

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, ERNEST D. SHIFFLETT, INC., 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 for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76, as amended in CDP.

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

I, or we, agree to pay expenses of above Special Hearing 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.

Contract Purchaser

Address: 8211 Fischer Road

Baltimore, Maryland 21222

Protestant's Attorney

Address: 302 W. Pennsylvania Avenue

Towson, Maryland 21204

ORDERED By the Zoning Commissioner of Baltimore County, this 15th day of October, 1980, 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 newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of December, 1980, at 10:00 o'clock a.m.

(over)

Ernest D. Shifflett, Inc. - #78-123-ASPH & #80-159-SPH

While these proceedings continued, the Maryland Court of Special Appeals upheld the constitutionality of Bill 18-76, holding that it was not confiscatory. Corkran v. Zoning Commissioner, No. 1631, September Term, 1979. That law, in relevant part (BCZR 410A386), requires the adoption of design provisions for paving of parking, loading, and maneuvering areas. The design provisions referred to are defined (BCZR Section 101) as those adopted by the Planning Board under its authority for furthering policies and procedures (BCZR Section 504). On May 20, 1976, the Board promulgated a minimum paving requirement of bituminous or Portland cement concrete surface over a suitable base with the certification of a registered professional engineer that the paving, base, and soil will withstand loads imposed by fully loaded trucks of a maximum gross weight of 73,280 pounds, as noted by the State Motor Vehicle Administration. The subject site consists of eleven (11) acres zoned MH-1M and is located at the intersection of Beachwood and Fischer Roads, in the southeastern part of Baltimore County. The use of this property predated Bill 18-76 and qualified as a "nonconforming facility" pursuant to the procedure outlined in BCZR Section 410A.1. Expansion of such facilities is governed by Section 410A.1E, including (in subsection 2) the enclosure of operations within buildings. The criteria for granting such a petition, where expansion is beyond the twenty-five (25%) percent of the ground floor area of the building, include:

- That the facility be in an M.L. or M.H. zone.
- That the overall environmental impact be lessened, and
- That it otherwise be in the interest of the general welfare of the community.

Within this complex legal framework, the interested parties (including community leaders Marjorie Hill and Joseph Zaczek) met informally to address and attempt to reconcile their practical concerns. These concerns involved primarily paving, stacking heights and locations, and certain operational details. As a result of these meetings, the interested parties reached a consensus as to the general principles upon which Petitioner should be allowed to proceed.

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, ERNEST D. SHIFFLETT, INC., 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 for a Variance from Section 410A.3-B.6 (IX-A.2) to allow all parking, loading and maneuvering areas for the existing facility (trucking) to consist of slag paving in lieu of the required bituminous or concrete surface over a suitable base as provided in the CDP. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Not economically feasible to pave entire lot as required by Bill 18-76.

See Attached Description

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

I, or we, agree to pay expenses of above Variance 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.

Contract purchaser

Address: 8211 Fischer Road

Baltimore, Maryland 21222

Protestant's Attorney

Address: 302 W. Pennsylvania Avenue

Towson, Maryland 21204

ORDERED By the Zoning Commissioner of Baltimore County, this 15th day of October, 1980, 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 newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of December, 1980, at 10:00 o'clock a.m.

(over)

Ernest D. Shifflett, Inc. - #78-123-ASPH & #80-159-SPH

At a public hearing before this Board on September 5, 1980, the two cases were consolidated and the Petitioner submitted a site plan dated September 3, 1980 (revised), including primarily the following features:

- A 3-phase paving plan, graduated over a period of five years: (1) .319 acres - immediately, (2) .52 acres - 2 years, and (3) 2.76 acres - 5 years.
- A tentative paving section including a 3" (Phase 1) or 2" (Phase 2) bituminous concrete band over a 12" compacted aggregate subbase.
- A container stacking pattern graduated like a pyramid, from the aisles toward the interior, to a maximum of four high.
- Roadside chassis storage areas which are to be used for chassis storage primarily, subject to occasional overflow container storage.

The revised site plan is ambiguous or incomplete in several respects:

- The paving sections are stated as "tentative". Some should be considered "minimum," and the p.m. thus revised.
- The paving sections do not include Phase 3. Assuming that Phases 2 and 3 are similar, we direct the plan to be thus revised.
- The plan lacks a certification from the engineer that the paving design will support the weight of four unloaded stacked containers, and must be thus revised.
- The plan lacks a cross section of the area toward the rear of the property (3.85 acres), which will remain unpaved but nevertheless include a compacted aggregate subbase.
- The stacking design pyramid diagram shows a graduation from one to four containers high, but it's notes indicate two high next to the aisles. We understand and approve, therefore, the concept of a pyramid whose outer edge may involve stacks of either one or two containers.

494-3180

County Board of Appeals

Room 219, Court House

Towson, Maryland 21206

NOTICE OF ASSIGNMENT

July 17, 1980

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 78-123-ASPH

ERNEST D. SHIFFLETT, INC.

Var.-to allow parking, etc., for existing trucking facility
SPH - amendment to allow existing trucking operation to remain without paving

SE/cor. Fischer and Beachwood Roads

15th District

6/26/78 - ZC (DiNemco) did NOT GRANT Variance and also did NOT GRANT amendment to permit existing trucking operation to remain

WEDNESDAY, SEPTEMBER 3, 1980, at 10 a.m.

ASSIGNED FOR:

cc: John F. Whitney, Esq.

Mr. Ernest Shifflett

Mrs. Marjorie Hill

Mrs. Sylvia Bailey

Mr. Lloyd Austin

John W. Hession, Esq.

J. E. Dyer

W. Hammond

Counsel for petitioner

Petitioner

Protestant

People's Counsel

Zoning

June Holmen, Secy.

Ernest D. Shifflett, Inc. - #78-123-ASPH & #80-159-SPH

F. The following additions to the site plan should also be made:

- Only empty containers will be repaired or stored on this site.
- The maximum weight of the largest empty container to be stored on this site is 9,700 pounds.
- Cross ties or equal suitable portion will be utilized as practical when storing containers directly on paved areas.

The Board is satisfied, based upon a review of the site plan, the evidence presented in open hearing, and the written comments of the Zoning Officer, that the above is a reasonable approach to regulation of a relatively new industry, and in the public interest. In this connection, and considering the phased paving variance plan, the Board is maintaining jurisdiction over this variance and the special hearing petitions, and conditioning the grant on further reasonable review and approval of the then condition of the site (including paved and unpaved areas) as well as storage and compliance generally with the provisions of the approved site plan at the conclusion of the five year plan. At that time a final Order would be entered, with such modifications of this Order as are reasonably necessary and appropriate. The Board also retains the authority to conduct an interim review of the status of the property upon reasonable request of the Petitioner or any other interested person.

