

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, we, North Point Terminal Corp., 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 a determination of the limits of the existing terminal trucking facility as it is located on the property.

herby petition for a Variance from Section 40A.3.8.6 to permit all parking, loading and unloading areas for the existing trucking facility to consist of foundry sand and slag instead of the required bituminous concrete over suitable base, as provided in the CMPD.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See attached description

As same would be a hardship because of the cost involved and also as a portion of the properties involved is on filled land, which does not provide a suitable subbase.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, 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 of Baltimore County.

North Point Terminal Corp.

Contract purchaser Legal Owner

Walter Heinecke Walter Heinecke

110 Painters Mill Rd., Suite 10 110 Painters Mill Rd., Suite 10

Owings Mills, Md. 21117-3634200 Owings Mills, Md. 21117-3634200

ORDERED BY The Zoning Commissioner of Baltimore County, this 20th day of July, 1981, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of February, 1982, at 1:00 o'clock P.M.

Walter Heinecke Zoning Commissioner of Baltimore County.

RESCHEDULED TO: September 10, 1981 at 11:00 A.M.

OFFICE OF PLANNING & ZONING

DATE: March 29, 1982

ORDER RECEIVED FOR FILING

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PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 a determination of the limits of the existing terminal trucking facility as it is located on the property.

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

I, we, agree to pay expenses of the 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 of Baltimore County.

I, we, do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):

(Type or Print Name) (Type or Print Name)

Signature Signature

Address Address

City and State City and State

Signature Signature

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

I, 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 of Baltimore County.

North Point Terminal Corp.

Walter Heinecke Walter Heinecke

110 Painters Mill Rd., Suite 10 110 Painters Mill Rd., Suite 10

Owings Mills, Md. 21117 Owings Mills, Md. 21117

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Walter Heinecke Zoning Commissioner of Baltimore County.

RESCHEDULED TO: September 10, 1981 at 11:00 A.M.

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RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER

PETITION FOR SPECIAL HEARING

SE/5 of Fischer Rd. 754' : OF BALTIMORE COUNTY

NE of Beachwood Rd., 15th District

NORTH POINT TERMINAL CORP., et al. : Case No. 78-165-ASPH

DATE: March 29, 1982

ORDER TO ENTER APPEARANCE

DATE: March 29, 1982

ORDER TO ENTER APPEARANCE

DATE: March 29, 1982

ORDER TO ENTER APPEARANCE

DATE: March

The herein petitioner seeks relief from the requirements of the trucking facility legislation (Bill No. 18-76) by requesting a variance to permit all parking, loading, and maneuvering areas for an existing trucking facility to consist of foundry sand and slag in lieu of the required bituminous concrete over suitable base, as provided in the Comprehensive Manual of Development Policies, in accordance with the site plan prepared by George William Stephens, Jr., and Associates, Inc., revised September 29, 1977.

The Comprehensive Manual of Development Policies specifies that "Parking, loading, and maneuvering areas of trucking facilities must be paved with a bituminous or Portland-cement concrete surface over a suitable base..." (IX.A.2) and is in accordance with the Baltimore County Zoning Regulations statement of purposes in regard to Trucking Facilities "To assure that the improvements on the sites of existing and future Class II Trucking Facilities are of such design, quality, or character that they will not be likely to deteriorate in such a way that a public nuisance would be created or that the public interest would otherwise be adversely affected.... While minimizing the impact of existing and future Class II trucking facilities on the environment and achieving an optimum level of compatibility between such facilities and nearby uses, especially dwellings and institutional uses." (410A.4B). Therefore, the Deputy Zoning Commissioner concludes that foundry sand and slag are not permitted surface materials for the parking, loading, and maneuvering areas of a trucking facility.

In addition, there is the question as to whether or not a variance can be granted to the paving requirements for trucking facilities. Section 307 of the zoning regulations vests in the zoning commissioner "...the power to grant variances from height and area regulations, from off-street parking regulations... only in cases where strict compliance with the Zoning Regulations... would result in practical difficulty or unreasonable hardship... only if in strict harmony with the spirit and intent... and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare."

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:

1. The petitioners are seeking a determination of the limits of the existing truck terminal facility as it existed prior to April, 1976.
2. The petitioners have submitted two site plans: the plan originally submitted with the petition, dated February 3, 1977, revised September 29, 1977, hereinafter referred to as the September 29, 1977 plan, and a plan submitted at a later date, marked Petitioners' Exhibit 2, dated February 3, 1977, revised September 29, 1977 and February 6, 1981.
3. Unrefuted testimony determined that the Helneke portion of the property, located to the northeast, contained a 40' by 60' building, parking for 10 cars, 8 tractor trailer (or trailer) parking spaces, 7 tractor-trailer (or trailer) parking spaces, and maneuvering areas. No other uses existed on this portion of the subject property prior to April, 1976.
4. Testimony regarding the southwestern portion of the property indicated that the only discrepancy between the uses existing prior to April, 1976, and those shown on the September 29, 1977 site plan was the installation of the "proposed chain link security fence 8' high."

After due consideration of all exhibits and testimony, it is the opinion of the Deputy Zoning Commissioner that the site plan, dated September 29, 1977, determines the limits of the existing truck terminal facility as it existed prior to April, 1976.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 19th day of March, 1982, that the limits of the existing truck terminal facility, as it existed prior to April, 1976, in accordance with the site plan dated September 29, 1977, should be approved and, as such, the herein Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions:

1. The "temporary" storage area, located on the southwestern portion of the property, may not be used for the parking of trucks, truck cabs, trailers, tractor-trailers or containers.
2. The site plan shall be revised to indicate that the "proposed chain link security fence 8' high", located on the southwestern portion of the property, is an existing fence.

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 above Special Hearing for
by reason of

should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 196____, that the herein Petition for Special Hearing should be and the same is granted, from and after the date of this order.

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 above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 196____, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER

For the reasons set forth in the foregoing Memorandum, it is this 23rd day of December, 1982, by the County Board of Appeals, ORDERED that the following cases are assigned and will be heard at 10:00 a.m. in Hearing Room #218, Court House, Towson, Maryland, 21204, as follows:

Case No. 77-43 J.M. & M.S. Bosal, May 3, 1983
4500 Hollins Ferry Rd.

" 77-112 Philip S. Zanghi, May 10, 1983
East of Monumental Ave.
out from 4200 Washington Blvd.

" 78-165 Northpoint Terminal Corp., May 17, 1983
Southeast side of Fischer Rd., 754' northeast of Beachwood Rd.

" 81-312 John B. Grimaldi, May 24, 1983
Northwest side Pulaski Highway, 185' northeast Holly Drive

William T. Hacker, Jr.
William T. Hacker, Chairman

Joanne L. Suder

Patricia Phipps
Patricia Phipps

IN THE MATTER OF
THE APPLICATION OF
NORTHPOINT TERMINAL CORP.
FOR VARIANCE FROM
SECTION 410A.3.B.6 OF THE
BALTIMORE COUNTY Zoning Regulations
SE/5 OF FISCHER ROAD 754' NE
OF BEACHWOOD ROAD
15th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 78-165-ASPH

AMENDED OPINION AND ORDER

On May 25, 1983, the County Board of Appeals affirmed the Order of the Zoning Commissioner and gave the Petitioner-Appellant, 90 days in order to complete all necessary items to comply with the new regulations. By letter of June 8, 1983, from Walter I. Seif, Jr., Attorney for Petitioner, he requests additional time to comply, stating that the County cannot complete the necessary processing within the 90 days. For this reason, the Board will grant an additional 60 days from the date of this Order.

ORDER

For the reasons set forth in the foregoing Amended Opinion and Order, it is this 20th day of July, 1983, by the County Board of Appeals, ORDERED that the original Order, dated May 25, 1983, be amended granting 60 additional days for compliance, from the date of this Order.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Joanne L. Suder, Acting Chairman

William R. Evans

IN THE MATTER OF
THE APPLICATION OF
NORTHPOINT TERMINAL CORP.
FOR VARIANCE FROM
SECTION 410A.3.B.6 OF THE
BALTIMORE COUNTY Zoning Regulations
SE/5 OF FISCHER ROAD 754' NE
OF BEACHWOOD ROAD
15th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 78-165-ASPH

AMENDED OPINION AND ORDER

On May 25, 1983, the County Board of Appeals affirmed the Order of the Zoning Commissioner and gave the Petitioner-Appellant ninety (90) days to complete all necessary items in order to comply with the new regulations. By letter of June 8, 1983, Walter I. Seif, Jr., Attorney for the Petitioner, requested additional time to comply, stating that the County cannot complete the necessary processing within ninety days. For this reason, the Board granted an additional sixty (60) days from the date of the Order.

The Board is again in receipt of a letter from Mr. Seif, dated September 14, 1983, requesting an additional sixty (60) day extension from the September 20th expiration date due to the fact that the Office of Planning and Zoning require additional revisions to the site plan before it can be approved. The engineer is working on these new requirements and, therefore, the Petitioner will need an additional sixty days so that the revised site plan can be submitted.

ORDER

For the reasons set forth above, it is this 20th day of September, 1983, by the County Board of Appeals, ORDERED that the Petitioner be granted an additional sixty (60) day extension from the date of this Order to submit the revised site plan.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Joanne L. Suder, Acting Chairman

William R. Evans

WALTER I. SEIF, JR.

ATTORNEY AT LAW
MARYLAND NATIONAL BANK BLDG.
1414 REISTERSTOWN ROAD
Pikesville, MD. 21208

301-484-8388

September 14, 1983

County Board of Appeals
Room 219
Court House
Towson, MD 21204

Re: NORTH POINT TERMINAL CORP.
CASE NO.: 78-165-ASPH

Gentlemen:

On May 25, 1983, this Board Ordered compliance within ninety (90) days of the date of the Order consisting of the new plan being filed and approved by Baltimore County. On July 20, 1983, the Board granted an additional sixty (60) days for compliance, said Order expiring September 20, 1983.

By letter dated August 4, 1983, The Baltimore County Office of Planning and Zoning advised what additional revisions were needed for the site plan to be approved. That because of the letter from the Baltimore County Office of Planning & Zoning being sent to the wrong address, I did not receive same until August 22, 1983, a copy of note stating same being enclosed.

Test borings have been made by soil engineers but results have not been received as of the date of this letter, and it is impossible to file the site plan until that information is included on said plan. Charles Stark of Geo. W. Stephens, Jr., & Assoc. has been in contact with the engineer doing the test boring, but has been unable to state exactly when he will receive the results.

I am therefore requesting an additional sixty (60) days to comply with the Board's Order as the delays are not being caused by North Point Terminal.

WIS:lgb
cc: Charlie Stark
etc.

Very truly yours,
WALTER I. SEIF, JR.

IN THE MATTER OF
THE APPLICATION OF
NORTHPOINT TERMINAL CORP.
FOR VARIANCE FROM
SECTION 410A.3.B.6 OF THE
BALTIMORE COUNTY Zoning Regulations
SE/5 OF FISCHER ROAD 754' NE
OF BEACHWOOD ROAD
15th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 78-165-ASPH

AMENDED OPINION AND ORDER

On May 25, 1983, the County Board of Appeals affirmed the Order of the Zoning Commissioner and gave the Petitioner-Appellant ninety (90) days to complete all necessary items in order to comply with the new regulations.

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The Board is again in receipt of a letter from Mr. Seif, dated September 14, 1983, requesting an additional sixty (60) day extension from the September 20th expiration date due to the fact that the Office of Planning and Zoning require additional revisions to the site plan before it can be approved. The engineer is working on these new requirements and, therefore, the Petitioner will need an additional sixty days so that the revised site plan can be submitted.

ORDER

For the reasons set forth above, it is this 20th day of September, 1983, by the County Board of Appeals, ORDERED that the Petitioner be granted an additional sixty (60) day extension from the date of this Order to submit the revised site plan.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Joanne L. Suder, Acting Chairman

William R. Evans

WALTER I. SEIF, JR.

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Re: NORTH POINT TERMINAL CORP.
CASE NO.: 78-165-ASPH

Gentlemen:

On May 25, 1983, this Board Ordered compliance within ninety (90) days of the date of the Order consisting of the new plan being filed and approved by Baltimore County. On July 20, 1983, the Board granted an additional sixty (60) days for compliance, said Order expiring September 20, 1983.

By letter dated August 4, 1983, The Baltimore County Office of Planning and Zoning advised what additional revisions were needed for the site plan to be approved. That because of the letter from the Baltimore County Office of Planning & Zoning, being sent to the wrong address, I did not receive same until August 22, 1983, a copy of note stating same being enclosed.

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I am therefore requesting an additional sixty (60) days to comply with the Board's Order as the delays are not being caused by North Point Terminal.

WIS:igb
cc: Charlie Stark
enc.

The only possible argument favoring the conclusion that a variance to the paving requirements could be granted under Section 307 would be to determine that the trucking facility paving requirements are off-street parking requirements. To make this conclusion would require the insertion of the language used in Section 409.2. c. 2, to wit, a durable, dustless surface in lieu of the standard established by the Planning Board in its adoption of the aforementioned amendment to the Comprehensive Manual. Therefore, it must be concluded not only that the delegation of authority to determine the criteria for paving of the parking, loading, and maneuvering areas by the County Council to the Planning Board was proper, but also that the exercise thereof mandated the standards to be applied. To now change the standard by a quasi-judicial determination taking the form of a variance would not be in keeping with the spirit and intent of the zoning regulations. The proper procedure would be to seek a change in the standard established by the Planning Board by amending the Comprehensive Manual.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 18th day of March, 1982, that the herein Petition for Variance to permit all parking, loading, and maneuvering areas for an existing trucking facility to consist of foundry sand and slag in lieu of the required bituminous concrete over suitable base be and the same is hereby

John M.H. Jones
Deputy Zoning Commissioner of
Baltimore County

IN THE MATTER OF :
THE APPLICATOR OF :
NORTHPOINT TERMINAL CORP. :
FOR VARIANCE FROM :
SECTION 410A.3.B.6 OF THE :
BALTIMORE COUNTY :
ZONING REGULATIONS :
202/ FISCHER ROAD 754' :
NE OF BEACHWOOD ROAD :
15th DISTRICT :
: NO. 78-165-ASPH

AMENDED OPINION AND ORDER

On May 25, 1983, the County Board of Appeals affirmed the Order of the Zoning Commissioner and gave the Petitioner-Appellant ninety (90) days to complete all necessary items in order to comply with the new regulations.

By letter of June 8, 1983, Walter I. Seif, Jr., Attorney for the Petitioner, requested additional time to comply, stating that the County cannot complete the necessary processing within ninety days. For this reason, the Board granted an additional sixty (60) days from the date of the Order.

The Board is again in receipt of a letter from Mr. Seif, dated September 14, 1983, requesting an additional sixty (60) day extension from the September 20th expiration date due to the fact that the Office of Planning and Zoning require additional revisions to the site plan before it can be approved. The engineer is working on these new requirements and, therefore, the Petitioner will need an additional sixty days so that the revised site plan can be submitted.

ORDER

For the reasons set forth above, it is this 20th day of September, 1983, by the County Board of Appeals, ORDERED that the Petitioner be granted an additional sixty (60) day extension from the date of this Order to submit the revised site plan. Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Joseph L. Suder, Acting Chairman

John B. Spurrer

WALTER I. SEIF, JR.

ATTORNEY AT LAW
MARYLAND NATIONAL BANK BLDG.
1414 REISTERSTOWN ROAD
Pikesville, MD. 21208

301-484-8388

September 14, 1983

County Board of Appeals
Room 219
Court House
Towson, MD 21204

Re: NORTH POINT TERMINAL CORP.
CASE NO.: 78-165-ASPH

Gentlemen:

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By letter dated August 4, 1983, The Baltimore County Office of Planning and Zoning advised what additional revisions were needed for the site plan to be approved. That because of the letter from the Baltimore County Office of Planning & Zoning being sent to the wrong address, I did not receive same until August 22, 1983, a copy of note stating same being enclosed.

Test borings have been made by soil engineers but results have not been received as of the date of this letter, and it is impossible to file the site plan until that information is included on said plan. Charles Stark of Geo. W. Stephens, Jr., & Assoc. has been in contact with the engineer doing the test boring, but has been unable to state exactly when he will receive the results.

I am therefore requesting an additional sixty (60) days to comply with the Board's Order as the delays are not being caused by North Point Terminal.

WIS:igb
cc: Charlie Stark
enc.

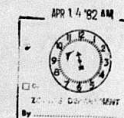
Re: ALLEGED ZONING VIOLATION
6307 North Point Road
15th Election District
NORTHPOINT TERMINAL, CORP.
8225 Fischer Road
Baltimore, Maryland 21222
Defendant

BEFORE THE
DEPUTY ZONING
COMMISSIONER OF
BALTIMORE COUNTY
NO. 78-165-ASPH (Item No. 111)

NOTICE OF APPEAL

The Defendant, feeling aggrieved by the decision of the Deputy Zoning Commissioner, passed March 18, 1982, in the above captioned matters, hereby appeals said decision to the County Board of Appeals.

Walter I. Seif, Jr.
Suite 17, 110 Painters Mill Road
Painters Mill Professional Building
Owings Mills, Maryland 21117
(365-4200)
Attorney for Defendant



RECEIVED
BALTIMORE COUNTY
APR 13 9 14 AM '84
COUNTY BOARD
OF APPEALS

ORDER RECEIVED FOR FILING

DATE March 19, 1982
BY John B. Spurrer
ADMINISTRATIVE ASSISTANT

- All references to "future expansion" and "future uses" as permissible in Manufacturing, Heavy and Manufacturing, Restricted Zones shall be deleted from the revised site plan.
- The required screening adjacent to Beach Road shall be composed of white pine trees at least 6 feet in height, planted in two rows, and staggered alternately 6 feet on center.
- The placement of lateral telephone poles around the perimeter of the facility as it existed at the time of the September 29, 1977 site plan will be required. This action must be accomplished by October 15, 1982. Furthermore, the parking or storage of trucks, truck cabs, trailers, tractor-trailers, and containers are prohibited outside of this area.
- A schedule of compliance for paving the entire parking and maneuvering areas with a bituminous concrete or cement surface over a suitable base shall be indicated on the site plan. The paving of the site may be completed in a four stage process. However, the first such phase must be completed by November 15, 1983. Final completion of the entire site is to be done by November 15, 1986.
- Compliance with section 410 of the Baltimore County Zoning Regulations.
- A revised site plan, incorporating the above set forth restrictions, shall be submitted and approval attained within 90 days from the date of this Order by the Baltimore County Trucking Facilities Development Officials Committee, the Department of Public Works, and the Office of Planning and Zoning, including landscaping and screening required for approval by the Current Planning and Development Division.

John M.H. Jones
Deputy Zoning Commissioner of
Baltimore County

Attendance

78-165-ASPH

P. 20-81

DAVID SHIERS
4056 BEACH RD.
David Shiers

Raymond Hill 477-2154
849 Raymond Ave.
21222

Charles L. Karczewski 477-3912
4522 BEACH RD

Grace L. Nowack
4054 Beach Rd - 477-0412

Rosemary Nowack
4050 Beach Rd 477-0412

Magdalena Mary Shiers
4056 Beach Road 477-4489
21222

John Thomas
4470 Beach Rd. 477-8938
21222

Grace Nowack
4050 Beach Rd.
Baltimore Md.
21222

477-0412

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
May 25, 1983

Walter I. Seif, Jr., Esquire
Maryland National Bank Building
1414 Reisterstown Road
Baltimore, Maryland 21208

Re: Case No. 78-165-ASPH
Northpoint Terminal Corp.

Dear Mr. Seif:

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. Elsenhart
Edith T. Elsenhart, Adm. Secretary

Encl.

cc: Mrs. Marjorie Hill
Mr. Johann Harris
Mr. David Shiers
Thomas J. Bollinger, Esq.
John W. Heaton, III, Esq.
W. E. Hammond
J. E. Dyer
N. E. Gisher
J. G. Howell
Gary Freund

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Walter I. Seif, Jr., Esquire
110 Painters Mill Road
Suite 10
Owings Mills, Maryland 21117
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

ITEM # 111

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

Your Petition has been received and accepted for filing
this 21th day of November 1977.

S. Eric DiMenna
S. ERIC DI MENNA
Commissioner
Zoning Commissioner

Petitioner North Point Terminal Corp.
Petitioner's Attorney *Walter Seif, Jr.* reviewed by *Nicholas B. Commodari*
CC: George W. Stephens, Jr., & Assoc. Inc.
Engineers
P.O. Box 6828
Towson, Maryland 21204

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
Nicholas B. Commodari
Chairman

Chairman

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

January 26, 1978

Walter I. Seif, Jr., Esquire
110 Painters Mill Road
Suite 10
Owings Mills, Maryland 21117

RE: Special Hearing and
Variance Petition
Item Number 111
Petitioner - North Point
Terminal Corporation and
Walter Heinecke

Dear Mr. Seif:

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, currently zoned M.H. and located on the southeast side of Fischer Road approximately 754' northeast of Beachwood Road in the 15th Election District, is presently improved with the office, warehouse and outside 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.C. 5.5, exist to the north of this site along Beachwood Road.

As you are aware, the area for tractor trailer parking consist of a combination sand and slag surface.

Walter I. Seif, Jr., Esquire
Page 2
Item No. 111
January 26, 1978

The recently adopted County Bill 18-76, pertaining to existing and proposed trucking facilities, requires that all parking, loading and 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. Wayne Malsenholder, he has assured me that all comments from this 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 (Case #78-12-SPH) has been submitted for the property immediately adjacent to and south of this site. At the time of this writing, a decision on this request has not yet been rendered.

A review of the submitted site plan indicates that there is proposed a future expansion of this site to the northeast. Since the existing operation does not satisfy certain requirements of Bill 18-76, any new expansion would require the site to comply with all applicable requirements. For this reason, I suggest and strongly urge that you indicate at the time of the hearing your proposal and allow the Zoning Commissioner or Deputy Zoning Commissioner to make a decision on the feasibility of this proposal.

The comments from the Office of Project and Development Planning and the Department of Traffic Engineering were not available at this time. However, I am certain that their comments will be the same as those written as part of the aforementioned trucking committee and

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. AQUINO, P.E.

DIRECTOR

December 27, 1977

Walter I. Seif, Jr., Esq.
Page 3
Item No. 111
January 26, 1978

forwarded to Mr. Malsenholder. When the official comments from these departments are submitted to this office, they will be forwarded to you as soon as possible. At the time of the hearing for the property to the south of this site, a comment from Mr. William Phillips, Chief, Division of Air Pollution, was submitted to this office. Since I do not have a written comment for this particular request, I suggest that you personally contact Mr. Phillips at 494-3775 and discuss the future effects that the Clean Air Act of 1977 will have on your client's operation.

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. Commodari
NICHOLAS B. COMMODARI
Chairman

Zoning Plans Advisory Committee

NBC:rf

cc: George William Stephens, Jr. and Associates, Inc.
Engineers
P.O. Box 6828
Towson, Maryland 21204

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

Re: Item #111 (1977-1978)
Property Owner: North Point Terminal Corp. & Walter Heinecke
S/SE Fischer Rd. 754' W/E Beachwood Rd.
Existing zoning: M.H.-I.M.
Proposed zoning: Variance to permit the existing parking area consisting of foundry sand and slag to remain in lieu of the required paving of bituminous concrete over suitable base and special hearing to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.
Acres: 14.197 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 February 3, 1977, submitted for review by the County Trucking Facilities Development Officials Committee. A copy of those comments is attached for your consideration.

Very truly yours,

Walter I. Seif, Jr.
WALTER I. SEIF, JR.
Chief, Bureau of Planning

END: EAM: PWR: ss

cc: K. DONNOS

P-W Key Sheet
8 & 9 SE 30 Post. Sheets
SE 2 & 3 H Topo
104 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Richard Latini Date: June 27, 1977

FROM: Ellsworth H. Dwyer, P.E.

