

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Gerald W. Berg, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from Zone 130 to Zone 130 for the following reasons:

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for helicopter parking, pursuant to Section 19-2-2-1 of the said Zoning Regulations.

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

Gerald W. Berg
Contract purchaser
Address: Stevenson, Maryland
21153

Warren Mix
Protestant's Attorney

202 Loyola Federal Building
Towson, Maryland 21204

ORDERED BY The Zoning Commissioner of Baltimore County, this 13th day of January, 1978, 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 14th day of March, 1978, at 10:00 o'clock.

Zoning Commissioner of Baltimore County.

(over)

G. Warren Mix, Esquire
Page 2
Item Number 130
March 3, 1978

At the time of this writing, the comments from the Office of Current Planning and Development were not available. It is suggested that you personally contact Mr. John Wimbley at 494-3335 for his comments on this request.

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: Mr. Jerome Shuman
4790 Byron Road
Pikesville, Maryland 21208

IDCA APPLICATION FOR SPECIAL EXCEPTION AND/OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Gerald W. Berg, legal owner of the property situated in Baltimore County, the property outline of which is shown to scale, complete with bearings and distances on 200 FT. SCALE MAPS, which are attached hereto, hereby make application to file for a SPECIAL EXCEPTION to use the herein described property for

EXCEPTION IN A R.C. 2 ZONE TO USE THE HEREIN DESCRIBED PROPERTY FOR HELICOPTER AS NECESSARY FOR EXISTING DWELLING

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

GROSS SITE AREA 0.035 ACRES DEED REF. R.E. 437-5-23
GRADING None % OF OVERALL SITE WILL REQUIRE GRADING.

BUILDING SIZE: ND
GROUND FLOOR NA AREA 30' x 30'
NUMBER OF FLOORS NA TOTAL HEIGHT NA

FLOOR AREA RATIO = TOTAL FLOOR AREA DIVIDED BY SITE AREA = NA

BUILDING USE
GROUND FLOOR NA OTHER FLOORS NA

REQUIRED NUMBER OF PARKING SPACES
GROUND FLOOR NA OTHER FLOORS NA TOTAL NA

PAVING
AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES = NA (PAVED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 340)

UTILITIES
WATER: ☐ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM WELL EXISTING

SEWER: ☐ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM SEPTIC EXISTING

UTILITIES SECURITY APPROVAL: NA (SEE ATTACHED PLAT)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Gerald W. Berg
APPLICANT

ADDRESS: 22 W. Center Ave.
Towson, Md. 21204
825-1577

DATE: 1-19-78 TIME: 10:00 AM

THE PLANNING BOARD HAS DETERMINED ON 1-19-78 THAT THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE REQUIREMENTS OF SUBSECTION 22-1-1(1) OF THE BALTIMORE COUNTY ZONING LAW.

NOV 9 77 PM
OFFICE OF PLANNING & ZONING

IDCA FORM NO. 2 REVISED 8-1-77

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

February 7, 1978

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

Re: Item #130 (1977-1978)
Property Owner: Gerald W. Berg
S/E cor. Greenspring Valley Rd. & Old Valley Rd.
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for a helistop
Acres: 3.035 District: 1st

Dear Mr. DiNenna:

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.

Comments were supplied for this property for Project IDCA No. 17-6-78.

Highways:

Greenspring Valley Road (MD. 130) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Old Valley Road, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way. Highway right-of-way widening, including any necessary reversible easement, slopes, will be required in connection with any grading or building permit application.

Sediment Control:

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.

Storm Drains:

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

Item #130 (1977-1978)
Property Owner: Gerald W. Berg
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February 7, 1978

Storm Drainage (Cont'd)

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

A drainage and utility easement is required through this property.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is using private onsite facilities. This property is beyond the Urban-Rural Construction Line and in an area designated "No Planned Service" on the Baltimore County Water and Sewerage Plans W-16A and S-16A, amended.

Very truly yours,
Edmund W. DiNenna
Edmund W. DiNenna, P.E.
Chief, Bureau of Engineering

END: F&M, PDR:SS

cc: D. Criss
V. Somers

S-SW Key Sheet
42 NW 20 Pos. Sheet
NW 11 & Topo
68 Tax Map

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested Special Exception for a helistop.

Very truly yours,

Nicholas B. Commodari
Nicholas B. Commodari
Traffic Engineer Associate

NBC/SSM

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 3, 1978

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

John
Nicholas B. Commodari
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

G. Warren Mix, Esquire
202 Loyola Federal Building
Towson, Maryland 21204

RE: Special Exception Petition
Item Number 130
Petitioner - Gerald Berg

Dear Mr. Mix:

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.

This three-plus acre site, located on the southeast corner of Old Valley and Greenspring Valley Roads, is presently improved with a single family residence. The surrounding land is zoned R.C. 2, as is this property, and consists of rural farm land. As you are aware, your client's proposed helistop on this property was the subject of a previous zoning violation hearing, C-75-114-V, in which the Deputy Zoning Commissioner determined that the use was illegal without obtaining a Special Exception; hence this hearing. Since the proposed helistop is located closer than 500 feet to any property line, particular attention should be afforded the definition of same, which is stated in Section 101 of the Baltimore County Zoning Regulations.

January 12, 1978

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 #130, Zoning Advisory Committee Meeting of December 27, 1977:

Property Owner: Gerald W. Berg
Location: SE/C Greenspring Valley Rd. & Old Valley Rd.
Acre: 3.035
District: 3rd

Since the proposed helistop will not be constructed in the area of the water well or sewage disposal system and the sewage disposal system appeared to be functioning properly, no health hazards are anticipated.

Very truly yours,

John A. Davis
BUREAU OF ENVIRONMENTAL SERVICES

TJD/KS/rth

SEC 35 118

Paul H. Reinecke
CHIEF

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Gerald W. Berg

Location: SE/C Greenspring Valley Rd. & Old Valley Rd.

Item No. 130

Zoning Agenda Meeting of 12/27/77

Gentlemen:

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

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

REVIEWER: *H. J. Kelly*
Planning Group
Special Inspection Division

Noted and *George M. Hargood*
Approved: _____
Fire Prevention Bureau

JOHN D. SEVIST
DIRECTOR

January 6, 1978

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

Dear Mr. DiNenna:

Comments on Item #130 Zoning Advisory Committee Meeting, December 27, 1977 are as follows:

Property Owner: Gerald W. Berg
Location: SE/C Greenspring Valley Road & Old Valley Road
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for a helistop (IDCA 77-61-X)

Acre: 3.035
District: 3rd

The items checked below are applicable:

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

Very truly yours,

Charles E. Burdick
Charles E. Burdick
Plans Review Chief
CSB/TJ

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: December 28, 1977

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

Z.A.C. Meeting of: December 27, 1977

RE: Item No: 130
Property Owner: Gerald W. Berg
Location: SE/C Greenspring Valley Rd. & Old Valley Rd.
Present Zoning: R.C. 2
Proposed Zoning: Special Exception for a helistop (IDCA 77-61-X)

District: 3rd
No. Acres: 3.035

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative

WNP/dp

JOSEPH M. MCCORMACK, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCEL M. BOITRANIS

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ALVIN LORECK
WAS. HILTON M. SMITH, JR.
RICHARD W. TRACY, D.D.M.

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

October 27, 1980

Mr. Harry Norman Boejer, Jr.
2217 Greenspring Valley Road
Stevenson, Md. 21153

Re: Case No. 78-193-X
Gerald W. Berg

Dear Mr. Boejer:

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

Very truly yours,

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

Encl.

cc: Mr. Ernest Hilton Wright
Mr. Clarence Eugene Elderkin, Jr.
G. Warren Mix, Esquire
Mr. Gerald W. Berg
Mr. Montgomery Lewis
John W. Hession, III, Esquire
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. J. Howell

MICROFILMED

4/6/79 - Notified of appeal hearing scheduled for WEDNESDAY, JUNE 6, 1979 at 10 a.m.

G. Warren Mix, Esq.
Mr. Gerald W. Berg
Jerald J. Appel, Esq.
Mr. Montgomery Lewis
Harry Norman Boejer, Jr.
Mr. Ernest Hilton Wright
Mr. Clarence Eugene Elderkin, Jr.
John W. Hession, III, Esq.

9/20/79 - Above notified of appeal hearing scheduled for THURSDAY, NOVEMBER 1, 1979 at 10 a.m.

11/1/79 - Above notified of CONTINUED HEARING set for WEDNESDAY, DECEMBER 19, 1979 at 9 a.m.

for the purpose of having testimony from Mr. Elderkin and an expert on noise, if Mr. Hession determines this necessary.

4 or 5 pictures which were in file when received from going missing after Bd. Hearing on 4/1/79. There had never been entered as exhibits. Mr. Mix took them, per phone call 11/1/79.

MICROFILMED

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

April 20, 1979

NOTICE OF POSTPONEMENT

CASE NO. 78-193-X GERALD W. BERG
for SE - Helistop
SE cor. Greenspring Valley & Old Valley Rd.
3rd District

The above case, scheduled for hearing on Wednesday, JUNE 6, 1979 at 10 a.m., HAS BEEN POSTPONED by the Board at the request of counsel for Petitioner (in court).

cc: G. Warren Mix, Esq. Counsel for Petitioner
Mr. Gerald W. Berg Petitioner
Jerald J. Appel, Esq. Counsel for Protestants
Mr. Montgomery Lewis, Esq., Dir. Valleys Planning Council Protestants
Mr. Harry N. Boejer, Jr. "
Mr. Ernest H. Wright "
Mr. Clarence E. Elderkin, Jr. "
John W. Hession, III, Esq. People's Counsel
Mr. J. E. Dyer
Mr. S. E. DiNenna
Mr. L. W. Graef
Board of Education
Mrs. Carol Beresh

Marcel E. Buddemeier
County Board of Appeals

MICROFILMED

FEBRUARY 24 1975

Mr. Gerald W. Berg
Green Spring Valley Road & Old Valley Road
Stevenson, Maryland 21153

Dear Mr. Berg:

At your request, a representative of this Administration inspected the site of a proposed private use heliport at Stevenson, Maryland.

The heliport would be located in an open turf area south of your residence, at latitude 39° 24' 40" and longitude 76° 43' 10". Approach and departure paths are good and will be over your property at the lower altitudes.

In view of this and since the Federal Aviation Administration by letter of January 31, 1975 has determined that no airspace conflict results from helicopter operations at this location, the site is approved for a private use heliport. This approval does not preempt or waive any local laws or regulations concerning the establishment of heliports.

Sincerely,

Robert J. Aaronson
Robert J. Aaronson
Administrator

RJA:ldh

cc: Baltimore County
Planning & Zoning

PETITIONER'S
EXHIBIT 14

TO NOTE: RJC KRS JTS
COMMENTS: See 8
DATE: 2/14/75

MICROFILMED

Response to telephone request from Don Corder (pilot in bar)

MICROFILMED

and control thereof to the [Director] Chief of Public Safety Police, within twenty-four hours after acquiring said vehicle, by delivering the same to the closest licensed storage lot, unless a signed agreement to the contrary is executed by the owner of the vehicle whereupon it may be delivered to a place of storage authorized by said owner, which complies with the zoning regulations of Baltimore County. If the vehicle is delivered into the custody and control of the [Director] Chief of Public Safety Police, he shall have the responsibility for the safety of the vehicle while in his custody and control. Provided, however, that nothing herein contained shall be construed to prevent the owner of a vehicle, or his duly authorized agent, from acquiring or re-acquiring custody and control of the owner's vehicle upon payment to the towing company or to the [Director] Chief of Public Safety Police, as the case may be, of the prescribed fee which has been established in the schedule filed with the [Director] Chief of Public Safety Police.

18-44. Violations.

Any person who shall violate any of the provisions of this subchapter shall be subject to a penalty of one hundred dollars for each offense, recoverable with costs. In addition, the [Director] Chief of Public Safety Police shall have the power to revoke or suspend the license of any person licensed to engage in the towing business who shall violate any of the provisions of this subchapter or any rules or regulations promulgated pursuant hereto or who shall fail to comply with any of the provisions and terms of any towing agreement executed pursuant to this subchapter. Any person whose license has been revoked or suspended by the [Director] Chief of Public Safety Police shall have the right to file an appeal with the Board of Appeals, and such Board is hereby vested with jurisdiction to take testimony and examine into the facts of the case and to determine whether such revocation by the [Director] Chief of Public Safety Police was justified.

18-48. Parking Meter Zones.

Subject to Section 18-62, the Department of Public Safety Traffic Engineering with the approval of the County Administrative Officer, is hereby authorized, by regulation, to establish and from time to time, to change the location of parking meter zones within the specified parking meter districts when he determines, upon the basis of engineering and traffic investigations that the establishment or changing of such zones is necessary to aid in regulating the movement and parking of vehicles.

18-49. Periods and rates.

The Department of Public Safety Traffic Engineering, with the approval of the County Administrative Officer, is hereby authorized, by regulation, to establish and, from time to time, change

19-15.5. Granting or Denying Permit.
A permit shall be approved by the [Director of Public Safety] Chief of Police unless he shall find that there exists any of the following grounds for denial:

- (a) A permit shall be denied if any of the statements made in the application are untrue.
- (b) A permit shall be denied unless the [Director] Chief of Police finds that each of the following conditions exists:
 - (1) That all the statements made in the application are true.
 - (2) That the applicant has a good character and reputation for honesty and integrity, or, if the applicant is not an individual, that every principal officer or agent of the applicant has a good character or reputation for honesty and integrity.
 - (3) That the applicant is not engaged in any fraudulent transaction or enterprise.
 - (4) That the solicitation will not be a fraud on the public.
 - (5) That the solicitation will not be conducted primarily for private profit.
 - (6) That the character and method of the solicitation and its duration are such that it will not be inimical to the safety, convenience or welfare of the general public.

SECTION 3. And be it further enacted, That Sections 21-6, 21-8, 21-8.1, 21-9, 21-10, 21-11, 21-12, 21-14, 21-16, 21-16.1, 21-17, 21-18, 21-19, 21-20 and 21-21, of the Baltimore County Code, 1958, as amended, Title "Pensions and Retirement" be and they are hereby repealed and re-enacted with amendments to read as follows:

Article II. Fire Department Generally.

21-14. Trustees of special fund.

The County Administrative Officer, the [Director of Public Safety] Fire Chief and the Director of Finance, shall be the trustees of the special fund hereinafter mentioned. The [Treasurer] Director of Finance of Baltimore County shall be the Treasurer of the fund and he shall pay over and account for all monies and property which shall have come to his hands as such treasurer. Such trustees shall have charge of and administer such funds and from time to time shall have the same or any part thereof as they shall deem most beneficial and they are empowered to do all such things as are reasonably incident to the full and complete discharge of their duties under this subtitle in reference to said fund. The said trustees may and they are authorized and empowered from time to time to establish such rules and regulations for the disposition, investment, preservation and administration of the special fund as they may deem best.

the lawful parking time period, hours and days of operation and rate for any parking meter zone, provided that the legend attached to each parking meter is altered to reflect any such change, and provided further that the rate for parking shall not be more than five cents per one-half hour nor less than five cents per hour, and that the period of lawful parking in any parking meter zone will not exceed two consecutive hours.

18-50. Parking Meter Spaces.

The Department of Public Safety Traffic Engineering, with the approval of the County Administrative Officer, shall designate the parking space, adjacent to each parking meter for which such meter is to be used, by appropriate markings upon the street. Parking meter spaces so designated shall be of appropriate length and width so as to be accessible from the traffic lanes of the street. No parking meter space shall be designated in front of and adjacent to any property abutting on a street which is zoned, on the official zoning map of Baltimore County, R-40, R-20, R-30, R-4 or R-6.

18-51. Parking Meters.

(a) The Department of Public Safety Traffic Engineering, with the approval of the County Administrative Officer, shall install parking meters in the parking meter zones upon the curb immediately adjacent to each designated parking space. Such meters shall operate, either automatically or mechanically, upon deposit therein of an appropriate coin of United States currency, for the full period of one hour or fraction thereof for which parking is lawfully permitted in any such parking meter zone.

SECTION 2. And be it further enacted, That Sections 18-3(b), 18-3(c), 18-45.1(1), 18-10, 18-11, 18-16.1(a), 18-16.2, 18-16.4 and 18-16.5 of the Baltimore County Code, 1958 (1962 Cumulative Supplement) Title "Offenses-Miscellaneous" be and they are hereby repealed and re-enacted with amendments to read as follows:

18-3. Firearms—Discharging within metropolitan district.

(b) The Police [Bureau] Department shall post in the county courthouses and also in every police station and substation throughout the county, accurate maps designating the locations of the boundary lines of the metropolitan district as set out pursuant to the provisions of Sections 32-4 and 32-7 of this Code.

(c) Nothing in this section shall be held to apply to or prohibit the discharge or firing of any such firearms in a place or places, properly posted and bona fide target ranges, the location of which has been filed with the Police [Bureau] Department; nor to the firing or discharging of any such firearms if the same is reasonably necessary for the defense of life or property; nor to the discharging or firing of any such firearms on any military occasion when the same is done under the orders of an officer in command thereof; nor prohibit the

21-8. Sources of special fund; method of making up deficiencies; title of special fund.
The special fund shall consist of:

- (1) All fines and forfeitures imposed by the county upon any member or members of the Fire [Bureau] Department.
- (2) All rewards, gifts, testimonials and emoluments that may be presented, paid or given to any member of the Fire [Bureau] Department on account of service except such as the county council allow such members to retain and also all gifts or benefits which may be made to the special fund or to the county.
- (3) All monies, paid, compensation, or salary or any part thereof forfeited, deducted or withheld from any member or member of the Fire [Bureau] Department on account of absence for any cause, not time, sickness or other disability, physical or moral.
- (4) A sum of money not greater than four per centum of the Fire [Bureau] Department entitled to participate in the special fund, which sum shall be deducted every pay day from the pay salary or compensation of each and every member of the Fire [Bureau] Department by the Director of Finance who shall deposit the same to the credit of special fund.
- (5) In case the amount derived from the different sources mentioned in this section and from the special fund shall not be sufficient to enable the county at any time to pay in full the salaries or pensions which may be hereafter granted and which salaries shall be paid at all times as may be necessary to meet such deficiency, and they are authorized to levy such tax upon the assessable property of the county as may be necessary to make up the deficiency.

The Director of Finance shall keep such special fund separate under the name of the Firemen's Special Fund of Baltimore County.

21-8.1. Disallowance of Retirement Benefits.

Upon application of a permanent member of the Fire [Bureau] Department who has had five or more years of creditable service, such member may be retired by the trustee of the Firemen's Special Fund of Baltimore County on an ordinary disability retirement allowance provided that such member, as provided in this Title provided for, after a medical examination of such member, shall be found that such member is mentally or physically incapacitated from the further performance of duty and that such member is unable to perform such duty and that such member should be retired. Upon retirement for ordinary disability and permanent member of the Fire [Bureau] Department shall be placed upon a pension roll by the Director of Finance and he shall receive an ordinary disability retirement allowance from the Firemen's Special Fund of Baltimore County.

discharging of a shot gun by a licensed hunter, properly hunting in season, provided such shot gun contains no heavier than No. 2 shot.

18-53. Kasher Foods.

(j) For proper enforcement of the provisions of this section, there is hereby established in the Department of Public Safety a new part-time position of Inspector. The Inspector shall be appointed by the [Director] Chief of Public Safety Police and shall be appointed by the approval of the County Administrative Officer. The ap- police shall be selected from a list submitted to the [Director] of Public Safety by the Council of Orthodox of Baltimore and shall serve at the pleasure of the [Director] of Public Safety. The Inspector shall receive an annual salary of not more than two thousand five hundred dollars. The Inspector shall be responsible for the enforcement of the rules, regulations and requirements pertaining to the sale, manufacture, distribution and preparation of kosher meat, meat products, food, food products and beverages and such person or persons shall not be directly or indirectly financially interested in the manufacture, sale, preparation or distribution of any such products. It shall be the duty of said Inspector to inspect the premises, books and records, equipment and products of all slaughter houses, abattoirs, butchers, butchers shops, hotels, restaurants, lunch rooms, inns, boarding houses, caterers, grocers and all other places or establishments of every description wherein persons engaged in the manufacture, preparation, sale, service or distribution of food (as described in this section) in any manner represent the same to be kosher, or represent that such food has been prepared or served in accordance with the prescriptions and dietary laws of the Orthodox Hebrew religious rules or requirements and dietary laws, or by direct or indirect statement, the state's attorney of Baltimore County, for appropriate legal action, any person, firm or corporation found by him to be violating the terms and provisions of this section.

19-10. Parade; permit required.

It shall be unlawful for any organization or persons to parade through the highways of Baltimore County without first having obtained a permit from the [Director] Chief of Public Safety Police. All applications for such a permit shall be filed at least seven days prior to the date of any proposed parade upon forms to be supplied by the [Director] Chief of Public Safety Police. The [Director] Chief of Public Safety Police may require the applicant to state the highways through which, and the hours within which, the parade is to pass and such other information as he may prescribe. It shall be the duty of the [Director] Chief of Public Safety Police to consider such application and to grant or refuse a permit within two weeks after application or at least

which shall be made on the following basis: For any such permanent member who has been an employee of the Fire [Bureau] Department for more than five but less than ten years, the ordinary disability benefit allowance shall be twenty-five percent of the annual salary which he last received as such employee. For any such permanent member who has been an employee for more than ten years, an additional two and one-half percent shall be added for each year above ten years of service, with a fifty per cent ceiling.

21-9. Amount of benefits for retired member.
The Director of Personnel is hereby authorized to retire from office in the Fire [Bureau] Department any permanent member thereof, including the chief engineer, who has become permanently disabled while in the active performance of duty, and place the member so retired upon a pension roll and to allow to each pensioner annually an amount equal to one-half the yearly amount received by him at the time of his retirement. In the event of an installment provided, that no member of the Fire [Bureau] Department shall be retired until he shall have been examined by the board of physicians provided for, and their findings as to the disability assigned as reason for a retirement shall have been certified by them to the Director of Finance; the physicians serving on said board shall be selected and compensated, as provided in Section 21-17 of this Code as amended.

21-10. Authority to pension widows and infant children of firemen killed in line of duty.
The county is hereby authorized to make such provisions for pensioning the widow and infant children of any fireman who has been killed in the active discharge of his duties as members of the Fire [Bureau] Department as in the judgment of the county shall be just and proper.

21-12. Retirement benefits for twenty years of service.
Any permanent member of the Fire [Bureau] Department including the chief engineer, who shall perform faithful service in the [Bureau] Department for a period of not less than twenty years, may, by the county, be retired at that time, and such member shall be placed upon the pension roll as provided in Section 21-9 of this Code and shall be entitled to the benefits thereunder as therein provided for. All members of the department, including the chief engineer, shall for the purposes of this section be credited with all the time they may have served in the department prior to June 1, 1922. The retirement and pensioning provisions effective as to the Fire [Bureau] Department shall apply only to the chief engineer, his assistants and members of the [Bureau] Department engaged for actual fire fighting duty of the operation of fire fighting machinery in actual service and to no other person whatsoever.

three days prior to the date on which it is desired to hold any such parade, whichever event shall first occur. All such permits shall be issued free of any charge. Any person or persons holding a parade or participating therein for which a permit has not been issued shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding twenty-five dollars.

19-11. Wearing fire or police department uniforms, insignia.
It shall be unlawful for any person, unless duly authorized by the [Director] of Public Safety Police, to wear the uniform or any distinctive part of such uniform, or the badge or insignia of any member of the Police [Bureau] Department or Fire [Bureau] member of either of said [Bureau] Departments, or in any manner to interfere with, mutilate or damage any apparatus, property, vehicle or equipment or appliances of the Fire [Bureau] Department or member of said [Bureau] Departments in the discharge of his duty. Any person violating the provisions of this section shall be just to fine not exceeding one hundred dollars, or be imprisoned in the county jail for a term of not more than six months, or both, in the discretion of the Court.

19-15.1. Same; permit required.
(a) No person shall engage in business as a canvasser or solicitor by calling at residences without the previous consent of the occupant for the purpose of soliciting donations without first obtaining a permit from the Department of Permits and Licenses authorizing such solicitation; which permit shall not be issued without first being approved by the [Director] of Public Safety Police of Baltimore County.

19-16.2. Exemptions.
The provisions of Section 19-15.1 shall not apply to any established person organized and operated exclusively for religious and charitable purposes and not operated for the pecuniary gain of any individual; or to the provisions of Section 19-15.1 apply to those religious or charitable organizations already approved by the Baltimore County Police [Bureau] Department.

19-16.4. Investigation.
The [Director of Public Safety] Chief of Police shall examine all applications filed hereunder, and shall make such further investigation of the application and applicants as he shall deem necessary in order to determine whether or not the statements made in the application are true and whether or not the solicitation requested would be a fraud on the public.

21-12.1. Payments to 10-year employees.
Any person who has been an officer or employee of the Fire [Bureau] Department of Baltimore County [formerly known as the Fire Department of Baltimore County] for more than ten years, and who has contributed to the special fund, and who for any reason ceases to be such an officer or employee, shall forthwith be paid by Baltimore County, Maryland, a sum of money equal to that paid into the fund by the said officer or employee during the time he served as such. This section shall apply to any person who ceased to be an officer or employee of the Fire [Bureau] Department on or subsequent to January 1, 1963.

21-13. Authority to increase pensions.
The county is hereby authorized to increase the pensions of retired firemen in order that a retired fireman shall at all times receive a sum equal to one-half of the salary of an active member of the Fire [Bureau] Department of the same rank the pensioner held at the time of his retirement.

Article III. Police [Bureau] Department Generally.

21-14. Trustees and treasurer of special fund; powers.
The County Administrative Officer, the [Director of Public Safety] Chief of Police and the Director of Finance shall be the trustees of the special fund hereafter mentioned. The [Treasurer] Director of Finance of Baltimore County shall be the treasurer of the fund and he shall pay over and account for all monies and property which shall have come to his hands as such treasurer. Such trustees shall have charge of and administer such funds and from time to time invest the same or any part thereof as they shall deem most beneficial and they are empowered to do all such things as are and they are authorized to make and complete discharge of their duties under this subtitle in reference to said fund. The said trustees may and they are authorized and empowered from time to time to establish such rules and regulations for the disposition, investment and administration of the special fund as they may deem best.

21-16. Sources of special fund; appropriations for deficiencies; official title of fund.

The special fund shall consist of:

1. All fines and forfeitures imposed by the county upon any member or members of the Police [Bureau] Department;
2. All rewards, gifts, testimonials and emoluments that may be presented, paid or given, to any member of the Police [Bureau] Department on account of service except such as the county allows the members to retain and also all gifts or benefits which may be made to the special fund or to the county;

3. All money, pay, compensation or salary or any part thereof forfeited, deducted or withheld from any member or members of the Police [Bureau] Department on account of absence for any cause, but time, sickness or other disability, physical or moral.

4. A sum of money not greater than four per centum of the semi-monthly pay, salary or compensation of each member of the Police [Bureau] Department entitled to participate in the special fund, which sum shall be deducted every pay day from the pay, salary or compensation of each member of the Police [Bureau] Department by the Director of Finance who shall deposit the same to the credit of said special fund.

5. In case the amount derived from the different sources mentioned in this section and from the special fund shall not be sufficient to enable the county at any time to pay in full the salaries or pensions which may be hereafter granted and which salaries shall at all times be a first charge on the fund, the county shall appropriate such sum as may be necessary to meet such deficiency and they are authorized to levy such tax upon the assessable property of the county as may be necessary to raise such sum.

The finance director shall keep such special fund separate under the name of the Police [Bureau] Special Fund of Baltimore County.

21-16. Disability Retirement Benefits.