ORDER

For the reasons set forth in the aforesaid Opinion, it is this 11th day of December, 1980, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby GRANTED, and it is

FURTHER ORDERED that the amendment to permit the existing trucking operation to remain without providing the paving as required by County Council Bill #18-76, and as provided in the Comprehensive Manual Design Policy (CMDP), a requested in the herein petition for special hearing, be and the same is hereby GRANTED, and it is

RE: PETITION FOR VARIANCE FROM SECTION 410A.3-B.6 (IX-A.2) OF THE BALTIMORE COUNTY ZONING REGULATIONS, AND SPECIAL HEARING FOR AN AMENDMENT TO ALLOW EXISTING TRUCKING OPERATION TO REMAIN WITHOUT COMPLYING WITH BILL 18-76, AS AMENDED IN CDP.

and
BALTIMORE COUNTY
No. 78-123-ASPH
and
No. 80-159-SPH
Ernest D. Shifflett, Inc.
Petitioner

OPINION

Case No. 78-123-ASPH comes before the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner which denied a variance and a petition for a special hearing to determine whether or not the Zoning Commissioner should approve an amendment to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76 as provided in CDP. Case No. 80-159-SPH comes before the Board on an appeal by People's Counsel from an Order of the Deputy Zoning Commissioner granting a petition for special hearing for the construction of a repair building to enclose the operations of the trucking facility beyond the expansion limit imposed under Section 104 of Bill 18-76. The subject property is located at the southeast corner of Fischer Road and Beachwood Road, in the Fifteenth Election District of Baltimore County.

Emergency Maintenance and Repair Corporation (EMARCO), successor in title to Ernest F. Shifflett successfully petitioned the Deputy Zoning Commissioner for an Order to approve the expansion of a repair building beyond the twenty-five (25%) percent permitted for an existing nonconforming Class II Trucking Facility. From this Order, dated March 12, 1980, the People's Counsel appealed. The same Petitioner requests a variance from the pertinent paving requirements of this ordinance. The Order of the Zoning Commissioner, dated June 26, 1978, denied this petition, and the Petitioner

Ernest D. Shifflett, Inc. - #78-123-ASPH & #80-159-SPH

FURTHER ORDERED, that the construction of a repair building to enclose the operations of the trucking facility beyond the expansion limit imposed under Section 104 of Bill 18-76, as requested in the herein petition for special hearing, be and the same is hereby GRANTED. All of the above are granted subject to the following conditions:

- That a revised site plan be submitted, within sixty (60) days, incorporating all of the clarifications and/or conditions stated in the numbered and lettered paragraphs on pages 3 and 4 hereinafore.
- That the aforesaid site plan be reviewed and approved by the Zoning Supervisor, and thence, submitted for review and approval of this Board.
- That the consolidated special hearing petitions and the variance herein granted are subject also to review and approval at the completion of the five year plan, at which time a final Order may be entered in such a form as the nature of the case requires.
- That interim review is available upon the reasonable request of the Petitioner or any other interested person.
- That this Order supersedes the Orders of the Zoning Commissioner and Deputy Zoning Commissioner under appeal, dated June 26, 1978 and March 12, 1980 respectively.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A. Keller, Jr., Chairman

Patricia Millhouser

Leroy S. Spurr

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts:

AT THE PUBLIC HEARING

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of _____, 19 ____, that the herein Petition for

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above Petition and it appearing that by reason of the following finding of facts: the Special Hearing to approve an amendment to permit the existing trucking operation to remain without providing the paving as required by County Council Bill No. 18-76 and as provided in the Comprehensive Naval Design Policy (C.M.D.P.), should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of June, 1977, that the above Special Hearing be and the same is hereby DENIED.

John F. Whitney, Esquire
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE June 26, 1977

John F. Whitney, Esquire

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts:

AT THE PUBLIC HEARING

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of _____, 1977, that the herein Petition for

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above Petition and it appearing that by reason of the following finding of facts: the Special Hearing to approve an amendment to permit the existing trucking operation to remain without providing the paving as required by County Council Bill No. 18-76 and as provided in the Comprehensive Naval Design Policy (C.M.D.P.), should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of June, 1977, that the above Variance be and the same is hereby DENIED.

ORDER RECEIVED FOR FILING

DATE June 26, 1977

John F. Whitney, Esquire

RE: PETITION FOR VARIANCE
PETITION FOR SPECIAL HEARING
SE corner of Fischer & Beachwood Rds.,
15th District
ERNEST D. SHIFLETT, INC.,
Petitioners

OF BALTIMORE COUNTY

Case No. 78-123-ASPH

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kowitz, Jr.
Charles E. Kowitz, Jr.
Deputy People's Counsel

John W. Heston, III
John W. Heston, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 18th day of November, 1977, a copy of the foregoing Order was mailed to John F. Whitney, Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioners.

John W. Heston, III



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 28, 1977

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

John F. Whitney, Esquire
102 W. Pennsylvania Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

RE: Special Hearing and
Variance Petition
Item Number 74
Petitioner - Ernest D. Shiflett,
Incorporated

Dear Mr. Whitney:

The Zoning Plans 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 suitability of the requested zoning.

The subject property, zoned M.H., and located on the southeast corner of Fischer and Beachwood Roads is the 15th Election District, is presently improved with the office and large storage area for your client's trucking facility. Properties in the immediate surroundings are similarly zoned and are also improved with trucking facilities on both sides of Fischer Road, while shore homes, zoned R, S, exist to the north of this site along Beach Road.

As you are aware, the large area for the tractor trailers and containers stored on this site consists of a flag surface. The recently adopted County Bill 18-76, pertaining to existing and proposed trucking facilities, requires that all parking, loading and

John F. Whitney, Esquire
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November 28, 1977

maneuvering areas of these facilities must be paved with a bituminous or concrete surface over a suitable base. A registered professional engineer must certify that this paving, base and soil are capable of withstanding loads imposed by trucks of a maximum gross weight of 73,280 pounds. The submitted site plan has been reviewed by the trucking committee formulated by this Bill, and through conversation with your surveyor, Mr. William Ulrich, he has assured me that all comments from that committee would be satisfied with the exception of the required paving. Because your client is unable to satisfy this requirement, this combination Special Hearing/Variance is necessitated. I would like to point out that a similar request has been submitted for the property immediately adjacent to and north of this site.

Please note that an additional comment from Mr. William L. Phillips, Chief, Division of Air Pollution, concerning your proposal has been forwarded to this office and I am including it with the committee comments in order that you and your client might be made aware of this. Since I am not familiar with the Clean Air Act of 1977, I suggest that you personally contact Mr. Phillips at 494-3775 and discuss the future effects that this Act will have on your client's operation. If I can be of any assistance, please feel free to contact me at your convenience.

Concerning the comments from the Office of Project and Development Planning, it appears that the driveways and access points are satisfactory, however, curbing, wheel stops or other means of containing the vehicles within the paved areas have not been indicated. It is my suggestion that either they be indicated or in the event that your client does not wish to comply with this comment, it should be discussed at the time of the hearing. The Bureau of Engineering comments were not available at this time, however it was verbally indicated that they would be the same as those forwarded to Mr. Ulrich on June 29, 1977 as part of the trucking

John F. Whitney, Esquire
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committee comments.

I would like to emphasize that the final approval of the site plan by the aforementioned trucking committee would be held in abeyance pending the outcome of this hearing.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Connodari
NICHOLAS B. CONNODARI
Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: Mr. William G. Ulrich, Jr.
Gerhold, Cross & Eitel
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3211

November 4, 1977

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

Dear Mr. DiNenna:

Comments on Item #74, Zoning Advisory Committee Meeting, October 18, 1977, are as follows:

Property Owner: Ernest D. Shiflett, Inc.
Location: SE/C Fischer Road and Beachwood Road
Existing Zoning: M.H.-1-A
Proposed Zoning: Variance to allow all parking, loading and maneuvering areas to consist of flag paving in lieu of the required bituminous or concrete surface as provided in the CMDF.
Special Hearing to approve or amend to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.
Acre: 11.00
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This office has previously made comments on the subject property for the trucking facilities committee on April 28, 1977.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Project and Development Planning

October 27, 1977

Mr. Eric D. DiNenna
Zoning Commissioner
1st Floor, County Office Building
Towson, Maryland 21204

Re: Item 7A - EDC - October 18, 1977
Property Owner: Ernest D. Shifflett, Inc.
Location: SE/C Fischer Rd. & Beachwood Rd.
Existing Zoning: M.H.-I.M.
Proposed Zoning: Variance to allow all parking, loading and maneuvering areas to consist of slag paving in lieu of the required bituminous or concrete surface as provided in the CMP. Special Hearing to approve an amendment to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.

Acres: 11.00
District: 15th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance and Special Hearing.

Very truly yours,

Charles E. Collins
C. Charles Collins
Assistant Traffic Engineer

CMB/cmb

November 1, 1977

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

Dear Mr. DiNenna:

Comments on Item 7A, Zoning Advisory Committee Meeting of October 18, 1977 are as follows:

Property Owner: Ernest D. Shifflett, Inc.
Location: SE/C Fischer Road and Beachwood Road
Existing Zoning: M.H. - I.M.
Proposed Zoning: Variance to allow all parking, loading and maneuvering areas to consist of slag paving in lieu of the required bituminous or concrete surface as provided in the CMP. Special Hearing to approve an amendment to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.

Acres: 11.00
District: 15th

Metropolitan water is available. The sewage holding tank must be pumped on a contractual basis and proof to that effect is required.

Very truly yours,

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

ES:jirp

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Thomas M. Devlin Date: November 21, 1977
FROM: William L. Phillips
SUBJECT: ZONING PETITION

Reference Zoning Petition #78-123-ASP Ernest D. Shifflett, Inc. -
Petitioner's Item #7A on Zoning Hearing Agenda for Wednesday December 7, 1977:

The petition is for a variance to permit all parking, loading and maneuvering area for the existing truck facility consisting of slag paving instead of the required bituminous or concrete surface over a suitable base as provided in the CMP. Petition for Special Hearing to approve an amendment to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76 and as provided in the CMP.

We object to the variance on the grounds that this area is presently exceeding the National Air Quality Standards for particulate matter and this Division in cooperation with the Bureau of Air Quality and Noise Control of the State of Maryland are presently engaged in preparing strategy to reduce particulate matter in this area. The area will be named a non-attainment area under the Clean Air Act of 1977 and will require a revised plan for implementation of strategy to attain the standards by 1982.

Any addition to the present particulate emissions within the area is unacceptable and under present regulations this parking facility would have to conform to Part. 03-7 of State Regulation 10.03.36 which probably would be more costly than paving. In addition, violations of 10.03.36 Part. 03-7 could result in a notice of violation and a corrective order requiring compliance with the regulations.

William L. Phillips
William L. Phillips, Chief
Division of Air Pollution
Bureau of Environmental Services

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

Attention: N. Comodori, Chairman
Zoning Advisory Committee

Re: Property Owner: Ernest D. Shifflett, Inc.
Location: SE/C Fischer Rd. & Beachwood Rd.

Item No. 7A Zoning Agenda Meeting of 10/18/77

Gentlemen:

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

(m) 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 _____

RETAINS 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.

() 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 "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.

Reviewed: *H. J. Kelly* Planning Group
Special Inspection Division Deputy Chief
Approved: *George M. Gagnett* Fire Prevention Bureau

October 11, 1977

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

Dear Mr. DiNenna:

Comments on Item # 7A Zoning Advisory Committee Meeting, October 18, 1977 are as follows:

Property Owner: Ernest D. Shifflett, Inc.
Location: S/W Fischer Road & Beachwood Road
Existing Zoning: M.H. - I.M.
Proposed Zoning: Variance to allow all parking, loading and maneuvering areas to consist of slag paving in lieu of the required bituminous or concrete surface as provided in the CMP. Special Hearing to approve an amendment to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.

Acres: 11.00
District: 15th

The items checked below are applicable:

- ☐ 1. Structure shall conform to Baltimore County Building Code (B.C.O.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☐ 2. A building permit shall be required before construction can begin.
- ☐ 3. Three sets of construction drawings will be required to file an application for a building permit.
- ☐ 4. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ 5. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☒ 6. No comment.
- ☐ 7. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Collins
Charles E. Collins
Plans Review Chief
CMB/rj

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 14, 1977

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

RE: Item No. 7A

Property Owner: Ernest D. Shifflett, Inc.
Location: SE/C Fischer Rd. & Beachwood Rd.
Existing Zoning: M.H.-I.M.
Proposed Zoning: Variance to allow all parking, loading and maneuvering areas to consist of slag paving in lieu of the required bituminous or concrete surface as provided in the CMP. Special Hearing to approve an amendment to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.

District: 15th
No. Acres: 11.00

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

Nick Petrovich
N. Nick Petrovich
Field Representative

NWP/lp

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
415 DELAWARE AVENUE
TOWSON, MARYLAND 21204

823-4670

December 26, 1977

Ernest D. Shifflett, Inc.
5211 Fischer Road
Baltimore, Maryland 21222

Gentlemen:

As per Mr. Whitney's request we are submitting cost for improving your property as follows:

Paving cost as per Harry T. Campbell estimate	\$264,000
Asphalt concrete curbing	7,300
Storm Drains	16,500
Wheel Bumpers	2,600
Dolly Pads	5,200
Survey, design plans and stakeout	3,000
TOTAL	\$298,600

The above costs are estimated based on today's costs.

Very truly yours,

William G. Ulrich
William G. Ulrich



December 15, 1977

Ernest D. Shifflett, Inc.
5211 Fischer Road
Baltimore, Maryland 21222

Re: Truck Terminal Facility
Fischer Road, Balto. Co., Md.