SUBJECT: North Point Terminal Corporation
"6227 Fischer Road"
District 15C7

The following comments are furnished in regard to the Site Plan, dated February 3, 1977, submitted to this office for review by the County Trucking Facilities Development Officials Committee.

Since the residential properties along the northeast side of Beach Road have been reclassified from M.H. zoning to a D.R. 3-5 zoning the requirements for Beach Road have been eliminated from previous comments in regard to this property furnished in connection with Building Application #599-66.

Beach Road, an existing macadam roadway maintained by the Bureau of Highways, is proposed to be further improved in the future as a 30-foot shared roadway section within a 50-foot right-of-way. Beach Road is considered to be a residential roadway and no entrances to this property will be permitted. Highway right-of-way widening across the frontage of this property shall be established on a line 5 feet off and parallel with the 40-foot right-of-way, as shown on the recorded plat of "Fischer and Schoette Thores" (32.W.B. 14/26), with appropriate curvature at the turning point.

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 5-1-210. 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 No. 80-59-002, 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 Agreements #15670 and #156903 (Building Application #599-66 and #9-67). 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 drawings.

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.

North Point Terminal Corporation
Page 2
June 27, 1977

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.

The site plan does not indicate any provisions for aer modulating storm water or drainage flows that would be generated by the proposed on-site improvements. 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 be 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.S.E. Drawings #20-080 and 080L. 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, a pipe culvert or drainage structure is required at the map on the curve of the proposed 24-foot (30-foot) second street, the curb & rail at the rear of the proposed on-site pavement in the area of the proposed 10-inch sanitary sewer force main, as shown on B.C.S.E. Drawings #71-0045 and 0046, must be improved with rip rap or concrete paving. It is anticipated that the proposed sanitary sewer shall be constructed in the near future and could possibly preclude the compliance of this property with Bill No. 18-76.

The plan must also be revised to show the extent of all area that can be expected to become inundated by a high tide elevation of 3.676 (Baltimore County datum). No grading, filling or alteration of the existing ground within the limits of all such area 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 striping, 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 striping 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. We have reviewed the sediment control plan submitted with the site plan and are in general agreement with the basic concepts; however, the sediment control plan must be in accordance with the final approved trucking facility site plan before complete review and approval can be granted.

Since this property fronts on tide water, and all storm drainage flows will discharge directly into tide water, 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 nuisance or damage 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 Coverage Plan, as amended, as an existing area of public water supply and a planned area of sewerage in the final planning maps.

Public water supply is available to serve this property from the existing 8-inch water main in Fischer Road and the 6-inch water main in Beach Road, as shown on B.C.B.E. Drawings 151-0310 and 0315. Fire protection is furnished by the existing fire hydrants as shown on the water plans. The site plan must be revised to indicate all fire hydrants adjacent to this property.

Public sanitary sewerage will be available to serve 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 are shown on B.C.B.E. Drawings 173-0044 to 0047, inclusive. The site plan must be revised to indicate all proposed sanitary sewers through or adjacent to this property and the existing private sewage disposal system.

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

Edward M. Dwyer, P.E.
EDWARD M. DWYER, P.E.
Chief, Bureau of Engineering

TED/MSH/POD

22-12 S.W. 200' Scale Aerial Photo
6-1/2" x 3" and 3 U 200' Scale Type
"E" N.W. 500' Scale Key Sheet
Tax Map No. 104

January 31, 1978

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 #111, Zoning Advisory Committee Meeting, November 29, 1977, are as follows:

Property Owner: North Point Terminal Corp. & Walter Heinecke
Location: SE/S Fischer Road 754' NE Beachwood Road

Existing Zoning: M.H.-I.M.

Proposed Zoning: Variance to permit the existing parking area consisting of foundry sand and slag to remain in lieu of the required paving of bituminous concrete over suitable base and Special Hearing to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.

Acres: 14.197
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.

The previous comments dated April 28, 1977, as to the site plan remain in effect.

Very truly yours,

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

STEPHEN E. COLLINS
DIRECTOR

January 30, 1978

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

Item No. 111 - SAC - November 29, 1977

Property Owner: North Point Terminal Corp. & Walter Heinecke

Location: SE/S Fischer Rd. 754' NE Beachwood Rd.

Existing Zoning: M.H.-I.M.

Proposed Zoning: Variance to permit the existing parking area consisting of foundry sand & slag to remain in lieu of the required paving of bituminous concrete over suitable base and Special Hearing to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.

Acres: 14.197
District: 15th

Dear Mr. DiNenna:

No traffic engineering problems are anticipated by the requested variance to permit an existing parking lot to various foundry sand and slag in lieu of the required bituminous concrete paving.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSF/ma

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

December 12, 1977

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

Dear Mr. DiNenna:

The following are comments on Item # 111, Zoning Advisory Committee Meeting of November 29, 1977

Property Owner: North Point Terminal Corp. & Walter Heinecke

Location: SE/S Fischer Rd. 754' NE Beachwood Rd.

Acres: 14.197

District: 15th

Since this variance is concerned with the parking area, no health problems are anticipated.

Very truly yours,

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

TED/MS/POD

SEC 35 118

JOHN D. SEYFFERT
DIRECTOR

December 8, 1977

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

Dear Mr. DiNenna:

Comments on Item # 111 Zoning Advisory Committee Meeting, November 29, 1977 are as follows:

Property Owner: North Point Terminal Corp. & Walter Heinecke

Location: SE/S Fischer Rd - 754' E/S Beachwood Road

Existing Zoning: M.H. - I.M.

Proposed Zoning: Variance to permit the existing parking area consisting of foundry sand & slag to remain in lieu of the required paving of bituminous concrete over suitable base and Special Hearing to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.

Acres: 14.197

District: 15th

The items checked below are applicable:

- ☐ A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A permit shall be required before construction can begin, should variance be denied.
- ☐ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☐ D. 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.
- ☐ E. Wood frame walls are not permitted with a "0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Durban
Charles E. Durban
Plans Review Chief
CER:ej

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: November 28, 1977

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

RE: Item No. 111

Property Owner: North Point Terminal Corp. & Walter Heinecke

Location: SE/S Fischer Rd. 754' NE Beachwood Rd.

Present Zoning: M.H.-I.M.

Proposed Zoning: Variance to permit the existing parking area consisting of foundry sand and slag to remain in lieu of the required paving of bituminous concrete over suitable base and Special Hearing to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.

District: 15th
No. Acres: 14.197

Dear Mr. DiNenna:

No bearing on student population.

Z.A.C. Meeting of: November 29, 1977

WALTER I. SEIF, JR.

ATTORNEY AT LAW
MARYLAND NATIONAL BANK BLDG.
1414 REISTERSTOWN ROAD
PRESHVILLE, MD. 21208

301-484-8388

June 8, 1983

County Board of Appeals
Room 219
Court House
Towson, MD 21204

RE: CASE NO. 70-165-ASPH
NORTHPOINT TERMINAL CORP.

Gentlemen:

On May 25, 1983, this Board ordered compliance within 90 days from the date of the Order. This consisted of a new plan being filed and approved by Baltimore County.

On June 7, 1983, I received a telephone call from Mr. Nicholas Commodari who informed me that the County cannot process this plan within 90 days. I could not get any indication of time that would be needed.

George Stephens & Assoc., Engineers, have been working with Mr. Commodari so the purpose of this letter is not to delay compliance but merely to let the Board informed of the impossibility of the task in the amount of time allowed.

Therefore, I would appreciate it if the Board would rewrite its Order by allowing an additional 90 days as I do not wish to take an appeal just to delay when everyone is working to comply.

WALTER I. SEIF, JR.

WIS:fgb

Rec'd. 4/1/83-10:25 A.M.

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: North Point Terminal Corp. & Walter Heinecke

Location: SE/S Fischer Rd, 754' NE Beachwood Rd.

Item No. 111 Zoning Agenda Meeting of 11/29/77

Comments:

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

- () 1. Fire hydrants for the referenced property are groundrod 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 means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____

REMARKS: 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.

(X) 7. The Fire Prevention Bureau has no comments, at this time. Note: Any additional building construction shall require additional fire hydrants.

Division: Planning and Zoning
Special Inspection Division
Approved: *Charles E. Durban*
Deputy Chief
Fire Prevention Bureau

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

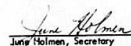
July 20, 1983

Walter I. Seif, Jr., Esq.
Painters Mill Professional Bldg.
110 Painters Mill Rd., Suite 10
Owings Mills, Maryland 21117

Dear Mr. Seif:

Re: Case No. 78-165-ASPH
Northpoint Terminal Corp.Enclosed herewith is a copy of the Amended Opinion
and Order passed today by the County Board of Appeals in the above
entitled case.

Very truly yours,


Jane M.H. Jung, SecretaryEncl.
cc: T. J. Bollinger, Esq.
N. Commodari
Councilmen John O'Rourke
W. Hammond

County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

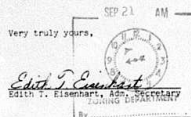
September 20, 1983

Walter I. Seif, Jr., Esquire
1414 Reisterstown Road
Pikesville, Maryland 21208Re: North Point Terminal Corp.
Case No. 78-165-SPH

Dear Mr. Seif:

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

Very truly yours,


Edith T. Eisenhart, A.M. Secretary

Encl.

cc: Marjorie Hill
Jo Ann Harris
John W. Hession, III, Esquire
Mr. A. E. Jablon
Mr. J. E. Dyer
Mr. N. Commodari
Mr. G. Freund
Mr. H. E. Gerber
Mr. J. G. Howell
Mrs. J. Jung

County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

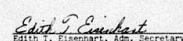
September 20, 1983

Walter I. Seif, Jr., Esquire
1414 Reisterstown Road
Pikesville, Maryland 21208Re: North Point Terminal Corp.
Case No. 78-165-SPH

Dear Mr. Seif:

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

Very truly yours,


Edith T. Eisenhart, A.M. Secretary

Encl.

cc: Marjorie Hill
Jo Ann Harris
John W. Hession, III, Esquire
Mr. A. E. Jablon
Mr. J. E. Dyer
Mr. N. Commodari
Mr. G. Freund
Mr. H. E. Gerber
Mr. J. G. Howell
Mrs. J. JungWALTER I. SEIF, JR.
GERALD DANOFFSEIF & DANOFF
ATTORNEYS AT LAW
SUITE 90
PAINTERS MILL PROFESSIONAL BUILDING
110 PAINTERS MILL ROAD
OWINGS MILLS, MARYLAND 21117

(301) 363 4200

April 12, 1982

Baltimore County Board of Appeals
County Office Building
Towson, Maryland 21204RE: Alleged Zoning Violation
Northpoint Terminal, Corp.

Gentlemen:

Enclosed herewith please find Notice of Appeal and check in
the amount of \$35.00 to cover costs thereof.

Very truly yours,


Walter I. Seif, Jr.

