 04-017 and 04-024ZONING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 12, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

For July 28, 2003 Item Nos. 015, 017, 018, 020, 022, 023, 024, 025, and 026

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

RWB:CEN:jrb

cc: File



DATE: 7/9/03

TO: File

FROM: Lloyd T. Moxley

SUBJECT: Case No. 04-017-SPH

At the time of filing the applicant was advised to prepare as an exhibit a reduced scale zoning density plat and density calculations for the entire tract as of 1971.

RE: PETITION FOR SPECIAL HEARING *
5161 & 5169 Gundry Lane; W/side Viduct
NW corner Gundry Lane *
13th Election & 1st Councilmanic Districts
Legal Owner(s): Baltimore Gas & Electric, *
Stephen C. Roth, Exec. Director, Real Estate
& Facilities Services, Margaret K. Bennett. *

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-017-SPH

* * * * * * * * *

ENTRY OF APPEARANCE

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

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 day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire & Dino C. LaFiandra, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorneys for Petitioner(s).

RECEIVED

JUL 2 5 2003

Per Um

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

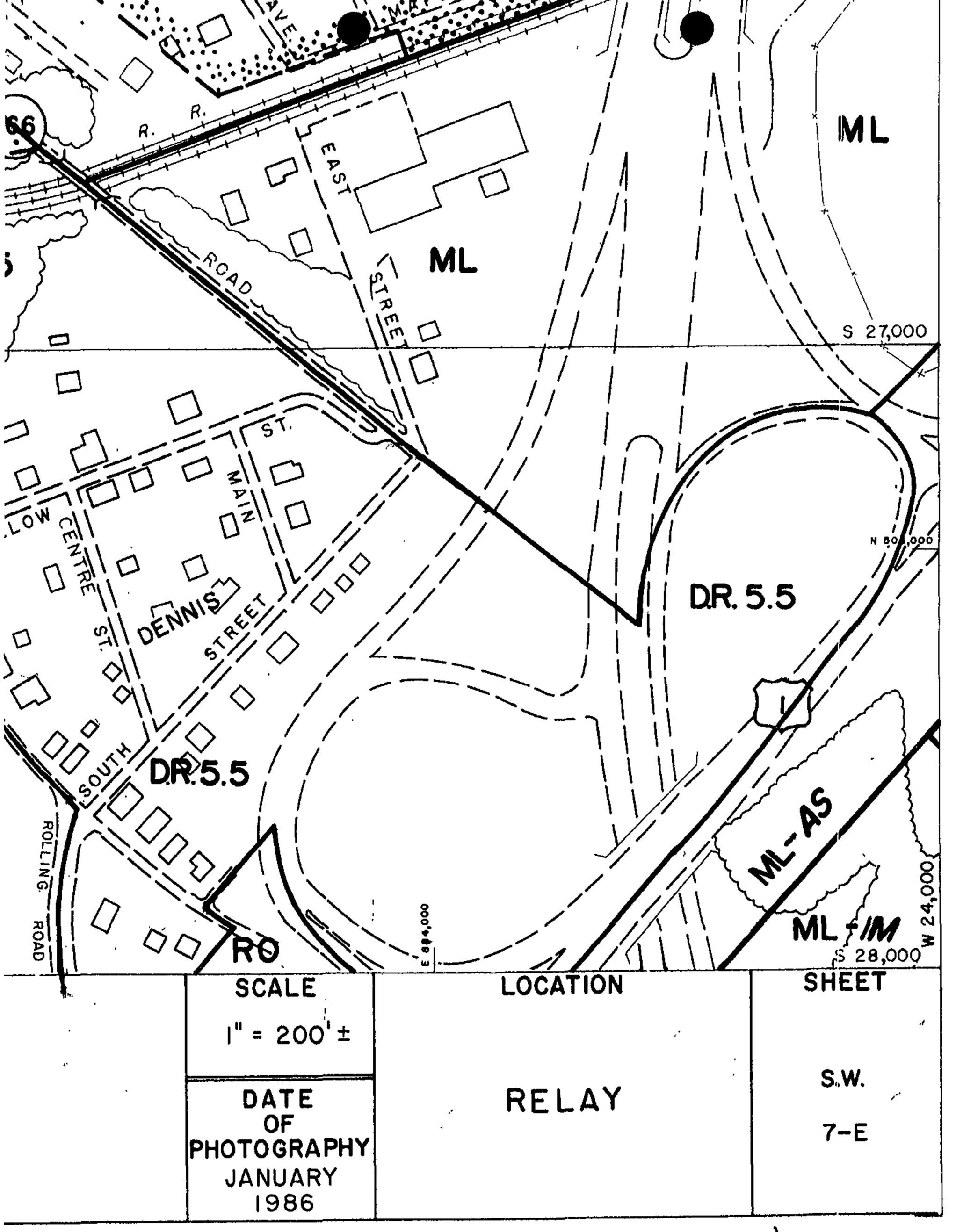
DROP-OFF PETITIONS PROCESSING CHECK-OFF

| | Cover Letter Said Donnameriewel flus |
|-----|--|
| | Two Owestians Answered on Cover Chart |