Gentlemen:

As requested by Mr. Whitney, we are pleased to submit herein our estimate for supplying all the necessary labor, equipment and materials to install the site paving at the above referenced location as shown on the drawing prepared by Gerhold, Cross & Etzel dated March 7, 1977.

Based on approximately 8 acres of paving it will cost approximately \$33,000.00 per acre to shape the site, install an 8" crusher run stone base and a 4" asphalt concrete surface. We consider this paving specification to be heavy duty, however, without engineering designs no guarantee can be made that it will support the required maximum gross weight of 72,280 pounds as rated by the State Motor Vehicle Administration.

To the above estimate will have to be added the costs for the following:

A. Asphalt concrete curbing.....	\$1.65/l.f.
B. Wheel bumpers.....	\$9.00/l.f.
C. Concrete dolly pads.....	\$27.00/s.y.
D. Concrete curbing.....	\$7.00/s.y.

To the above will also be added an allowance for lighting and storm water drainage.

Very truly yours,

J. L. Valenziano
J. L. Valenziano
Manager
Paving Construction Department

SLV/lw

THORNTON M. MOURING, P.E.
DIRECTOR

December 7, 1977

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

Re: Item #74 (1977-1978)
Property Owner: Ernest D. Shifflett, Inc.
S/E cor. Fischer Rd. & Beachwood Rd.
Existing Zoning: R.U.-1-M.
Proposed Zoning: Variance to allow all parking, loading and maneuvering areas to consist of slag paving in lieu of the required bituminous or concrete surface as provided in the OMP. Special hearing to approve an amendment to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.
Acres: 11.00 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 were supplied by this office to Mr. J. Richard Latini, June 27, 1977, in regard to the Site Plan, dated March 7, 1977, submitted for the County Trucking Facilities Development Officials Committee review. A copy of those comments is attached for your consideration.

Very truly yours,

Edmund D. Mouring
EDMUND D. MOURING, P.E.
Chief, Bureau of Engineering

END: EAM: PWR: ss

cc: R. M. Downes

1-M Key Sheet
7 & 8 SE 29 & 30 Pos. Sheets
SE 2 & 3 N Topo
104 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Richard Latini Date: June 27, 1977
FROM: Edmund D. Shifflett, Inc.
SUBJECT: Fischer Road and Beachwood Road District 15C7

The following comments are furnished in regard to the Site Plan, dated March 7, 1977, submitted to this office for review by the C.T.F.A.D.C.:

Beachwood Road, an existing macadam roadway maintained by the Bureau of Highways, is proposed to be further improved within a 70-foot right-of-way under Job Order 5-1-2510. Plan and profile drawings depicting the proposed highway improvements are available for inspection in this office. Highway right-of-way plats have also been prepared, under Bureau of Land Acquisition File #B-39-003, and are available from that office.

Fischer Road, an existing macadam roadway maintained by the Bureau of Highways, is proposed to be further improved within a 70-foot right-of-way under Job Order 5-1-2510. Plan and profile drawings depicting the proposed highway improvements are available for inspection in this office. Highway right-of-way plats have also been prepared, under Bureau of Land Acquisition File #B-39-003, and are available from that office.

The site plan must be revised to portray the above discussed proposed highway improvements.

Proposed highway improvements for Fischer Road have been deferred pending construction of the proposed Beachwood Road area sewerage system. This property is committed in part for costs of proposed highway improvements under public works Agreement #150714 (Building Application #334-67). Therefore, the frontage of this property must be graded and paved in a manner that is compatible with the horizontal and vertical alignment depicted on the above mentioned plans.

The entrance locations are subject to approval by the Department of Traffic Engineering. Entrances shall be constructed with a temporary tie-in to the existing macadam roadway; however, the entrances must also be designed to be compatible with the proposed highway improvements. The entrances shall be a minimum of 35 feet in width with 30-foot radius curb returns.

The site plan does not meet the requirements of sub-paragraph 410 A.3.B.6 for paving of the site. In conjunction with the Paving Certificate, the site plan must be revised to indicate the proposed typical on-site paving cross-section.

A detail indicating the dimensions and method of anchorage of the proposed truck wheel stops is required to be shown on the site plan.

Ernest Davis Shifflett, Inc.
Page 2
June 27, 1977

The site plan does not indicate any provisions for accommodating storm water or drainage flows that will be generated as a result of required site pavement and all proposed paving and/or grading must be indicated with proposed finished elevations (solid line contours). The grading of the site must be accomplished in a manner that does not increase surface water flows upon adjacent properties. All on-site surface water flows should remain dispersed and the rear or unimproved portions of the property must be completely stabilized in accordance with "Standards and Specifications for Soil Erosion and Sediment Control in Development Areas" (Published by the U.S. Department of Agriculture and available through the Soil Conservation Service).

Storm drainage facilities will be provided and constructed in conjunction with the previously mentioned highway improvements for Fischer Road and are shown on B.C.B.S. Drawings #70-000 and 001. However, the proposed storm drains will only receive and convey off-site and roadway drainage and storm water flows.

The site plan must be revised to indicate all proposed on-site and off-site storm drainage facilities. Based upon the subject site plan, the access to the two southwestermost container storage areas is by crossing the existing open channels.

The access of crossing the channels must be indicated on the plan.

The plan must also be revised to show the extent of the 100-year flood plain or all areas that can be expected to become inundated by a high tide elevation of 8.676 (Baltimore County datum). No grading, filling or alteration of the existing ground within the limits of the 100-year flood plain or the wetlands will be allowed unless a permit is obtained from the Maryland Department of Natural Resources and/or the United States Corps of Engineers.

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

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Since this property fronts on tidewater, and all storm drainage flows will discharge directly into tidewater, storm water management requirements may be waived, subject however, to concurrence by the Soil Conservation Service.

The operator/owner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the operator/owner.

The subject property is located on the urban side of the urban-rural demarcation line and is included in the Baltimore County Water Plan and Sewerage Plan, as amended, as an existing area of public water supply and a planned area of sewerage in the final planning stage.

Ernest Davis Shifflett, Inc.
Page 3
June 27, 1977

Public water supply is available to serve this property from the existing 8-inch water mains in Fischer Road and Beachwood Road, as shown on B.C.B.S. Drawings #51-300, 310 and 325. Fire protection is furnished by the existing fire hydrants as shown on the site plan.

Public sanitary sewerage is available to serve the frontage of this property along the northeast side of Beachwood Road, as shown on B.C.B.S. Drawing #58-1014 (existing 10-inch sanitary sewer).

Public sanitary sewerage will be available to serve the Fischer Road frontage of this property when the proposed Beachwood Road area sewerage system is constructed. The proposed sewers are scheduled for construction in the near future under Job Order 1-2-348 and is shown on B.C.B.S. Drawing #73-0047. The site plan must be revised to indicate the proposed 18-inch sanitary sewer in Fischer Road.

Further development of this property in the future will require public works improvements in accordance with County policy, prevailing at that time.

Edmund D. Mouring
EDMUND D. MOURING, P.E.
Chief, Bureau of Engineering

END: EAM: PWR: ss

23-12 S.W. 200' Scale Aerial Photo
S.E. 2 and 31 200' Scale Topo
"B" N.W. 500' Scale Key Sheet
Tax Map No. 104

November 29, 1977

John F. Whitney, Esq.
102 W. Penna. Ave.
Towson, Md. 21204

Re: Petition for Variance and Special Hearing for Ernest D. Shifflett, Inc.
#76-123-ASP4

Dear Sir:

We are enclosing copy of comments, from Director of Planning, on the above referenced matter.

END/ha
encl:

Eric D. Mouring
S. ERIC MOURING
ZONING COMMISSIONER

November 15, 1977

John F. Whitney, Esq.
102 W. Penna. Ave.
Towson, Md. 21204

NOTICE OF HEARING

Re: Petition for Variance and Special Hearing for Ernest D. Shifflett, Inc.
#76-123-ASP4

TIME: 10:00 A.M.

DATE: Wednesday, December 7, 1977

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE.

TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY

December 29, 1977

John F. Whitney, Esq.
102 W. Penna. Ave.
Towson, Md. 21204

NOTICE OF HEARING

Re: Continued Hearing for Ernest D. Shifflett, Inc.
#76-123-ASP4

TIME: 9:30 A.M.

DATE: Thursday, January 12, 1978

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE.

TOWSON, MARYLAND

Eric D. Mouring
ZONING COMMISSIONER OF
BALTIMORE COUNTY

PETITION FOR A VARIANCE AND SPECIAL HEARING

15th DISTRICT

HEARING: Petition for Variance for Parking, Loading and Maneuvering Areas for Existing Trucking Facility. Petition for Special Hearing to approve an Amendment to allow the existing trucking operation to remain without providing the paving.

LOCATION: Southeast corner of Fischer and Beachwood Roads.

DATE & TIME: WEDNESDAY, DECEMBER 7, 1977 at 10:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

THE HEARING:

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance from the Zoning Regulations of Baltimore County to allow all parking, loading and maneuvering areas for the existing trucking facility, to consist of an slag paving instead of the required bituminous or concrete surface over a subgrade base, as provided in the OMP.
Petition for Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to allow the existing trucking operation to remain without providing the paving as required by County Council Bill 18-76 and as provided in the OMP.

The Zoning Regulation to be accepted are as follows:

Section 410A.3.B.6 (EX.4.2) - All Parking, Loading, and maneuvering areas shall be paved in accordance with adopted design provisions.

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Ernest D. Shifflett, Inc., as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, December 7, 1977 at 10:00 A.M.
Public Hearings Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.
BY ORDER OF
S. ERIC MOURING, ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 484-3201

S. ERIC DINENIA
ZONING COMMISSIONER

John F. Whitney, Esquire
102 West Pennsylvania Avenue
Towson, Md. 21204

Re: Petition for Variance for Ernest D. Shifflett, Inc.
(78-123-ASPH)

Dear Sir:

This is to advise you that _____ is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson Room 313 County Office Building, before the hearing.

Yours truly,
S. ERIC DINENIA
ZONING COMMISSIONER

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 484-3201

S. ERIC DINENIA
ZONING COMMISSIONER

John F. Whitney, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Variance and Special Hearing
SE/corner of Fischer and Beachwood Roads - 15th Election District
Ernest D. Shifflett, Inc. - Petitioner
NO. 78-123-ASPH (Item No. 74)

Dear Mr. Whitney:

I have this date passed my Order in the above referenced matter, in accordance with the attached.

Very truly yours,
S. ERIC DINENIA
Zoning Commissioner

SED/jhm

Attachments

cc: Mrs. Marjorie Hill, President
Wells McComas Citizens Improvement Association, Inc.
8105 Raymond Avenue
Baltimore, Maryland 21222

John W. Heslian, III, Esquire
People's Counsel

JOHN F. WHITNEY
ATTORNEY AT LAW
104 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

July 20, 1978

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petitions for Variance and Special Hearing
S/E Corner of Fischer and Beachwood Roads - 15th Election District
Ernest D. Shifflett, Inc. - Petitioner
No. 78-123 ASPH (Item No. 74)

Please enter an appeal in the above matter to County Board of Appeals.

John F. Whitney
John F. Whitney
Attorney for Petitioner ERNEST D. Shifflett, Inc.

EX 21 78 AM
OFFICE OF PLANNING & ZONING

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 484-3201

S. ERIC DINENIA
ZONING COMMISSIONER

August 21, 1978

Mrs. Marjorie Hill, President
Wells McComas Citizens Improvement Association, Inc.
8105 Raymond Avenue
Baltimore, Maryland 21222

RE: Petitions for Variance and Special Hearing
S/E Corner of Fischer and Beachwood Roads - 15th Election District
Ernest D. Shifflett, Inc. - Petitioner
NO. 78-123 ASPH (Item No. 74)

Dear Mrs. Hill:

Please be advised that an appeal has been filed by John F. Whitney, Attorney for Ernest D. Shifflett, Inc., from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal. It is scheduled by the Baltimore County Board of Appeals.

John F. Whitney
John F. Whitney
Attorney for Petitioner ERNEST D. Shifflett, Inc.

cc: John W. Heslian, III, Esquire
People's Counsel

GERMOLD, CROSS & EITZEL
Registered Professional Land Surveyors
418 DELAWARE AVENUE
TOWSON, MARYLAND 21204
682-4470

September 21, 1977

Zoning Description

All that piece or parcel of land situate, lying and being in the Fifteenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the corner formed by the intersection of the southeast side of Fischer Road with the northeast side of Beachwood Road and running thence and binding on the northeast side of Fischer Road North 48 degrees 40 minutes East 754 feet, thence leaving said road and running the two following courses and distances viz: South 41 degrees 20 minutes East 721.76 feet and South 66 degrees 42 minutes West 925.37 feet to the northeast side of Beachwood Road and thence binding on the northeast side of said road, approximately by a line curving toward the right having a radius of 2964.93 feet for a distance of 453.50 feet (the chord of said arc bearing North 25 degrees 12 minutes West 453.15 feet) to the place of beginning.

Containing 11.00 Acres of land more or less.

Being the property of the petitioners herein as shown on a plat filed in the office of the Zoning Commissioner.

William S. Eitel

OFFICE COPY

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

To: S. Eric Dinenna, Zoning Commissioner
Date: November 28, 1977

FROM: Leslie H. Groat, Director of Planning

SUBJECT: Petition 78-123-ASPH
Petition for Variance for Parking, Loading and Maneuvering Areas for Existing Truckin Facility. Petition for Special Hearing to approve an Amendment to allow the existing trucking operation to remain without providing the paving.

Southeast corner of Fischer and Beachwood Roads.
Petitioner - Ernest D. Shifflett, Inc.

15th District

HEARING: Wednesday, December 7, 1977 (10:00 A.M.)

It is the opinion of this office that the subject request for variance cannot be granted. Section 410 A.3, 8 of the Baltimore County Zoning Regulations provides for "Rules Etc. As To Nonconformance With Respect To Certain Provisions" by the Zoning Commissioner; Subparagraph 410 A.3, 8.6 (paving and curbing)" is one of the items included in this section that the Zoning Commissioner is to review and rule as to conformance with these regulations. Following this is a list of those items to which variances are applicable; this list does not include "paving and curbing".

Section 307 of the Baltimore County Zoning Regulations, in part, delineates the power of the Zoning Commissioner to grant variances "from height and area regulation", from offstreet parking regulations and from sign regulations". Rules governing offstreet parking are in Section 409 of the regulations. The only significant change to Section 409 by the recently adopted truck terminal legislation was to add two items specifically regulating the number of parking spaces required for employee parking.

As to the special hearing portion of this request, this office offers the following comment. Council Bill 18-76 and the pertinent requirements set forth in the CADD were the outgrowth of the efforts of agency personnel, truck terminal representatives, residents, the Planning Board and elected officials. If the Zoning Commissioner has the authority to permit a paving surface to remain that does not meet the specifications set forth in this document, this office would be opposed to such a decision. To grant such a request would indeed set precedent for additional similar requests in the future.

Leslie H. Groat, Director of Planning

LHG:JGH

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Mr. Walter A. Reiter, Jr.
TO: Chairman, Board of Appeals
Date: September 8, 1980

Mr. James E. Dyer
FROM: Zoning Supervisor

SUBJECT: EMARCO Container Division, 8212 Fischer Road, Baltimore, Maryland 21222
15th Election District - Case Nos. 78-123-A and 80-159-SPH

Enclosed are my comments concerning the above case. Your consideration in allowing a 30-day period for submittal of my comments, is appreciated.

I have been familiar with this site since approximately 1976, when I personally inspected the property for compliance with the then newly adopted trucking facility regulations. At that time, the site was owned and operated by Mr. Ernest D. Shifflett, and numerous containers were stored on the property, including areas immediately adjacent to the road right-of-way. It is my recollection that they were stacked three high. The surface area, while not paved with the required macadam, was well maintained. Since that time, I have visited the site three or four times over a period of years, and have found the surface to be well maintained at all times. Mr. Shifflett informed me on more than one occasion, that the reason for this condition was the amount of crushed stone or slag that he had continually spread on the property over the years. After adoption of the trucking facility regulations, Mr. Shifflett submitted a site plan as required, for nonconforming trucking facilities. It should be noted that the constitutionality of these regulations has recently been upheld by the Special Court of Appeals after many years of litigation. With the exception of the paving requirements, said plans have been found to be in compliance with the regulations.

Based upon the condition and maintenance of the unpaved surface of the Petitioner's property during the last four years, it is my feeling that this property does have special characteristics that could lend it to the granting of some of the trucking facility regulations.

The Petitioner has worked with this office regarding the paving and storage areas shown on the latest revised site plan that was presented to you at the hearing. The unpaved area is directly related to an agreement between the Petitioner and this office and the People's Counsel to the effect that the paved area, including road entrance channelization, would be phased in during a five year period of time as indicated on said plan. It was also agreed that variances pertaining to the unpaved area could be conditionally granted for a five year period, at the end of which time a final Order would be written based upon the maintenance and condition of the subject property at that time.

Mr. Walter A. Reiter, Jr.
Page Two
September 8, 1980

The following comments are offered as a result of a more complete review of the latest revised site plan.

- The general notes should be revised to add the following:
 - Only empty containers will be repaved or stored on this site.
 - The maximum weight of the largest empty container presently expected to be stored on this site is _____ lbs.
 - Cross ties or other suitable protection will be utilized as practical when storing containers directly on paved areas.
- The paving cross sections should be revised to indicate a minimum paving section instead of tentative, and a cross section of the unpaved area should be provided. The engineer should also indicate that the paving is capable of supporting the total weight of four unloaded stacked containers.

As previously stated, your consideration in this matter is most appreciated.

James E. Dyer
JAMES E. DYER
Zoning Supervisor

John W. Heslian, III, Esquire
People's Counsel

Mr. William E. Hammond
Zoning Commissioner

Mrs. Jean M. H. Jung
Deputy Zoning Commissioner

EMARCO Container Division
8212 Fischer Road
Baltimore, Maryland 21222

Ms. Patricia E. Millhouse
Member, Board of Appeals

Mr. LeRoy B. Spurrier
Member, Board of Appeals

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

December 11, 1980

Edward C. Coveley, Jr., Esquire
614 Bayley Avenue
Towson, Maryland 21204Re: Case No. 78-123-ASPH and
Case No. 80-159-SPH
Ernest D. Shiflett, Petitioner
Enarco, Contract Purchaser

Dear Mr. Coveley:

Enclosed herewith is a copy of the Opinion and Order
passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: John F. Whitney, Esquire
Mr. Ernest D. Shiflett
Enarco
Mrs. Marjorie Hill
Mr. R. Charles Ward
Mrs. Sylvia Bailey
Mr. Lloyd Austin
John W. Hession, III, Esquire
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. N. E. Gerber
Mr. J. Howell

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William T. Hockett Date: July 3, 1979
FROM: Walter A. Rafter, Jr.
SUBJECT: Case 78-123-ASPH - Ernest D. Shiflett, Inc.Tom Bollinger, representing the People's Counsel, will state at the opening
that the Appellants and the Petitioners seek a postponement of this case
because a major issue in this petition involves an interpretation of the Truck
Terminal ordinance which is still pending before the Circuit Court as to its
constitutionality, etc. I would recommend that, if you concur, grant an
indefinite postponement and we will set it back in sometime after the resolution
of the Circuit Court case involving the Truck Terminal ordinance. I see no
objection so long as the Petitioner agrees with all of the above.*Walter A. Rafter, Jr.*
Walter A. Rafter, Jr., Chairman7/5/79 - W. T. Hockett granted postponement. Do not reset
for hearing until after decision on Circuit Court case. When
scheduled, allow a full day for hearing. - Per WTH

WAR:sa

494-3180

4/9/79 - Notified of appeal hearing scheduled for THURSDAY, JULY 5, 1979 at 10 a.m.

John F. Whitney, Esq.
Mr. Ernest D. Shiflett
Mrs. Marjorie Hill
John W. Hession, III, Esq.7/17/80 - Notified the above plus Sylvia Bailey, and Lloyd Austin, and J. Dyer and W. Hammond, of
scheduled hearing on Wed., Sept. 3, '80, at 10 a.m.

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

April 9, 1979

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-
MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-
ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 78-123-ASPH

ERNEST D. SHIFLETT, INC.

for Variance - Sec. 410A.3.B.6 (IX.A.2)
* Special Hearing - for amendment to allow
existing trucking operation to remain w/o
providing paving as req. by Bill #18-76SE corner Fischer and Beachwood Roads
15th District

6/26/78 - Z.C. DENIED PETITION

ASSIGNED FOR:

THURSDAY, JULY 5, 1979 at 10 a.m.

cc: John F. Whitney, Esq.

Counsel for Petitioner

Mr. Ernest D. Shiflett

Petitioner

Mrs. Marjorie Hill, President
Wells McGee Citizens Imp. Assn.

Protestant

John W. Hession, III, Esq.

People's Counsel

Mr. J. E. Dyer

Mr. S. E. DiNenna

Mr. L. H. Graef

Board of Education

Mrs. Carol Beresh

Edith T. Eisenhart, Adm. Secretary

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

August 25, 1978

John F. Whitney, Esq.
102 W. Pennsylvania Ave.
Towson, Md. 21204Re: File No. 78-123-ASPH
Ernest D. Shiflett, Inc.

Dear Mr. Whitney:

1. Number of witnesses you anticipate calling 5
2. How many of these witnesses will be "expert witnesses"? 3
3. Fields to be covered by experts you intend to call - please check:

Land Planner
Real Estate
Engineer
Traffic
Planning Expert
Other

4. Total time required (in hours) for presentation of your side of the case

4 hours*Edith T. Eisenhart*
Edith T. Eisenhart, Adm. Secretary

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: November 28, 1977
FROM: Leslie H. Graef, Director of Planning
SUBJECT: Petition #78-123-ASPH
Petition for Variance for Parking, Loading and Maneuvering Area for Existing Trucking
Facility. Petition for Special Hearing to approve an Amendment to allow the existing
trucking operation to remain without providing the paving.
Southeast corner of Fischer and Beachwood Roads.
Petitioner - Ernest D. Shiflett, Inc.
15th District

HEARING: Wednesday, December 7, 1977 (10:00 A.M.)

It is the opinion of this office that the subject request for variance cannot be granted.
Section 410 A.3.B of the Baltimore County Zoning Regulations provides for "Rulings Etc. As
To Nonconformance With Request To Certain Provisions" by the Zoning Commissioner's Subpoena
graph 410 A.3.B.6 (paving and curbing) is one of the items included in this section that the
Zoning Commissioner is to review and rule as to conformance with these regulations. Following
this is a list of those items to which variances are applicable; this list does not include "paving
and curbing".Section 307 of the Baltimore County Zoning Regulations, in part, delineates the power of
the Zoning Commissioner to grant variances "from height and area regulations, from offstreet
parking regulations and from sign regulations". Rules governing offstreet parking are in Section 409
of the regulations. The only significant change to Section 409 by the recently adopted truck terminal
legislation was to add two items specifically regulating the number of parking spaces required for
employee parking.As to the special hearing portion of this request, this office offers the following comment.
Council Bill 18-76 and the pertinent requirements set forth in the CMDF were the outgrowth of
the efforts of agency personnel, truck terminal representatives, residents, the Planning Board and
elected officials. If the Zoning Commissioner has the authority to permit a paving surface to remain
that does not meet the specifications set forth in these documents, this office would be opposed to
such a decision. To grant such a request would indeed set a precedent for additional similar requests
in the future.*Leslie H. Graef*
Leslie H. Graef, Director of Planning

LHG:JGH



December 15, 1977

Ernest D. Shiflett, Inc.
8211 Fischer Road
Baltimore, Maryland 21222Re: Truck Terminal Facility
Fischer Road, Balto., Co., Md.

Gentlemen:

As requested by Mr. Whitney, we are pleased to submit herewith our estimate
for supplying all the necessary labor, equipment and materials to install
the site paving at the above referenced location as shown on the drawing
prepared by Gerdahl, Gross & Pazel dated March 7, 1979.Based on approximately 6 acres of paving it will cost approximately
\$13,000.00 per acre to shape the site, install an 8" crusher run base
and a 4" asphalt concrete surface. We consider this paving project
can be made that it will support the required maximum gross weight of
73,200 pounds as rated by the State Motor Vehicle Administration.

To the above estimate will have to be added the costs for the following:

- Asphalt concrete curbing.....\$1.62/L.F.
- 8" Crush Run Base.....\$5.00/L.F.
- Concrete dolly pads.....\$27.00/sq. yd.
- Concrete curbing.....\$7.00/sq. yd.

To the above will also be added an allowance for lighting and storm water
drainage.

Very truly yours,

J. L. Valenziano
J. L. Valenziano
Manager
Planning Construction DepartmentHarry T. Campbell Sons' Company • Campbell-Grove Division, The Flintkote Company
EXECUTIVE PLAZA IV • 11550 MCCORMICK ROAD • HUNT VALLEY, MD 21031 • (410) 714-0000

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 13 Date of Posting 10-11-77

Posted for Planning Board

Petitioner John F. Whitney, Esquire

Location of property 102 W. Pennsylvania Avenue, Towson, Md. 21204

Location of Signs at corner of 102 W. Pennsylvania Ave. and 102 W. Pennsylvania Ave.

Remarks See Petition for details

Filed by John F. Whitney, Esquire Date of return 10-11-77

John F. Whitney, Esquire
 102 W. Pennsylvania Avenue
 Towson, Maryland 21204

ITEM # 74

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
 County Office Building
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

Your Petition has been received and accepted for filing
 this 11th day of October, 1977.

Eric D. Nenna
 Zoning Commissioner

Petitioner Ernest D. Shiflett
 Petitioner's Attorney John F. Whitney reviewed by John B. Condon
 cc: Mr. William G. Ulrich, Chairman, Zoning Plans Advisory Committee
 412 Delaware Avenue
 Towson, MD. 21204

PETITION FOR A VARIANCE AND SPECIAL PERMIT
 (SEE INSTRUCTIONS ON REVERSE SIDE)

District 13 Date of Posting 10-11-77

Posted for Planning Board

Petitioner John F. Whitney, Esquire

Location of property 102 W. Pennsylvania Avenue, Towson, Md. 21204

Location of Signs at corner of 102 W. Pennsylvania Ave. and 102 W. Pennsylvania Ave.

Remarks See Petition for details

Filed by John F. Whitney, Esquire Date of return 10-11-77

THIS IS TO CERTIFY that the above and subject of this petition was filed in the Zoning Department of Baltimore County on the 11th day of October, 1977, and that the same was accepted for filing on the 11th day of October, 1977.

Eric D. Nenna
 Zoning Commissioner

NEED FOR A VARIANCE
 The Zoning Commission of Baltimore County is authorized to grant a variance to the Zoning Ordinance of Baltimore County when it is determined that the strict application of the Ordinance would result in an undue hardship on the owner of the property and that the granting of the variance is in the public interest.

NEED FOR A SPECIAL PERMIT
 The Zoning Commission of Baltimore County is authorized to grant a special permit to the Zoning Ordinance of Baltimore County when it is determined that the strict application of the Ordinance would result in an undue hardship on the owner of the property and that the granting of the special permit is in the public interest.

