PETITION FO ZONING RE-CLASSICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Agent r Bethlehem Steel

1, Mr-Mag.C.E. Hagwood/ Corporation, 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 (1) that the coning status of the herein described property be re-classified, pursuan

o the Zoning Law of Fultimore Cour

murphy Berrott Mund

See attached description

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

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

I, or we, "gree to pay expenses of above re-classification and/or Special Exception advertising,

osting, etc., upon filing of this petition, and further agree to and are to be bound by the zening ictions of Baltimore County adopted pursuant to the Zoning Law for Baltimo

CE Legal Owner rs Point, Maryland 21219

497. W. Pennsylyania Avenue, Towson, Md. 6905 Dunman. 823-7710 21204 Bumman.

ORDERED By The Zoning Commissioner of Baltimore County, this ath ., 197 B, that the subject matter of this petition be advertised, as DEC sequired by the Zoning Law of Baltimore County, in two newspapers of general circulation through limore Coun. 'aat property be posted, and that the public hearin', be had before the Zoning ioner of Baltimore County in Room 106, County Office Building in Towson, Baltimor

.....day of .. Pebruary .p....M.

Now the Hinna

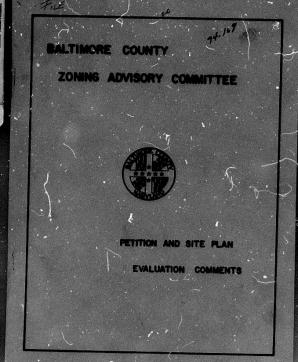
Itom #1h (1973-197b) Property Owner: Sethlehem Steel Corporation Page 2 July 30, 1973

Sanitary Sewer:

Public sanitary sewerage is not available to serve this property. A public sanitary sewer extension, approximately 1, 500 fest in length would be required from the Oreenfull Core Pumping Station, see Drawing 856-6217, 711s 1.

Locumbon Die ELISWORTH N. DIVER, P.B. Chief, Buresu of Engineering

END: EAM: FAR: 85



BALTIMORE COUNTY, MARYLAND



DEPARTMENT OF TRAFFIC ENGINEERING WM. T. MELZER EUGENE J. CLIFFORD. P.E.

August 2, 1973

Hr. S. Eric DiNenna County Office Building Towson, Maryland 21204

Re: Item 14 - ZAC - July 17, 1973
Property Owner: Bethlehem Steel Corporation
SVS North Point Boulevard, 753 feet SE of Sparrows Point Boulevard
Special Exception for Truck Terminal
District 15

North Point Road is a narrow road and large trucks will probably experience difficulty staying on the right side of the road when entering or exiting this site.

> Very truly yours, Thisherf S. Han Michael S. Flanigan Traffic Engineer Associate

MSF/pk

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

OFFICE OF ZONING COMMISSIONES



October 10, 1973

Thomas L. Hennessey, Req., 407 W. Pennsylvania Avenue Towson, Maryland 21204

RE: Special Exception for Truck Terminal SW/S North Point Blvd., 753 feet SE of Sparrows Pt. Blvd.

S. ERIC DINEENA JAMES E. DYER Deputy Zonine Co-

The subject property is located on the southwest side of North Point Blvd., 753 feet southeast of Sparrows Point Blvd., in the 15th District of Baltimore County.

This property, which contains 1.45 acres of land, is currently being used as a truck terminal by Home Mawson — Mawson, Inc. trucking company. The property was also the subject of a Zoning Violation (Case Nos. 73-30-V and 2V-72-259), along with several others in this vicinity.

The petition as submitted basically reflects what is currently existing on the site, with the exception of the channelization and physical condition of the property.

The comments of this Cormittee contained in this booklet reliest some of the poolless name we found in this vicinity. Until revised site plants are spinalted that reflect the comments of the Bureau oi Engineering, State Highway Administration, and the Project Planning office, this matter will not be scheduled for a hearing.

Prior to acceptance of this petition this office will need a verification that Mr. C. E. Hagwood is a proper representative of the Bethlehem Steel Corporation.

John J DILLON, JB Chair Zoning Advisory Committee DILLON, JB Chairman Advisory Committee

cc: Dollenberg Brother

709 Washington Ave. at York Rd. (21204) 111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

Maryland Department of Transportation

Harry R. Hughes Secretary Bernard M. Evans

July 20, 1973

Hr. S. Eric DiNenna Zoning Commissioner County Office Bldg. Towson, Md. 21204

REI Z.A.C. Meeting, July 17, 1973
Property Owner: Bethehma Steel Corp.
Location: SW/S Morth Point, 753 ft. St
of Sparrows Pt. 81 vd. (Rt. 20)
Freent Zoning: 8, 1 Len: 14
Proposed Zoning: Special Exception for
Truck Terminal
District: 13th
On. Across. 1-457

Dear Mr. DiNenna:

of the maximum permitted width of 35°. The highway frontage of the site is in excess is unimproved and there is pending of storm water on the permitted width of 35°. The highway frontage of the site is storm water on the permitted with the permitted of insufficient storm draft structures. The frontage of the site is proved with curb and gutter, 20° from the centerline of chad, concrete on the critical permitted with the permitted of the permitted with the permitted with the site of the site of

The 1972 average daily count for this section of North Point Road is 10,075 vehicles.

Very truly yours.

CL: JEM: de

Charles Lee, Chief Dgvelopment Engineering Section by: John E. Meyers
Asst. Development Engineer

Baltimore County Maruland Bepartment Of Public Morks COUNTY OFFICE BUILDING

July 30, 1973

Bureau of Engineerin

Bo: Iten #316 (1973-197h)
Property Comer: Bethlehem Steel Corporation
BNW North Point Hind, 753: SS of Sparrows Ft. Eled.
Proceed Coning: 9.8.
Portsad Zoning: 9.8.
District: 15th
No. Acres: 1.157

The following comments are full-labed in regard to the plat submitted to this office for review by the Zoning Advisory Committee in commention with the subject item.

North Point Head (%), 20) Fatapase Pressay, and Sparrows Point Coulevard (%), 151) are State Boods; therefore, all improvements, intersections, entremen anddwinage requirements as they affect the readcome under the justication of the Baryland Highesy Administration. Any utility construction within the State Pood Fight-of-way will be subject to the standards, specifications and spannial of the State in addition to tions of Baltimore County.

Development of this property through stripping, grading and stabilization could result in a sediment rollution problem, dangeling private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Provisions for accommodating storm unter or drainings have not been indicated on the submitted plan. Storm drain construction and a drainings and utility extenses are required through this property.

The Patitioner must provide necessary drainage facilities (terrorary or memoral) to prevent creating any missances or danages to adjacent properties, especially by the concentration of surface waters. Correction of any problem within any result, is to furpose grading or improper installation of drainage facilities, would be the full responsibility or the Patitioner.

Public water supply is available to serve this property.

Baltimore County Fire Department

J. Austin Doitz



Towson, Maryland 21204 823-7310

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

Attention: Mr. Jack Dillon, Chairman Zoning Advisory Committee

Re: Property Owner: Bethlehem Steel Corporation

Location: SW/S North Point Blvd., 753 ft. SE of Sparrows Pt. alvd.

Zoning Agenda Tuesday, July 17, 1973

Gentlenen.

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

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second nears of while access is required for the site.

() 3. The vehicle dead-end condition shown at

() 3. The venicle dead-end condition shown at

EXCISO3 the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the site shall be made to comply with all applicable parts of operation for the site shall comply with all applicable requirements of the Mational Fire Protection Association Standard 60-201 "The Life Safety Code", 1970 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

() 7. The Fire Frevention Bureau has no comments at this time.