WISJR:bq

Enclosure

RECEIVED
BALTIMORE COUNTY BOARD OF APPEALS
APR 13 9 11 AM '82
COUNTY CLERKBALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353WILLIAM E. HAMMOND
ZONING COMMISSIONER

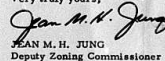
March 18, 1982

Walter I. Seif, Jr., Esquire
110 Painters Mill Road
Suite 10
Owings Mills, Maryland 21117RE: Petitions for Special Hearing
and Variance
SE/corner of Fischer and Beach P-4s.
15th Election District
North Point Terminal Corp. -
Petitioner
NO. 78-165-ASPH (Item No. 111)

Dear Mr. Seif:

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

Very truly yours,


JEAN M.H. JUNG
Deputy Zoning Commissioner

JH13/mc

Attachments

cc: Mrs. Marjorie Hill
8109 Raymond Avenue
Dundalk, Maryland 21222Ms. JoAnn Harris
4070 Beach Road
Dundalk, Maryland 21222John W. Hession, III, Esquire
People's CounselFROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
P.O. BOX 6828, TOWSON, MARYLAND 21204

September 28, 1977

Description to Accompany Zoning Petition
For Special Hearing on Paving Requirements
With Variance Request
North Point Terminal Corporation
#8225 Fischer Road.Beginning for the same at a point on the southeasterly side of Fischer Road
40 feet wide, said point being northeasterly distant 754 feet more or less along
said southeasterly side of Fischer Road from the intersection of the northeasterly
side of Beachwood Road, running thence binding on the southeasterly side of Fischer
Road the three following courses viz: (1) North 41° 32' 35" East 489.95 feet, (2)
North 34° 17' 35" East 220.00 feet and (3) North 36° 26' 35" East 24.78 feet to
intersect the southeasterly side of Beach Road, thence binding along said southeasterly
side the two following courses viz: (4) South 59° 39' 25" East 383.94 feet and
(5) South 51° 02' 25" East 167.21 feet, thence leaving said road and running the
eight following courses viz: (6) South 24° 30' 25" East 55.04 feet, (7) North 56°
34' 25" West 47.00 feet, (8) South 23° 35' 35" West 92.38 feet, (9) South 82° 06'
25" East 190.00 feet, (10) South 14° 44' 25" East 103.20 feet, (11) South 46° 27'
25" East 160.00 feet, (12) South 59° 34' 35" West 736.73 feet and (13) North 48° 27'
25" West 72.78 feet to the place of beginning.

Containing 14.197 acres of land, more or less.



PETITION FOR VARIANCE AND SPECIAL HEARING

15th District

ZONING:

Petition for Variance for Paving.
Petition for Special Hearing to approve
the existing Trucking Operation to remain
without providing the required paving.

LOCATION:

Southeast side of Fischer Road 754 feet
Northwest of Beachwood Road.

DATE & TIME:

WEDNESDAY, FEBRUARY 8, 1978 at 1:00 P.M.

PUBLIC HEARING:

Room 106, County Office Building, 111 W.
Chesapeake Avenue, Towson, Maryland.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 permit the existing
parking area consisting of foundry sand and slag
to remain instead of the required paving of
bituminous concrete over suitable base as
provided in the C.M.D.P.
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
existing trucking operation to remain without
providing the paving as required in the
Baltimore County Bill 18-76 and as provided
in the C.M.D.P.

The Zoning Regulations to be accepted are follows:

Section 410A.3.B.6 (II.A.2) (CMP)- Parking, loading, and maneuvering areas of
trucking facilities must be paved with a bituminous or Portland-cement concrete
surface over a suitable base, a registered professional engineer of appropriate
qualifications certifying that the paving, base and soil will withstand loads
imposed by fully loaded trucks of a maximum gross weight of 73,280 pounds,
as rated by the State Motor Vehicle Administration.

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

Being the property of North Point Terminal Corp and Walter Heinecke, as shown
on plat plan filed with the Zoning Department.Hearing Date: Wednesday, February 8, 1978 at 1:00 P.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.
BY ORDER OF
ERIC DIXON, ZONING COMMISSIONER OF BALTIMORE COUNTY

PETITION FOR VARIANCE AND SPECIAL HEARING

15th District

ZONING:

Petition for Variance for Paving and Special Hearing to approve
the existing Trucking Operation to remain without providing the
required paving.

LOCATION:

Southeast side of Fischer Road, 754 feet Northeast of Beachwood
Road

DATE & TIME:

Thursday, October 11, 1979 at 9:30 A.M.

PUBLIC HEARING:

Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, MarylandThe Zoning Commissioner of Baltimore County, by authority of the Zoning Act and
Regulations of Baltimore County, will hold a public hearing:Petition for Variance to permit all parking, loading and
maneuvering areas for the existing trucking facility to
consist of foundry sand and slag instead of the required
bituminous concrete over suitable base, as provided in
the Comprehensive Manual of Development Policies and
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 existing trucking
operation to remain without providing the paving as required
in the Baltimore County Bill 18-76 and as provided in the
Comprehensive Manual of Development Policies

The Zoning Regulation to be accepted are follows:

Section 410A.3.B.6 - Parking, loading and maneuvering areas of trucking
facilities must be paved with a bituminous or Portland-cement concrete surface
over a suitable base, a registered professional engineer of appropriate
qualifications certifying that the paving, base and soil will withstand loads
imposed by fully loaded trucks of a maximum gross weight of 73,280 pounds,
as rated by the State Motor Vehicle Administration.

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

Being the property of North Point Terminal Corp. and Walter Heinecke, as shown
on plat plan filed with the Zoning DepartmentHearing Date: Thursday, October 11, 1979 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, MarylandBY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION FOR SPECIAL HEARING AND VARIANCE

15th DISTRICT

ZONING: Petition for Special Hearing and Variance
LOCATION: Southeast corner of Fischer and Beach Roads
DATE & TIME: Thursday, September 10, 1981 at 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

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 a determination of the limits of the existing terminus trucking facility as it existed prior to April, 1976, and Variance to permit all parking, loading and maneuvering areas for the existing trucking facility to consist of foundry sand and slag instead of the required bituminous concrete over suitable base, as provided in the CMDDP.

The Zoning Regulation to be excepted as follows:

Section 410A.3.B.6 - Trucking Facilities CMDDP: Paving standards for parking, loading, and maneuvering areas of trucking-facility sites.

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

Being the property of North Point Terminal Corporation, e. al, as shown on plat plan filed in the Zoning Department
Hearing Date: Thursday, September 10, 1981 at 11:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue
Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Walter I. Seif, Jr., Esquire
110 Painters Mill Road - Suite 10
Owings Mills, Maryland 21117

NOTICE OF HEARING

RE: SE/8 Fischer Road, 751' SE of Beachwood Road - Petition for Special Hearing and Variance - North Point Terminal Corporation and Walter Hainicke, Case No. 78-165-APM

TIME: 9:30 A.M.

DATE: Thursday, October 11, 1979

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

TOWSON, MARYLAND

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Walter I. Seif, Jr., Esquire
Suite 10, 110 Painters Mill Rd.
Painters Mill Professional Bldg.
Owings Mills, Maryland 21117

August 13, 1981

NOTICE OF HEARING

RE: Petition for Special Hearing & Variance
SE/cor. of Fischer & Beach Rd.
North Point Terminal Corporation, et al - Petitioners
Case #78-165-APM

TIME: 11:00 A.M.

DATE: Thursday, September 10, 1981

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

TOWSON, MARYLAND

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY



North Point Peninsula Community
Coordinating Council
7718 North Point Creek Rd.
Baltimore, Md. 21219

Subject:
Zoning Hearing ... Wednesday, February 6, 1978 ... Zoning Commissioner
#78-165-APM ... item # 111 ... Petition for Variance

Dear S. Eric Diemza, Zoning Commissioner:

The North Point Peninsula Community Coordinating Council would like to state for the record of this hearing that we strenuously object to the proposed Petition for Variance to permit the North Point Terminal Corp. any variance from the restrictions and requirements as stated in the Baltimore Co. Bill 18-76 and as provided in the CMDDP.

Our community organizations and the Truck Task Force worked too hard and too long to set up acceptable standards and to establish some control over the chaotic situation that the trucking companies had created in our area. The complete disregard for community and neighbors and even the law, as displayed by many in the trucking industry made this a necessity. If communities are to be expected to accept Truck Terminals or Truck operations as a compatible part of the community then those trucking companies must abide by restrictions as provided for in Bill 18-76 and CMDDP. We therefore beg the Commissioner to refuse this petition for variance and order the North Point Terminal Corp. to abide by the regulations as set up in Bill 18-76 and CMDDP of Baltimore County.

Sincerely yours,
Pearl Gintling, President, N. Pt. Pen
Comm. Coord. Co.
Pearl Gintling

Works - Cannot attend the hearing.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Richard Latini Date: June 27, 1977

FROM: ELLsworth R. Dwyer, E.E.

SUBJECT: North Point Terminal Corporation
#8925 Fischer Road
District 1507

The following comments are furnished in regard to the Site Plan, dated February 3, 1977, submitted to this office for review by the C.T.F.D.O.C.:

Since the residential properties along the northeast side of Beach Road have been reclassified from M.H. zoning to a D.R. 5.5 zoning the requirements for a school road have been diminished from previous comments in regard to this property furnished in connection with Building Application #599-66.

Beach Road, an existing macadam roadway maintained by the Bureau of Highways, is proposed to be further improved in the future as a 30-foot closed roadway section within a 50-foot right-of-way. Beach Road is considered to be a residential roadway and no entrances to this property will be permitted. Highway right-of-way widening across the frontage of this property shall be established on a line 5 feet off and parallel with the 40-foot right-of-way, as shown on the recorded plat of "Fischer and Schmetz Shores" (J.W.B. 14/76), with appropriate curvature at the turning point.

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 No. 80-93-002, and are available from that office.

The site plan must be revised to portray the above discussed proposed roadway 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 Agreements #156701 and 156903 (Building Application #599-66 and 90-67). 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 drawings.

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.

North Point Terminal Corporation
Page 2
June 27, 1977

In conjunction with this Paving Certificate, the site plan must be revised to indicate the proposed typical on-site paving construction.

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

The site plan does not indicate any provisions for accommodating storm water or drainage flows that would be generated by the proposed on-site improvements. 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 roof 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.E. Drawings #70-980 and 0881. 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 5/5 plat, a pipe culvert or drainage structure is required at the ramp on the curve of the proposed 24-foot (30-foot) of the proposed 30-inch sanitary sewer from main, as shown on B.C.B.E. Drawings #73-0045 and 0048, must be improved with rip rap or concrete paving. It is anticipated that the proposed sanitary sewers will be constructed in the near future and could possibly preclude the compliance of this property with Bill No. 18-76.

The site plan must also be revised to show the extent of all area 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 all such area 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. We have reviewed the sediment control plan submitted with the site plan and are in general accord with the basic concept; however, the sediment control plan must be revised in accordance with the final approved trucking facility site plan before complete review and approval can be granted.

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.

North Point Terminal Corporation
Page 3
June 27, 1977

The operator/owner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance 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.

Public water supply is available to serve this property from the existing 8-inch water main in Fischer Road and the 6-inch water main in Beach Road, as shown on B.C.B.E. Drawings #51-0310 and 0315. Fire protection is furnished by the existing fire hydrants as shown on the water plans. The site plan must be revised to indicate all fire hydrants adjacent to this property.

Public sanitary sewerage will be available to serve 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 1-2-3-86 and are shown on B.C.B.E. Drawings #73-0044 to 0047, inclusive. The site plan must be revised to indicate all proposed sanitary sewers through or adjacent to this property and the existing private sewage disposal system.

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

Ellsworth R. Dwyer
ELLSWORTH R. DWYER, P.E.
Chief, Bureau of Engineering

END/EMH/RDS/s

22-12 S.W. 200' Scale Aerial Photo
S.E. 2 and 3 W 200' Scale Topo
"N" N.W. 500' Scale Key Sheet
"X" Map No. 104

George William Stephens, Jr.
and Associates, Inc.
Engineers
303 Allegheny Avenue
Towson, Maryland 21204

Dear Sir:

Pursuant to Bill 18-76, the County Trucking Facilities Development Committee and/or their appointed representatives have reviewed the site plans for Ware, Inc., located at 8225 Fischer Road and North Point Terminal Corporation, located at 8225 Fischer Road.

Please find attached applicable comments from the various officials. Your site plans should be revised to incorporate these comments and resubmitted to the Zoning Office.

Sincerely,

J. Richard Latini, Chairman
Trucking Facilities Development
Committee

JRL:w

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Richard Latini, Coordinator
CTFDOC
Date April 11, 1977
Nicholas B. Commodari
FROM Planning & Zoning Associate III
SUBJECT Approved Site Plan for North Point Terminal Corp.
SE/corner of Fischer and Beechwood Roads -
15th Election District

I have reviewed the submitted site plan for the above referenced matter and have determined that revised plans reflecting the following comments must be submitted prior to approval by this office.