NEED FOR A VARIANCE AND SPECIAL PERMIT
 The Zoning Commission of Baltimore County is authorized to grant a variance and special permit to the Zoning Ordinance of Baltimore County when it is determined that the strict application of the Ordinance would result in an undue hardship on the owner of the property and that the granting of the variance and special permit is in the public interest.

CERTIFICATE OF PUBLICATION

District 13 Date of Posting 10-11-77

Posted for Planning Board

Petitioner John F. Whitney, Esquire

Location of property 102 W. Pennsylvania Avenue, Towson, Md. 21204

Location of Signs at corner of 102 W. Pennsylvania Ave. and 102 W. Pennsylvania Ave.

Remarks See Petition for details

Filed by John F. Whitney, Esquire Date of return 10-11-77

THE JEFFERSONIAN
John B. Condon

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE AND TAXATION
 MISCELLANEOUS SALES RECEIPT

Date September 11, 1978 No. 01-662

Amount \$10.00

John F. Whitney, 102 W. Pennsylvania Ave., Towson, Md. 21204, Cost of Appeal for Case No. 75-19-ADP

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 13 Date of Posting 11-17-77

Posted for Hearing and Plan 7th 1977 & 10:00 A.M.

Petitioner Ernest D. Shiflett, Inc.

Location of property A.C. Co. 7 Park Rd. 1 Residential Sub.

Location of Signs Signs Read on Corner of Park & Reservoir

Remarks See Petition for details

Filed by Mark A. Hase Date of return 11-23-77

THIS IS TO CERTIFY that the above and subject of this petition was filed in the Zoning Department of Baltimore County on the 17th day of November, 1977, and that the same was accepted for filing on the 17th day of November, 1977.

Eric D. Nenna
 Zoning Commissioner

9/3/80 - Per W.A.R.

Within 30 days we are to receive written comments from Jim Dyer concerning site plan - then Board will make decision. Peter Zimmerman may submit a Memorandum and Argument within the same 30 day period.

10/28/80 - Per W.A.R.

Within a couple of weeks from today, Peter Z. will present a suggested Order.



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE AND TAXATION
MISCELLANEOUS SALES RECEIPT

Date Nov. 17, 1977 No. 01-662

Amount \$10.00

John F. Whitney, 102 W. Pennsylvania Ave., Towson, Md. 21204, Cost of Appeal for Case No. 75-19-ADP

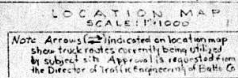
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 County Office Building
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

Your Petition has been accepted for filing
 this 11th day of October, 1977.

Eric D. Nenna
 Zoning Commissioner

Petitioner Ernest D. Shiflett
 Petitioner's Attorney John F. Whitney reviewed by John B. Condon

#70-123-ASPH
 15th District
 SE corner of Fischer and Broadwood Aves.
 15th District
 Ernest D. Shiflett, Inc.
 Petitioner
 1 SIGN



GENERAL NOTES:
EXISTING ZOUNG MH-1M

- 17. AREA OF SITE: 11 ACRES ±
- 18. PRESENT USE: CLASS II
- 19. PROPOSED USE: CLASS III
- 20. THERE ARE NO ADJACENT BUILDINGS EXPOSED AT THIS TIME
- 21. THE EXISTING BUILDING PROVIDES AS FOLLOWS:
 - a. EXISTING BEST ROOM FOR BOTH SEXES
 - b. EXISTING DRIVERS ROOM + TELEPHONE SERVICE FOR TRUCK DRIVERS A OTHER PERSONNEL
 - c. SERVICES AS LOGISTICS OPERATION
 - d. SECURITY IS CONTROLLED BY A HOLDING TANK WITH A PERIODIC SERVICE TANK SERVICE, WITH CONTINUOUSLY A PUMPED SEWER LINE WITH IN-TOWN (250-275) SUBJECT PROPERTY, WHILE THE PUBLIC SEWER
- 22. ILLUMINATION OF SITE IS BY Light poles as noted on plat AND DOES NOT REFLECT LIGHT INTO THE PUBLIC ROADS
- 23. NO UNJUNKED VEHICLES will be stored on site and all AUTOMOTIVE VEHICLES are STORED IN A GARAGE CONTAINER
- 24. NO SIGNS ARE PROPOSED AT THIS TIME OR EXISTING
- 25. WAREHOUSE WHERE SIGNS ARE STORED OF INTEREST PLACED TELEPHONE POLES TO CONTAIN VEHICLES
- 26. OFFICIAL PARKING FOR PUBLIC'S
 - a. SPACE FOR TWO EMPLOYEES IN LARGEST SHED
 - b. TOTAL EMPLOYEES AT FACILITY: 16 (TRUCK TRAILER AREA 30'x40' 30,000 ± sq ft)
 - c. SPACES REQUIRED: 8 (25'x30' ± sq ft)
 - d. SPACES SHOWN: 23 (25'x30' ± sq ft)
- 27. CONTAINER STORAGE AS SHOWN (Maximum 1500 containers)
- 28. CONTAINERS: 8'x40' STACKED 2 HIGH
B.R. 20' STACKED 3 HIGH (Maximum 300 chassis)
- 29. CHASSIS STORAGE AS SHOWN
- 30. TRUCK TRAILER A CONTAINER STORAGE (Landfill the surface)
- 31. HOURS OF OPERATION 7 AM - 4:11:30 PM
- 32. MAXIMUM TRUCK TRAILERS = 25
- 33. NO FEUING TO BE ERRECTED

CERTIFICATION

I hereby certify that the specifications for the paving section, including the subbase and the soil conditions relative to this site are capable of withstanding loads imposed by fully loaded trucks of maximum gross weight of 73,200 lbs. (5 AXLE TRUCKS)

REAL Singapore (P.E.) DATE

SCHEDULE OF COMPLIANCE

ROAD IMPROVEMENTS: AS PER BALTIMORE COUNTY CONTRACT
when scheduled

MAP: 48
SC 2, 3-A
SECTION:
DISTRICT: 15
CITY: 1047
TYPE: ✓
KIND OF: 34
Y: 1982
FIRMAL:
BY: _____

SITE PLAN APPROVAL

PLANNING COMMISSIONER DATE

DAT 9



~~VOID~~ ~~SEE NOTE~~ ~~(10)~~

~~RECEIVED DATA~~

~~MAILING ROOM STAFF~~

~~NOT EMPLOYED IN~~

~~PAYROLL SERVICE BUREAU~~ ~~83~~

REVISED MARCH 2, 1977



SCALE 1"=40' MARCH 7, 1971

GERHOLD, CROSS & EYRE
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

70-123-1071

13th District

SE corner of Fischer and Beachwood Rd.

15th District

Ernest D. Shifert, Inc.

1. 11/11/11

1 SIGN
SE. Corner of Fisher and Beechwood Rd.
Sept. 1, 1978