Upon the application of permanent member of the Police [Bureau] Department who has had five or more years of creditable service such member may be retired by the trustees of the Police [Bureau] Special Fund of Baltimore County on an ordinary disability retirement allowance; provided that the board of physicians in this title provided for, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated from the further performance of duty and that such incapacity is likely to be permanent, and such member should be retired. Upon retirement for ordinary disability any permanent member of the Police [Bureau] Department shall be placed upon a pension roll by the Director of Personnel and he shall receive an ordinary disability retirement allowance from the Police [Bureau] Special Fund of Baltimore County which he made on the following basis: For any such permanent member who has been an employee of the Police [Bureau] Department for more than five but less than ten years, the ordinary disability benefit allowance shall be twenty-five percent of the annual salary which he last received as such employee. For any such permanent member who has been an employee for more than ten years, an additional two and one-half percent shall be added for each year above ten years of service, with a fifty percent ceiling of service.

21-17. Retirement for permanent disability or twenty years of service.

The Director of Personnel is hereby authorized to retire from the office in the Police [Bureau] Department, any permanent member

thereof, including the chief and the assistant or deputy chief of Police, who has become permanently disabled while in the active performance of duty or has performed faithful service in the department for a period of not less than twenty years, and place the member so retired upon a pension roll and allow to each pensioner annually an amount equal to one-half the yearly amount received by him at the time of his retirement, payable in monthly installments; provided, that no member of the Police [Bureau] Department shall be retired for permanent disability until he shall have been examined by the board of physicians herein provided for and their finding as to the disability assigned as reason for a retirement shall have been certified by them to the Director of Personnel; the physicians serving on said board shall be designated by the Director of Personnel, subject to the approval of the personnel and salary advisory board and shall be five in number, any three thereof constituting a quorum; and they shall receive such compensation as may be determined by the Administrative Officer from time to time subject to budget limitations.

21-18. Refund of money paid into this special fund.

Any person who has been an officer or employee of the Police [Bureau] Department for more than ten years, and who has contributed to the special fund and who for any reason ceases to be such an officer or employee, shall forthwith be paid by the county a sum of money equal to that paid into the fund by such officer or employee during the time he served as such. This section shall apply to any person who ceased to be an officer or employee of the Police [Bureau] Department on or subsequent to January 1, 1953.

21-19. Authority to pension special police officers.

The county is hereby authorized and empowered, in their discretion, to retire and pension any special police officer of the county, under the same terms and conditions as members of its regular Police [Bureau] Department and he shall receive a pension by virtue of existing or future laws; provided, however, that in computing years of faithful service performed, active city in the regular Police [Bureau] Department and active duty as a special police officer, whether consecutive or otherwise, may be combined to successfully meet the service requirements in point of years.

21-20. Authority to increase amount of pensions.

The county is hereby authorized to increase the pensions of retired policemen in order that a retired policeman shall at all times receive a sum equal to one-half of the salary of an active member of the Police [Bureau] Department of the same rank the pensioner held at the time of his retirement.

21-21. Authority to pension widows and infant children of policemen killed in line of duty.

The county is hereby authorized to make such provision for pensioning the widow and infant children of policemen who have

been killed in the active discharge of their duty as members of the Police [Bureau] Department as in the judgment of the county shall be just and proper.

SECTION 4. And be it further enacted, That the Special Regulations Numbers 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 2.10, 2.11, 2.12, 4.01, 4.02, 5.01, 6.01, 6.02, 6.03, 6.05, 6.06, 6.07, 6.08(d), 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, 6.22, 7.01, 7.03, 7.04, 7.05, 7.06, 7.08, 8.02, 8.03, 8.05, 10.01, 10.02, 11.01, 12.02 and 13.02 under Section 22-2.2 of the Baltimore County Charter (1958 Cumulative Supplement), Title "Personnel Act," be and they are hereby repealed and re-enacted with amendments to read as follows:

22-2.2. Police and Fire [Bureau] Departments—Special Rules and Regulations.

Special Regulation 1.01. Special Rules and Regulations are those rules and regulations which apply only to employees of the Police and Fire [Bureau] Departments [of the Department of Public Safety] relating to employment, promotion, suspension and dismissal as provided in Art. VIII, Section 892 [11] (1) of the Baltimore County Charter.

Special Regulation 1.02. Employees of the Police and Fire [Bureau] Departments as set forth in 1.01 shall mean only those employees of [the Department of Public Safety] said departments who shall take an oath of office administered by the Clerk of the Circuit Court for Baltimore County.

Special Regulation 1.03. The words Trial Board when used in these Rules shall refer to the Board convened by the [Director of Public Safety] Administrative Officer for the purpose of hearing Charges and Specifications filed against any employee of the Police or Fire [Bureau] Department. Such Trial Board shall consist of the [Director of Public Safety] Administrative Officer, who shall act as Chairman of the Board, the Chief of the Police [Bureau] Department or the Fire [Bureau] Department and a member of the Personnel and Salary Advisory Board to be selected by the Personnel and Salary Advisory Board. The Chief of the [Bureau] Department, whose employee is being afforded a hearing on the Trial Board shall act as an Ex Officio member of the Board and shall have no vote thereon.

Special Regulation 1.04. Summary Suspension where used in these rules shall mean a suspension of an employee, placed in effect immediately due to the nature of the situation regarding the suspension and shall be effected by any ranking command officer of either the Police or Fire [Bureau] Department—its purpose being to permit a command officer to place in a situation which has occurred, and in which delay in time would be a detriment in the maintaining of proper discipline and morale.

disciplinary penalty be imposed as outlined in Special Regulation 6.08 below; or (3) Charges and Specifications be filed against the employee.

Special Regulation 6.07. The [Bureau] Department Chief may accept, reject or modify [with the approval of the Director of Public Safety] the recommendations of the Police [Inspector] Major, the Deputy Fire Chief of the Fire [Bureau] Department or the Fire Marshal. The Department Chief [of the Police] shall impose any or all disciplinary penalties prescribed in Special Regulation 6.08 in accordance with the approval of the [Director of Public Safety] Administrative Officer.

Special Regulation 6.08.

(d) transfer within the [Bureau] Department.

Special Regulation 6.10. If the Chief of the Police [Bureau] Department approves the recommendation that Charges and Specifications shall be filed against the employee, he shall file such Charges and Specifications with the [Director of Public Safety] Administrative Officer, setting forth in writing the violation or infraction of any directive, order or procedure alleged to have been committed by the employee.

Special Regulation 6.11. The [Director of Public Safety] Administrative Officer may modify or amend any Charges and Specifications brought before him before such Charges and Specifications are officially filed against an employee.

Special Regulation 6.12. After the official filing of Charges and Specifications with the [Director of Public Safety] Administrative Officer, the employee may be placed in Summary Suspension for a period not to exceed thirty calendar days, which period shall be in addition to the original fifteen calendar day suspension. During this additional thirty day period, a hearing on the Charges and Specifications shall be held before the Trial Board, unless a postponement is requested and granted.

One postponement not to exceed fifteen calendar days may be granted by the Chairman of the Trial Board to the Defendant and/or either [Bureau] Department Chief, provided, however, the request for postponement is received in writing by the Chairman of the Trial Board no less than forty-eight hours prior to the hearing date and time. In any event, all hearings before the Trial Board must be held within sixty calendar days from the day of filing of the Charges and Specifications. Exceptions to this rule shall be any instance when an employee is hospitalized or awaiting trial on criminal charges.

Special Regulation 6.13. The employee against whom Charges and Specifications have been filed shall be notified of such action by forwarding him a copy of the Charges and Specifications at the

Special Regulation 1.05. A Ranking Command Officer when used in these rules shall mean a Lieutenant or higher in the Police [Bureau] Department or a Battalion Chief or higher in the Fire [Bureau] Department.

Special Regulation 1.06. Administrative Suspension when used in these rules shall mean a suspension of an employee, placed in effect only by the Chief of the Police [Bureau] Department or the Chief of the Fire [Bureau] Department and predicated upon fact or facts involving an infraction of order, regulation or directive, or a breach of discipline coming to his attention subsequent to commission of the infraction.

Special Regulation 1.07. Order, Regulation and Directive when used in these rules shall mean any Order, Regulation or Directive issued verbally or in writing to members of the Police or Fire [Bureau] by the Chief of the [Bureau] Department.

Special Regulation 2.01. Public announcement of proposed tests and acceptance of applications for employment in the Police and Fire [Bureau] Departments shall be posted on a bulletin board easily accessible to the general public in the Office of Personnel.

Special Regulation 2.02. Announcement of an opening or openings in the Police and Fire [Bureau] Departments shall be posted on the Office of Personnel bulletin board for at least five working days prior to the holding of the entrance examination administered by the Office of Personnel.

Special Regulation 2.03. All appointments made to the Fire and Police [Bureau] Departments [of the Department of Public Safety] shall be made from qualified applicants, and all applicants for employment in the Police [Bureau] Department must not be less than twenty-one years of age, and shall not have reached their thirty-sixth birthday at the time of their appointment, except as to police cadets, and all applicants for employment in the Fire [Bureau] Department must not be less than twenty years of age and shall have reached their thirty-sixth birthday at the time of their appointment.

Special Regulation 2.04. All applicants for employment in the Police and Fire [Bureau] Departments must pass a physical examination before a physician or physicians selected by the [Director of Public Safety] Chief of the respective department and approved by the Administrative Officer. The applicant must be certified by the examining physician or physicians as being capable of meeting the physical, medical and mental requirements established by the [Director of Public Safety] respective departments.

Special Regulation 2.05. All applicants for appointment to the Police and Fire [Bureau] Departments shall be proven by investigation to be of good reputation, character and morals.

employee's last known address, as contained in the records of the Police or Fire [Bureau] Department, setting a time, date and place for a Trial Board hearing.

Special Regulation 6.14. The [Director of Public Safety] Administrative Officer shall act as Chairman of the Trial Board. The findings of the Trial Board shall be final and the Board may dismiss any proceedings or prescribe any disciplinary action up to and including dismissal from the Police or Fire [Bureau] Department.

Special Regulation 6.15. Any employee suspended shall be relieved of all official duties, placed in a leave without pay status and shall surrender all official equipment and identification issued to him by the [Bureau] Department.

Special Regulation 6.16. Any Police or Fire [Bureau] Department employee may be suspended for any act or failure to act, which is deemed a breach of discipline, order, regulation or directive, either or as may be issued from time to time by the Chief of the Police or Fire [Bureau] Department provided the order, regulation or directive has been issued in writing and made available to all Police and Fire [Bureau] Department personnel.

An Administrative Suspension shall be one placed in effect only by the Chief of the Police or Fire [Bureau] Department, and shall be predicated upon the fact or facts involving an infraction of order, regulation directive coming to his attention subsequent to the commission of the infraction. The Chief of the [Bureau] Department may involve the same disciplinary steps provided for in Special Regulation 6.08, and the procedure to be followed shall be the same.

Whenever any disciplinary action other than the filing of Charges and Specifications is imposed by the Chief of the Police or Fire [Bureau] Department after a thorough investigation, a copy of his investigative report and subsequent application of a disciplinary penalty shall be forwarded in writing to the [Director of Public Safety] Administrative Officer for approval.

Special Regulation 6.17. A written record of any disciplinary action imposed on any member of the Police or Fire [Bureau] Department shall be made in the employee's next annual performance rating.

Special Regulation 6.22. Any employee who resigns after Charges and Specifications have been filed against him shall be dismissed by action of the Trial Board shall be ineligible for re-employment or re-instatement in the Police or Fire [Bureau] Department.

Special Regulation 7.01. To be eligible for promotion to the next rank above the one the member of the Police or Fire [Bureau] Department currently holds, the employee must meet the promo-

tional requirements prescribed from time to time by the [Director of Public Safety] department chief and the Director of Personnel.

Special Regulation 7.03. Written promotional examinations for the Police or Fire [Bureau] Department shall be conducted by the Office of Personnel. Such promotional examinations must be given in a manner to code the identity of each employee taking such examination.

Special Regulation 7.04. The identification of the scores of all such written examinations shall be done in the presence of no less than three of the following: a member of the [Bureau] Department for which the examination was given; the Director of Personnel, [Director of Public Safety] Administrative Officer and a member of the Personnel and Salary Advisory Board. In the event of the inability of any one of the three to be present, the County Administrative Officer shall appoint a person to act as substitute.

Special Regulation 7.05. Employees taking promotional fitness tests shall be required to attain at least such minimum score in the written examination, as shall be established by the Director of Personnel and the [Director of Public Safety] department chief before other credits will be considered. When the minimum score required in the written examination is not attained by an employee, he shall be considered to have failed in promotional fitness tests and any other component parts of the promotional fitness test will not be rated. No employee shall be placed on the promotional list whose general average is less than 70 on a scale of 100. The general average rating shall determine the order of relative standing of the employee on the promotional list. This will be decided by seniority within the [Bureau] department, measured from the date of appointment, to the Police or Fire [Bureau] Department, and seniority ties will be decided by the employee whose surname comes first in the alphabet.

Special Regulation 7.06. When a vacancy is to be filled in the Police or Fire [Bureau] Department, the [Director of Public Safety] department chief shall request the Director of Personnel to certify the names of the persons eligible for promotion. The Director of Personnel shall certify the names of the three numerically highest employees on the promotional eligibility list for the rank in which the vacancy exists, provided, however, that in no more than one vacancy is to be filled, the number of names certified shall be two greater than the number of vacancies. The [Director of Public Safety] department chief, in his written request for certification, may specify qualifications of a special nature of candidates for appointment to the position in the [Bureau] Department, including specialized training, experience, or knowledge involving factors of a special nature required in the position and not required of all positions in the class. Upon any such request for selective certification as outlined above, the Director of Personnel shall certify the names of the three numerically highest employees on the promotional list

possessing such qualifications of a special nature as are required for the rank in which the vacancy exists; provided, however, that in case more than one such vacancy is to be filled, the number of names certified shall be two greater than the number of vacancies.

Special Regulation 7.08. Members of the Police and Fire [Bureau] Departments certified as eligible for promotion under Special Regulation 7.06 must, prior to appointment, satisfactorily pass a physical examination to establish that he is a physically qualified to perform the duties of the higher rank.

Special Regulation 8.02. All employees of the Fire and Police [Bureau] Departments will earn sick leave at the rate of 15 days per year accruable according to the following schedule:

YEARS SERVICE	ACCUMULATED ALLOWED
1st through 10th	100 days maximum at any time
11th through 15th	125 days maximum at any time
16th and over	150 days maximum at any time

Special Regulation 9.02. The Chief of the Fire and Police [Bureau] Departments will be required to comply with any requests for information made by the Director of Personnel through the use of such forms or records.

Special Regulation 9.03. The Director of Personnel shall keep a personnel folder on every employee in the Fire and Police [Bureau] Departments, showing at least the employee's name, current address, home telephone, education, employment record and service record.

Special Regulation 10.01. Applicants for employment in the Fire and Police [Bureau] Departments shall be allowed veterans preference in appointment as required by the laws of the State of Maryland; provided, however, that such preference shall, in the case of a tie in examination scores involving a veteran and a non-veteran, require that the veteran shall be placed ahead of the said non-veteran on the employment list.

Special Regulation 10.02. Employees of the Fire and Police [Bureau] Departments who leave the county service for entry into the Armed Forces of the United States, shall, upon honorable separation, be reinstated in such position or be given a position as nearly as possible involving like duties, classification and pay, provided that application for such reemployment is made within the time of the date of honorable separation, and further provided that the employee is still qualified to perform the duties of such position.

Special Regulation 11.01. The Director of Personnel, upon written recommendation by the Chief of the Fire or Police [Bureau] Department, may approve leaves without pay for periods of up to one year to employees presenting valid and sufficient reasons for such leaves. Request for leave in excess of thirty days must be made by

the employee in writing. Employment elsewhere may terminate such leave.

Special Regulation 12.02. In order to protect the Public Health, Safety and Welfare, employees of the Fire and Police [Bureau] Departments are required to work those hours or days as directed by the Chief of the appropriate [Bureau] department in an order, regulation, or directive issued by him verbally or in writing, at their regular rates of pay and regardless of whether said work days fall on holidays.

Special Regulation 13.02. All orders, regulations and directives of the Police and Fire [Bureau] Departments now in existence or as may in the future be prescribed shall have full force and effect.

SECTION 5. And be it further enacted, That the designation of Title 24 of the Baltimore County Code, 1958, as amended, be amended to read as follows:

TITLE 24. POLICE [BUREAU] DEPARTMENT.

SECTION 6. And be it further enacted, That Sections 24-3, 24-11(a), 24-11(b) and 24-11A of the Baltimore County Code, 1958, as amended, Title "Police Bureau," be and they are hereby repealed and re-enacted with amendments to read as follows:

24-3. Duties generally of the chief of bureau.

It shall be the duty of the Chief of the Police [Bureau] Department to require such policemen, at such times of the day or night as may be upon duty to preserve the public peace, prevent crime and protect the rights of persons and property, to see that all laws relating to the observance of Sunday and in regard to gambling, intoxication, vagrancy and disorderly persons are strictly enforced and to assist the sanitary officer of his district to enforce faithfully and to assist all laws, rules and orders that now exist or which may hereafter be passed or issued for the purpose of maintaining and preserving the public health and to arrest all offenders against the laws of the state and to take such offenders to the nearest justice of the peace for the county; and for any neglect or violation of the provisions of this section by any officer of the force, the chief shall suspend such officer and report his action in this case, with the charges preferred in writing against such officer.

24-13. Special police officers.

(a) In addition to the power and authority heretofore granted to appoint and regulate a Police [Bureau] Department, the county is authorized to appoint such number of special police officers as they may deem necessary for the proper protection of persons and property in the county.

(b) Such special police officers may be appointed or discharged without reference to the provisions of this title relating to regular police officers, and they shall not be members of the regular Police [Bureau] Department or entitled to any of the rights and privileges of such members. They shall perform such duties and receive such compensation, if any, as the county may determine. Before entering upon the performance of their duties they shall give such bond, as the county may prescribe.

24-13A. Police Cadets; appointment, duties.

In addition to the power and authority heretofore granted to appoint and regulate a Police [Bureau] Department, the County is authorized to appoint such number of persons between the ages of sixteen years and twenty-one years to the Police [Bureau] Department, to be known and described as Police Cadets, as the county may deem necessary. The appointment of such persons shall be made subject to the same requirements, except as to age, as are the appointments to the County Police [Bureau] Department. The Police Cadets shall perform such duties as the Chief of Police, with the approval of the Administrative Officer of Baltimore County, Maryland, shall determine but shall be exempt from any requirements for the providing of a bond.

SECTION 7. And be it further enacted, That Sections 23-12 (a), 23-12(c) and 23-12(d) of the Baltimore County Code, as amended, Title "Schools," be and they are hereby repealed and re-enacted with amendments to read as follows:

23-12(a)(3).

"Approved inspector" means an inspector approved by the [Director of public safety] Police Department to make the inspections under this section.

23-12(c).

The [Department of public safety] Police Department is authorized by regulations to designate the equipment, mechanisms, or parts of a school bus which shall be inspected and the times when such inspection shall be made. Such rules and regulations shall provide for the suspension of operation of any school bus which does not pass inspection and for the restoring of operating privileges upon receipt of evidence satisfactory to indicate the defective equipment, mechanisms or parts have been corrected to meet or exceed the standards for such, as prescribed in this section or in such rules and regulations.

23-12(d).

The approved facilities shall be those which are designated by the [Director of public safety] Police Department from time to time. Whenever an approved facility is so designated, the Director of Per-

April 25, 1978



S. ERIC DINENIA
ZONING COMMISSIONER

G. Warren Mix, Esquire
202 Loyola Federal Building
Towson, Maryland 21204

RE: Petition for Special Exception
SE/corner of Greenspring Valley
Road and Old Valley Road -
3rd Election District
Gerald W. Berg - Petitioner
NO. 78-193-X (Item No. 130)

Dear Mr. Mix:

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

Very truly yours,

George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM:nr

Attachments

cc: Gerald J. Oppel, Esquire
1600 Maryland National Bank Building
Baltimore, Maryland 21202

Mr. Montgomery Lewis, Executive Director
Valleys Planning Council
212 Washington Avenue
Towson, Maryland 21204

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

mits and Licenses, on application of the owner or operator of the approved facility and upon receipt of a fee of ten dollars, shall issue a license to such approved facility for a period of one year, and the renewal fee for such license shall be ten dollars per year, but not including county-owned school buses or county-chartered school buses.

SECTION 8. And be it further enacted, That Section 35-3 of the Baltimore County Code, 1968, Title "Administration," be and it is hereby repealed and re-enacted with amendments to read as follows:

35-3. Bond and duties of special officers.

In connection with all special officers who are appointed and assigned to the Police [Bureau] Department for the purpose of serving as school guards, the providing of bond shall be excused; however, in appointing special officers to serve for private persons or corporations, a bond at least in the amount of one thousand dollars shall be required. The duties of the special officers appointed and assigned to the Police [Bureau] Department shall be that of a school guard; their particular duties and authority shall be prescribed by the Chief of Police of the county.