Reviewer A Report Meel A Hoted and Paul H Reun he Approved:
Planning Group Special Inspection Division Fire Prevention Dureau

mls 4/16/73

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

-BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH-

JEFFERSON BUILDING TOWSON, MARYLAND 21204

July 19, 1973

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

Comments on Item 14, Zoning Advisory Committee Meeting July 17, 1973, are as follows:

Property Owner: Bethlehem Stuel Corp. Location: SW/S North Point Blvd., 753' SE of Present Zoning: B.R. Sparrows Pt. 51vd. Proposed Zoning: Special Exception for Truck Terminal District: 15 No. Acres: 1.457

Metropolitan water and sewer must be extended prior to approval of Department of Health.

Very truly yours,

Re: Case No. 74-169-X Bethlehem Steel Corp. and

Case No. 73-30-V ne Slezi, et al

Edith T. Elsenhart, Adm. Secretary

Very truly yours,

Enclosed herewith is a copy of the Supplementar and Order passed today by the County Board of Appeals in the abo

Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

HVB:nn&

WILLIAM D. FROMM

S. ERIC PINENNA



August 14, 1973

Mr. S. Eric DiNenno: Zoning Commission Zoning Advisory Committee
Office of Planning and Zoning
Barrimore County Office Building Towson, Maryland 21204

Dear Mr. DiNenna

No. Acres: 1.457

Comments on Item #14, Zoning Advisory Committee Meeting, July 17, 1973, are as follows:

Property Owner: Bethlehem Steel Corporation
Location: SW/S North Point Blvd, 753 ft SE of Sparrows Point Blvd. Present Zoning: B.R.
Proposed Zoning: Special Exception for Truck Terminal
District: 15th

The property must be paved with a surface such as; tar and chip or macadam and properly drained. Curbing or wheel stops must be provided for the parking spaces.

John ZW embley

John L. Wimbley Planning Specialist II

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING 105 WEST CHESAPEAKE AVENUE

RE: PETITION FOR SPECIAL EXCEPTION : for a Truck Terminal SW/S North Point Road, 753' SW Sparrows Point Boulevard 15th District Bethlehem Steel Corporation

CIRCUIT COURT FOR

RE: ALLEGED ZONING VIOLATION on property located at 6501 Old North Point Road

BALTI MORE COUNTY Misc 10/120/5738

ON REMAND FROM THE

8

15th District

Zoning File #74-169-X

Inc. and Set hi ehem Steel Corp.

Zonino File #73-30-V

SUPPLEMENTARY OPINION AND ORDER

In accordance with Judge John G. Turnbull's Order of Remand, dated December 30, 1975, the County Board of Appeals hereby grants the petitioned special Said granting shall be subject to those exception for a Truck Terminal. restrictions imposed by the Deputy Zoning Commistioner in his O. der dated March 6, 1974, which restrictions shall be set out in the following order.

ORDER

For the reasons set forth in the aforegoing Supplementary Opinion, it is this 21st day of September, 1976, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

- The entire surface of the parking area must be properly graded and drained to provide for storm water runoff.
- The entire parking surface must be paved with macadam, and curbing or wheel stops installed to control the parking or storage of trucks.
- Entrances must be installed in strict compliance with State Highway Administration and/or Baltimore County standards. Curbing shall be installed across the full width of the Petitioner's
- The entire boundary of the property must be fenced with an eight (8) foothigh chain link fence. The fence must be of a screen type along the frontage

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 18, 1973

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 2120

Z.A.C. Meeting of: Tuesday, July 17, 1973

Item 14
Property Camer: 5thlehem Steel Corporation
Location: 5M/S North Point Elvd., 753 ft. SE of Sparrows Pt. Blvd.
Proposed Zoning: Special Exception for Truck Terminal

District:

Dear Mr. DiNenna

No bearing on student population

Very truly yours, W. Trick Fetenick W. Nick Petrovich

WNP/ml

2.

March 6, 1974

Thomas L. Hennessey, Esquire 407 West Pennsylvania Avenue Towson, Maryland 21204

RE: Petition for Special Exception SW/S of North Polat Road, 753' SE of Sparrows Point Boulevard -15th District Bethlehem Steel Corporation -Petitioner NO. 74-169-X (Item No. 14)

Dear Mr. Hennessey:

I have this date passed my Order in the above captioned matter in accordance with the attached

Very truly yours,

JAMES E. DYER Deputy Zoning Commissioner

cc: Mr. Kenneth Muneki, Chairman North Point Improvement Association 3011 Delivert Avenue Baltimore, Maryland 21230 19 Bernard F. Murphy, Esquire 6905 Dunmanway Dundalk, Maryland 21222

Mrs. Virginia Tolbert 7441 North Point Creek Road Baltimore, Maryland 21219

Bethlehem Steel Corp. - 10/120/5738

of the property, opposite the residential zone and

- The property must be maintained in good condition at all 1 it mes including the 1 rimming or cut 1 ing of gress and weeds along the peripheral lines of the property. All junk, trash and debris must be kept in a dumpster or other trash container their must be installed on the property.
- All trucks or vehicles parked or stored on the truck terminal property must be licensed and in operating
- The Petitioner or operators of the terminal shall the retitioner or operators at the terminal shall refrain from idling motors of parked trucks for extended periods of time. Trucks shall be prohibited from parking on or alongs ide North Point Road, and under no circumstances shall trucks be routed through the residential streets of Edgemere.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

DOLLENBERG BROTHERS Registered Professional Engineers & Land Surveyors

769 WASHINGTON AVENUE AT YORK ROAD

TOWSON, MD. 21204

July 5, 1973

0

Zoning Description

All that piece or parcel of land situate, lying and being in the Pifteenth Meetton District of Paltimore County, State of daryland and described as follows to wit:

Beginning for the same at a noint on the southwest side of North Yoln Road at the distance of 753 feat more or less southwasterly meanwed along the southwest side of North Yoln Road iron the center line of Sourness foint Soldward, said alone of Northning also being on the east right of way line of Roap mp of the integace Preeway and running thence accurate and the southwest side of North Foldward was the two following numbers and South 51 december 15 about 51 december 15 december 1

Containing 1.457 Acres of land more or less.



NOV 3 0 1976

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LIMPHAN

THE OEKY , LEAR

Bothlehem Steel Corporation Wayna Siegel. Hawson & Mawson, Inc.

CIRCUIT COL T Potitioners-Appallents FOR

RELEVED

receu's Toward

JANO 2 1976 P 10

BS: ALTEGED ZORIES VIOLATION on property located at _ 6501 Old North Point Road TA Mayne Siegal, Hawson & Hawson and Bethlehem Steel Corporati

Defendants-Appellants 120 5736 SONING FILE NOS File:

The Order for Appeal and accompanying Potition, Answers thereto by the parties from the County Board of Appeals, Order and Opinion dated September 19, 1975, having come on a hearing, argument of counsel having been heard, and the .ecord, including the transcript of tentionny and canthits from the Board having been reviewed by the court. Macadanda having also been considered 197_____, by the discort fourt for caltimore County,

ORDERED, that the Openion and Order of the County Board of Appeals cated september 10, 1975, denying the requested special enception be and it is horoby reversed, and it is further, ORDERS... thes these proceedings be and they are hereby resended to the Deltisore County Boori of Appeals for further setion granting has Patricion for Special Exception 'w accordance

with the Court's guidence herein, as may be necessary or helpful to the Board in imponing conditions similar to those of the Deputy Zoning Commissioner in his Opinion and Order dated March 6, 1974, whereby he granted the Petition for Special Exception.