| 121 | Two Questions Answered on Cover Sheet: Any previous reviews in the zoning office? Any current building or zoning violations on site? |
| | Petition Form Matches Plat in these areas: Address = NoT on the plans Zoning Legal Owner(s) & #5169 15 Not on the plan Contract Purchaser(s) No Request (if listed on plat) |
| | Petition Form (must be current PDM form) is Complete: |
| | Request: |
| | Hardship/Practical Difficulty Reasons **Legal Owner/Contract Purchaser: Legal Owners # 5169 is Not on Part. Abovers **Signatures (originals) Printed/Typed Name and Title (if company) - Not on petition form. **Attorney (if incorporated) Name Signature |
| | Attorney (if incorporated) Applied Signature/Address/Telephone Number of Attorney No Signature/Address/Telephone Number of Attorney |
| | Correct Number of Petition Forms, Descriptions and Plats |
| | 200 Scale Zoning Map 15 NOT to Scale also it does Not agree with our 200 |
| 1 | Check: Amount Correct? Signed? |
| | ZAC Plat Information: Secs Not agree Location (by Carl) W/S Viacluct Nw/Con Gundry's Lane (5169 are 5161 Gundry's La.) Zoning: DP-3 F Acreage: 35.184 Previous Hearing Listed With Decision Election District 13 Councilmanic District Case # DK |
| | Check to See if the Subject Site or Request is: /-CBCA |
| | Floodplain Elderly Historical |
| | Pawn Shop Helicopter |
| | *If Yes, Print Special Handling Category Here *If No, Print No |
| | |