1. The total area of the existing trucking operation (including parking and storage) must be delineated and, if closer than 300 feet to the residential zone use along Beach Road or closer than 200 feet to the wetlands abutting this site, verification of nonconformance with Bill No. 18-76 must be submitted.
2. If the use is proposed to be expanded in the future (as indicated in Note No. 9), the use must conform in all aspects to Section 410A.1E of the aforementioned Bill.
3. Area indicated as "future warehousing and storage", if not to be utilized as part of this trucking operation, must be designated as "future use as permitted in M.H. Zone."
4. Since the northerly entrance is proposed, it must be deleted or else the entire site must be viewed as a new operation.
5. The entire area of the trucking operation must be paved (profile to be indicated) and curbing or wheel stops must surround the perimeter.
6. Note No. 9, indicating maximum number of trucks on this site will be 20, must be clarified in view of the fact that the site plan indicates parking for a greater number.

Mr. Richard Latini
Page 2
April 11, 1977

7. Use of existing buildings must be clearly defined (explain Note No. 9).
8. Distances from property line and edge of paving to center line of Fischer Road must be indicated.
9. Note where automotive parts are stored, if any.
10. Parking must be calculated at one space for each two employees, on largest shift, or one space for each 3000 square feet of total area devoted to truck parking.
11. Note whether fence will be erected.
12. Lighting, if any, must be shown.
13. Right-of-way of Fischer Road must be indicated.
14. Schedule of compliance must be indicated.
15. Truck route must be stated on plan, as indicated in comments of Department of Traffic Engineering.

NBC/scw

Nicholas B. Commodari
NICHOLAS B. COMMODARI

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Richard J. Latini
Chairman, Trucking Facilities Development Committee
Date April 28, 1977
FROM John L. Wimbley - Office of Planning and Zoning
SUBJECT North Point Terminal Corporation - Fischer Road

This office has reviewed the subject site plan and offers the following comments, as required, under Section 410 of the Zoning Regulations.

The site plan must be revised to show all existing and proposed uses and storage areas.

Car parking must be clearly shown on the site plan in accordance with Section 409.2b(9), of the Zoning Regulations.

The driveways to the site must be 35 feet in width, with a 30 foot curb return radius. If the area is to be fenced, all gates at the driveways must be 60 feet from the roadside curb into the site.

All areas, where vehicles will be parked or driven, must be paved in accordance with Section 410A.3b(4) and a cross section of the paving must be shown on the site plan. Curbing, wheel stops, or other means must be provided at the edge of the paved areas as required.

The type of screening as shown on the site plan would not appear to meet the requirements of Section 410A.3B.4, since privet hedge will lose its leaves in the winter.

cc: Mr. Norman E. Gerber, Acting Director of Planning
Mr. James Howell, Office of Planning
Mr. Nicholas Commodari, Office of Zoning

John L. Wimbley
John L. Wimbley
Planner III

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Richard Latini
Industrial Development Commission
Date March 12, 1977
FROM Michael S. Blanks
Associate Traffic Engineer
SUBJECT North Point Terminal Corporation
8225 Fischer Road

We have reviewed the above plan and have the following comments:

1. All two way entrances must be 35' wide with 30' radius.
2. If the entrances are to have gates, the gates must be 60' from the paving of the street.
3. Access to this site will be by Fischer Road, to Beachwood Road to Old North Point Road to North Point Blvd, or Fischer Road to Beachwood Road to Old North Point Road to Battle Grove or Grove Roads to North Point Blvd.

Michael S. Blanks
Michael S. Blanks
Associate Traffic Engineer

NSP/sle

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Rick Latini
Industrial Development Commission
Date March 15, 1977
FROM D. Elton Hoppert, Jr., Representative
Trucking Facilities Development Officials
SUBJECT North Point Terminal Corp. DISTRICT 15th

The items checked below are applicable:

- () A. Any structure, fence, tank, etc., to be built or erected on this site, shall conform to Baltimore County Building Code (B.C.D.A.) 1970 Edition and the 1971 Supplement and other applicable codes.
- () B. A building permit shall be required before any construction can begin.
- () C. Three sets of construction drawings will be required to file an application for a building permit.
- () D. 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.
- () E. Existing buildings will require a change of occupancy permit unless the applicant is able to substantiate that the existing use has been approved for this type occupancy.
- () F. No comment
- () G. Other Parking Area Permit

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

File
Date May 20, 1977
FROM Richard Latini - Industrial Development Commission
SUBJECT North Point Terminal Corp.
SE/C Fischer Road & Beachwood Road
15th Election District

The Industrial Development Commission has no other comments beyond those submitted by other trucking officials.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna
Zoning Commissioner
Date February 3, 1978
TO Leslie H. Graef
FROM Director of Planning
ITEM #111
SUBJECT Petition #78-165-ASPH. Petition for Variance for Paving. Petition for Special Hearing to approve the existing Trucking Operation to remain without providing the required paving. Southeast side of Fischer Road 754 feet Northeast of Beachwood Road. Petitioner - North Point Terminal Corp and Walter Heinrichs

15th District

HEARING: Wednesday, February 8, 1978 (1:00 P.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 Respect To Certain Provisions" by the Zoning Commissioner. Subparagraph 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 powers 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 CNDP 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.

LHG/JGH

Leslie H. Graef
Leslie H. Graef, Director of Planning

January 16, 1978

Walter I. Seif, Jr., Pres.
110 Palisades Hill Rd.
Suite 10
Cottage Hills, Md. 21117

NOTICE OF HEARING

Re: Petition for Variance and Special Hearing for North Point Terminal Corp. & Walter Heinrichs
78-165-ASPH

TIME: 1:00 P.M.

DATE: Wednesday, February 8, 1978

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

XENON, MARYLAND

Leslie H. Graef
Leslie H. Graef, Director of Planning
BALTIMORE COUNTY



SEIF & HERZBERGER, P.A.
ATTORNEYS AT LAW
SUITE 10
PAINTERS MILL PROFESSIONAL BUILDING
110 PAINTERS MILL ROAD
OWINGS MILLS, MARYLAND 21117
(301) 363-4300

S. ERIC DINENNA
ZONING COMMISSIONER

February 7, 1978

Walter I. Seif, Jr., Esquire
Suite 10, Painters Mill Professional Building
110 Painters Mill Road
Owings Mills, Maryland 21117

RE: Petitions for Variance and Special Hearing
SE/5 of Fischer Road, 754' NE of
Beachwood Road - 15th Election District
North Point Terminal Corporation,
et al - Petitioners
NO. 78-165-ASPH (Item No. 111)

Dear Mr. Seif:

As per our recent telephone conversation and your prior letter of January 18, 1978, this will confirm that the hearing, scheduled for Wednesday, February 8, 1978, and concerning the above referenced matter, has been postponed. Any future hearing on this matter will require reposting and re-advertising at the Petitioners' expense.

Very truly yours,

S. ERIC DINENNA
Zoning Commissioner

SED:slr

cc: Ms. Pearl Gintling, President
North Point Peninsula Community
Coordinating Council
7718 North Point Creek Road
Baltimore, Maryland 21219

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

MICROFILMED

WALTER I. SEIF, JR.
GERALD DANOFF

SEIF & DANOFF
ATTORNEYS AT LAW
SUITE 10
PAINTERS MILL PROFESSIONAL BUILDING
110 PAINTERS MILL ROAD
OWINGS MILLS, MARYLAND 21117
(301) 363-4300

January 23, 1981

Department of Zoning
County Office Building
Towson, MD 21204
ATTN: Nicholas Comadari

Re: Northpoint Terminal Corporation
8225 Fischer Road
78-165-ASPH

Dear Mr. Comadari:

Pursuant to our conversation of January 15, 1981, it is my desire to withdraw the Petitions for Variance and make some necessary changes on the Plat to show the present fence line, the present portion of the property that is graded and covered with gravel and slag, and to remove that portion of the Plat calling for future expansion.

This work will be done as rapidly as possible, and new plats submitted, but I am informed that it will take some field work by the engineer before the Plat will be re-submitted.

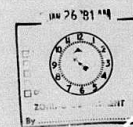
I would appreciate your office taking no further action as to paving, etc., until we have time to complete the field work, re-submit the Plat, and file for variance of the paving requirements under Ordinance 18-76.

Very truly yours,

Walter I. Seif, Jr.

WIS:rlr

cc: Raymond Corkran, Jr.



MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Leonard S. Jacobson, County Solicitor Date: March 19, 1982
Tom Bulfinger, Assistant County Solicitor
FROM: Peter Max Zimmerman, Deputy People's Counsel
SUBJECT: North Point Terminal Corp., et al - 78-165-ASPH (Item 111)

It appears that this case (being a special hearing to determine whether or not the existing terminal trucking facility as it existed prior to April, 1974, and a variance to permit all parking, loading and maneuvering areas for the existing trucking facility to consist of foundry sand and slag instead of the required bituminous concrete over suitable base, as provided in the CMDF) is within the jurisdiction of your office rather than ours. Please note that if an appeal is desired, the time limit for filing is Thursday, April 15, 1982.

Peter Max Zimmerman
Deputy People's Counsel

Enclosure:
DCC Order dtd. 3/18/82

PMZ:ah

MICROFILMED

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

May 27, 1982

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 POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 78-165-ASPH

NORTHPOINT TERMINAL CORP.

SE/5 of Fischer Rd., 754' NE of
Beachwood Rd.

15th District

Variance-Paving standards, etc.
Special Hearing to determine limits
of existing trucking terminal

3/18/82-D.Z.C. GRANTED special hearing
DENIED variance

ASSIGNED FOR:

WEDNESDAY, JULY 14, 1982, at 10 a.m.

cc: Walter I. Seif, Jr., Esq.

Counsel for Petitioner

Ms. Marjorie Hill

Protestant

Ms. JoAnn Harris

"

J. W. Hessian, Esq.

People's Counsel

J. Dyer

J. Howell

W. Hammond

N. Gerber

G. Freund

MICROFILMED

Jane Holman, Secy.

5/27/82 - Notified the following hearing set for Wed., July 14, 1982, at 10 a.m.:

Walter I. Seif, Esq.
Mr. M. Hill
Ms. J. Harris
J. Hession
J. Dyer
J. Howell
W. Hammond
N. Gerber
G. Freund

WED, JULY 14
Case continued
pending legislation
re paving requirements
at trucking facilities

June 3, 1982

Walter I. Seif, Jr., Esquire
Suite 10
Painters Mill Professional Building
110 Painters Mill Road
Owings Mills, Maryland 21117

Re: Case No. 78-165-ASPH
Northpoint Terminal Corp.

Dear Mr. Seif:

Replying to your letter of June 1, 1982, due to the fact that the property has been posted and we have no way of contacting any interested party, your request for a postponement due to a District Court hearing must be denied.

Very truly yours,

William Y. Madoff, Chairman

WTH:

MICROFILMED

WALTER I. SEIF, JR.
ATTORNEY AT LAW
SUITE 10
PAINTERS MILL PROFESSIONAL BUILDING
110 PAINTERS MILL ROAD
OWINGS MILLS, MARYLAND 21117
(301) 363-4300

June 1, 1982

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Re: Case No. 78-165-ASPH

Gentlemen:

Please postpone the above caption matter set for trial on July 14, 1982 at 10:00 a.m. as I have a previous set case that day in the District Court of Baltimore County entitled State vs. Tobel.

I will be on vacation from July 30 through August 7.

Very truly yours,

Walter I. Seif, Jr.

wis Jr./wlv

RECEIVED
BALTIMORE COUNTY
JUN 3 11 07 AM '82
COUNTY BOARD
BY

MICROFILMED

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

June 24, 1982

Mrs. Marjorie Hill
Wells McComas Citizens Improvement Ass., Inc.
8109 Raymond Avenue
Baltimore, Md. 21222Re: Case No. 78-165-ASPH
Northpoint Terminal Corp.

Dear Mrs. Hill:

Replying to your letter of June 19, 1982, the Board has already denied a request for postponement of the above entitled case from the attorney for the Petitioner. Therefore, we must deny your request for postponement for the Petitioner. We are enclosing, for your information, a copy of our letter to Mr. Seif.

The case will remain on our docket for Wednesday, July 14, 1982 at 10 a.m.

Very truly yours,

William F. Hockett
William F. Hockett, Chairman

WTH:ke

Wells McComas CITIZENS IMPROVEMENT ASSOCIATION, INC.

8109 Raymond Ave.
Baltimore, MD 21222
June 19, 1982Board Of Appeals
Court House
Towson, MD 21204

Board Of Appeals:

I am president of the Wells McComas Citizens Improvement Association, Inc. and am requesting a postponement of the Northpoint Terminal Corp.-SE/S of Fischer Rd.-15th District-Case no. 78-165-ASPH.

There is a hearing scheduled for Wednesday, July 14, 1982 at 10 a.m. Could this possibly be moved to the month of September. July is very inconvenient for most of the residents due to vacations.

Since this is a community involvement case, I would like to make it at a time that would be suitable for all concerned.

Best regards,

Mary Hill
Mary Hill
877-2574

MHD:mk

cc:Mr. Bollinger

WALTER I. SEIF, JR.

ATTORNEY AT LAW
MARYLAND NATIONAL BANK BLDG.
1416 BOSTERTOWN ROAD
Pikesville, MD. 21208

301-484-8388

July 14, 1982

Board of Appeals
Baltimore County
Court Bldg.
Towson, MD 21204Re: North Point Terminal
Case # 78-165-ASPH (Item 111)

Gentlemen:

If the above captioned case is continued from today, and new paving standards are adopted for truck terminals my client, North Point Terminal, will conform to the new paving standards as promulgated.

This promise is contingent upon the new standards being equal or less than the paving standards currently in existence.

Very truly yours,

Walter I. Seif, Jr.
Walter I. Seif, Jr.

WIS:lgb
cc Peter ZimmermanBALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
BALTIMORE, MARYLAND 21204
494-3648JAMES D. LUCAS, JR.
DIRECTOR

July 6, 1982

Robbins Motor Transportation Company, Inc.
8225 Fischer Road
Baltimore, Maryland 21222

Dear Sir:

The trucking and container industries are key to the future economic development of Baltimore County and the Baltimore Region. As one deeply involved in those businesses, we feel you should be informed as to actions that we are taking to promote those industries in Baltimore County.

The "Truck Terminal" legislation (Bill 18-76) was passed in 1976 to address problems that had plagued that industry and its relationships with the community. Since its passage, certain requirements of the law have had the effect of hindering the growth of the responsible sectors of the trucking and container industries. The Economic Development Commission has taken the lead in addressing those problems.

The legislation requires that any truck terminal or container facility be located on a "public industrial service road". In 1981, following initiatives by the EDC and certain County trucking concerns, the County first designated such roads. Most, if not all, of the roads on which the County's truck terminals are located or are likely to locate are now designated as either public industrial service roads or arterials. This should greatly ease the difficulties of searching for a new or expanded site.

Of immediate concern, however, are the paving regulations. Current regulations require paving of the entire terminal area, with a crushed rock base and bituminous surface. Estimates of the cost of such paving range from \$40,000 to \$50,000 per acre.

The EDC has asked the Baltimore County Planning Board (that body which approves any changes) to review these standards. Specifically, we have asked them to consider requiring bituminous concrete surface only in truck and container maneuvering and loading areas. A suitable base and dustless surface treatment in parking and storage areas for empty trailers and containers up to a gross weight of 25,000 pounds would be required.

July 6, 1982
Page 2

We believe that changing to this standard would significantly reduce paving costs, improve storm water management and not negatively affect the community. We intend to continue to press for its adoption by the Fall.

Our purpose in writing you is to keep you informed of these developments, as well as to solicit your comments on matters affecting the trucking industry. We will continue to keep you posted on such items of interest. In the meantime, if you have any comments or suggestions, feel free to call me or drop me a line.

Warm regards,

James D. Lucas, Jr.
JAMES D. LUCAS, JR.
Director

JDL:jet

APPENDIX E to the Minutes of the Baltimore County Planning Board meeting of February 17, 1983.

RESOLUTION OF THE BALTIMORE COUNTY PLANNING BOARD

TO AMEND

THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES

February 17, 1983

- WHEREAS, The Baltimore County Zoning Regulations, in Subparagraphs 410.3.8.7 and 410A.3.8.6, provide for the promulgation of trucking-facility paving standards under design provisions adopted by the Planning Board pursuant to the authority of Subsection 504.1 of the Regulations, after consultation with and recommendation by the committee known as the County Trucking Facilities Development Official; and
- WHEREAS, The Planning Board, through the Office of Planning and Zoning, has consulted with the County Trucking Facilities Development Officials, and that committee has recommended such provisions, which have been reviewed by the Board; and
- WHEREAS, The Planning Board finds that those provisions, as revised and set forth herein, are consistent with the purposes of Sections 410 and 410A of the Zoning Regulations, particularly with the purpose to assure that the improvements on the site of existing and future trucking facilities are of such design, quality, or character that they will not be likely to deteriorate in such a way that a public nuisance would be created or that the public interest would otherwise be adversely affected; and
- WHEREAS, Those provisions, as revised, have been formally submitted, as part of this resolution, to the County Solicitor for review and comment, as provided under Article 7 of the Rules of Procedure of the Board; this resolution was entered on and approved to the advance tentative agenda for this regular meeting of the Planning Board and is unamended, as provided under Subsection 504.1 of the Zoning Regulations; and the advance tentative agenda was forwarded to the Board members by certified mail, or by courier, seven days before the date of this meeting, and was mailed to members of the press and other interested parties at least seven days before the date of this meeting, as provided under Article 11 of the Rules of Procedure; now, therefore, pursuant to the authority of Section 504 of the Baltimore County Regulations, be it
- RESOLVED, By the Baltimore County Planning Board, that the Planning Board's land-use and development policies and zoning regulations, set forth in the Comprehensive Manual of Development Policies (CMDP), are amended as set forth below.
- In Section IX, Subsection IX.A. is revised to read as follows:

IX.A. Paving standards for parking, loading, maneuvering, aisle and storage areas of trucking-facility sites.

IX.A.1. Applicability.

The provisions set forth below are adopted pursuant to Subparagraphs 410.3.8.7 and 410A.3.8.6 of the Baltimore County Zoning Regulations, as amended by Bill No. 18-76, to regulate paving on the sites of both Class I and Class II trucking facilities in the manner provided in the Zoning Regulations.

IX.A.2. Standards.

- a. Parking, loading, maneuvering and aisle areas must be paved and maintained with -
- (1) A bituminous concrete surface over a suitable base; or
 - (2) A Portland-cement concrete surface over a suitable base; or
 - (3) Two (2) or more applications of bituminous surface treatment over a suitable base.
- b. Storage areas for empty containers and empty trailers must be paved and maintained with -
- (1) A bituminous concrete surface over a suitable base; or
 - (2) A Portland-cement concrete surface over a suitable base; or
 - (3) Two (2) or more applications of bituminous surface treatment over a suitable base.

IX.A.3. Site Plan Requirements.

The site plan for all trucking facilities must be designed to provide access to storage areas via paved access aisles.

IX.A.4. Engineering Certification.

A registered Engineer of appropriate qualifications must certify that the paving, base and soil of all parking, loading, maneuvering, aisle and storage areas will withstand loads imposed by expected truck traffic and storage activities.

IX.A.5. Enforcement.

Failure to maintain all parking, loading, maneuvering, aisle and storage areas in good condition at all times shall be considered a violation of the Baltimore County Zoning Regulations and subject to the penalties set forth in Section 503.

WE HEREBY CERTIFY that we have reviewed the amendments to the Comprehensive Manual of Development Policies set forth in the above resolution.

DATE March 5, 1983

Leonard S. Jacobson
Leonard S. Jacobson
County Attorney

DATE March 5, 1983

Michael M. Walker
Michael M. Walker
Assistant County Attorney

I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland on February 17, 1983.

DATE February 17, 1983

Norman E. Garber
Norman E. Garber, Director of Planning
Secretary to the Board

WILLIAM E. HAMMOND
ZONING COMMISSIONER

Walter I. Seif, Jr., Esquire
Suite 10, 110 Painters Mill Road
Painters Mill Professional Building
Owings Mills, Maryland 21227
31117

September 3, 1981

RE: Petitions for Special Hearing and Variance
SE/Cor. of Fischer & Beach Roads
North Point Terminal Corporation, et al -
Petitioners
Case #78-165-ASPH

Dear Mr. Seif:

This is to advise you that \$84.50 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,
William E. Hammond
Zoning Commissioner

WEH:kfr

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

No. 100498

DATE 9/10/81 ACCOUNT 01-662

AMOUNT \$84.50

RECEIVED FROM North Point Terminals
FOR Posting & Advertising of Case #78-165-ASPH

84.50

VALIDATION OR SIGNATURE OF CASHIER

S. ERIC DINENHA
ZONING COMMISSIONER

Walter I. Seif, Jr., Esq.
110 Painters Mill Road, Suite 10
Owings Mills, Md. 21227

Re: Petition for Variance for North Point Terminal Corp.
#78-165-A

Dear Sir:

This is to advise you that \$84.50 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson Room 113 County Office Building, before the hearing.

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

No. 65443

DATE Feb. 9, 1978 ACCOUNT 01-662

AMOUNT \$81.50

RECEIVED FROM North Point Terminals, 5225 Fischer Road, Baltimore, Md. 21222
FOR Advertising and posting of property - #78-165-A

81.50

VALIDATION OR SIGNATURE OF CASHIER

Very truly,
S. Eric Dinenna
ZONING COMMISSIONER

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

No. 107611

DATE 4/20/82 ACCOUNT 01-662

AMOUNT \$35.00

RECEIVED FROM Walter I. Seif, Jr., Esquire
FOR Cost of Appeal for Case No. 78-165-ASPH
Northpoint Terminal, Corp.

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

No. 107617

DATE 4/23/82 ACCOUNT 01-662

AMOUNT \$5.00

RECEIVED FROM Walter I. Seif, Jr., Esquire
FOR Posting on Appeal for Case #78-165-ASPH
(Northpoint Terminal Corp.)

5.00

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 8/22/81
Posted for: Petition for Special Hearing and Variance
Petitioner: North Point Terminal Corp.
Location of property: SE/Cor. Fischer & Beach Rd.
Location of Sign: Posting Intersection of Fischer & Beach Rd.
Remarks: None
Posted by: William E. Hammond
Date of return: 9/3/81

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map	Original	Duplicate	Tracing	200 Sheet
	date	date	date	date	date
Descriptions checked and outline plotted on map					
Petition number added to outline					
Denied					
Granted by ZC, RA, CC, CA					
Reviewed by: <i>MC</i>					
Previous case: <i>None</i>					
Revised Plans: Change in outline or description Yes Map #					

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY #78-165-ASPH
Towson, Maryland

District 15 Date of Posting 1-18-78
Posted for: Henry Mat. Feb. 8, 1978 & 1.1.78
Petitioner: North Point Terminal Corp.
Location of property: SE/Cor. Fischer Rd. SE/Cor. of Beach Rd.
Location of Sign: 2 Signs Postel Right in Front of Building on Fischer Rd. facing Fischer Rd.
Remarks: None
Posted by: March 26, 78
Date of return: 1-26-78

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 4/16/82
Posted for: Board of Appeals
Petitioner: Northpoint Terminal Corp.
Location of property: SE/Cor. Fischer Rd.
Location of Sign: Posting Intersection of Fischer & Beach Rd.
Remarks: None
Posted by: William E. Hammond
Date of return: 4/23/82

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

Your Petition has been received * this 1 day of November 1977. Filing Fee \$50.05 Received Check
Cashed
Other

S. Eric Dinenna
Zoning Commissioner
Submitted by: George A. Spinks
Reviewed by: [Signature]

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

The Times

Middle River, Md. Aug 20 1978
This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 20th day of August, 1978.

41.4



LETTER FOR SPECIAL HEARING AND VARIANCE

NOTICE FOR SPECIAL HEARING AND VARIANCE
The Board of Appeals for Baltimore County, Maryland, is hereby notified that the following petition for special hearing and variance has been filed with the Board of Appeals for Baltimore County, Maryland, and is hereby published for the purpose of giving notice to all interested parties.