TURNES! 1

RE: PETITION FOR SPECIAL EXCEPTION for Truck Terminal SW/S of North Foint Road 753' SW COUNTY BOARD OF APPEALS of Sparrows Point Boulevard 15th District Bethlehem Steel Corporation BALTIMORE COUNTY No. 74-169-X

> OPINION

OF

This case comes before the Board on an appeal from an Order of the Deputy Zoning Commissioner, dated March 6, 1974, wherein he granted the requester special exception for a truck terminal in an M.L. zone, subject to certain restrictions for the property located on the southwest side of North Point Road, 753 feet southwes of Sparrows Point Boulevard, in the Fifteenth Election District of Baltimore County.

Mr. Wayne Siegel appeared and testified on behalf of the Petitioners in this case and indicated that he was one of the owners of the subject property which had been purchased from Bethlehem Steel Corporation, who is the listed Petitioner in Mr. Siegel indicated that he was desirous of obtaining the special exception to permit the truck terminal on the subject property as to legalize a use that has been taking place on this site since 1958. His testimony indicated that the requirement of Section 502.1 would be satisfied, and further, that it would be a hardship upon him if this relief were not granted.

However, several of the neighbors appeared and protested this requeste special exception and numerous complaints were indicated, such as noise, traffic, fumer from diesel fuel, dust, dirt, smoke, and even some indication of fire occurring on the subject property. Suffice it to say that the complaints were many and varied, and that most of the complaints were related to the trucks which would be the users of this Additional problems of safety on the public streets which are affected by the traffic of large tractor trailers on small neighborhood streets, and congestion and danger caused by the parking of these tractor trailers along the sides of such public roads were recited as other complaints

After due consideration, it is the opinion of this Board that the evidence

Bethlehem Steel Corporation - No. 74-169-3

before us in this case clearly indicates that the general welfare of the immediate neighborhood would be adversely affected if this petition be granted, and further, that the grunting of this special exception additionally would create traffic and parking problems; furthermore, there is some question that the health, safety and general welfare may be endangered by the granting of this special exception. For these reasons, therefore, the special exception petitioned for will be denied

ORDER

For the reasons set forth in the aforegoing Opinion, the Board reverses the Order of the Deputy Zoning Commissioner dated March 6, 1974, and 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 DENIED

Any appeal from this decision must be in accordance with Rules B-1 to B-1.2 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

BEFORE THE RE: PETITION FOR SPECIAL EXCEPTION (S of North Point Road, 153' SE of Sparrows Point Boulevard - 15th District : Bethlehem Steel Corporation NO. 74-169-X (Item No. 14) - Petitione COMMISSIONER OF

: BALTIMORE COUNTY

...

This Petition represents a request for a Special Exception for a truck terminal on a 1,457 acre parcel of ground located on the south side of North Point Road, approximately 753 feet south of Sparrows Point Road, in the Fifteenth Election District of Baltimore County.

nony was offered on behalf of the request by Mr. Wayne H. Siegel an agent for Mawson and Mawson, inc. since 1956. The site in question was leased from Bethlehem Steel for a truck terminal on July 31, 1958, and has been utilized by Mawson and Mawson, Inc. for trucking purposes since that time. Mr. Siegel explained that he had only recently been informed on two separate occasions that the trucking operation was in violation of the Baltimore County Zoning Regulations. One occasion resulted from an Order after a violation hearing, and the other resulted from a refusal of a building applica tion to relocate an existing garage on the property

Three truck terminals legally exist by way of the granting of Special Exceptions within close preximity to the subject property. The Dennis Trucking Company is adjacent to and binds on the westernmost side of the property. The Youngstown Cartage Trucking Company is located just west of the subject property within the right-of-way of the Patapsco Freeway and will, in all pro bability, be eliminated in the future. The Davidson Trucking Company is iocated on the opposite side of North Foint Road just east of the subject pro-

Recent improvements to the subject property include grading and oiling of the parking surface, installation of wheel stops and general removal of junk and debris

ECFIVED FOR

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In describing the operation, Mr. Siegel indicated that the trucks oper ating from the terminal have hauled steel almost exclusively for the Bethlehem Steel Corporation since 1958. He felt that the ingress and egress from the site was satisfactory in that the trucks had safely and adequately operated from the site for several years and could continue to do so in the futu-

Mr. Kenneth Munski, Chairman of the Zoning Committee of the North Point Improvement Association, and Mrs. Virginia Tolbert, President of the North Point Pennisula Community Coordinating Council, testified in protest to the Petitioner's request. Several individuals, some nearby residents and others as far away as Dundalk also testified in protest to the Special Exception. Much of the testimony concerned crowded traffic conditions and hazards resulting from the necessity of trucks and residential traffic utilizing North Point Road in the area of the truck terminals.

Also, of great concern was the parking of trucks along the side of the road in various locations throughout the area, and specifically, in front of the subject truck terminal. Other compleants included the unpaved parking surface which is at times very dusty and at other times the source of water drainage problems, oil carried onto the street by trucks, and the burning of tires, debris, and junk vehicles on the subject property.

One Protestant, who lives on the opposite side of North Point Road, complained of fumes entering his living room as a result of truck motors dling while being parked on the truck terminal parking lot. This witness, uel oil trucking business and had parked trucks on the subject property prior to it being leased by Mawson and Mawson, Inc. He also stated that he had parked the same trucks at his residence up until a period of five years ago.

Most of those protesting the terminal were cognizant of the fact that they are located in close proximity to a very large industrial complex and that many

of their problems are a direct result of this situatio

Nevertheless, they felt that the trucking company has not operated within the law and that it presently exists in violation of the Baltimore County Zoning Regulations. Their complaints have been ignored or answered with statements that the property is leased, and that Betilehem Steel, the fee owner, is not willing to spend any money on improvements.

After reviewing the testimony and evidence submitted in this case, it is quite clear that the terminal is not being operated in accord with zoning and other regulations or requirements. However, the fact remains that the site is almost surrounder by other truck terminals, and the most logical use of the property would be that of a truck terminal.

Traffic problems can be expected to be present any time truck traffic utilizes the same street as residential passenager vehicles. Such a situation has existed in this area for several years and has been aired at public hearings on more than one occasion

The Davidson Trucking Company located, more or less, catercorner to the subject property was granted a Special Exception by the Board of Appeals in 1965. Area residents, who protested the Special Exception, appealed the granting to Circuit Court on the basis that it would be detrimental to the health, safety and general well is e of the locality involved and would tend to create on the roads, streets and alleys therein. The Circuit Court judge, after reviewing the evidence presented to the Board of Appeals, :endered a

ive not entirely solved the traffic problems, however, conditions have been improved. Additional improvements, including the widening of North Point Road and a safer turn at the underpass onto Sparrows Point Road is planned for the futur

Based on these facts and conditions, one must conclude that a truck terminal at the subject location will meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations, and that a Special Exception should, with certain restrictions, be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 678 day of March 1974, that the herein described property or area should be and the same is hereby GRANTED a Special Exception for a truck terminal. Said granting shall be subject to the following

- The entire surface of the parking area must be properly graded and drained to provide for storn water run-off.
- 2. The entire parking surface must be paved with macadam, and curbing or wheel stops installed to control the park-ing or storage of trucks.
- Entrances must be installed in strict compliance with State Highway Administration and for Baltimore County Standards. Curbing shall be installed across the full width of the Petitio
- 4. The entire boundary of the property must be fenced with in eight foot high chain link (ence. The fence must be o screen type along the irontage of the property, opposit the residential zone and dwellings.
- The property must be maintained in good condition at all times including the trimming or cutting of grass and weeds along the peripheral lines of the irroperty. All unk, trash and debris must be kept in a durpsier or other trash con-tainer that must be installed on the property.
- All trucks or vehicles parked or stored on the truck termina
- The Petitioner or operators of the terminal shall refrain from idling motors of parked trucks for extended periods of time. Trucks shall be prohibited from parking on or along side North Point Road, and under no circumstances shall trucks be routed through the residential streets of