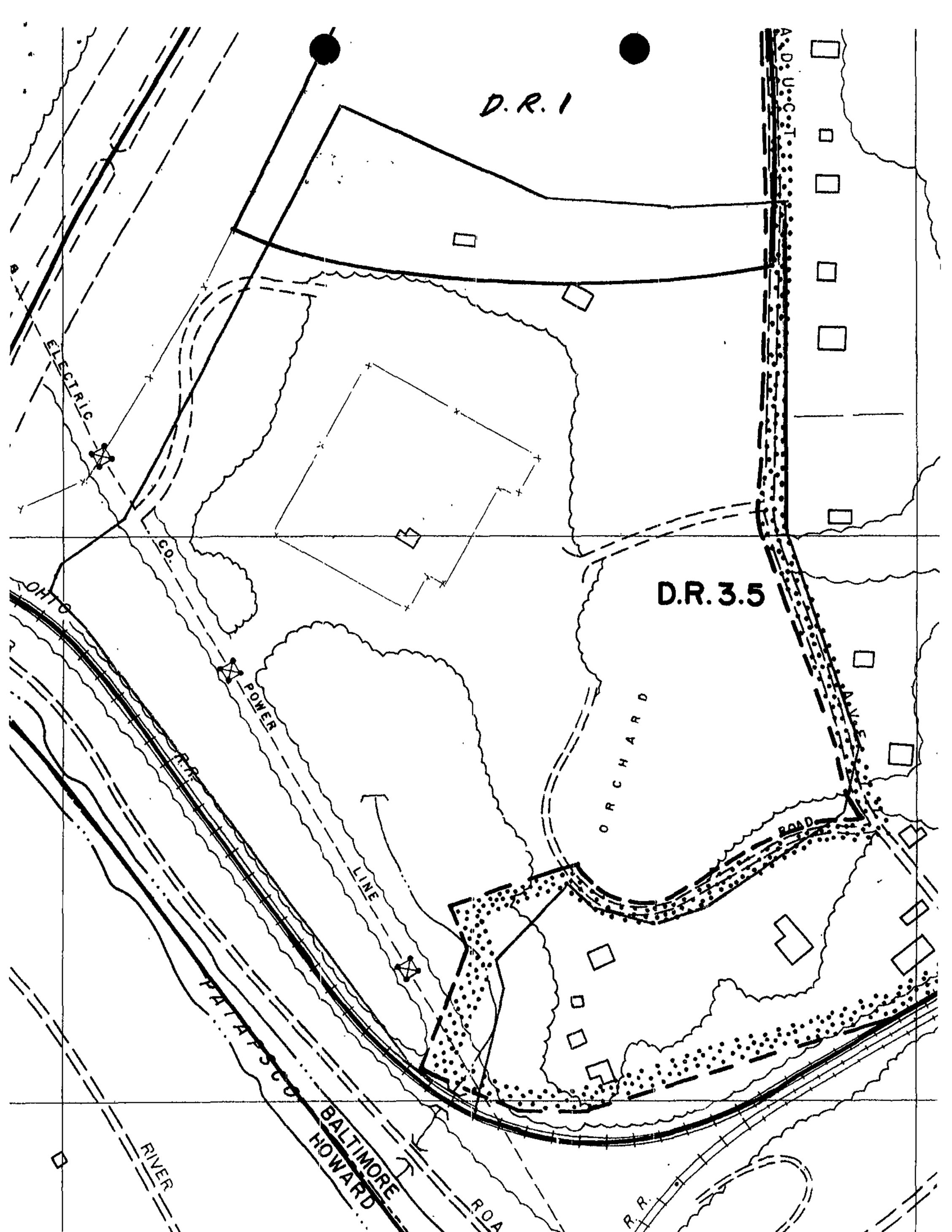
| CASE | NAME | 1307 SPH BGE Viaduct |
|-------|---------|-------------------------|
| CASE | NUMBER_ | BGEViaduat |
| DATE_ | i | |


