

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(13030 Hanover Road)		
4 th Election District	*	OFFICE OF
3 rd Councilmanic District		
BGE/ <i>Legal Owner</i>	*	ADMINISTRATIVE HEARINGS
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2014-0127-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Jennifer R. Busse, Esq., on behalf of the legal owner, BGE. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to request an extension of the time limit for utilization of a previously approved Special Exception for the subject property provided in Case No.: 2012-0187-SPHX.

Appearing at the public hearing in support of the request was Eric Jacobson, Brad Davis, Andy Berlett, Zach Fisch and Bill Monk. Jennifer R. Busse, Esq., of Whiteford, Taylor & Preston, LLP appeared and represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Several community members attended the hearing, and their names are listed in the case file. No Zoning Advisory Committee (ZAC) comments were received.

As noted above, a Special Exception was granted for the property on March 23, 2012, allowing BGE to construct on the subject property a public utility (electric substation). Brad Davis, a BGE employee, testified that certain projections of electricity usage and demand have been reduced such that BGE now needs to have the facility “on line” by 2020, instead of 2017 as originally forecast. As such, BGE seeks to extend to five years the time in which to utilize the Special Exception. Bill Monk, who was accepted as an expert in planning and zoning matters,

testified that several structures and buildings on the site have been razed since the earlier hearing. Otherwise, all site conditions remain the same. Based upon the testimony and evidence presented, I will grant the petition.

THEREFORE, IT IS ORDERED this 4th day of February 2014, by this Administrative Law Judge, that Petitioner's request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an extension of the time limit for utilization of a Special Exception for the subject property granted in Case No.: 2012-0187-SPHX, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the utilization period for the Special Exception granted in Case No. 2012-0187-SPHX, be and is hereby extended until March 23, 2017.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln