

Tax Map/Block/Parcel
No. 51-6,12-534

Building Permit/Zoning
Certificate No. 96-1399

Case 4106

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Baltimore Gas and Electric Company
Attn: Richard A. Ransom, Counsel
39 West Lexington Street, 17th Floor
Baltimore, Maryland 21201

ATTORNEY: John T. Maguire, Esquire
189 East Main Street
Westminster, Maryland 21157

REQUESTS: A conditional use for an above ground electrical substation for transforming, boosting or switching, and a variance reducing the minimum required driveway width of 20 feet to 12 feet

LOCATION: On 10.494 acres located on the south side of Kate Wagner Road about 1,200 feet east of Gist Road intersection in Election District 7

BASES: Article 4, Section 4.11(b); Article 14, Section 14.1(b)(3); Article 15, Section 15.5.4(d); Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: May 30, 1996

FINDINGS AND CONCLUSION

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record and in accordance with the state Open Meetings Act, the Board authorized the requests pursuant to the testimony and evidence, including the conceptual development plans, presented during the public hearing.

The pertinent findings determining the Board's decision include the facts that, legally, the conditional use is considered desirable and necessary in the district, absent probative evidence that the use would have greater adverse effects at the proposed site than elsewhere in the district; Baltimore Gas and Electric Company (BGE) has met and worked with concerned residents of the community to minimize effects by siting the, 107 ft. x 123 ft., .3 of an acre substation 450 feet from the front property line, providing extensive landscaping with trees at least eight feet in height, and excavating the site so that the substation will probably not be visible from adjacent properties; the character of the premises, except for a driveway security chain, will be residential; a real estate appraiser, accepted as an expert, testified that neither property values nor marketability of properties will be adversely affected by the substation; BGE has met the burden of proof relative to the provisions of the zoning ordinance and applicable court decisions; and, establishment of the substation, pursuant to testimony and evidence presented to the Board, will not adversely affect residents of adjacent properties, the values of those properties, or public interests.

6/17/96

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman