

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Raymond Schmidt, legal owner 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 the Zoning Commission of Baltimore County for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Truck Terminal.

See attached description

(2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Truck Terminal.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Raymond Schmidt, Esq., Attorney
Contract purchaser
Address Harvesters, Inc.
Address 3731 New Mount Pt. Rd.

Paul H. Schmitt, Petitioner's Attorney
Address 624 Eastern Ave. Suite 100

ORDERED by The Zoning Commissioner of Baltimore County, this 3rd day of December, 1973, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of January, 1974, at 1:30 o'clock.

Eric D. Nenna, Zoning Commissioner of Baltimore County.
(over)

130P
117H

Court of Special Appeals of Maryland

No. 79, SEPTEMBER TERM, 1976

Marjorie Hill et al

vs.

Raymond Schmidt et al

DISPOSITION OF APPEAL IN COURT OF SPECIAL APPEALS:

Appeal dismissed.

TRANSCRIPT

RETURNED TO Clerk, Circuit Court for Baltimore County

Towson, Maryland 21204 Date June 16, 1976

BY First Class Mail

REMARKS:

Julius A. Romano
Clerk

FILED APR 4 1974

MANDATE

Court of Special Appeals of Maryland

No. 79, September Term, 1976

Marjorie Hill et al

vs.

Raymond Schmidt et al

Appeal from the Circuit Court for Baltimore County.

Filed: March 22, 1976.

May 7, 1976: Motion for dismissal filed by counsel for appellee.

May 17, 1976: Motion granted.

June 16, 1976: Mandate issued.

STATEMENT OF COSTS:

In Circuit Court:

Record 25.00
Stenographer's Costs

In Court of Special Appeals:

Filing Record on Appeal	20.00
Printing Brief for Appellant	N
Reply Brief	O
Portion of Record Extract - Appellant	E
Printing Brief for Cross-Appellee	
Printing Brief for Appellee	N
Portion of Record Extract - Appellee	O
Printing Brief for Cross-Appellant	E

STATE OF MARYLAND, Set:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this SIXTEENTH day of June, AD. 1976.

Clerk of the Court of Special Appeals of Maryland

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE

APR 4 1974

MARJORIE HILL, et al
VS.
RAYMOND SCHMIDT, et al
IN THE
COURT OF SPECIAL APPEALS
OF
MARYLAND
September Term, 1976
No. 79

ORDER

Upon the foregoing Motion having been read and considered, it is this 16th day of May, 1976, by the Court of Special Appeals of Maryland,

ORDERED that the appeal in the above entitled proceedings be and the same is hereby dismissed as prayed, pursuant to Rule 1035b6.

Charles E. Blythe,
CHIEF JUDGE
Gerald J. Powers,
JUDGE
Robert J. Romadka,
JUDGE

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric D. Nenna, Zoning Commissioner Date: January 4, 1974
FROM: William D. Fromm, Director of Planning
SUBJECT: Petition for Special Exception for a Truck Terminal
690' NW of Old Battle Grove Road
Petitioner - Raymond Schmidt

HEARING: Monday, January 7, 1974 (1:30 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to offer.

The staff questions the impact of the proposed use on the 100 year flood plan for the stream which flows through the site.

If the proofs of Section 502.4 are met any development or use of this property must be conditioned to conformance to a site plan which has the approval of the State of Maryland Department of Natural Resources as well as other appropriate county and state agencies.

William D. Fromm
William D. Fromm, Director
of Planning

WDF:IND:rv

Trent L. Seawell, Esquire
428 Eastern Avenue
Baltimore, Maryland 21221

RE: Petition for Special Exception
for a Truck Terminal
690' NW of Old Battle Grove Road
Re: 15th District
Raymond Schmidt - Petitioner
NO. 74-155-X (Item No. 57)

Dear Mr. Seawell:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,

Eric D. Nenna
S. ERIC DENNA
Zoning Commissioner

SED:sw

Attachments

cc: Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

Dennis J. Powers, Esquire
Suite 501, Loyale Federal Building
22 West Pennsylvania Avenue
Towson, Maryland 21204

REVIEW DESCRIPTION

SPECIAL EXCEPTION FOR

TRUCK TERMINAL

NORTH POINT BOULEVARD, NORTH OF OLD BATTLE GROVE ROAD

BEGINNING for the same on the northeasternmost side of North Point Boulevard (150 feet wide) at a point distant 690' feet more or less measured in a westerly direction from the point formed by the intersection of the northeasternmost side of said Boulevard with the center of Old Battle Grove Road as proposed to be widened, thence binding on the northeasternmost side of said Boulevard southerly by a line curving to the west with a radius of 388.72 feet for a distance of 178.40 feet, thence leaving said Boulevard and binding on outlines the six following courses and distances south 44 degrees 15 minutes east 347.17 feet, north 47 degrees 39 minutes east 208.61 feet, north 50 degrees 28 minutes east 85.22 feet, north 43 degrees 24 minutes east 150.36 feet, north 50 degrees 26 minutes east 117.68 feet and south 39 degrees 34 minutes west 50.00 feet, thence leaving said outline and running for lines of division the three following courses and distances south 39 degrees 34 minutes west 100.00 feet, north 50 degrees 26 minutes west 190.00 feet and south 69 degrees 16 minutes 44 seconds west 105.28 feet to the place of beginning.

CONTAINING 2.71 acres of land more or less.

November 26, 1973

David M. Nenna
DAVID M. NENNA
CHIEF, ZONING
4715 OLD BALTIMORE RD.
BALTIMORE, MD. 21224
(410) 665-7422

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
TOWSON, MARYLAND 21204

December 3, 1973

Office of Zoning
County Office Building
Towson, Maryland 21204

Re: Special Exception
Item 57
Raymond Schmidt - Petitioner

Gentlemen:

I have been retained to represent Raymond Schmidt in the above noted matter. Please forward all correspondence and hearing notices to this office.

Very truly yours,

Robert J. Romadka

RJR/dsl

RE: PETITION FOR SPECIAL EXCEPTION
for a Truck Terminal
NE/S North Point Boulevard 690'
NW of Old Battle Grove Road
15th District
Raymond Schmidt, Petitioner
Youngstown Cartage Co., Inc.
Contract Purchaser
Zoning File No. 74-155-X
Misc. Case No.
PETITION TO ACCOMPANY ORDER FOR APPEAL

Now come the Petitioners-Protestants of Record in the above matter, including but not limited to, Marjorie Hill, Lloyd Austin and Roland Miskimon, by their attorneys, Bernard F. Murphy and Howard and Stone, and petition this Honorable Court in support of their Appeal from the Opinion and Order of the Board of Appeals of Baltimore County, and respectfully represents:

1. That they are owners of property adjacent to or within sight distance of the property which is the subject of the special exceptions requested by the Petitioner-Appellee in the above case.
2. That the Opinion and Order of the Board of Appeals of Baltimore County, rendered September 18, 1975, granting a special exception were erroneous for the following reasons:
 - a. That the decision was contrary to the law;
 - b. That the decision was contrary to the evidence;
 - c. That the decision was contrary to the applicable Zoning Regulations;
 - d. That the Board of Appeals, in fact, misconstrued the evidence in applying Zoning Regulation 502.1;
 - e. That the granting of the special exception will endanger the health, safety, and general welfare of the residents as was brought forth in the hearings below;
 - f. That the evidence adduced at the hearing before the Board of Appeals by the Petitioner-Appellee does not support the findings of the Board of Appeals of Baltimore County;

WHEREFORE, the Petitioners-Protestants respectfully pray that this Honorable Court grant relief and Order:

- a. That the Order of the Board of Appeals of September 18, 1975, be reversed;
- b. Or, in the alternative, that the matter be remanded to the Board of Appeals for further hearings;
- c. And for such other and further relief as may be necessary and requested at the hearing of this matter.

Bernard F. Murphy
HOWARD and STONE
6905 DUNNWAY
DUNDALK, Maryland 21222
Telephone: 284-2860
288-5270
Attorneys for Petitioners-Protestants

I HEREBY CERTIFY, That on this 16th day of October, 1975 a copy of the foregoing Petition was forwarded to Trent L. Seavell, Esquire, 628 Eastern Avenue, Baltimore, Maryland 21221; Robert J. Rowdka, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221; John W. Hessian, III, Esquire, 308 County Office Building, Towson, Maryland 21204; County Board of Appeals, 111 West Chesapeake Avenue, Towson, Maryland 21204.

Bernard F. Murphy

HOWARD AND STONE
ATTORNEYS AT LAW
AND DUNNWAY
DUNDALK, MD. 21222

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 74-155-X
Mr. Clerk:

Please enter an appeal on behalf of the Protestants from the Order of the Board of Appeals of Baltimore County, passed in the above captioned case on September 18, 1975.

Bernard F. Murphy
HOWARD and STONE
6905 DUNNWAY
DUNDALK, Maryland 21222
Telephone: 284-2860
288-5270
Attorneys for Protestants

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY, That on this 16th day of October, 1975, a copy of the foregoing Order of Appeal was forwarded to Trent L. Seavell, Esquire, 628 Eastern Avenue, Baltimore, Maryland 21221; Robert J. Rowdka, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221; John W. Hessian, III, Esquire, 308 County Office Building, Towson, Maryland 21204; County Board of Appeals, 111 West Chesapeake Avenue, Towson, Maryland 21204.

Bernard F. Murphy

HOWARD AND STONE
ATTORNEYS AT LAW
AND DUNNWAY
DUNDALK, MD. 21222

LAW OFFICES
HOWARD AND STONE
PROFESSIONAL BUILDING
6905 DUNNWAY
DUNDALK, MARYLAND 21222

TELEPHONES:
3021 284-2860
3021 288-5270

June 17, 1974

Eric D. Neumann, Zoning Commissioner
Office of Zoning
County Office Building
Towson, Maryland 21204

RE: Petition for Special Exceptions
NE/S of North Point Boulevard,
690' NW of Old Battle Grove Road
15th District
Raymond Schmidt-Petitioner
NO. 74-155-X (Item No. 57)

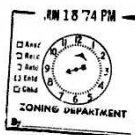
Dear Sir:

Please enter an Appeal to the Special Exceptions granted by an Order dated May 24, 1974 in the above captioned matter on behalf of the Wells McCombs Citizens Improvement Association, Inc. and on behalf of the citizens per the attached, and enter my appearance on their behalf.

Enclosed please find check in the amount of Eighty Dollars (\$80.00) to cover costs thereof.

Very truly yours,
Norman R. Stone, Jr.

NRS,JRS:sh
Enclosures



To: The Appeals Board

We, the undersigned, wish to appeal the decision of the Zoning Commissioner, dated May 24, 1974.

We wish to take the appeal to the Board of Appeals from the decision of the zoning Commission, dated May 24, 1974 in case no. 74-155-X (Item No. 57)
Petitioner- Raymond Schmidt.

Margie Hill - 8109 Raymond Ave.
Robert L. Hill - 3950 North Pt. Rd.
Norma M. Lucas - 8110 Blitzer Rd.
Anna Alledge - 8109 Blitzer Rd.
Lawrence Collins - 8109 Blitzer Rd.
Blaise L. Rutter - 8102 Eleanor Terr.
Roland Miskimon - 3921 Old North Point Rd.
Moffitt H. Hammick - 3916 N. Pt. Road
Lloyd C. Gordon - 3955 North Point Road Baltimore Md. 21222
Anna V. Rustin - 3955 North Pt. Rd. Baltimore Md. 21222
Carl Alfred - 8100 Blitzer Rd. Baltimore Md. 21222
William H. Lloyd - 3944 Old N. Point Rd Baltimore Md. 21222
Mr. & Mrs. Edysell Bay - 3926 North Pt. Rd.
Virginia J. Supp - 3934 North Point Road Baltimore Md. 21222
Howard R. Rapp - 3974 N. Pt. Rd. Baltimore Md. 21222
Richard J. Evans - 3960 No. Point Rd. Baltimore Md. 21222
Muriel M. Evans - 3960 No. Point Rd. Baltimore Md. 21222
Mrs. Mrs. H. M. Supp - 3908 Glenhurst Rd. 21222
Mr. & Mrs. Sue F. Walcott - 3914 Glenhurst Road 21222
Walter J. Hill - 8109 Raymond Ave. 21222

Mr. & Mrs. Henry J. Nusslein
3922 Glenhurst Rd. 21222

Mrs. Hallie J. Hammick
3916 North Pt. Rd.
Baltimore Md. 21222

Mrs. Rae Wickhamer
8103 Eleanor Terrace
Baltimore Md. 21222

Mrs. Betty Alfred
8100 Blitzer Rd.
Baltimore Md. 21222

Mr. & Mrs. William F. Bailey 3908 Glenhurst Rd. Baltimore Md. 21222
Mr. & Mrs. Charles J. Paulsen 3903 Glenhurst Rd. Baltimore Md. 21222
Mr. & Mrs. Jack Sanders 8215 Rowland " 22
Mr. & Mrs. Richard Mahonowski 3942 Glenhurst Rd. 21222

RE: PETITION FOR SPECIAL EXCEPTION
for a Truck Terminal
NE/S North Point Boulevard 690'
NW of Old Battle Grove Road
15th District
Raymond Schmidt, Petitioner
Youngstown Cartage Co., Inc.
Contract Purchaser

Zoning File No. 74-155-X

Marjorie Hill, et al
Protestants-Appellants

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW

Misc. Case No. 10
Folio No. 126
File No. 5750

ANSWER TO PETITION ON APPEAL

The Answer of the People's Council for Baltimore County, a party to this proceeding, to the Petition to Accompany Order for Appeal, respectfully shows:

1. The allegations of Paragraph 1 of said Petition are admitted.

2. Answering the allegations of Paragraph 2, ET SEQ. of said Petition,

It is respectfully submitted that the findings and decisions of the County Board of Appeals is correct and based on adequate and proper findings of facts and facts in the record before it.

Wherefore, It is respectfully submitted that the decision of the County Board of Appeals should be sustained.

AND AS IN DUTY BOUND, etc.

John W. Hession, III
John W. Hession, III
People's Council

Charles E. Kautz, Jr.
Charles E. Kautz, Jr.
Deputy People's Council
County Office Building
Towson, Maryland 21204

I HEREBY CERTIFY that a copy of the foregoing Answer was mailed on this

15th day of November, 1973 to Trent L. Seawell, Esquire, 628 Eastern Avenue, Baltimore, Maryland 21221; Robert J. Romacko, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221; Bernard F. Murphy, Esquire, Howard and Stone, 6905

Dunmanway, Dundalk, Maryland 21222; and County Board of Appeals, 111 West Chesapeake Avenue, Towson, Maryland 21204.

RE: PETITION FOR SPECIAL EXCEPTION
for a Truck Terminal
NE/S North Point Boulevard 690'
NW of Old Battle Grove Road
15th District
Raymond Schmidt, Petitioner
Youngstown Cartage Co., Inc.
Contract Purchaser

Zoning File No. 74-155-X

Marjorie Hill, et al
Protestants-Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 10
Folio No. 126
File No. 5750

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2 (4) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Robert L. Gifford and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Trent L. Seawell, Esquire, 7902 Belair Road, Baltimore, Maryland 21236 and Robert J. Romacko, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorneys for the Petitioner, and Norman R. Stone, Jr., Esquire and Bernard F. Murphy, Esquire, 6905 Dunmanway, Baltimore, Maryland 21222, Attorneys for the Protestants, and Mrs. Marjorie Hill, President, Wells McComas Citizens Improvement Association, Inc., 8109 Raymond Avenue, Baltimore, Maryland 21222, Protestants, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Elment, Adm. Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
444-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Trent L. Seawell, Esquire, 7902 Belair Road, Baltimore, Maryland 21236 and Robert J. Romacko, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorneys for the Petitioner, and Norman R. Stone, Jr., Esquire and Bernard F. Murphy, Esquire, 6905 Dunmanway, Baltimore, Maryland 21222, Attorneys for the Protestants, and Mrs. Marjorie Hill, President, Wells McComas Citizens Improvement Association, Inc., 8109 Raymond Avenue, Baltimore, Maryland 21222, Protestants, on this 20th day of October, 1975.

cc: Zoning
Planning - Mr. J. Howell
John W. Hession, III, Esquire

Edith T. Elment, Adm. Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION
for a truck terminal
NE/S of Old Battle Grove Road
15th District
Raymond Schmidt, Petitioner
Youngstown Cartage Co., Inc.
Contract Purchaser

Zoning File No. 74-155-X

Marjorie Hill, et al
Protestants-Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Case No. 10
Folio No. 126
File No. 5750

BY MARJORIE HILL, ET AL, PROTESTANTS-APPELLANTS

MR. CLERK:

Enter an Appeal to the Court of Special Appeals on behalf of Marjorie Hill, et al, Protestants-Appellants, from the judgment entered in this action on December 24, 1975.

Forward F. Murphy
REARND and STONE
6905 Dunmanway
Baltimore, Maryland 21222
Telephone: 284-2560
288-5270
Attorneys for Protestants-Appellants

I HEREBY CERTIFY, that on this day of January, 1976 a copy of the foregoing was forwarded to John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204; Robert J. Romacko, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221; Trent L. Seawell, Esquire, 628 Eastern Avenue, Baltimore, Maryland 21221.

Bernard F. Murphy

HOWARD AND STONE
ATTORNEYS AT LAW
AND BUILDING
BUNDMARK RD. #1222

NICELY'S TAXIDERMY

WE SPECIALIZE IN FISH AND ALL OTHER FOREIGN & DOMESTIC

3927 OLD NORTH POINT ROAD
BALTIMORE, MARYLAND 21204
Area Code 301 - 444-1125



Jan. 24, 1974

PETITION
To EXHIBIT #6
My Concern:

We, a Mrs. Leonard Nicely have no objections to Youngstown truck terminal site as long as Charles Ave. is not opened up as a road for their use.

Our names are on a petition as being opposed. However, we have changed our opinion since becoming aware of the fact that Charles Ave. is not going to be used as a road. We were lead to believe the opposite at the time of our signature.

Sally H. Nicely
Leonard Nicely

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

74-155-X

District 15th Date of Posting Jan. 11, 1974

Posted for: *Youngstown Cartage Co., Inc.*

Petitioner: *Youngstown Cartage Co., Inc.*

Location of property: *NE/S of North Point Blvd. NW of Old Battle Grove Rd.*

Location of Signs: *1 sign posted on North Pt. Blvd. 1 sign posted at end of Raymond Ave.*

Remarks: *Paul H. Hession*

Posted by: *Paul H. Hession* Date of return: *Jan. 16, 1974*

BALTIMORE COUNTY, MARYLAND No. 15071
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE June 19, 1974 ACCOUNT 01-662

AMOUNT \$80.00

WHITE - CASHIER
YELLOW - CUSTOMER

DISTRIBUTION
Norman R. Stone, Jr., Esquire
Cost of Filing of an Appeal and Posting of Property on
Case No. 74-155-X
NE/S of North Point Boulevard, 690' NW of Old Battle
Grove Road - 15th District
Raymond Schmidt, Petitioner

Dennis J. Boras
Attorney at Law

829-3700

June 25, 1974

Zoning Board of Baltimore County
County Office Building
Towson, Maryland 21204

RE: Raymond Schmidt and Wells-McComas Improvement Association.

Gentlemen:

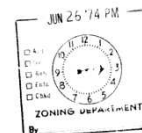
Kindly strike my appearance as attorney for the Wells-McComas Improvement Association in the captioned matter.

I understand that the association has retained new counsel in this matter for the appeal.

Very truly yours,

Dennis J. Boras
Dennis J. Boras

DJP:bef



RE: PETITION FOR SPECIAL EXCEPTION : IN THE
for a truck terminal : CIRCUIT COURT
NE/S North Point Boulevard :
NW of Old Battle Grove Road :
15th District :
Raymond Schmidt, Petitioner :
Youngstown Carriage Co., Inc. :
Contract Purchaser :
Zoning File No. 74-155-X :
Misc. Case No. 10 :
Folio No. 126 :
Marjorie Hill, et al :
Protestants-Appellants :
File No. 5750

ANSWER TO PETITION ON APPEAL

Now comes RAYMOND SCHMIDT, Petitioner, and YOUNGSTOWN CARTAGE CO., INC., Contract Purchaser, parties to this proceeding, and for an Answer to Protestants' Petition For Appeal, respectfully shows:

1. The allegations of Paragraph 1 of said Petition are admitted.
2. Answering the allegations of Paragraph 2 of said Petition, it is respectfully submitted that the findings and decisions of the County Board of Appeals is correct and based on adequate and proper findings of matters and facts in the record before it.