The Board of Appeals for Baltimore County, Maryland, is hereby notified that the following petition for special hearing and variance has been filed with the Board of Appeals for Baltimore County, Maryland, and is hereby published for the purpose of giving notice to all interested parties.

41.4

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 20, 1981
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on one time - September 19, 1981 - the first publication appearing on the 20th day of August 1981.

THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$



OFFICE OF THE TIMES
NEWSPAPERS

TOWSON, MD. 21204 January 19 1978

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE AND SPECIAL HEARING - North Point Terminal Corporation was inserted in the following:

- ☐ Catonsville Times
- ☐ Dundalk Times
- ☐ Essex Times
- ☐ Suburban Times East
- ☐ Towson Times
- ☐ Arbutus Times
- ☐ Community Times
- ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 20th day of January 1978, that is to say, the same was inserted in the issues of January 19, 1975

STROMBERG PUBLICATIONS, INC.
BY: [Signature]

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

No. 65404

DATE Feb. 16, 1978 ACCOUNT 01-662

AMOUNT \$25.00

RECEIVED FROM North Point Terminals 5225 Fischer Road
FOR Petition: For Variance and Special Hearing #78-165-ASPH

25.00

VALIDATION OR SIGNATURE OF CASHIER

Attachment Exhibit 5

RE: ALLEGED ZONING VIOLATION
8225 Fischer Road
15th Election District

Mr. Raymond C. Corkran
Robbins Motor Transportation Co. Inc.
8225 Fischer Road
Dundalk, Maryland 21222
Defendant

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY
No. 77-4-TV

ORDER OF DISMISSAL

TRUCKING FACILITY - CLASS I

A complaint has been filed with the Zoning Office concerning an alleged violation of the Baltimore County Zoning Regulations at the above captioned location in Baltimore County.

The following Baltimore County Zoning Regulations are involved:

Section 101 - Definitions

Trucking facility, Class I (truck terminal): A trucking facility whose primary purpose is to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types, in order to facilitate the transportation of such goods or chattels.

Warehouse: A building or part of a building used or intended to be used primarily for the storage of goods or chattels that are to be sold retail or wholesale from other premises or sold wholesale from the same premises; for the storage of goods or chattels to be shipped on mail order; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes. (The term "warehouse" does not include a retail establishment whose primary purpose is for the sale of goods or chattels stored on the premises; however, nothing in this definition is meant to exclude purely incidental retail sales in warehouses. Further, the term does not include a truck terminal, at which any storage is minor, transitory, and merely incidental to the purpose of facilitating transportation of goods or chattels.)

As there appeared no apparent violation of the Baltimore County Zoning Regulations at the present time, the matter is DISMISSED.

Raymond C. Corkran
Deputy Zoning Commissioner of Baltimore County

Date: July 14, 1977

TRUCKING FACILITIES INVESTIGATION REPORT

Case Number: 77-4-TV - TV Inspector: Gary Freund
Location: 8225 Fischer Road
Zoning Classification(s): MH-1M District: 15
Class of Facility: 1 Previous Cases: 76-160V (Quinn)
Owner/Agent: Mr. Raymond C. Corkran
8225 Fischer Road 21222
Telephone:
Occupant(s): Robbins Motor Transportation Co. Inc.

(continue on back)

TRUCKING FACILITIES INVESTIGATION REPORT

Case Number: 77-3-TV - TV Inspector: Gary Freund
Location: 8227-8229 Fischer Road
Zoning Classification(s): MH-1M District: 15
Class of Facility: II Previous Cases: 76-163V (Quinn)
Owner/Agent: Walter E. Heinecke
8302 Cambridge Circle
Towson, Maryland 21204
Telephone:
Occupant(s): Automobile Transports Inc.

(continue on back)

DATE July 14, 1977
BY John P. Ray, Jr.

DATE July 14, 1977
BY John P. Ray, Jr.

DIVISION Air Pollution

ACKNOWLEDGMENT CONTROLS DATE
CMI/car rto 8/2/79

LOCATION 8227 Fischer Road ZIP 21222
OWNER Robbins Transfer ADDRESS (Repairs & services PHONE
OCCUPANT Emarco Container Div. of address & Equipment PHONE
COMPLAINANT Mrs. Nowacki 4050 Beach Road

REASON FOR INVESTIGATION: Dust from weeded lot used for parking causing a problem

RECEIVED BY Car rto/Towson DATE 8/2/79 ASSIGNED TO C.M. Heater DATE

DATE OF INVESTIGATION: 8/2/79 TIME: 1200 Hrs.
REPORT: The complainant was contacted at her home and she stated the problem was dust generated by vehicle movement on the unpaved (weeded lot) across from her house. The property complained of is on the south east corner of Fischer Rd. at Beach. It is occupied by the Emarco Container Div. of Emarco Corp. It is understood that the lot's use is presently involved in a zoning dispute.
8/2/79: Mr. John De Remigis, Terminal Manager for Emarco Container Div. was contacted and made aware of the complaint. He stated that his company had applied for a permit to apply a tar & chip surface, erect a fence and to landscape adjacent to the outside of the fence. Their permit was denied by Balto. Co. Zoning since they considered it "expanding a trucking facility". Apparently the weeded portion of the property is presently being improperly utilized by Emarco. No dust problem was observed on the weeded portion during this inspection. Dust was observed from traffic on the original area which has a crushed stone surface. It was recommended that steps be taken to abate the airborne particulate problem on this area. The terminal manager agreed to correct this problem.

8/3/79: The complainant was contacted and informed of the action taken. She requested that her complaint to Air Pollution be referred to Zoning, since a zoning violation complaint had been filed through Councilman O'Rourke's office and she would like for Zoning to be aware of this additional problem.
Surveillance will be maintained to insure that the area where airborne particulate was observed is treated with a suppressant.
Telephone call to Jim Burnes Aug. 6/79 to relay information.

LAW OFFICE OF
NOLAN, PLATNHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
May 27, 1977

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

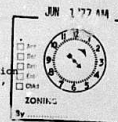
Re: Mistaken Notice of Zoning Violation
Concerning the Heinecke Property,
8227 to 8229 Fischer Road.
Case No. 77-3-TV.

Dear Commissioner DiNenna:

Our client Mr. Walter F. Heinecke has just received a summons for an alleged zoning violation case to be heard on Friday, June 3, 1977 at 9:30 a.m. We are positive that this is a mistake, in that we are a nonconforming Class II Truck Facility and we did file under the Truck Terminal Regulations, well prior to the deadline in April of this year.

The Heinecke Property is under Contract of Sale to the adjoining truck terminal facility operated and known as North Point Terminal Corporation, and North Point Terminal Corporation met with the Truck Facility Committee on March 16 of this year and a site plan is presently being developed pursuant to Comment from Mr. Commodari dated April 11, 1977. Thus, the situation is that this existing Class II trucking facility is complying with the law and will be brought into conformity with the new Regulations as a part of the North Point Terminal Corporation overall site.

I have told our client that we do not believe that your Office will require his appearance once this information has been supplied and, quite frankly, we do not believe that there is any need for a hearing on June 3 but if you wish we will attend and place these matters on the official record, although we would hope that this letter



Page two

will serve the same purpose.

Trusting that this letter clears up any question of a possible violation, and awaiting word from you or from Mr. Freund, I am

Respectfully,
Newton A. Williams
Newton A. Williams

NAN/hl
cc: Mr. Gary Freund
Zoning Inspection Office
Mr. Walter E. Heinecke

DATE SUBMITTED 8/3/79 SANITARIAN CHARLES M. HEATER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
444-3333

WILLIAM E. HAMMOND
ZONING COMMISSIONER

September 27, 1979

Mr. Raymond Corkran, Jr.
North Point Terminals
8225 Fischer Road
Baltimore, Maryland 21222

RE: Grading Permit Application
No. C-1075-79
SE/corner of Beech and Fischer
Roads - 15th Election District

Dear Mr. Corkran:

Please be advised that this office is disapproving the above referenced permit application for a container repair facility. This office has determined that the site is currently in violation of the Baltimore County Zoning Regulations.

Due to the expansion of a nonconforming use, we are in the process of requesting injunctive relief from the Solicitor's Office against the subject property. A Special Exception for a trucking facility will be required before this permit can be approved.

If you need additional information, please so advise.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

JED/DAS/ef

cc: Mr. William E. Hammond, Zoning Commissioner
Mrs. Jean M. H. Jung, Deputy Zoning Commissioner
Mr. Douglas A. Swam, Zoning Associate III

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: The Honorable John W. O'Rourke
Councilman - Seventh District
Date: AUGUST 2, 1979
FROM: Zoning Enforcement Section
8227-8229 Fischer Road
SUBJECT: CASE No. 77-3-TV

In response to your memorandum of July 26, 1979, please be advised that the above referenced case was the subject of a hearing on June 3, 1977. Subsequent to that hearing the then Deputy Zoning Commissioner, George J. Martinak, dismissed the case.

However, on August 2, 1977 the Honorable William E. Hammond, Zoning Commissioner, requested injunctive relief with regard to the aforementioned property (copy enclosed).

This office will keep you advised of any further actions taken in this case.

JBS:ech
cc: File

James E. Dyer
JAMES E. DYER, III

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Leonard S. Jacobson, Esquire
County Solicitor
Date: September 17, 1979
FROM: William E. Hammond
Zoning Commissioner
SUBJECT: CASE No. 77-3-TV - 8227-8229 Fischer Road - 15th Election District

Reference is made to our correspondence to you, dated August 2, 1979, requesting that you proceed with injunctive proceedings, pursuant to Section 22-31 of the Baltimore County Code, with regard to the subject property.

We are somewhat concerned with the status of this request, because the residents of the neighborhood have indicated that the property owner is continuing to utilize and intensify his trucking facility operation, which was established without any building permits or authority of any kind. Since a challenge to the constitutionality of the trucking facility regulations does exist, we request and/or suggest that any injunctive proceedings, including violations of the Baltimore County Zoning Regulations which existed prior to Bill No. 18-76, as well as violations of Bill No. 18-76, i.e., failure to obtain a building permit, failure to provide paving of a dustless durable surface, failure to provide screening of adjacent residential premises, etc., be pursued.

If you need additional information, please do not hesitate to contact this office.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/JED/ef

cc: Stanley J. Shapiro, Esquire
Assistant County Solicitor
Mrs. Jean M. H. Jung
Deputy Zoning Commissioner
Mr. James E. Dyer
Zoning Supervisor
Mr. James B. Byrnes, III
Chief, Zoning Enforcement Section

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Leonard S. Jacobson, Esquire
County Solicitor
Date: AUGUST 2, 1979
FROM: William E. Hammond
Zoning Commissioner
SUBJECT: CASE No. 77-3-TV - 8227-8229 Fischer Road - 15th Election District
Maurice Robbins and
Raymond Corkran - Defendants

This office wishes to proceed with injunctive proceedings pursuant to Section 22-31 of the Baltimore County Code.

Attached hereto, please find a copy of the above referenced file.

Please proceed with the preparation of a petition for injunctive relief.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:ech
Attachment

cc: The Honorable Donald P. Hutchinson
Mr. B. Melvin Cole
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

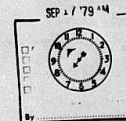
TO: William E. Hammond, Zoning Commissioner
Date: September 14, 1979
FROM: John W. O'Rourke, Councilman
Seventh District
SUBJECT: Truck Terminals-Beach and Fisher Roads

Enclosed are some pictures I thought might be of help. Please note that there is no screening, no set-backs and they are parked on the grass. There are trucks in evidence. This outfit seems to be violating every law on the books.

This is the matter referred to in the memo from the Office of Law dated September 13, 1979; Case No. 77-3-TV.

Enclosures: 5 pictures

JWO/ms



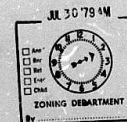
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Enforcement
Date: July 26, 1979
FROM: John W. O'Rourke, Councilman, Seventh District
SUBJECT: possible zoning violation

Please have someone investigate K&S Lines located at Fisher and Beach Roads, 21222, for a possible zoning violation. This company has expanded their operation to the road, and has not allowed the required 250' setback from the road. I would appreciate knowing the results of your investigation. Thank you for your cooperation in this matter.