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letailed six page Opinion upholding the granting of the ial Exception. Major highways, which have been constructed in the area since that time,

RECEIVED FOR THE ING

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13090 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANZOUS CASH RECEIPT Feb. 11, 1974 AMOUNT \$53.00 DISTRIBUTION PINK - AGENCY Messrs. Hennessey, Flusy & Seibert 407 W. Penna. Ave. Townen, Ma. 21204
Advertising and posting of property for Bethelgheau
Steel Corp. — 774-169-X

BALTIMORE COUNTY, MARYLAND OFFICE OF . NAM REVENUE DIVISION DATE Jan. 21, 1974 ACCOUNT 01-662 AMOUNT \$50.00 White Casmin Branch Actack Waller House House Waller Lory No Penna Are. Towers, Md. 21201, Petition for Bethlehen Steel Corp. PINE - AGENCY

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

CRIGINAL OFFICE OF ESSEX TIMES ESSEX, MD. 21221 January 28 - 19 74 THIS IS TO CERTIFY, that the annexed advertisement of S. Eric Dinenna Zoning Commissioner of Baltimore County was inserted in THE ESSEX TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week/before the 28 day of January 19 74 that is to say, the same was inserted in the issue/of January 24, 1974. STROMBURG PUBLICATIONS, Inc. By Ruth Margan

CERTIFICATE OF PUBLICATION THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., oncexing once day of February 19 74, the first publication sppearing on the 24th day of January 19 7h THE JEFFERSONIAN, Cost of Advertisement, \$__

LAW OFFICES Thomas L. Hennessey, P.A. September 15, 1976 RE: Siegel and Mawson & Mawson vs Tolbert, et al Gentlemen We hand-carried to the B and of Appeals a photocopy of the Mandate of the Court of Special Appeals dismissing the appeal of Virginia Tolbert, et al. which has, in our opinion, the effect of leaving standing the opinion and Order of the Court of Standing the Opinion and Order of the Court of I thank you very much for your prompt attention to this matter. Very truly yours, Michael & Turcyen

MPT/amh

cc: Mr. Wayne Siegel Mawson & Mawson, Inc. 6501 Old North Point Road Baltimore, Maryland 21219

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COUNSEL		110 / se	CEK
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OR APPE	AL.	ANIS	
ial Api	eals on bo	half of Vi	rginia
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HOWARD 6905 D Dundal Telepha	and STONE meanway c, Marylan me: 284- 288-	d 21222 2860 5270	
	Economic Application of the Control	CIRCUIT R : BALTIMOR : A7 1 : Misc.: Folio: File: : File: : Folio: File: : Folio: File: : Folio: File: : File: : Folio: File: : File:	: IN THE : CIRCUIT COURT FOR : BALTIMORE CANTY : A7 L/W : Misc.: 10 Folio: 120 File: 5738 : File: 5738 : T. ET AI, PROTESTANTS ial App and son behalf of Viguent entered in this actic

foregoing was forwarded to John W. Hessian, III, Esquire, County Office Fuilding, Towson, Maryland 21204; Thomas !.. Henne sey, Esquire, 407 West Pennsylvania

PETITION MAPPING PROGRESS SHEET Wall Map Original Dualicate Tracing 200 Sheet FUNCTION Descriptions checked and outline plotted on map Petition number added to Granted by ZC, BA, CC, CA Reviewed by: FTH Revised Plaus: thange in outline or description___ Previous case:

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CERTIFICATE OF POSTING ZOKING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Date of Porting 1 - 24

Posted for History Monday II 11 1924 8 1.30 H.M.

Petitioner Bulklisham State Corp.

Location of property S1815 4 Month 24 Ad 1833 SE 4

Sfiltered Brent Head Date of Posting 1-24-74 Coming or signe I stop stocked one of Walfe of World At his Dorft to Posted by Direct It New Date of return 1 21.24

LAW OFFICES Thomas L. Hennessey , P. M.

November 26, 1975

County Board of Appeals 111 West Chesapeake Avenue Towson, Maryland 21204

RE: Bethlehem Steel Corporation Wayne Siegel, Mawson & Mawson, Inc.

Dear Sirs:

filed in the Circuit Court for Baltimore County with regard to the above captioned Satter.

Very truly yours.

TLH/gg

Enclosure

Bernard F. Murphy

IN THE PETITION FOR SPECIAL EXCEPTION for Truck Turniral SM/S of North Point Road 753 Feet SM of Sparrows Point Boulevard Bothle on Steel Corporation Wayne Siegel Nameon and Named Petitioners-Appellants ALLEGED ZONING VIOLATION on Property Located at 6501 Old Borth Point Road, MISC. 5738 Mayno Siegel, Mawson and How m Steel Corporation ---- 20 197 Perfordants-Appellante #74-169-4 VIRGINIA TOLBERT, ot al 773-30-L tons dent Protects PETPLES COURSEL FOR SALELHORE COURTY PEPORE: HOMORABLE JOHN G. TURNSULL, Judge 17 19 THOMAS L. HEISENSEY, ESQ., for the Potitio BERGARD F. MERPHY, ESQ., For the Resident- Pro CHARLES E. ROCKEE, JR., ESQ., Peoples counsel. REPORTED BY: R. L. Unde

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TLE:/MPT/gg 1 & 2 11/25/75 73-018H

CORAL OPTHESAS

THE COURT: The Court of Appeals have held in the case, the Pandalk Holding Case, the Harmond Case and many others, that a special exception is permitted use, and it shows that the locialative body cave thought to the possible over and above the ones which are specifically set forti

New of course, there are criteria which the Senior porities are bound to consider before acting on any classification for a special exceptions Detrimental to the safety or general welfare of the locality involved; ostion in ros s, streets or alleys therein Cranto a potential hazard from fire, panic or other Gengurer wd land and cause undue concentration of population; Interfure with adequate provisions for schools parks, water, sewerage, tr/asportation or other public require ments; Interfere with a equate

A fire might happen anywhere, and one fire over & s does not som to be serious. There is certain! tion of population. There is no testimony that the use is going to interfere with a squate provision of

The board seems generally to have based its decision on the general welfare provisions. The testimony by Mr. Siege who had been in business for many, many years was certainly more specialise , more expert than that of the testimony of the various protestants. Of course Mr. Siegel tends to glamorize his side of the case and the protestants do the same, but it to me that the generality of the testimony given by the te is completely insufficient to overcome the specialises knowledge and testimony of Mr. Siegel. The Court of Appeals had made it clear that unless substantial harm is going to be done to the neighboring property comors that a person asking for special exception is certainly entitled to it.

I think the first important special exception case that was decided was the Discraft case up on York Road near Sparks. That has been many many years ago. In that case the Court started laying down the decisions relative to special exceptions in the county. That case was a foreruner of other which came later and which, in my opinion, strongthened the position of the positioner ware he is asking for a special

I am, of course, crapletely conscious of the promportion of correctness of the decision of the Board of Appeals, and I must not reverse unless it is illegal, without stial becis base on the tentimony, and so forth.

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I feel that I must on this record reverse the Board

of Moning Appeals and reinstate the order of the Deputy Conassioner which or or carries a number of restrictions which certainly do protect the people in this as ighborhood.

So, that the order of the Board of Appeals will be reversed. The order of the Deputy Soning Commissioner granting the special exception will be reinstated to the contrictions remaining as stated by the Soming Commissioner.

THE TESTIMONY OF RESIDENTS TAKEN BELOW DOES NOT SUPPORT THE BOARD OF APPEALS DECISION THAT BALTIMORE COUNTY ZONING REGULATION \$502.1 (HEREAFTER BCZR) REQUIREMENTS FOR SPECIAL EXCEPTION HAVE NOT BEEN MET.