WHEREFORE, it is respectfully submitted that the decision of the County Board of Appeals should be sustained and that the Petition For Appeal sh. ld be dismissed.

AND, as in duty bound, etc.

Trent L. Seawell
7902 Belair Road
Baltimore, Maryland 21236
665-0360

Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274
ATTORNEYS FOR APPEALS

I HEREBY CERTIFY that on this 14 day of December, 1975, copies of the foregoing Answer were mailed to Bernard F. Murphy, Esq., Howard and Stone, 6905 Dunmanway, Dundalk, Maryland 21222, Attorney for Appellants, and John W. Hession, III, People's Counsel, County Office Building, Towson, Maryland 21204, and County Board of Appeals, County Office Building, Towson, Maryland 21204.

Robert J. Romadka

RE: PETITION FOR SPECIAL EXCEPTION : IN THE CIRCUIT COURT
for a truck terminal :
NE/S North Point Boulevard 690' :
NW of Old Battle Grove Road :
15th District :
Raymond Schmidt, Petitioner :
Youngstown Carriage Co., Inc. :
Contract Purchaser :
Zoning File No. 74-155-X :
Misc. Docket No. 10 :
Folio No. 126 :
Marjorie Hill, et al :
Protestant-Appellants :
File No. 5750

MOTION FOR LEAVE TO STRIKE ANSWER TO PETITION ON APPEAL

BALTIMORE COUNTY, MARYLAND, by John W. Hession, III, People's Counsel for Baltimore County, and Charles E. Kountz, Jr., Deputy People's Counsel for Baltimore County, move for leave to strike its Answer to Petition on Appeal in this case, respectfully suggesting to the Honorable Court that said Motion is based on the following grounds, viz:

1. That through an administrative error an Answer to Petition on Appeal was filed in this case when in fact an Answer was to be filed to a Petition on Appeal in an unrelated matter.

2. That the Movants suggest to this Honorable Court that said filing was erroneous and that it be allowed to strike said Answer to Appeal in the Circuit Court for Baltimore County.

AND AS IN DUTY BOUND, etc.

John W. Hession III
John W. Hession, III
People's Counsel

Charles E. Kountz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that a copy of the foregoing Motion was mailed on this 20th day of December, 1975 to Trent L. Seawell, Esq., 7902 Belair Road,

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

DATE 11/18/75 ACCOUNT 01-712

AMOUNT \$13.00

DISTRIBUTION
WHITE - CASHIER
Howard & Stone
6905 Dunmanway
Dundalk, Md. 21222

YELLOW - CUSTOMER
Cost of certified documents in Case #74-155-X - Raymond Schmidt, Petitioner

15337

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

DATE Jan. 24, 1976 ACCOUNT 01-662

AMOUNT \$54.25

DISTRIBUTION
WHITE - CASHIER
Trent L. Seawell, Esq.
628 Eastern Ave.
Baltimore, Md. 21221

YELLOW - CUSTOMER
Advertising and posting of property for Raymond Schmidt - 74-155-X - 24 5425.25

No. 13067

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

DATE Dec. 17, 1975 ACCOUNT 01-662

AMOUNT \$50.00

DISTRIBUTION
WHITE - CASHIER
Trent L. Seawell, Esq.
628 Eastern Ave.
Baltimore, Md. 21221

YELLOW - CUSTOMER
Petition for Special Exception for Raymond Schmidt - 74-155-X - 24 5425.25

No. 13027

PETITION MAPPING PROGRESS SHEET

FUNCTION	Well Map date	Original date	Duplicate date	Tracing date	200 Shrs date
Descriptions checked and outline plotted on map					
Petition number added to outline					
Denied					
Granted by ZC, BA, CC, CA					
Reviewed by: FTH					
Previous case:					
Revised Plan: Change in outline or description					
Map #					

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 1-10-74

Posted for: Henry M. Jan 28th 1974 9:10 AM A.M.

Petitioner: Raymond Schmidt

Location of property: NE 1/4 of 1st Pk. Blvd. 690' NW of Old Battle Grove Rd.

Location of Signs: 2 signs on 1st Pk. Blvd. 1 mi. NW of Old Battle Grove Rd.

Remarks: See 74-155-X

Posted by: Mark H. Voss Signature Date of return: 1-17-74

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 20, 1975

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once each week, on the 10th day of January, 1976, the last publication appearing on the 10th day of January, 1976.

THE JEFFERSONIAN
Manager

Cost of Advertisement, \$

Baltimore, Maryland 21236; Robert J. Romadka, Esquire, 309 Eastern Boulevard, Baltimore, Maryland 21221; Bernard F. Murphy, Esquire, Howard and Stone, 6905 Dunmanway, Dundalk, Maryland 21222; and County Board of Appeals, 111 West Chesapeake Avenue, Towson, Maryland 21204.

Robert J. Romadka

PETITION FOR SPECIAL EXCEPTION - 15th DISTRICT

FOR: Raymond Schmidt, Petitioner, for a truck terminal, NE/S North Point Boulevard 690' NW of Old Battle Grove Road, 15th District.

DATE & TIME: Monday, January 19, 1976, 10:00 A.M.

LOCATION: Northeast side of North Point Boulevard (110 feet wide) at a point about 100 feet north of the intersection of the north side of North Point Boulevard with the center of Old Battle Grove Road as improved.

The zoning Commissioner of Baltimore County, by authority of the Board of Appeals and the Board of Estimates of Baltimore County, will hold a public hearing on the petition for special exception for a truck terminal, at the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The zoning Commissioner of Baltimore County, by authority of the Board of Appeals and the Board of Estimates of Baltimore County, will hold a public hearing on the petition for special exception for a truck terminal, at the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

Being the property of Raymond Schmidt, as shown on plat John G. Hession, dated January 19, 1975, at 10:00 A.M.

Public Hearing Room 1st, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

Raymond Schmidt, Petitioner

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 10, 1976

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once each week, on the 10th day of January, 1976, the last publication appearing on the 10th day of January, 1976.

THE JEFFERSONIAN
Manager

Cost of Advertisement, \$

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 6th day of Sept. 1975, Item #

S. Eric Dinnard
Zoning Commissioner

Petitioner: Schmidt Submitted by: Seawell
Petitioner's Attorney: Seawell Reviewed by: FTH

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

RE: PETITION FOR SPECIAL EXCEPTION
for a Truck Terminal
NE/S North Point Boulevard 690'
NW of Old Battle Grove Road
15th District
Raymond Schmidt, Petitioner
Youngtown Carriage Co., Inc.
Contract Purchaser

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Zoning File No. 74-155-X
Misc. Docket No. 10
Folio No. 126
File No. 5750

Margerie Hill, et al
Protestants-Appellants

CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Ralier, Jr., Robert L. Gilliland and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

No. 74-155-X

Dec. 3, 1973 Petition of Raymond Schmidt (Youngtown Carriage Co., Inc., Contract Purchaser) for special exception for a truck terminal on property located on the northeast side of North Point Boulevard 690' northwest of Old Battle Grove Road, 15th District - filed

3 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for January 7, 1974 at 1:30 p.m.

Jan. 7, 1974 Case postponed at hearing and rescheduled for 10 a.m. on January 28, 1974

10 Certificate of Publication in newspaper - filed

17 Certificate of Posting of property - filed

28 At 10:00 a.m., hearing held on petition by Zoning Commissioner - case held sub curia

May 24 Order of Zoning Commissioner granting special exception, subject to restrictions

Raymond Schmidt v. Margerie Hill, et al - 10/126/5750

2.

June 18, 1974 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner - filed

Feb. 24, 1975 Hearing on appeal before County Board of Appeals - case held sub curia

May 6

Sept. 18 Order of County Board of Appeals granting special exception, subject to restrictions

Oct. 17 Order for Appeal filed in the Circuit Court for Baltimore County

" 17 Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County

" 20 Certificate of Notice sent to all interested parties

Nov. 13 Transcript of Testimony filed - 1 volume

Petitioners' Exhibit No. 1 - Official Zoning Map - 1000' scale Dundalk-Potomac 4-A

" " " 2 - Official Zoning Map - 20' scale North Point S.E.-3 G

" " " 3 - Zoning File #74-155-X

" " " 4 - Plat - 1/17/75 - David W. Dallas

" " " 5 - Letter from John Mayant, Md. Dept. of Transportation, 8/21/74

" " " 6 - Copy of deed, undated (10/29/74) Schmidt to Anchor Post Products

" " " 7 - Aerial photo (composite of 4)

" " " 8 - List of additional parties in favor who did not testify

Protestants' Exhibit A - Photogrammetric Map - 1954

" " B - List of Protestants present

" " C - Sheet - 5 photos

" " D - Copy of plat showing alleged flood plain

" " E - (1 to 9) Photos

" " F - Sheet - 3 photos

" " G - (1 to 4) Photos

Nov. 17 Record of proceedings filed in the Circuit Court for Baltimore County

Raymond Schmidt v. Margerie Hill, et al - 10/126/5750

3.

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations, together with the zoning use district maps, at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Elmhurst, Administrative Secretary
County Board of Appeals of Baltimore County

cc: Trent L. Seawell, Esq.
Robert J. Romadko, Esq.
Norman R. Stone, Jr., Esq.
John W. Hession, III, Esq.

ORIGINAL

OFFICE OF

THE ESSEX TIMES

ESSEX, MD. 21221 January 14 - 1974

THIS IS TO CERTIFY that the enclosed is a true and correct copy of the original as filed in the Office of the Zoning Commissioner of Baltimore County.

was inserted in THE ESSEX TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one year.

was published on the 14th day of Jan. 1974 and is in the name of

was published on the 14th day of Jan. 1974 and is in the name of

STROMBERG PUBL. CO., INC.

By Edith Morgan

CONTAINING 271 copies of said map as per

Being the property of Raymond Schmidt, as shown on plat filed with the Zoning Department.

Hearing Date: Monday, January 28, 1974 at 10:00 A.M.

Public Hearing: Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Jan 18

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
EXCEPTION : ZONING COMMISSIONER
NE/S of North Point Boulevard, :
690' NW of Old Battle Grove :
Road - 15th District : OF
Raymond Schmidt - Petitioner :
NO. 74-135-X (Item No. 57) : BALTIMORE COUNTY

The Petitioner requests a Special Exception for a truck terminal on a parcel of property containing 2.71 acres of land, more or less, located on the northeast side of North Point Boulevard, 690 feet northwest of Old Battle Grove Road, in the Fifteenth Election District of Baltimore County.

Testimony on behalf of the Petitioner indicated that this is part of an overall tract owned by the Petitioner. The ingress and egress to the subject property would be along North Point Boulevard, and no ingress and egress would be afforded along North Point Road. The subject property is basically between North Point Road and North Point Boulevard. Testimony also indicated that public water and sewer are available to the property and are adequate.

It was further indicated that the Contract Purchaser, Youngstown Cartage Company, Incorporated, did not anticipate the servicing of trucks on the subject property other than their fueling. It was further testified that the Patapasco Freeway, which lies to the north of the subject property, is open and, as a result thereof, traffic has lessened on North Point Boulevard.

Mr. John Terebetsky, Manager of Youngstown Cartage Company, Incorporated, for the past fifteen years, explained the type of operation that Youngstown proposes at the subject location. He indicated that 99 percent of the proposed business will be for the hauling of steel from the Bethlehem Steel Corporation Plant at Sparrows Point. This was the Company's purpose for locating in the vicinity of Bethlehem Steel.

Residents of the area, in protest of the subject Petition, indicated that there had been some flooding conditions in the back yard of several of the residences along the 3900 block of Old North Point Road. They were concerned with the traffic along Old North Point Road and the possibility of an entrance or exit from the subject property onto this narrow road. The bulk of the testimony from the Protestants was the traffic factor, i.e., the noise that emanates from the running of large trucks, etc.

The general area along North Point Boulevard, Old North Point Road, and the Edgemere area, all located near the Bethlehem Steel Corporation at Sparrows Point, has been experiencing difficulty with reference to trucking companies and/or truckers setting up truck terminals on land that is not zoned in accordance with the Baltimore County Zoning Regulations, not having permits, etc. This is a matter of enforcement for the Zoning Commissioner.

The nature of Bethlehem Steel Corporation's business necessitates trucks for the hauling of steel that is produced at the Sparrows Point Plant, and it is understandable why trucking companies wish to be located close to or in the same locality as the company they haul for.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the prerequisites of Section 502.1 have been met, and a Special Exception for a truck terminal should be granted.

The lessening of traffic along North Point Boulevard; the agreement and stipulation by the Contract Purchaser, Youngstown Cartage Company, Incorporated, that Old North Point Road would not be used by the trucks emanating or going to the subject property; and its close vicinity to the Bethlehem Steel Corporation, also indicate that the subject Petition should be granted. It is further felt that the granting of this particular Special Exception would not be

deleterious to the health, safety, and general welfare of the community, in as much as any construction or building of the truck terminal would necessitate a permit reviewed by all the various agencies of Baltimore County.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of May, 1974, that a Special Exception for a truck terminal should be and the same is GRANTED, from and after the date of this Order, subject to the following restrictions:

1. An eight foot high screened fence be constructed around the perimeter of the entire subject property, excluding the entrance from North Point Boulevard.
2. A hard durable surface, namely, black top, concrete, or bituminous surface be constructed wherever trucks are to be driven or parked on the subject property.
3. Wheel stops be constructed along the perimeter of the subject property within the above mentioned screened fence.
4. No access whatsoever be afforded to North Point Road from the subject property.
5. No servicing of vehicles, other than that of furnishing gasoline, shall take place on the subject property.
6. Approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

H. H. H.
Zoning Commissioner of
Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : IN THE CIRCUIT COURT
for a truck terminal :
NE/S of Old Battle Grove Road : FOR BALTIMORE COUNTY
15th District :
Raymond Schmidt, Petitioner : AT LAW
Youngstown Cartage Co., Inc. :
Contract Purchaser : Misc. Case No. 10

Zoning File No. 74-135-X : Folio No. 126
Marjorie Hill, et al : File No. 5750
Protestants-Appellants :

ORDER

For the reasons assigned at the conclusion of the hearing held herein, it is hereby ORDERED, this 24th day of December, 1975, that the Order of the County Board of Appeals of Baltimore County, entered on September 18, 1975 be and it is hereby affirmed.

John P. H.
JUDGE

True Copy Test
G. 45A
G. 45A

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for a Truck Terminal :
NE/S North Point Boulevard 690' : COUNTY BOARD OF APPEALS
NW of Old Battle Grove Road :
15th District : OF
Raymond Schmidt, Petitioner :
Youngstown Cartage Co., Inc., : BALTIMORE COUNTY
Contract Purchaser :
No. 74-155-X

OPINION

This case comes before the Board on an appeal by the Protestants from an Order of the Zoning Commissioner, dated May 24, 1974, which granted the requested special exception for a truck terminal on the subject property, located on the northeast side of North Point Boulevard approximately 690 feet northwest of Old Battle Grove Road, in the Fifteenth Election District of Baltimore County.

The subject property contains approximately 2.71 acres and is presently zoned M. L. in an IM District. The Petitioner is requesting a special exception to permit the operation of a truck terminal at this site which fronts on North Point Boulevard, and is located between North Point Boulevard and North Point Road.

Testimony on behalf of the Petitioner indicated that adequate public water and sewer are available to the subject property. Further testimony revealed that traffic had decreased on the North Point Boulevard since the opening of the Patapsco Freeway. Testimony from the contract purchaser, Youngstown Cartage Co., Inc., indicates that they are seeking this as a location for their terminal because of its proximity to the Bethlehem Steel plant at Sparrows Point, which provides ninety-nine percent of their business. Testimony was that there would be no repairs or other work performed on the trucks at this location other than that of routine maintenance and fueling.

There were neighborhood witnesses in support of this petition in addition to the Petitioners, their representatives and their expert witnesses. All of this testimony indicated that Section 502.1 of the Baltimore County Zoning Regulations would be fully satisfied, and that there would be nothing

Raymond Schmidt - #74-155-X

2.

detrimental to the health, safety, or general welfare of the immediate neighborhood.

The Protestants who testified in this case were concerned primarily with the traffic aspect of this matter, including fumes, dirt, noise and vibration, etc., and there was also some concern with proper drainage. However, as regards the traffic situation, the Board finds that by granting the request in this case with certain restrictions, there would be no increase of any of the complained of items due to the fact that the Youngstown Cartage Co. presently operates a terminal on North Point Boulevard and, therefore, all of their vehicles are presently using the same road and there would not be any increase in traffic as the result of granting this petition and, of course, nor would there be any increase in any of the related objectionable results from the aforesaid traffic.

Without reviewing the evidence further in detail, but based upon all of the evidence presented at this hearing, it is the judgment of this Board that the prerequisites of Section 502.1 have been met and a special exception for a truck terminal should be granted. The Board does find that such a special exception should be subject to conditions in order to protect the interests of the immediate neighborhood, including screening of the subject property and a prohibition against any access to the subject property from North Point Road. This would in effect prevent an incursion of traffic from the subject property into the surrounding neighborhood by confining access solely to North Point Boulevard.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 18th day of September, 1975, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby GRANTED.

Raymond Schmidt - #74-155-X

3.

subject to the following restrictions:

1. An eight (8) foot high screened fence be constructed around the perimeter of the entire subject property, excluding the entrance from North Point Boulevard; said fence shall be of chain link construction and the screening shall be of dense evergreen type foliage planted between the property lines and the chain link metal fence.
2. A hard durable surface; namely, blacktop, concrete or bituminous shall be constructed wherever vehicles are to be driven and/or parked on the subject property.
3. Wheel stops shall be constructed along the perimeter of the subject property within the above mentioned screened fence.
4. No access whatsoever shall be afforded to the subject property from North Point Road.
5. No servicing of vehicles, other than that of furnishing fuel, shall take place on the subject property.
6. Overnight parking shall be limited to not more than twenty (20) units; for the purposes of this restriction a unit shall mean a truck or a trailer; i.e., a combination of truck and trailer shall equal two units.
7. Utilization of the special exception shall be contingent upon the continuing compliance with all of the above restrictions. Failure of said compliance shall be evidence of derogation of the provisions of Section 502.1. Continuing satisfaction of Section 502.1 shall be necessary for the continuance of the special exception granted herein.
8. Approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning. Such site plan shall absolutely provide for an adequate method of handling the storm water runoff from the subject property.
9. Restroom facilities and a truck driver's lounge area, with telephone service for the truck drivers, shall be provided on the site.

Raymond Schmidt - #74-155-X

4.

Any appeal from this decision must be in accordance with Rules B-1 to B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

Robert L. Gilland

John A. Miller

MARJORIE HILL, et al : IN THE
VS. : COURT OF SPECIAL APPEALS
RAYMOND SCHMIDT, et al : OF
: MARYLAND
: September Term, 1976
: No. 79

MOTION FOR DISMISSAL

Now comes RAYMOND SCHMIDT, et al, by Robert J. Romadka and
Trent L. Seawell, attorneys for Appellees, and respectfully
represent:

1. That the Record in the above entitled appeal was
received and docketed on March 22, 1976.
2. That the brief of the Appellant was to be filed with
the Clerk of this Court on or before May 3, 1976 in accordance
with Rule 1030a1.
3. That as of May 4, 1976 said brief has not been filed
with the Clerk of this Court.

WHEREFORE, the Appellees pray that the appeal filed herein
by the Appellants be dismissed pursuant to Rule 1035b6.

Robert J. Romadka
Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274

Trent L. Seawell
Trent L. Seawell
7902 Delair Road
Baltimore, Maryland 21236
665-0360

ATTORNEYS FOR APPELLEES

FILED

MAY 7 1976

JULIUS A. ROMANO, CLERK
COURT OF SPECIAL APPEALS
OF MARYLAND

WE HEREBY CERTIFY, that on this 5 day of May, 1976, copies
of the foregoing Motion and attached Order were mailed to
Bernard F. Murphy, Esq., Howard and Stone, 6905 Dunhamway,
Dundalk, Maryland 21222, Attorneys for Appellants, and to
John W. Heslian, III, Esq., County Office Building, Towson,
Maryland 21204.

Robert J. Romadka
Robert J. Romadka
OF COUNSEL FOR APPELLEES





4D
Z. C. PETITIONER'S EXHIBIT



4E
Z. C. PETITIONER'S EXHIBIT



4F
Z. C. PETITIONER'S EXHIBIT



4G
Z. C. PETITIONER'S EXHIBIT



4H
Z. C. PETITIONER'S EXHIBIT

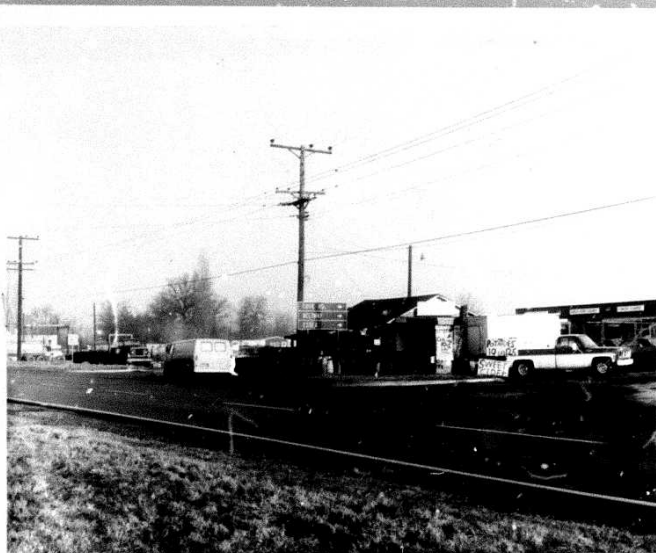


4I
Z. C. PETITIONER'S EXHIBIT



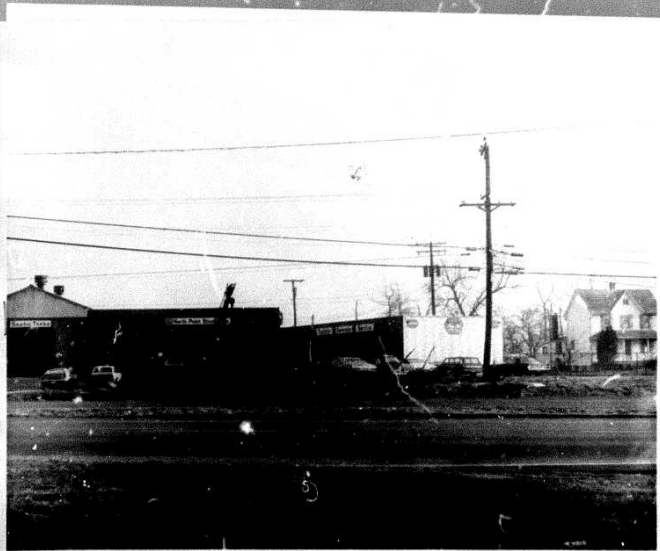
2. C. PETTIONER'S EXHIBIT

42



2. C. PETTIONER'S EXHIBIT

43



2. C. PETTIONER'S EXHIBIT

44



2. C. PETTIONER'S EXHIBIT

5

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 3, 1973

COUNTY OFFICE BLDG.
111 W. CALVERT AVE.
TOWSON, MARYLAND 21204JOHN J. DILLON, JR.
Chairman

MEMBERS

W. FRANK G.

BY DELEGATION

DEPARTMENT OF

TRAFFIC ENGINEERING

STATE BOARD COMMISSION

BUREAU OF

THE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

PLANNING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL

DEVELOPMENT

PETITIONER'S
EXHIBIT #2Trent L. Seawell, Esq.
628 Eastern Avenue
Baltimore, Maryland 21221RE: Special Exception Petition
Item 57
Raymond Schmidt - Petitioner

Dear Mr. Seawell:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

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

The subject property is located on the northeast side of North Point Blvd., 520 feet northwest of Old Battle Grove Road, in the 15th District of Baltimore County. This property which is zoned Manufacturing, Light, with an I.M. District, is requesting a Special Exception for a truck terminal on 2.6 acres of land.

This property is a vacant lot that is improved with an existing outdoor advertising sign and lies directly adjacent to the T&M Motors, which is a used car lot and the subject of an earlier petition. This property is also owned by this petitioner.

There are existing dwellings to the rear of the property which front on Raymond Avenue and Charles Avenue. There is an existing trailer sales company

Trent L. Seawell, Esq.
Re: Item 57 - Raymond Schmidt
October 3, 1973

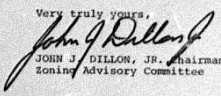
on the opposite side of North Point Road. The easternmost side of the site abuts a culvert and storm drain area. The stream which lies within may be tidal in nature and would be subject to any requirements set forth with regard to wetland areas. Beyond that is an existing used car or truck repair company - its status insofar as its permissibility is concerned is undetermined at this time.

Curb and gutter does not currently exist along North Point Blvd. in this vicinity.

Public water and sewer apparently are available via Raymond Avenue; however, it is not indicated on the submitted site plan. This should be corrected along with other comments that are required by the Dept. of Traffic Engineering, Bureau of Engineering, Project Planning, and the State Highway Administration.

This petition is being withheld from a hearing date until such time as revised plans are received that reflect the comments above, and any comments from other departments as requested.

Very truly yours,


JOHN J. DILLON, JR., Chairman
Zoning Advisory Committee

JJJD:rjd

Enclosure

cc: Mr. Frank S. Lee
1277 Neighbors Avenue
Baltimore, Md. 21237Baltimore County, Maryland
Department Of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204Bureau of Engineering
FLEET/ORTH H. DIVER, R. E. CUEP

October 2, 1973

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204Re: Item #57 (1973-1974)
Property Owner: Raymond Schmidt
W/S of North Point Blvd. - 520' NW of Old Battle Grove Rd.
Existing Zoning: M.L.-I.M.
Proposed Zoning: Special Exception for a truck terminal
No. of Acres: 2.60
District: 15th

Dear Mr. DiMenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Comments have previously been furnished for this property and a portion thereof, see Zoning Item 579 (1972-1973) and Zoning Item 581 (1972-1973). Those comments remain valid and generally applicable to this Item 57 (1973-1974) and are referred to for your consideration.

The following comments are in addition thereto. It appears that the Petitioner must submit a revised plan. The plan is to indicate his over-all property and subdivided portions, and the proposed use or disposition of his private "lands" (Raymond and Charles Avenues).

Raymond Avenue contains an 8-inch public sanitary sewer which appears to be the main for sewerage that portion or portions of the Petitioner's property which lie northwest of the stream which traverses this site. It also appears improbable that any public water main connection can be provided from North Point Boulevard to serve any of the Petitioner's holdings. Public water can be made available by extension from or connection to the 12-inch water main in North Point Road.

The existing 60-inch industrial water main in North Point Boulevard should also be shown.

Provisions for accommodating storm water or drainage again have not been indicated on the submitted plan.

Existing drainage and utility easements should be shown on the revised plan.

Item #57 (1973-1974)
Property Owner: Raymond Schmidt
Page 2
October 2, 1973

General: (Cont'd)

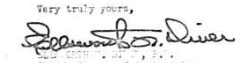
A portion of this site appears subject to inundation during a 50-year storm. Baltimore County requires that a drainage reservation or easement be established to contain all areas subject to inundation by a 100-year storm.

The revised plan must also correctly indicate the existing battery of drainage pipes at North Point Boulevard. The existing stream through this property is also subject to or influenced by tidal action in near track and tobacco Cove. In accordance with County Policy, channel improvements and stabilization of banks may be required.

The property to be developed is located adjacent to the water front. The Petitioner is advised that the owner's portions of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels of residential and commercial development and other special construction features are required.

The Petitioner is referred to the State of Maryland Department of Natural Resources, which issues permits or licenses for projects involving non-tidal waterways and tidal wetlands, respectively.

Very truly yours,


R. E. CUEP, R. E. CUEP
Chief, Bureau of Engineering

ENCLOSURE

1-100 Top Sheet
S. E. 27 & 28 Pos. Sheets
SS 30 Topo
1:61 Top MapBALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTORWm. T. MILLER
DEPUTY TRAFFIC ENGINEER

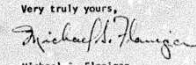
September 27, 1973

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204Re: Item 57 - ZAC - September 11, 1973
Property Owner: Raymond Schmidt
NE/S North Point Boulevard, 520' NW of Old Battle Grove Road
Special Exception for a truck terminal
District 15

Dear Mr. DiMenna:

No traffic problems are anticipated by the requested special exception for a truck terminal.

Very truly yours,


Michael T. Flanagan
Traffic Engineer Associate

MSF/ph

Maryland Department of Transportation
State Highway AdministrationHarry R. Hughes
Secretary
Edward M. Evans
Administrator

September 17, 1973

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204RE: I.A.C. Meeting, Sept. 11, 1973
Property Owner: Raymond Schmidt
Location: NE/S of North Point Blvd.
(Rte 15) 520' NW of Old Battle Grove Road
Existing Zoning: M.L.-I.M.
Proposed Zoning: Spec. Except. for a truck terminal
No. of Acres: 2.60
Dist: 15 Items: 57

Dear Mr. DiMenna:

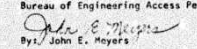
It is our understanding that the subject site is part of additional property under the same ownership. Part of the property is presently improved with a used car lot. The remaining part is marked on the plan as being vacant. It is our opinion that the property should be considered a subdivision. Ownership should be indicated on the plan. Entrances to the overall property should be kept to a minimum of 40 and should be designed to serve the overall property.

The proposed highway improvements must extend across the frontage of the remaining site. The plan should be revised prior to the hearing.

The entrance will be subject to approval and permit from the State Highway Administration.

The 1972 average daily traffic on this section of North Point Boulevard is 35,400 vehicles.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering Access Permits

By: John E. Meyers

CLJEN:dp

Baltimore County Fire Department

J. Austin Deitz
Chief

Towson, Maryland 21204

812-7310

Office of Planning and Zoning,
Baltimore County Office Building
Towson, Maryland 21204Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Raymond Schmidt

Location: NE/S of North Point Boulevard, 520' NW of Old Battle Grove Road

Item No. 57

Zoning Agend. Tuesday, September 11, 1973

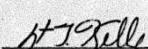
Gentlemen:

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

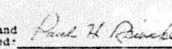
- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 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 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewer:


Planning Group
Special Inspection Division

Noted and Approved:


Deputy Chief
Fire Prevention Bureau
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTHJEFFERSON BUILDING
TOWSON, MARYLAND 21204

September 18, 1973

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICERMr. S. Eric DiMenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiMenna:

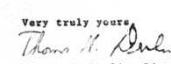
Comments on Item 57, Zoning Advisory Committee Meeting September 11, 1973, are as follows:

Property Owner: Raymond Schmidt
Location: NE/S North Point Blvd., 520' NW of Old Battle Grove Road
Present Zoning: M.L. - I.M.
Proposed Zoning: Special Exception for truck terminal
No. Acres: 2.60
District: 15

Metropolitan water and sewer are available.