JWO/cc



Administrative Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond, Zoning Commissioner
Date: September 13, 1979
FROM: Office of Law
SUBJECT: 8227-8229 Fischer Road
Case No. 77-3-TV
15th Election District
Maurice Robbins and Raymond Corkran, Defendants

Your letter of August 2, 1979, asking this office to proceed with injunctive proceedings in the above matter was not documented as to the types of violations existing and all requests by me to obtain this information have been frustrated for one reason or another.

If you expect this case to be brought in Circuit Court under Code Section 22-31, I will need more information and at least one creditable witness to testify in the case on behalf of your department.

Stanley J. Shapiro
Stanley J. Shapiro
Assistant County Solicitor

sjs/ges
cc: Hon. John W. O'Rourke



RE: ALLEGED ZONING VIOLATION : BEFORE THE
8227-8229 Fischer Road :
15th Election District : DEPUTY ZONING
Mr. Walter E. Heinicke :
8302 Carbridge Circle : COMMISSIONER
Towson, Maryland 21204 :
Defendant : OF
BALTIMORE COUNTY
No. 77-3-TV

ORDER OF DISMISSAL

TRUCKING FACILITY - CLASS II

A complaint has been filed with the Zoning Office concerning an alleged violation of the Baltimore County Zoning Regulations at the above captioned location in Baltimore County.

The following Baltimore County Zoning Regulations are involved:

Section 101 - Definitions

Trucking facility, Class II: A trucking facility other than a Class I trucking facility, including a truck yard (the primary purpose of which is to accommodate the parking or storage of trucks, or truck trailers, OR TRUCK TRACTORS).

Warehouse: A building or part of a building used or intended to be used primarily for the storage of goods or chattels that are to be sold retail or wholesale from other premises or sold wholesale from the same premises; for the storage of goods or chattels to be shipped on rail order; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes. (The term "warehouse" does not include a retail establishment whose primary purpose is for the sale of goods or chattels stored on the premises; however, nothing in this definition is meant to exclude purely incidental retail sales in warehouses. Further, the term does not include a truck terminal, at which any storage is minor, transitory, and merely incidental to the purpose of facilitating transportation of goods or chattels.)

ORDER RECEIVED FOR FILING

DATE: July 1979
BY: John P. O'Rourke
Administrative Review

10.) The Tenant shall and will save and keep harmless and indemnify the Landlord from any and all claims for damages of whatsoever kind or nature, including personal injuries arising in any manner or under any circumstances, through the exercise by the Tenant of any right granted or conferred hereby, whether such damages, including personal injuries, be sustained by the Tenant, its officers, agents, or employees, or by other persons or corporations which seek to hold the Landlord, or either of them liable.

Tenant shall provide general public liability insurance against claims for bodily injury or death occurring upon, in or about the premises and on, in or about the adjoining streets and passageways, such insurance to afford protection to the limit of not less than \$250,000.00 in respect of bodily injury or death to any one person, and to the limit of not less than \$500,000.00 in respect of any one accident.

Tenant shall provide property damage insurance against claims for damage or injury to property occurring upon, in or about the premises and on, in or about the adjoining street and passageways, such insurance to afford protection to the limit of not less than \$50,000.00 in respect of damage to the property of any one accident.

All of said insurance shall be effected with insurers approved by Landlord which approval shall not be unreasonably withheld, and all policies shall name Landlord and Tenant as the assured, as their respective interests may appear; each of said policies shall provide that notwithstanding any act or negligence of Tenant which might otherwise result in its forfeiture, the policy shall not be cancelled without at least ten (10) day's written notice to each named insured.

-4-

11.) Any notice that is required or permitted by this Lease to be given by the Lessor to the Lessee, may be given by mailing the same, postage prepaid, by First Class United States Mail, to said Lessee, at the address of said Lessee, Automobile Transport, Inc., 3655 Michigan Avenue, Wayne, Michigan, 48184 and any notice required or permitted by this Lease to be given to the Lessor, may be given by mailing the same, postage prepaid, First Class United States Mail, to said Landlord at 2713 Northpoint Boulevard, Baltimore, Maryland 21222.

12.) It is agreed that the waiver by the Lessor of the breach of any covenant or condition herein contained, shall not be construed as a waiver of such covenant or condition on any subsequent breach thereof unless such breach is waived in writing by said Lessor.

13.) All commissions on account of this Lease and all renewals or extensions thereof shall be paid by the said Lessor at the rate of six (6) percent of one year's rent for the first (1st) year and four (4) percent of the second yearly rental, totaling ten (10) percent for a two (2) year lease, to Raymond S. Clark, T/A Canton Company of Baltimore.

14.) In event the Lessee purchases this property, the Lessor agrees to pay six (6) percent of the sale price to the Canton Company of Baltimore.

15.) It is understood and agreed that this Lease, with all of its provisions, covenants, terms and conditions, may be renewed by the Lessee for an additional two (2) years and at a rental of Seven Thousand Eight Hundred Dollars (\$7,800.00), provided, however, that the Lessee shall give written notice of the exercise of this renewal option at least ninety (90) days prior to the expiration of the original term herein provided.

16.) It is understood and agreed that the Tenant, at time of execution of this Lease, will pay three (3) month's rent (\$1,950.00) in advance as escrow deposit. This money will be applied to the last three (3) months of this Lease or extension thereof.

-5-

17.) It is understood and agreed that the Tenants, upon termination of this Lease, return the property to the Landlord in the same condition as received, except for normal wear and tear.

18.) In the event of taking the entire premises herein demised under power of eminent domain, the term shall expire upon the effective date of such taking and the rent and additional rents shall be apportioned and paid to the Lessor, and Lessee shall have no claim against Landlord on the value of any unexpired term of said Lease. In the event of partial taking under such power of a portion of the demised premises sufficiently material to affect the usability of the premises for the purposes for which the same are hereby demised, Lessee shall have the election of terminating the entire tenancy as of the effective date of said partial taking or of continuing in possession of the remainder of the premises with a pro tanto reduction of the fixed annual rent in the proportion which the number of square feet of the area which may be so taken bears to the whole number of square feet of the demised premises. In the event of a total taking, the Lessee may exercise any rights it may have to obtain reimbursement from the condemning authority for his personal losses, but in no event will he participate in any settlement of damages in connection with the real property taking.

IN WITNESS WHEREOF, the Lessor has signed and sealed this Lease and the Lessee has caused his corporate signature(s) and seal to be hereunto affixed by his duly authorized officers, on the date so stated in this paragraph, 1971.

ATTEST: Kenneth W. Brannaman ARC WELDING SERVICE CO., INC.
By: Walter E. Heinicke
Walter E. Heinicke, President

ATTEST: Charles L. May AUTOMOBILE TRANSPORT, INC.
By: D. J. Nagler

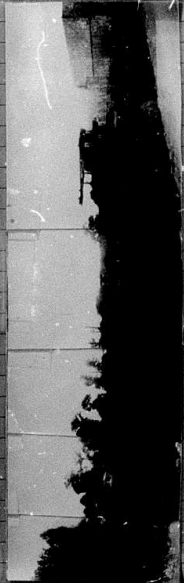
-6-

APPENDAGE: IT IS UNDERSTOOD THAT LESSOR MAY ASSIGN THIS LEASE AT ANY TIME DURING THIS LEASE TO HIMSELF WITHOUT THE CONSENT OF THE LESSEE.

ATTEST: Kenneth W. Brannaman WALTER E. HEINICKE
By: Walter E. Heinicke
ATTEST: Charles L. May AUTOMOBILE TRANSPORT, INC.
By: D. J. Nagler

-7-

8227-8229 Foxboro Road
5/31/79
11.35

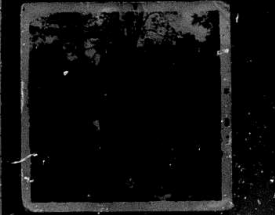


8227-8229 Foxboro Road
5/25/79
12.50

John W. D. Provela



Taken By
John W. D. Provela
Sept. 1979



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Tenant shall provide general public liability insurance against claims for bodily injury or death occurring upon, in or about the premises and on, in or about the adjoining streets and passageways, such insurance to afford protection to the limit of not less than \$250,000.00 in respect of bodily injury or death to any one person, and to the limit of not less than \$500,000.00 in respect of any one accident.

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-4-

LAW OFFICE
NOLAN, PLUMBOFF
& WILLIAMS
THUNDER, MD.

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By: Walter E. Heinicke
Walter E. Heinicke, President

ATTEST: Charles L. May AUTOMOBILE TRANSPORT, INC.
By: D. J. Hughes

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LAW OFFICE
NOLAN, PLUMBOFF
& WILLIAMS
THUNDER, MD.

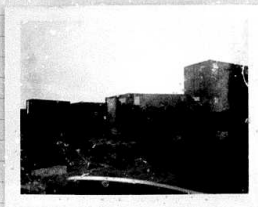
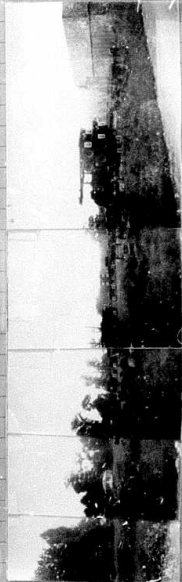
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By: Walter E. Heinicke
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LAW OFFICE
NOLAN, PLUMBOFF
& WILLIAMS
THUNDER, MD.

8227-8229 Foxler Road
8/31/79
11.35



8227-8229 Foxler Road
8/25/79
12.50



Taken By
John W. D. Proville
Sept. 1979



EXISTING ZONING (SHORE HOMES)
-- PRESENT USE

EXISTING GROUND CONTOURS SHOWN THUS : --- (S) ---
CONTOUR INTERVAL 2 FEET
FINISHED GRADE CONTOURS SHOWN THUS : --- (S) ---
DATE OF FIELD RUN TOPOGRAPHY : JANUARY 1977
ELEVATIONS SHOWN HEREON ARE BASED ON BALDWIN
COUNTY METROPOLITAN DISTRICT DATUM.

~~24152~~ ~~24153~~

[illegible]

INDUSTRY STANDARDS ARE BASED ON 1 SPILLER PER
1000 LBS OF TOTAL AREA PROVIDED TO NUMBER OF
TRUCKS TRAILING TRUCKS. NUMBER OF TRUCKS TRAILING
THE SPILLER IS 20 (NUMBER OF TRUCKS TRAILING)

A) REMOVAL LIMITS OF LUNTH PUMP: 20000 GALS
TOTAL TRAILING AREA = 20,000 GALS / 1000 = 20 TRUCKS REQUIRED (GALS)
ACTUALLY PROVIDED IS 20 TRUCKS (GALS)

B) PUMPS: CAPABILITY TO WITHSTAND
TOTAL TRAILING AREA = 10000 GALS / 1000 = 10 TRUCKS REQUIRED (GALS)
ACTUALLY PROVIDED IS 20 TRUCKS (GALS)

TOTAL PUMPS REQUIRED: PRESENT LIMITS + PUMPS CAPABILITY = 30 TRUCKS (GALS)
TOTAL PUMPS PROVIDED: PRESENT LIMITS + PUMPS CAPABILITY = 20 TRUCKS (GALS)

FOR REFERENCE SEE THE FOLLOWING

" STORM DRAIN DWS "	70-0880
" " "	70-0881
" SANITARY SEWER DWS "	73-0046
" " "	73-0047
" " "	73-0044

PLAT, TO ACCOMPANY ZONING PETITION FOR
SPECIAL HEARING ON PAVING REQUIREMENTS
WITH VARIANCE REQUEST
SITE PLAN
FOR

ELECT. DIST. NO 1
FEBRUARY 3, 1977

11




RE UP 415.2
 DATE 2/77

APPROVED:

COUNTY TRUCKING FACILITIES
DEVELOPMENT OFFICIALS