Again we find a case where the Zoning Commissioner decided Petitioner had met the requirements of §502.1 in granting the Special Exception for a truck terminal, and the Board of Appeals disagreed in reversing the earlier decision. For the convenience of the Court BCZR §502.1, the standard to be met for a Special Exception is set out instantly:

"502.1 - Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not: [B.C.Z.R., 1955.]

- F. Be detrimental to the health, safety, or general welfare of the locality involved; [B.C.Z.R. 1955.]
- b. Tend to create congestion in roads, streets r alleys therein; [B.C.Z.R., 1955]
- c. Create a potential hazard from fire, panic or other dangers: [B.C.Z.R., 1955.]
- d. Tend to overcrowd land and cause undue tration of population; [B.C.Z.R., 1955.]
- e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; [B.C.Z.R., 1955.]
- f. Interfere with adequate light and air.

The Zoning Commissioner and the Board of Appeals both held hearings, the former more extensive in time and number of witnesses, prior to making their decisions. The Court on appeal is charged with examining the transcript for the factual foundation to support the Board of Appeals. A failure to find same must result in a reversal of the Board of Appeals with a

remand including Cou. direction. See Oursler v. Board of Zoning Appeals, 204 Md. 397 (1954) at 404 wherein the Court states

> "general principle that in reviewing the action of a general principle that in reviewing the action of a zoning hoard, a court does not review the personal opinions of its members and so the question of whether the action of the Board was arbitrary must be determined from the facts from which the board drew its conclusion, not from the conclusion itself.

Oursler supra at 406 states the legal authority for granting special exceptions and notes the powers of this Honorable Court on an administrative appeal such as this. This Court has the power to affirm the Board, reverse in whole or in part and may remand any case for the entering of a proper order or for further proceedings

The zoning violation, case 73-30-V, was technically admitted; that being operating a truck terminal in an ML zone without a Special Exception. Since this violation accompanied Petitioner's Special Exception granted by the Zoning Commissioner on the basis it was a technical violation cured to the grant of a Special Exception (T2-3).

Pive witnesses testified before the Board of Appeals in this cause. Mr. Wayne Siegel, the Petitioner, testified he owned Mawson & Mawson (T-7). He tesitfied at (Γ 7) that he had operated from that location, a truck terminal, since July, 1958; that Branch Motor Freight had operated a truck terminal on that site since 1953 (T-21); that Bethlehem Steel (T-20) took over the site and leased it to Mawson & Mawson; that Mawson & Mawson does 95% of its business contract hauling for Bethlehem Steel (T-11); that a small fire started while working on a truck and the Fire Department readily reached the site (T-13); that other truck terminals use the roads (T-13); that Petitioner had no

RE: PETITION FOR SPECIAL EXCEPTION for Truck Terminal SW/S of North Point Road 753' SW Betwlehem Steel Corporation Wayne Siegel, Mawson & Mawson, Inc. Petitioners-Appellants * LAW RE. ALLEGED ZONING VIOLATION on property located at 6501 Old North Point Road 15th District Wayne Siegel, Mawson & Mawson, Inc. * and Bethlehem Steel Corporation

Defendants-Appellants

PONTING PILE NOS 74-169-X 73-30-V (ZV-72-259)

MEMORANDUM

Memorandum of law in this case comes before this Honorable Court on appeal from a September 18, 1975, order of the Board of Appeals finding a technical zoning violation and denving a special exception for a truck terminal to the Petitioner-Appellants by the Board of Appeals of Baltimore County. Earlier, on March 6, 1974, after extensive hearing, the Deputy Zoning Commissioner for Baltimore County had granted the special exception to the Setitioners for the operation of the sight as a truck terminal. Petitioners-Appellants noted an appeal from the Board of Appeals Order on September 29, 1975.

Historically, the site since 1953 has been operated as a truck terminal - originally by Branch Motor Freight Petitioners-Appellants first leased the land from Bethlehem Steel in July 1958 for use as a truck terminal and later purchased the

land from Bethlehem Steel and have made no other use of the property other than as a truck terminal to the present time. In 1971, Baltimore County issued permit no. 33598 for the relocation of a 40 x 80 metal building on the subject property. The land is presently zoned ML-Manufacturing Light. At the time the special exception was granted by the Zoning Commissioner March 6, 1974, three additional truck terminals existed in the adjacent area. Specifically, the Dennis Trucking Company adjacent to and binding on the western most edge of the property the Youngstown Cartage Trucking Company which was located just west of the subject property within the right of way of the Patapsco Freeway; and the Davidson Trucking Company located the opposite side of North Point Road just east of the subject

ISSUES PRESENTED

Was the Board of Appeals' Order against the weight of the evidence presented at the hearing of this matter? II

Did the Board of Appeals' decision ignore the zoning of the area and the expert testimony presented to it at the hearing below?

TIT

Did the Board of Appeals after considering all the facts adduced below, arbitrarily and capriciously reverse the Deputy Zoning Commissioner of Baltimore County by denying the special exception in this matter?

Teases. No. 21204

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intention in interfering with schools, parks, water sewerage transportation, or community light and air (T-14-15); that the site is an open 2 acre site (T-15); and that failure to secure the special exception would cause Petitioner financial hardship

Detitioner at (T-36) testified that his trucks used to come through Edgemere but in an effort to accomodate the residents now make a Haturn on North Point Boulevard.

The remaining witnesses spoke in opposition to the Special Exception. All were residents of Edgemere save Mr. and Mrs. Brown, whose home lies across North Point Boulevard from the site zoned ML.

In turn, Kenneth Munski testified his residence was within 500' of Mawson land, that the close proximity to the residential area (emphasis supplied) caused many problems (T-38); that Dennis Trucking Co. property lay between his own and Mayson (T-39): that serious accidents from trucking terminals occurred (T-40): that trucks make U-turns on North Point Boulevard and that accidents take place caused by increased traffic from the new expressway (T-41); that truck traffic is permitted through Edgemera (T-42); that flooding occurred on Mawson land because occupants dumped slag in the drainage ditch; that he smelled diesel fumes from Mawson & Mawson while sitting across the street (T-44). On cross examination, Mr. Munski admitted Dennis Trucking was closer to him than Mawson & Mawson by several bundred feet (T-48).

Pollowing him Jose hime Bozek testified at (T-52) she objected to the noise, traffic, fumes, and dust; that she saw trucks with Mawson & Mawson on them enter and leave the yard (T-53). On cross examination, Mrs. Brooks admitted her eyesight wasn't good enough to make out whether the truck signs said

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"owned" or "leased" by Mawson & Mawson (T-54) and that she didn' remember Branch Motor Lines being there in 1953 (T-54 55)

Then John Brown testified that he lived across the stree (T-55); he objected to Mawson coming back (T-56) and that dirt from other trucks has covered his window sills; that he was not talking about Mawson and that he parked his fuel trucks in his

Then his wife, Agnes Brown, testified that she didn't want the trucks to come back (T-61). On cross examination, she admitted being a resident of the area all her life and that trucks had always run up and down the street (T-64).

The testimony abovementioned consists of what Appellants consider the salient points adduced at the Board of Appeals. The Petitioner asserts that the Protestant's testimony does not form a basis supportive of the Board's finding. The Baltimore County Code \$22-23.2 mandates the Board of Appeals to consider in evidence and to address in its opinion the Zoning Commissioner's file to include the Petition Planning Reports, Comments and any exhibits from the Zoning Hearing earlier held. These Comments, etc., admitted before the Board of Appeals as Petitioner's Exhibit 4, and embodied in the Deputy Zoning Commissioner's Order of 1974, would show that due to the industrial zoning classification, the presence of trucking terminals in the vicinity, and the business link between Petitioner and Bethlehem Steel, that the logical and orderly use of the subject property would be as a truck terminal. The problem of residential zones abutting industrial zones was treated quite exhaustively in Northwest Merchants Terminal v. O'Rourke, et al, 191 Md. 171 (1948). In that case, the Court stated many apt principles of laws and common knowledge pertinent to the instant

case. The Court pointed out that a residential neighborhood seeking a protective border must provide its own property not appropriate its neighbors to accomplish this purpose. This case is recommended to the Court in its entirety in its consideration of this instant case. The issue of the dangerous U-turns in the instant case can be seen with the understanding these turns are an alternative to taking these trucks through Edgemere as an accompodation to the residents and; as noted in the Deputy Zoning Commissioner's order of 1974 plans were underway to correct this dangerous situation by Baltimore County through redesign and road improvement.

The evidence clearly shows that Petitioner was there as a truck terminal in 1958, a successor to Branch Motor Preight there since 1953; and that the Protestants' testimony argued against all the existing truck terminals and was so vaque and general as not to prove any health or nuisiance danger attributable fo Petitioners.

II

THE BOARD OF APPEALS GAVE NO WEIGHT TO THE EXISTING ZONING ML OF THE SUBJECT PROPERTY AND THE EXPERT TESTIMONY OF PETITIONER IN ARRIVING AT ITS DECISION.

The subject site is zoned ML and lies along North Point Road. ML is the middle industrial zone in which light manufacturing uses are permitted of right. The case of Northwest Merchants Terminal (supra) involved a truck termina, operator in Baltimore City on industrial zoned land who ran into opposition from neighbors in a residential zone nearby. We petitioned for a special permit to operate his terminal and the Court found he should be permitted to operate his terminal since that use was in

harmony with the area zoning maps generally. The enabling statutes delegating authority to Baltimore City to zone are similar to the Baltimore County enabling statutes which provide that where the use is generally consistent with the zoning plan for the area it may be permitted subject to conditions to protect public health and safety set by the public authority. Petitioner's property lies among other truck terminals in the subject area, namely Davidson and Dennis Trucking Companies. The Deputy Zoning Commissioner's Order noted that a truck terminal was a suitable and appropriate use for the property. The Deputy Zoning Commissioner relied on the 1965 Special Exception granted Davidson Trucking affirmed on appeal by the Circuit Court for Baltimore County.

As to the expert testimony, Mr. Siegel testified he has been terminal manager since 1964 and that in his experienced opinion the property is suitable to a terminal operation to the exclusion of other potential uses. The property has been so used since 1953. The case of Dundalk Holding Co. v. Horn, 266 Md. 289 held that Mr. Horn's experience as a movie operator was extensive enough to be given weight as export testimony as to the use of the property for which a special exception was sought in that case. So, in this case, Mr. Siegel's testimony stands alone on the side of clear, explicit, and direct answers on the pertinent criteria of property use and health hazard to the neighbors. Those who spoke in opposition suffered from poor eyesight and memory. They presented no evidence of hazard solely from Mawson. Their objections were to the truck traffic of mens terminals, not just Mawson.

The Northwest Merchants Terminal (supra) case to recant

held residential neighbors cannot create a buffer from industry by

Touses, Mr. 21204

proscribing a suitable use of property owned by others.

III

THE BOARD OF APPEALS DECISION TO DENY PETITIONER SPECIAL EXCEPTION FOR A TRUCK TERMINAL IN AN ML ZONE WAS BASED ON A FALSE LEGAL PREMISE AND LACKED SUPPORTIVE EVIDENCE: THEREFORE AN ARBITRARY, CAPRICIOUS EXERCISE OF ITS AUTHORITY

The Board of Appeals had the same duty the Zoning Commissioner earlier shouldered - viz the determination of whether the petitioned use would meet the standard of B.C.Z.F 502.1 Oursler supra.

The Court where the Board of Appeals' decision is fairly debatable should sustain the Board of Appeals

However, the Montgomery Co. v. Merlands Club, 232 Md. 279 (1953) case held in the opposite situation where the Board of A. cals decision rests on a faulty legal premise, the Court may mandate appropriate relief in reversing the Board.

Since the Zoning Commissioner and the Board of Appeals heard basically the same testimony, received the same evidence and reached conslusions 180° from each other, some difference must evist in the basis of analyzing the evidence. The Zoning Commissioner in his March 1974 Order clearly accounted for the presence of two different zones in the subject area and he deemed it an appropriate use in an ML zone comparable to other potential uses in a ML zone which would probably be equally distasteful to the Protestant residents. The rights of the respective parties are treated in Northwest Merchants Terminal supra. The Board of Appeals in its decision apparently ignored the rights of the owners, in different zones stating there was "some indication" of smoke and dust, etc. The Board by that action failed to specify which testimony applied to Petitioner

and which applies to trucks and others - and effectively denies Petitioner the fundamental fairness of an opportunity to respond to criticisms of his operation, not general objections to trucks. See County Council for Prince George's County, Md. v. Potomas Electric Power Co., 263 Md. 159 (1971).

The Board of Appeals is clearly in error where it does not account for the different zones involved here and by its failure purportedly upholds the rights of the residents while denying Petitioner a fair appraisal of the area and suitable use for his property. Montgomery Co. supra.

Petitioners-Appellants pray this Honorable Court for the reasons and authorities above noted to reverse and remand this case to the Board of Appeals with direction to grant the special exception subject to any restrictions the Court deems necessary.

> RESPECTFULLY SUBMITTED. Thomas L. Hemmessey, Esquire 407 West Pennsylvania Avenue Towson, Maryland 21204 Attorney for Appellants

CERTIFICATION

I HEREBY CERTIFY that a copy of the foregoing Memorandum was mailed, postage prepaid, this 26 day of howeles , 1975, to the County Board of Appeals, 111 West Chesapeake Avenue, Towson, Maryland, 21204; to the Office of Law, County Office Building, 111 West Chesapeake Avenue, Towson Maryland 21204; to Bernard F. Murphy, Esquire, Professional Building, 6905 Dunmanway, Baltimore, Maryland 21222 and

to John W. Hessian, III, People's Counsel, and Charles E. Kountz Jr., Deputy People's Counsel, County Office Building, Towson, Maryland 21204

> BALTIN RE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIP

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DATE Oct. 28, 1975 . CCOUNT XXXXXXX 01.712

Thomas L. Hennessey, Esq. 407 W. Pennsylvania Ave. AMOUNT \$26.00 Towson, Md. 21204

DISTRIBUTION WHITE - CASHIEN Cost of certified documents - Cose No. 74-169-X-Beth-Steel Corp.

" 1.u. 73-30-V-Wayne Slegel, Mawson & Mowson, Inc. and Beth Steel Corp.

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: IN THE CIRCUIT COURT RE: PETITION FOR SPECIAL EXCEPTION for a Truck Terminal SW/S of North Point Road 753 feet : FOR BALTIMORE COUNTY SW of Sparrows Point Boulevar 15th District · AT LAW Bethlehem Steel Corporation Petitioner - Appellant Zoning File No. 74-169-X

Misc. Docket No. 10 Folio No. 120 File No. 5738

ANSWER TO PETITION ON APPEAL

The Answer of the People's Counsel 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 are correct and based of 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 AS IN DUTY BOUND, etc.

John W. Herris II

Charles E. Kountz, Jr.