Water Resources Administration Comments: If lubrication work and oil changes are performed at this location, revised plans must be submitted showing method providing for the elimination of waste oil in accordance with Water Resources Administration requirements.

Very truly yours,


Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:nn

RE: PETITION FOR SPECIAL EXCEPTION *
for a truck terminal
NE/R of Old Battle Grove Road
15th District
Re-mond Schmidt, Petitioner
Youngstown Cartage Co., Inc.
Contract Purchaser

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW

File No. 5750
Misc. Docket 10
Folio No. 126
December 18, 1975

BEFORE:

HONORABLE JOHN GRASON TURNBULL, JUDGE

APPEARANCES:

ROBERT J. ROMADKA, ESQUIRE, and
TRENT L. SEAWELL, ESQUIRE
On behalf of Petitioners

BERNARD F. MURPHY, ESQUIRE, and
JOHN W. HESSIAN, III, ESQUIRE
On behalf of Protestants

OPINION OF COURT

Reported by:
Paul G. Griffin
Official Court Reporter
Circuit Court for Baltimore County

THE COURT: Gentlemen, Turner vs. Hammond was decided on October 15, 1973, that was in the Court of Appeals, relative to a special exception and a variance in that case, and at Page 54 in 270 Maryland, the Court, in an opinion written by Judge McWilliams, adverted to much the same thing that Mr. Romadka did in his coramam; he referred to the existence of runoff water and filed water back to the days of the Indians. And if you take a look at the way Judge McWilliams started out in the Turner case, his first sentence is, "Captain John Smith sailed up the Wicomico River in 1608. When he came to what is now Salisbury, he found a small community of Hatticoke Indians," and so forth. But at Page 54 he said, "Occasionally the bar and less often the bench lose sight of the concept that the conditional use or special exception, as it is generally called, is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare and, therefore, valid The special exception is a valid zoning mechanism that delegates to an administrative board a limited authority to permit enumerated uses the legislature has determined can be allowed, properly albeit prima facie absent any fact or circumstances negating the presumption. . . . The duties given the Board are to judge whether the neighboring properties and the general neighborhood would be adversely affected, and whether the use, in the particular case, is in harmony with the general purpose and

intent of the zoning plan'. Where the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of showing affirmatively that his proposed use accords with the general welfare. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material, but if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the functioning of the comprehensive plan, a denial of an application for a special exception is arbitrary, capricious and illegal."

In Anderson vs. Sawyer, 23 Md. App. 612, Hammond was followed by a decision of the Court of Special Appeals decided December 16, 1974, just about a year later. At Page 616 it said, "The applicable standards for judicial review of the grant or denial of a special exception have been frequently expressed by the Court of Appeals. . . . The conditional use or special exception is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception is a valid zoning mechanism that delegates to an administrative board a limited authority

in light of the nature of the zone involved or of factors causing disharmony to the functioning of the comprehensive plan. Even if there is probative evidence to that effect, then it would seem that it is the function of the Board, sitting as it does de novo, to weigh the value of the evidence, and come to a conclusion based on the evidence, which in this case it has done. If the conclusion of the Board is that there is not sufficient probative evidence in opposition to the application for special exception, and if the Board, on the evidence, comes to the conclusion that the applicant has met the provisions of Section 502.1, and if there is satisfactory evidence on the one hand, insufficient probative or lack of probative evidence on the other in the opinion of the Board, then the Board applies that law to the facts which it finds exist. And if the Board has probative evidence before it for the petitioner or lack of evidence before it in the case of the Protestant's position upon which it should base a decision, then the Court cannot interfere.

On the basis of this record, gentlemen, and on the basis of the law as I understand it, it seems to me that the Board had ample evidence before it upon which it could find that the applicant met the conditions contained in Section 502.1, and that it could readily find that there was not sufficient probative evidence before it to justify it in denying the petition for special exception. Not only did it give careful consideration to all the evidence before it, it embodied in its Order numerous restrictions which it intended obviously to make sure that the granting of the application and the use of the property for the uses desired would not cause harm or disturbance to the neighboring area and would not cause

disharmony to the functioning of the comprehensive plan.

In the light of the entire record, gentlemen, this Court cannot possibly find that the Board of Zoning Appeals acted in a manner which was arbitrary, capricious or illegal. The Court will sign an Order affirming the Order of the Board of Zoning Appeals.

to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption." I see Judge Davidson liked Judge McWilliams' language, although she didn't give him credit for it by putting it in quotes; a little bit of plagiarism there. "The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose of the intent of the plan." That is a quote from the Marlboro Club case, 202 Md. 279; that also is not in quotes. "Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community." And then it goes on, and either directly quotes or paraphrases what Judge McWilliams said in Turner vs. Hammond.

It comes down to a question of whether or not the Board acted arbitrarily, illegally, capriciously or unlawfully in granting the special exception. As I understand the rulings of both appellate courts, if the applicant meets, by satisfactory evidence, the conditions set forth in Section 502.1 of the Zoning Regulations of this County, then that applicant is entitled to a granting of the application for a special exception unless there is probative evidence of harm or disturbance

BALTIMORE COUNTY
ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

Item 57

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 2nd day of November, 1973

ERIC DINENIA,
Zoning Commissioner

Petitioner: Raymond Schmidt

Petitioner's Attorney: Mr. Frank S. Lee
1277 Neighbors Avenue (21237)

Reviewed by: [Signature]
Chairman, Zoning Advisory Committee

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 3, 1973

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

via

JOHN J. DILLON, JR.
Chairman

MEMBERS:

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

URBAN PLANNING

BOARD OF ELECTIONS

JOINT ADMINISTRATION

INDUSTRIAL DEVELOPMENT

Trent L. Seawell, Esq.,
528 Eastern Avenue
Baltimore, Maryland 21221

RE: Special Exception Petition
Item 57
Raymond Schmidt - Petitioner

Dear Mr. Seawell:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

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

The subject property is located on the northeast side of North Point Blvd., 520 feet northwest of Old Battle Grove Road, in the 15th District of Baltimore County. This property, which is zoned Manufacturing, Light, with an I.M. District, is requesting a Special Exception for a truck terminal on 2.6 acres of land.

This property is a vacant lot that is improved with an existing outdoor advertising sign and lies directly adjacent to the T&M Motors, which is a used car lot and the subject of an earlier petition. This property is also owned by this petitioner.

There are existing dwellings to the rear of the property which front on Raymond Avenue and Charles Avenue. There is an existing trailer sales company

- 2 -

Trent L. Seawell, Esq.,
Re: Item 57 - Raymond Schmidt
October 3, 1973

on the opposite side of North Point Road. The easternmost side of the site abuts a culvert and storm drain area. The stream which lies within may be tidal in nature and would be subject to any requirements set forth with regard to wetland areas. Beyond that is an existing used car or truck repair company - its status insofar as its permissibility is concerned is undetermined at this time.

Curb and gutter does not currently exist along North Point Blvd. in this vicinity.

Public water and sewer apparently are available via Raymond Avenue; however, it is not indicated on the submitted site plan. This should be corrected along with other comments that are required by the Dept. of Traffic Engineering, Bureau of Engineering, Project Planning, and the State Highway Administration.

This petition is being withheld from a hearing date until such time as revised plans are received that reflect the comments above, and any comment from other departments as requested.

Very truly yours,

JOHN J. DILLON, JR.
Chairman
Zoning Advisory Committee

JJD:fr:JD

Enclosure

cc: Mr. Frank S. Lee
1277 Neighbors Avenue
Baltimore, Md. 21237

Baltimore County, Maryland
Department of Public Works

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH H. DYER, P. E., CHIEF

October 2, 1973

Mr. E. Eric Dinenia
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #57 (1973-1974)

Property Owner: Raymond Schmidt
N/2 of North Point Blvd., 520' W/N of Old Battle Grove Rd.
Existing Zoning: M.U.-1-M
Proposed Zoning: Special Exception for a truck terminal
No. of Acres: 2.60
District: 15th

Dear Mr. Dinenia:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Comments have previously been supplied for this property and a portion thereof, see Zoning Item #39 (1966-1970) and Zoning Item #132 (1972-1973). Those comments remain valid and generally applicable to this Item #57 (1973-1974) and are referred to for your consideration.

The following comments are in addition thereto. It appears that the Petitioner must submit a revised plan. The plan is to indicate his over-all property and subdivided portions, and the proposed use or disposition of his private "roads" (Raymond and Charles Avenues).

Raymond Avenue contains an 8-inch public sanitary sewer which appears to be the means for sewerage that portion or portions of the Petitioner's property which lie northeast of the stream which traverses this site. It also appears improbable that any public water main connection can be provided from North Point Boulevard to serve any of the Petitioner's holdings. Public water can be made available by extension from or connection to the 12-inch water main in North Point Road.

The existing 60-inch industrial water main in North Point Boulevard should also be shown.

Provisions for accommodating storm water or drainage again have not been indicated on the submitted plan.

Existing drainage and utility easements should be shown on the revised plan.

Item #57 (1973-1974)
Property Owner: Raymond Schmidt
Page 2
October 2, 1973

General: (Cont'd)

A portion of this site appears subject to inundation during a 50-year storm. Baltimore County requires that a drainage reservation or easement be established to contain all areas subject to inundation by a 100-year storm.

The revised plan must also correctly indicate the existing battery of drainage pipes at North Point Boulevard. The existing stream through this property is also subject to or influenced by tidal action in "low tides" and "base flow". In accordance with County Policy, channel improvements and stabilization of banks may be required.

The property to be developed is located adjacent to the water front. The Petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels of residential and commercial development and other special construction features are required.

The Petitioner is referred to the State of Maryland Department of Natural Resources, which issues permits or licenses for projects involving non-tidal waterways and tidal wetlands, respectively.

Very truly yours,

ELLSWORTH H. DYER, P. E.
Chief, Bureau of Engineering

ENCLOSURES

PLAN Key Sheet
6 28 47 28 Nos. Sheets
28 30 Topo
101 "ax 1/4"

September 17, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Md. 21204

RE: Z.A.C. Meeting, Sept. 11, 1973
Property Owner: Raymond Schmidt
Location: NE/S of North Point Blvd.,
(Rte 151) 520' NW of Old Battle
Grove Road
Existing Zoning: M.L.-I.M.
Proposed Zoning: Spec. Except. for
a truck terminal
No. of Acres: 2.60
Dist: 15 Item: 57

Dear Mr. DiNenna:

It is our understanding that the subject site is part of additional property under the same ownership. Part of the property is presently improved with a used car lot. The remaining part is marked on the plan as being vacant. It is our opinion that the property should be considered a subdivision. Ownership should be indicated on the plan. Entrances to the overall property should be kept to a minimum of two and should be designed to serve the overall property.