PETITIONER'S SIGN-IN SHEET

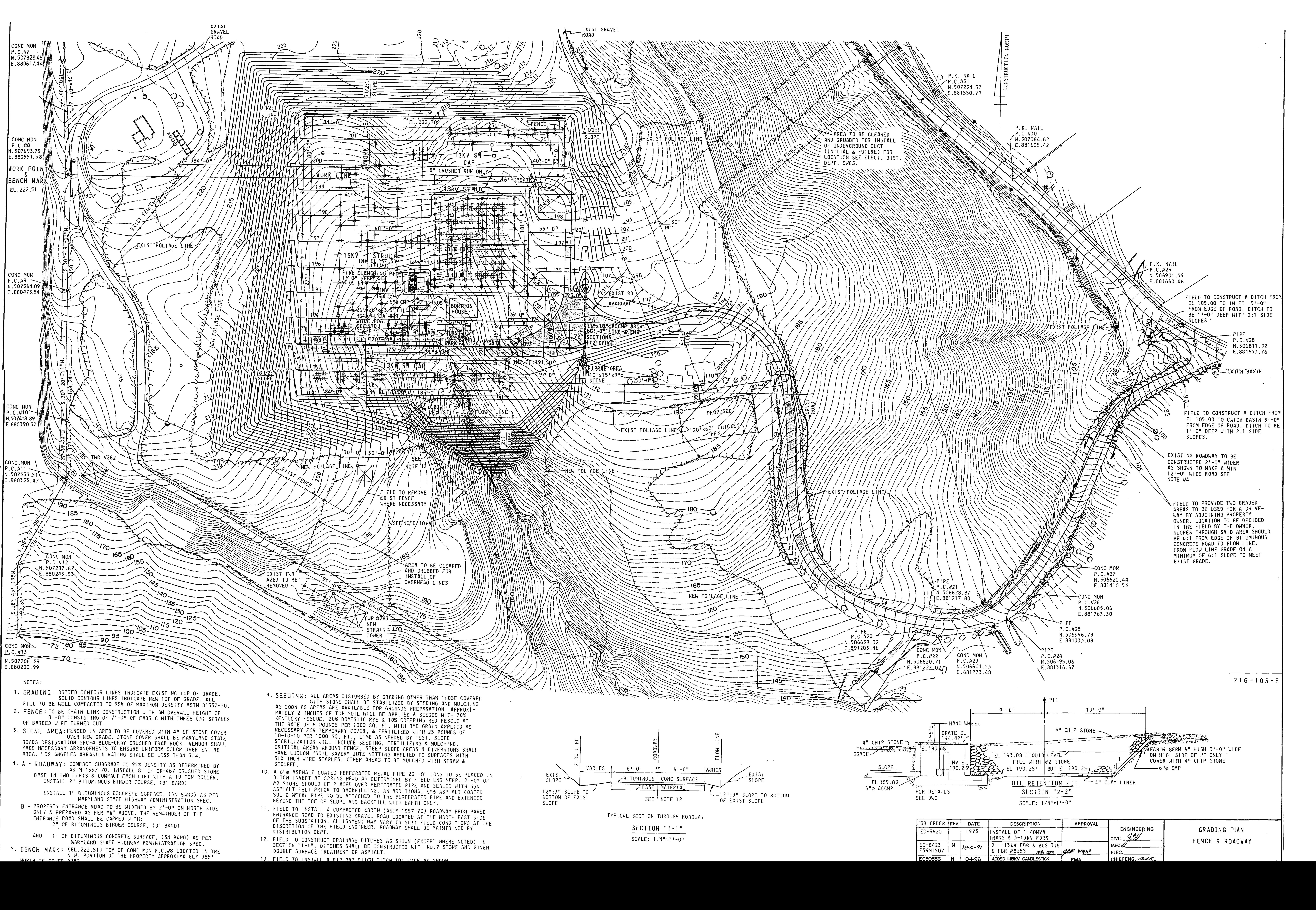
| NAME | ADDRESS | CITY, STATE, ZIP | E- MAIL |
|-----------------|--|---------------------------------------|--|
| DiNolaFiandra | 210 W. Penn = 400 | Towson, m) 21204 | Deafiandra@wtplans. |
| R.SCOTT WOODALL | 2000 LORD BALTIMORE DR. | - I | r. scott. woodall@bge, com |
| Rox Bewett | GATY LEUNOT AVE | Eckaidge Mid 21075 | |
| recy bennett | 6974 Lennox ave | Elkridge, MD 21075 | TBenn 50563 Wad-com |
| KEUINS T. KINN | 5169 Bundy's Lane | Belan Md 2/227 | |
| KEUIND T. KYNN | 3120 LORD BALTIMORE DR. | Balt AMORE, MD. 21244 | Krynvedewberry.com |
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#17







Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

this ______ day of October, 2003 that the Petition for Special Hearing to reduce the special exception use area for a "public utility service center and wireless telecommunications tower" to 18.34 acres, more or less, shown on the site plan as "Proposed Tract A"; to approve the creation of Lot 1 with 16.51 acres, more or less, with associated density; to approve the reconfiguration of the existing lot line between 5161 Gundrys Lane and 5169 Gundrys Lane; to abandon the variance relief granted in prior zoning Case No. 97-265-SPHXA; and to amend the previously approved site plans in Cases Nos. 74-114-X and 97-265-SPHXA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any building permits, the Bennetts shall obtain approval from DEPRM as to the proposed well and septic system locations on Lot 1.
- 3) There shall be no further subdivision of Lot 1 without a public hearing to determine the merits of same.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bis