I HEREBY CERTIFY that a copy of the foregoing Answer was mailed on this 31 Harday of Moreonter, 1975 to Thomas L. Hennessy, Esquire, 407

Reid 1/21/75 loam

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(8) 6 File No. 5738 - Beriliaham Steel Corp. and Wayne Siegel, et d 18, 1975 Order of County Board of Appeals danying Special Exception Order for Appeal filled in the Circuit Court for Baltimore County 1, 1975 Cartificate of Notice sent to all interested parties Petition to accompany Order for Appeal filed in Circuit Court for

Politioner's Exhibit No. 1 - Mat, Rev. 3/29/73 No. 74-169-X

Transcript of testimony filed - 1 volume

" 2 - Lucas, 7/31/56, Bathfeham Steni Co. to Mawson & Mawson, Inc. " 3 - Bidg. Permit #33598 (11/14/71)

" 4 - File in this cone

Record of proceedings filed in the Circuit Court for Baltimore County Record of proceedings pursuant to which said Order was entered and said Board acted are personent 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 months use district maps at the hearing on this potition, or whenever directed to do so by this Court.

Respectfully submitted,

Muliel E. Buddenster County Board of Appeals of Beltimore County

> Rec. L. 10[16] 4:30 412

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West Pennsylvania Avenue, Towson, Maryland 21294, Attorney for Petitioners-Defendants: J. Carroll Holzer, Esquire, County Solicitor for Baltimore County, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, Attorney for Baltimore County; Bernard F. Murphy, Esquire, Howard and Stone, 6905 way, Dundalk, Maryland 21222, Attorney for Residents-Protestants; and County Board of Appeals, 111 West Chesapeake Avenue, Towson, Maryland 21204.

E:	PETITION FOR SPECIAL EXCEPTIONS			
E:	for Truck Terminal			
	SW/S of North Point Road 753 feet	IN THE		
	SW of Sparrows Point Boulevard	11. 1110		
	15th District			
		CIRCUIT COURT		
	Beth'ehem Steel Corporation			
	Petitioner - Appellant			
55		FOR		
nd				
E:	ALLEGED ZONING VIOLATION	BALTIMORE COUNTY		
	on property located at			
	6501 Old North Point Road			
	15th District	AT LAW		
	Wayne Siegel, Mawson & Mawson, Inc.			
	and Bethlehen Steel Corporation	Misc.Docket No.	10	
	Defendant - Appellants	Folio No.	120	
		File No. 5	738	
	Zoning File No. 74-169-X and			
	Zoning File No. 73-30-V			
	(ZV-72-259)			
	1111111111111			
	ANSWER TO APPEAL	PETITION		

Patricia Buckler, Residents-Protestants in the above captioned matter, by Bernar . Murphy and Howard and Stone, their attorneys, and in answer to the Petition of Appeal filed herein:

That they deny the allegations in the Appellants' Appeal Petition and hat the evidence submitted to the Board of Appeals of Baltimore County was ufficient to sustain its Opinion and Order dated September 18, 1975.

WHEREFORE, the Residents-Protestants respectfully pray that the Court affire he Opinion and Order of the Board of Appeals.

Bernard F. Murphy HOMARD and STONE 6905 Dunmanway Dundalk, Maryland 21222

RE: PETITION FOR SPECIAL EXCEPTION :
for Truck Terminal
SW/S of North Point Road 755 feet :
SW of Sparrows Point Boulevard IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Zoning File No. 74-169-) Misc. Docket No. RE: ALLEGED ZONING VIOLATION Folio No. 120 on property located at 6501 Old North Point Road File No. 5738 Wayne Siegal, Mawson & Mawson, Inc. and isstitutions Steel Corporation Zoning File No. 73-30-V (ZV-72-259) CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY TO THE HONORABLE, THE JUDGE OF SAID COURTS And now come Walter A. Relier, Jr., Robert A. Gilland, and John A. stituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed accinst them in this case, becauth exten the exceed of tings 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. 73-30-V (ZV-78-259) July 17, 1972 Violation Impection Report filed by A. A. Rephol, Impector for Beltimore County on behalf of Complainants Deputy Zoning Commissioner found that subject property is being "utilized in violation of the Beltimore Courty Zoning Reputerion," i.e., operating a truck terminal in an Mil., some without a Special Exception and/or operating a truck terminal without compliance to Beltimore County Improvement Standards or approved plans,", and Beltimore County Improvement Standards or approved plans,", and

I HEREBY CERTIFY, That on this day of October, 1975, a copy of the afore wer to Appeal Petition was forwarded to Thomas L. Mennessy, Esquire, sylvania Avenue, Towson, Maryland, 21204, attorney for Petitioner efendants; J. Carroll Holzer, Esquire, County Solicitor for Baltimore County, ounty Office Building, 111 West Chesapeake Avenue, Towson, Maryland, 21204, attorney for Baltimore County; County Board of Appeals, 111 West Chesapeak

nue, Towson, Maryland 21204.

(8)

Bernard F. Murphy Attorney for Residents-Protestants

Ordered that "said use must coase or ice corrected within 180 days of the date of this Order". Jan. 33, 1973 Order of Appeal to County Board of Appeals filled by Thomas L. Hormassey, Eq., attorney for Defendants Aug. 12, 1775 Hoering on appeal before County Board of Appeals County Board of Appeals found that violation complained of did exist, and Ordered "that such use shall not be permitted from the date of this Order." 29 Order of Appaal filled in the Circuit Court for Baltimore County No. 74-169-X Patition of Bathlehom Stool Corporation for Special Exception for Truck Terrained, on property located on the southwest side of North Point Road 753 feet southwest of Sparrows Point Blud., 15th District = Titled: Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for February 11, 1974 at 1:30 p.m. July 18 Comments of Board of Education of Baltimore County - filed Department of Health, Baltimore County - filed * Baltimore County FiredDept. - filed 20 " Maryland Dapt. of Transportation - filed 30 " Dept. of Public Worls, Bur, of Engineering - filed " Dept. of Traffic Engineering - filed 14 " Project & Development Planning Division, Ranning - filed Ort. 10 " Zoning Advisory Countries, Office of Planning & Zoning 24, 1974 Contificate of Posting of property - filed " Publication in newspaper - filed Fab. 7 Comments of Director of Planning, Buildingre County - filed !1 At 1:00 p.m. hearing held on partition before Deputy Zoning Commissioner - care incid sub curta Mor. Order of Deputy Zening Commissioner greating Special Exception for truck terminal, subject to restrictions listed in Order 27 Circles of Appeal to Crusty Board of Appeals from Order of Daputy Aug. 12, 1975 Hearing on appeal before County Board of Appeals - case hold sub curta

File No. 5/38 - Bethlehem Steel Corp. and Wayne Slegel, et al

HOWARD AND STONE 6905 DUNMANWAY DUNDALK, MARYLAND 21222

'hrch 27, 1974

Mr. S. Eric Dinenna Zoning Commissioner Baltimore County Office of Planning and Zoning Touson, Huryland 21204

Petition for Special Exception SM/S of North Point load, 753 ; or Sparrows Point Souleward -15th District Bethlehen Steel Corporation -Petitioner No. 74-169-X (Iten No. 14)



Please enter an Appeal on behalf of Kenneth Manski and Virginia Tolbert to the County Board of Appeals in the matter of your Opinion and Order dated Murch 7, 1974.