The proposed highway improvements must extend across the frontage of the remaining site. The plan should be revised prior to the hearing.

The entrance will be subject to approval and permit from the State Highway Administration.

The 1972 average daily traffic on this section of North Point Boulevard is 35,400 vehicles.

Very truly yours,

Char. Lee, Chief
Bureau of Engineering Access Permits

John E. Meyers
By: John E. Meyers

CLJ:JH:dp

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County Fire Department



Towson, Maryland 21204

812-7310

Austin Deitz
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Raymond Schmidt

Location: NE/S of North Point Boulevard, 520' NW of Old Battle Grove Road

Item No. 57 Zoning Agenda Tuesday, September 11, 1973

Gentlemen:

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

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (xx) 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 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: *AT Kelly*
Planning Group
Special Inspection Division

Noted and Approved: *Paul H. Rose*
Deputy Chief
Fire Prevention Bureau

ms
4/16/73

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
Director

Wm. T. Mellen
Deputy Traffic Engineer

September 27, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 57 - ZAC - September 11, 1973
Property Owner: Raymond Schmidt
NE/S North Point Boulevard, 520' NW of Old Battle Grove Road
Special Exception for a truck terminal
District 15

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested special exception for a truck terminal.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSF/pk

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

September 18, 1973

DONALD J. ROOP, M.D., M.P.H.
COUNTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 57, Zoning Advisory Committee Meeting September 11, 1973, are as follows:

Property Owner: Raymond Schmidt
Location: NE/S North Point Blvd., 520' NW of Old Battle Grove Road
Present Zoning: M.L. - I.M.
Proposed Zoning: Special Exception for truck terminal
No. Acres: 2.60
District: 15

Metropolitan water and sewer are available.

Water Resources Administration Comments: If lubrication work and oil changes are performed at this location, revised plans must be submitted showing method providing for the elimination of waste oil in accordance with Water Resources Administration requirements.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mg6

**BOARD OF EDUCATION
OF BALTIMORE COUNTY**

TOWSON, MARYLAND 21204

Date: September 20, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: September 11, 1973

Re: Item 57
Property Owner: Raymond Schmidt
Location: NE/S of North Point Blvd., 520' NW of Old Battle Grove Road
Present Zoning: M.L. - I.M.
Proposed Zoning: Special Exception for a truck terminal

District: 15
No. Acres: 2.60 acres

Dear Mr. DiNenna:

No bearing on student population.

WSP/ml

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich
Field Representative

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



October 18, 1973

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #57, Zoning Advisory Committee Meeting, September 11, 1973, are as follows:

Property Owner: Raymond Schmidt
Location: NE/S of North Point Boulevard, 520' NW of Old Battle Grove Road
Existing Zoning: M.L. - I.M.
Proposed Zoning: Special Exception for a truck terminal
No. of Acres: 2.60
District: 15

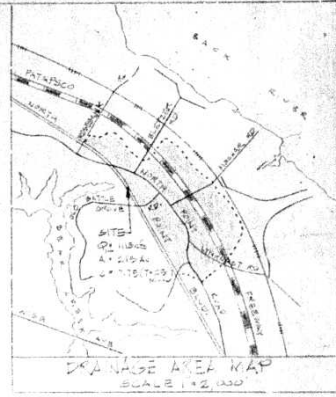
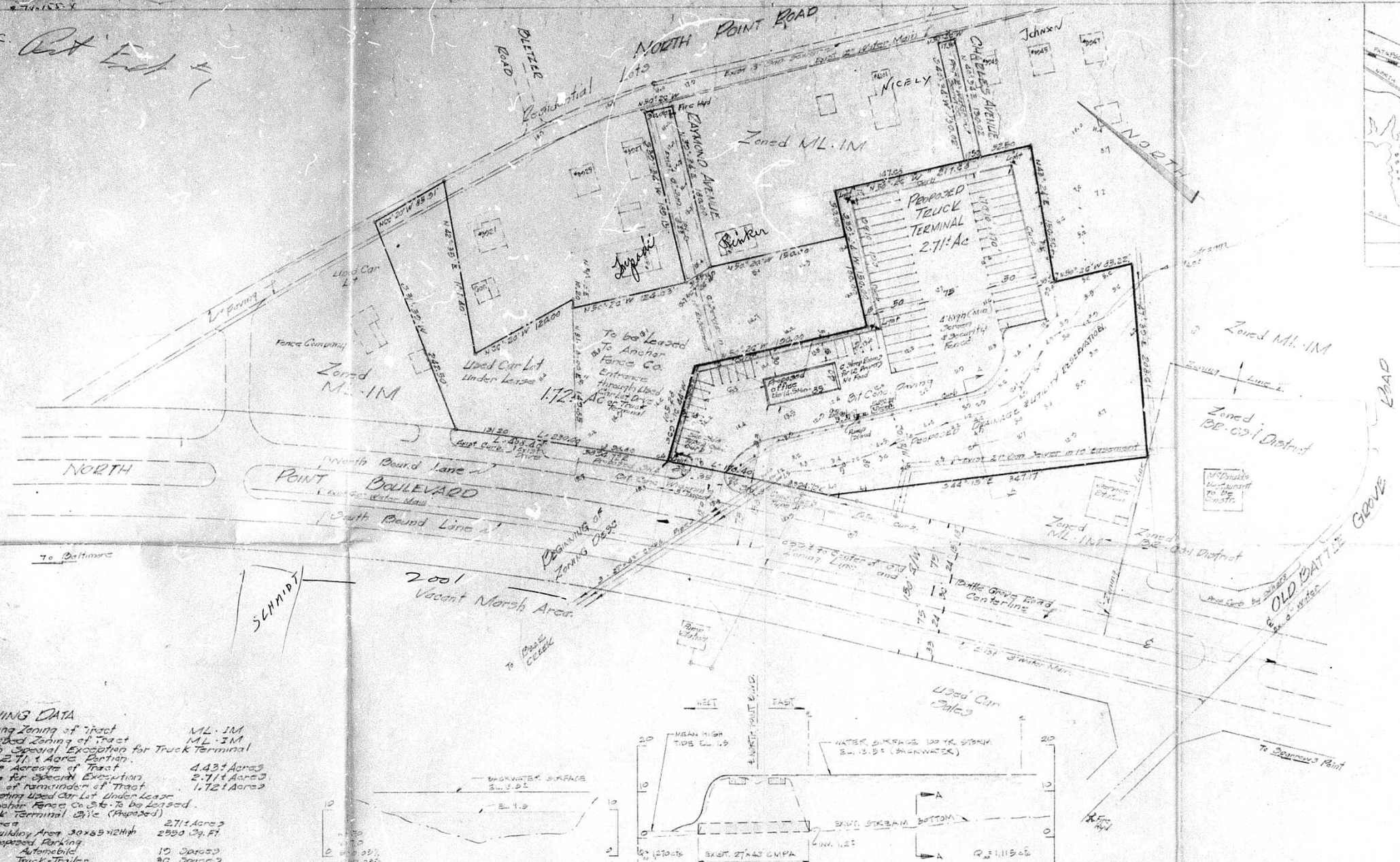
This will require an overall site plan showing how the petitioner proposes to develop his entire property.

The site plan must also be revised to comply with the Zoning Commissioner's "Rules of Practice and Procedure (Check List for Filing Petitions).

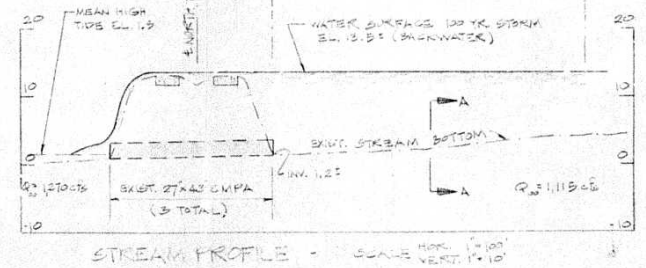
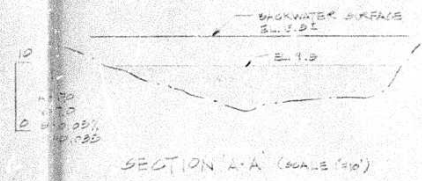
Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project & Development Planning Division

2c. Art East



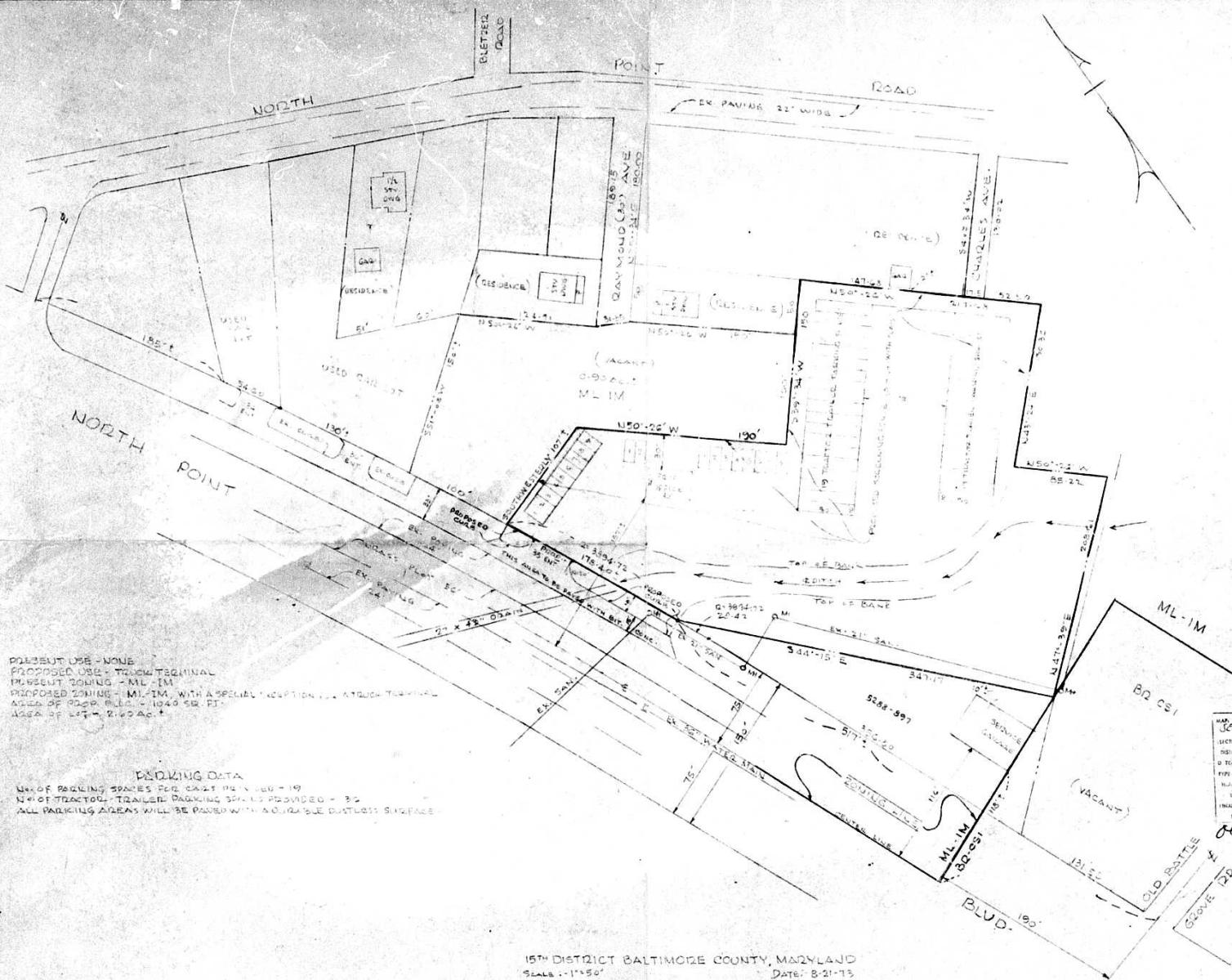
- ZONING DATA**
- Existing Zoning of Tract: ML-IM
 - Proposed Zoning of Tract: ML-IM
 - with Special Exception for Truck Terminal on 2.71 Acres Portion.
 - Gross Acreage of Tract: 4.43 Acres
 - Area for Special Exception: 2.71 Acres
 - Use of Remainder of Tract: 1.72 Acres
 - Existing Used Car Lot Under Lease: Anchor Fence Co. Site To Be Leased
 - Truck Terminal Site (Proposed):
 - Area: 2.71 Acres
 - Building Area 30x65x12 High: 2500 Sq. Ft.
 - Proposed Parking:
 - Automobile: 10 Spaces
 - Truck Trailer: 20 Spaces
 - Existing Site Use: Vacant
 - Paving: Bit Concrete Surface Course Properly Grained.
 - Screening: 4 High (Min) Screen & Terminal Security Fence
 - Lighting: Mercury Vapor Lights on 6' High Poles.
 - Utilities: To Be Installed on Site, repaired/extended at Service Station adjoining property.



ZONING PLAT
SPECIAL EXCEPTION FOR A TRUCK
TERMINAL IN A ML-IM ZONE
 15th Election District
 Baltimore County, Md
 November 16, 1973
 By January 23, 1974
 ATTORNEY
 Robert Romack
 800 Eastern Ave
 Balto Md
 Phone 336-8274
 CIVIL ENGINEER
 David W. O'Leary, Jr.
 8715 Old Hatfield Rd.
 Baltimore, Md. 21234
 (301) 645-7422





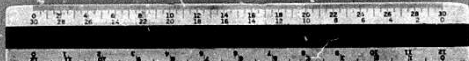


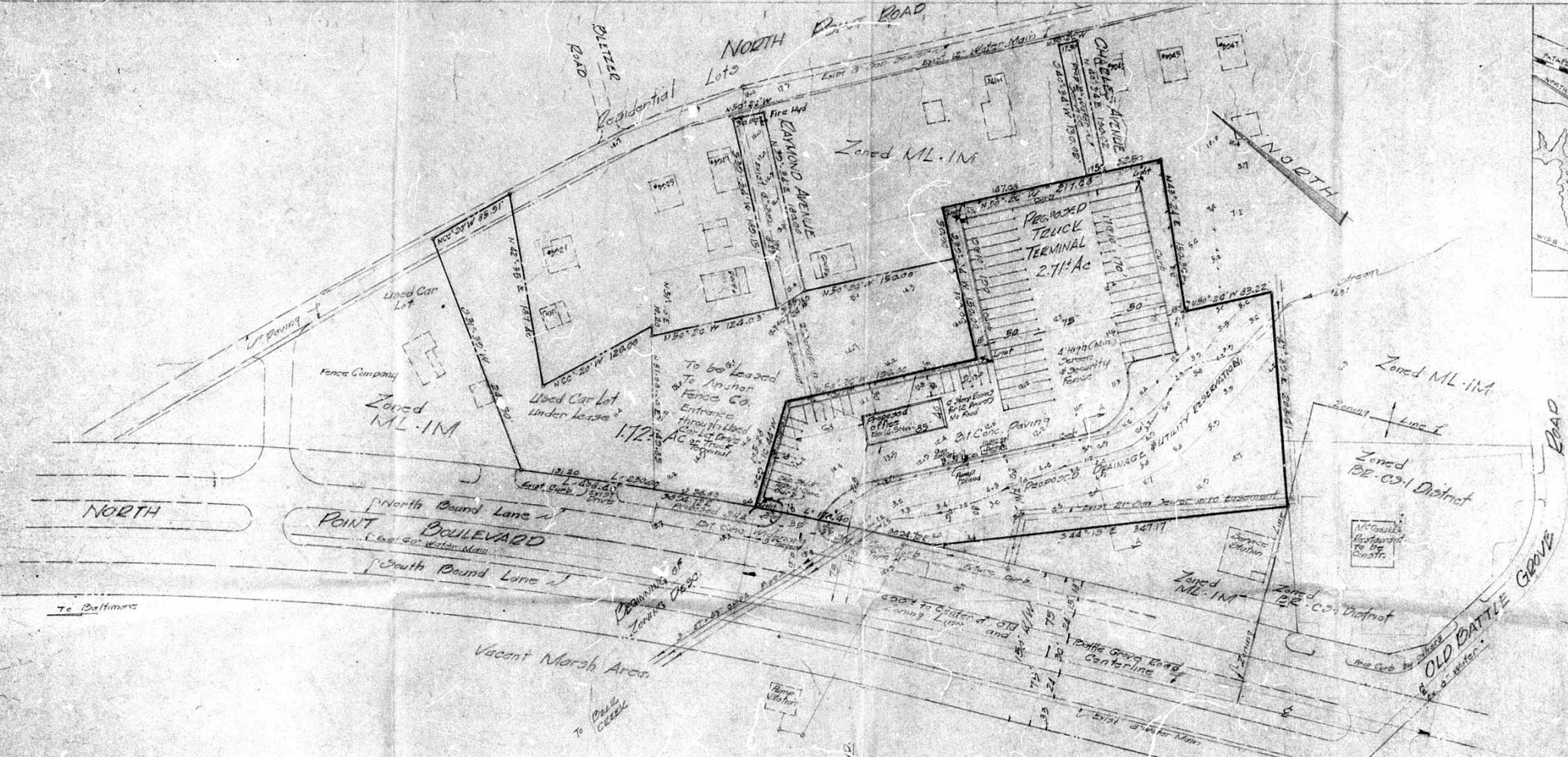
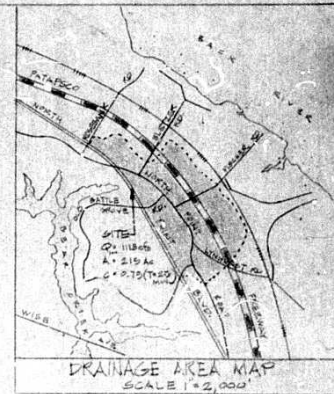
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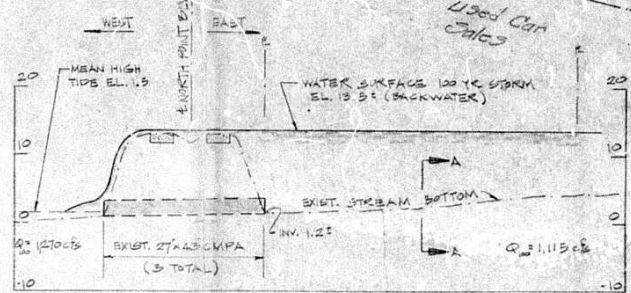
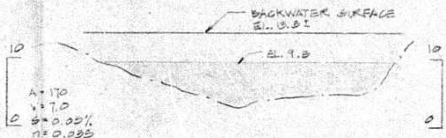


FRANK S. LEE
1217 N. E. AVE.
BALTIMORE, MD. 21207





- ZONING DATA**
- Existing Zoning of Tract: ML-IM
 - Proposed Zoning of Tract with Special Exception for Truck Terminal on 2.71 Acres: ML-IM
 - Gross Acreage of Tract: 4.43 Acres
 - Area for Special Exception: 2.71 Acres
 - Use of remainder of Tract: 1.72 Acres
 - Existing Use of Tract: Vacant
 - Truck Terminal Site (Proposed):
 - Area: 2.71 Acres
 - Building Area: 30x35x12 High: 2500 Sq. Ft.
 - Proposed Parking:
 - Automobile: 10 Spaces
 - Truck: 30 Spaces
 - Existing Site Use: Vacant
 - Paving: Bit Concrete Surface, Course Properly Graded.
 - Drainage: 4 High (Min) Ditches & Terminal Security Fence
 - Lighting: Mercury Vapor Lights on 8 High Poles
 - Access: To be Maintained on Site, repaired/Replaced of Service Station adjoining property.



ZONING PLAT
SPECIAL EXCEPTION FOR A TRUCK
TERMINAL IN A ML-IM ZONE
 15th Election District
 Code 1-50
 Baltimore County, Md
 November 16, 1973
 Rev. January 22, 1974

ATTORNEY:
 Robert Romadsky
 800 Eastern Ave.
 Baltimore, Md.
 Phone 696-8274

DAVID W. DALLAS, JR.
 CIVIL ENGINEER
 2713 OLD TAPPOON RD.
 BALTIMORE, MD. 21234
 (301) 665-7472

JIM 7 '14 '14
 REVISIONS:
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