Very truly yours, Bernard F. Murphy

BFM:s1h

cc: Thomas L. Hennessey, Esquire 407 West Pennsylvanii Avenue Tosson, Maryland 21204

PETITION FOR SPECIAL EXCEPTION for Truck Terminal SW/S of North Point Road 753' SW of Sparrows Point Bouleward 15th Distric: Bethlehem Steel Corporation Wayne Siegel, Mawson & Mawson, CIRCUIT COUCT Petitioners-Appellants * RE: ALLEGED ZONING VIOLATION on property located at 6501 Old North Point Road 15th District BALTIMORE COUNTY Wayne Siegel, Mawson & Mayson, Inc. * and Bethlehem, Steel Corporation AT LAW Defendants-Appellants Folio: 120 File: 5738 74-169-X 73-30-V (ZV-72-259)

Petitioners, Der indants, Wayne Siegel, Mawson & Mawson, Inc., and Bethlehem Steel Corporation, by their attorney, Thomas L. Hennessey, Esquire, petition this Honorable Court in support of their Appeal from the Orders and Opinions of the Board of Appeals of Baltimore County and say:

1. That they are owner proprietors and parties in interest of the property located at 6501 Old North Point Road for which the special exception was granted by the Zoning Commissioner for Baltimore County and denied by the Board of

2. That the Opinions and Orders of the Board Appeals of Saltimore County rendered September 18, 1975, finding a zoning violation and denying the Petitichers' request for special exception, were erroneous for the following reasons:

a. That the decision was contrary to the lav-

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 not endanger the health, safety, and general welfare of the resident; as was brought forth in the hearings below;

f. That the Petitioners brought forth expert testimony indicating there would be no danger and damage if the special exception were granted;

g. That the evidence adduced at the hearing before the Board of Appeals by the protestants does not support the findings of the Board of Appeals of Baltimore County;

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

A. That the Orders of the Board of Appeals of September 18, 1975, be reversed.

B. That the Order of the Deputy Soning Commissioner rendered March 6, 1974, granting the special exception be

C. Or, in the alternative, that the decisions of the Board of Appeals be reversed and the matter remanded to the Board of Appeals for decision in accordance with the Court's

D. Or, in the alternative, that the matter be LAW OFFICES OF MORAS C. MERNESSES TOMOR. No. 2120 rymanded to the Board of Appeals for further hearings.

E. And for such other and further relief as may be necessary and requested at the hearing of this matter.

Anne Kramer, Esquire, Office of the County Solicitor, County

Maryland 2.204; and to Bernard F. Murphy, Esquire, Professional

Building, 6905 Dunman Way, Baltimore, Maryland 21222, Attorney

It is hereby Admitted that notice was given prior to

Falsh T. Einenhart ADM Secretary, Baltimore County Board of Appeals

Thomas L. Hennessey, Esquire Attorney for Petitioners-Defendants

Office Building, 111 West Chesapeake Avenue Avenue, Towson,

filing of the proposed Order for Appeal.

for Protestants.

Date: 9/29/75

Law Ornets er

THOMAS L. HENNESSEY, P.A.

THOMAS L. HENNESSEY, P.A. 407 West Pennsylvania Avenue Towson, Maryland 21204 823-7710 023-7710 Attorney for Penitioners-Defendants

CERTIFICATE OF MAILING

I HERBBY CERTIFY that a copy of the aforegoing Petition was mailed, postage prepaid, this AM day of October, 1975, to the County Board of Appeals, 111 West Chesapeake Avenue, Towson, Maryland, 21204; and to the Office of Law, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204; and to Bernard F. Murphy, Esquire, Professional Building, 6905 Dunmanway, Baltimers, Maryland 21222, A torney for Protestants.

Thomas L. Henne

BALTRORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO S. Eric DiNenna, Zoning Commissioner Date February 7, 1974

PROM. William D. Fromm, Director of Planning

SUBJECT. Petition #74-159-X. Southmest side of North Point Road 753 feet southeast of Sparrows Point Boulevard.

Petition for Special Exception for a Truck Terminal.

Petitioner - Bethlehem Stewl Corporation

15 th District

HEARING: Monday, February 11, 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. If the proofs of Section 502.1 are met any use of this property should be conditioned to conformance to an approved site plan.

William D. Fromm, Director of Planning

WDF:NEG:r

Thomas L. Hennessey . P. M.

October 7, 1975

Mr. Clerk Circuit Court for Baltimore County Court House Towson, Maryland 21204

Rh: Appeal to the Circuit Court for Beltimore County - ape No. 1738 Mirc. Docket: 10

Enclosed herewith you will find our Petition to Accompany Order for Appeal which should be filled in the above captioned case Thank you very much for your belo in this rather.

very truly yours,

Dune S. Henring -

TLH/MPT/gg

cc: County Board of Appeals Office of Law Bernard F. Murphy, had in-

· IN THE

VIRGINIA TOLBERT ET AL. Appellants

. COURT OF SPECIAL APPEALS

OF MARYLAND

No. 72

BETHLEHEM STEEL CORPORATION ET AL.

Appellees

ORDER

Upon the foregoing motion and it appearing that the annellants are in default of Maryland Rule 1030, the brief due Kpril 22, 1976, not being filed, it is this _____ 128 day of May, 1976, by the Court of Special Appeals of Maryland, ORDERED, that the captioned appeal, be, and is hereb , dismissed pursuant to Maryland Rule 1035 b (5).

The second of th

PETITION FOR SPECIAL EXCEPTION for Truck Terminal SW/S of North Point Road 753' SW of Sparrows Point Boulevard 15th District CIRCUIT COURT Bethlehem Steel Corporation * BALTIM
Wayne Siegel, Mawson & Mawson, Inc.
* AT LAW Petitioners-Appellants * Misc.: · Folio: RE: ALLEGED ZONING VIOLATION on property located at 6501 Old North Point Road * File: Wayne Siegel, Mawson & Mawsen, Inc. - and Bothlehem Steel Corporation Defendants-Appellants ZONING FILES NO. 74-169-X 73-30-V (ZV-72-259)

ORDER FOR APPEAL

Please enter an Appeal for the Petitioners-Detendants in the above mentioned matter from the opinions and orders rendered by the Baltimore County Board of Appeals on September 18, 1975, finding a zoning violation and denying the Petitioner's request for Special Exception.

LAW OFFICES OF THOMAS L. HENNESSEY, P.A.

Thomas L. Hennessey, Esquire 407 West Pennsylvania Avenue Towson, Maryland 21204 823-7710 Attorney for Petitioners-Defendants

* IN THE

CERTIFICATION

I HEREBY CERTIFY that pursuant to Maryland Rule 306 (C), the original copy of the within proposed Order was hand delivered and a copy deposited therein, to the County Board of Appeals prior to filing of this proposed Order, and a copy sent to

Reck 9/39/75 3:45 pm

- 2 -

SALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing

Petitioner's Attorney Thomas L. Hennesse

District. 15 V	Date of Posting 4-25-74			
Posted for:				
Petitioner: Buth Stul Car	F - + 0 - 1 01 252' 1 W d			
Location of property: 5.00/5.9	Rosell dosort de 100 Miles			
Spurova Paint lived	E. Court Red 1553 S. H. of.			
Location of Signs: Location of Signs	tal an Mell of the more			
true Go				
Posted by Must House	Date of return: 5-1-74			
Posted by Signature				

BA. TIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

BALT MORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE April 3, 1974 ACCOUNT 01-662

No. 16944

No. 13189

AMOUNT 570.00

DISTRIBUTION Bernard F. Murphy, Esquire
Cost of Filing of an Appeal on Case No. 74-169-X
SW/S of North Point Road, 753' SE of Sparrows Point
Boulevard - 15th District

DATE October 14, 1974 ACCOUNT 01-662

AMOUNT \$5.00

white cashier Pink Agency
Bernard F. Murphy, Esquire

Berhard s. Murphy, saquire
Cost of Posting Property of the Bethlehem Steel Corporation for an Appeal Hearing
SW/S of North Poles Rose, 753/SE of Sparrows Point
Boulevard - 15th Election District
Case No. 74-169-X







Photograns taken by the Zoning Adviso. Committee









Photog hs taken by the Zoning Adviso Committee