SECTION 9. And be it further enacted, That Sections 40A-4 and 40A-4(a) of the Baltimore County Code, 1958, as amended, Title "Pawnbrokers," be and they are hereby repealed and re-enacted with amendments to read as follows:

40A-4. Good character, police [Bureau] department, expiration of license prorated fee.

Every applicant for a license to operate a pawnshop in Baltimore County must apply for said license on forms to be supplied by the Director of Permits and Licenses. Applicants will be required to be photographed and fingerprinted by the Police [Bureau] Department and every applicant must produce satisfactory evidence of good character prior to the issuance of such license. All licenses issued under this title shall expire on June 30 of each year. For licenses issued for periods of less than one year, the fee shall be prorated on a monthly basis, but in no case shall it be less than one hundred dollars and there shall be no rebate on revoked or unexpired licenses.

40A-6. Stolen Goods.

(a) In the event an item is located in a Baltimore County pawnshop and it has been definitely established that this item was stolen within the boundaries of Baltimore County, and having been positively identified by proper owner and if an arrest and conviction has been made in regard to the larceny of said item, it will be the responsibility of the pawnbroker to release said item to the Baltimore County Police [Bureau] Department upon demand. This will be

executed without the pawnbroker's being reimbursed for the amount of the pledge by the Baltimore County Police [Bureau] Department and/or the actual owner of the item in question.

SECTION 10. And be it further enacted, That Group 4 of Sections 41-4 and 41-381 of the Baltimore County Code, 1958 (1956 Cumulative Supplement), Title "Pensions and Retirement," be and they are hereby repealed and re-enacted with amendments to read as follows:

41-4.

Group 4. Policemen and firemen consisting of the permanent employees of the regular Fire and Police [Bureau] Departments.

41-381. Certain members of the police and fire [Bureau] departments need not be examined.

Notwithstanding anything to the contrary contained in section 41-38 of this Code, members of the regular Fire and Police [Bureau] Departments applying for admission to the employees' retirement system of Baltimore County need not be examined by the medical board created in section 41-38 of this title, provided, such members have passed the physical examination required by Special Regulation 2.02 of section 22-3.2 of the Baltimore County Code, 1958 (1956 Cumulative Supplement).

SECTION 11. And be it further enacted, That Section 45-16 of the Baltimore County Code, 1958 (1956 Cumulative Supplement), Title "Taxes," be and it is hereby repealed and re-enacted with amendments to read as follows:

45-16. Sales—Fees.

The following taxicab driver's license fees shall be paid by the applicant: Three dollars for the original license; three dollars for each renewal thereof. A copy of each license issued shall be forwarded to the Police [Bureau] Department by the Department of Permits and Licenses with photo attached, and the applications shall be filed in the Department of Permits and Licenses. A fee of one dollar shall be paid by the applicant for replacement of a license lost or stolen.

SECTION 12. Be it further enacted, That this bill shall take effect at the same time as Bill No. 72, 1968, becomes effective, but shall not take effect at all unless said Bill No. 72, 1968, is adopted by the voters of Baltimore County at the November 5, 1968 election.

READ AND PASSED this 4th day of November 1968.

By Order:
Herbert Hohenberger, Secretary

PRESENTED to the County Executive, for his approval this 6th day of November, 1968.

Herbert Hohenberger, Secretary

APPROVED AND ENACTED: November 8, 1968.

Dale Anderson,

County Executive

I HEREBY CERTIFY THAT BILL NO. 122 IS TRUE AND CORRECT AND WILL TAKE EFFECT ON DECEMBER 6, 1968.

Larry J. Bartfelder,

Chairman, County Council

EXPLANATION: Italics indicate new matter added to existing law.

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

Small caps indicate matter stricken out of bill.

June 26, 1978

Mr. Clarence Eugene Elders, Jr.
Valley Road
Stevenson, Maryland 21153

to

Baltimore County, Maryland
c/o Zoning Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Cost of posting property of Gerald V. Berg for appeal hearing

Case No. 78-193-X - SE/corner of Greenspring Valley Road and Old Valley Road
3rd Election District

One (1) Sign @ \$5.00 each - \$5.00 Total

HAND DELIVERED

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Stevenson, Maryland 21153
May 24, 1978

Re: Petition for Special
Exception SE/corner of
Greenspring Valley Road
and Old Valley Road -
3rd Election District
Gerald W. Berg - Petitioner
NO. 78-193-X (Item No. 130)

Gentlemen:

We the undersigned, wish to appeal from the
Order of the Deputy Zoning Commissioner in the above-
captioned matter dated April 25, 1978. We feel that the
granting of the special exception is adverse to our general
welfare, safety and health. The names and addresses of the
appellants are listed as follows:

Harry Norman Baetjer, Jr.
Jean Hook Baetjer
2217 Greenspring Valley Road
Stevenson, Maryland 21153

Ernest Hilton Wright
Charlotte Simpson Wright
2201 Greenspring Valley Road
Stevenson, Maryland 21153

Clarence Eugene Elders, Jr.
Helen Chittum Elders
2008 Greenspring Valley Road
Stevenson, Maryland 21153

Also enclosed is a check in the amount of
\$70.00, made payable to Baltimore County, Maryland, said
check constituting the Fee for Appeal.

Sincerely,



Harry Norman Baetjer, Jr.
Jean Hook Baetjer
Jean Hook Baetjer

Ernest Hilton Wright
Charlotte Simpson Wright
Charlotte Simpson Wright
Clarence Eugene Elders, Jr.
Helen Chittum Elders

cc: John W. Hession, III, Esquire
People's Counsel for
Baltimore County
cc: Mr. Montgomery Lewis, Executive Director
Valley's Planning Council
cc: Mr. John Beckley, President
The Stevenson-Brooklandville Improvement Association, Inc.
cc: Gerald J. Appel, Esquire

February 21, 1978

NOTICE OF HEARING

Re: Petition for Special Exception for Gerald V. Berg
77-193-X

TIME: 10:00 A.M.

DATE: Tuesday, March 14, 1978

PLACE: ROOM 105 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

cc: Robert B. Anderson, Esq.
1800 Maryland National Bank Building
Baltimore, Md. 21202

DEPUTY COMMISSIONER OF
BALTIMORE COUNTY

March 9, 1978



S. ERIC DINENNA
ZONING COMMISSIONER

G. Warren Mix, Esq.
601 Bayley Ave.
Towson, Md. 21204

Re: Petition for Special Exception for Gerald Berg
77-193-X

Dear Sir:

This is to advise you that \$50.00 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.

Yours very truly,

S. ERIC DINENNA
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: March 13, 1978
FROM: Leslie H. Groel, Director of Planning
Item #130

SUBJECT: Petition 78-193-X. Petition for Special Exception for a Hellstop
Southeast corner of Greenspring Valley Road and Old Valley Road
Petitioner - Gerald W. Berg

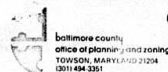
3rd District

HEARING: Tuesday, March 14, 1978 (10:00 A.M.)

It is the opinion of this office that the proposed use would be an
inappropriate one for this area.

Leslie H. Groel
Director of Planning

LHG/JGH:rw



S. ERIC DINENNA
ZONING COMMISSIONER

G. Warren Mix, Esq.
22 W. Penn. Ave.
Towson, Md. 21204

January 24, 1978

RE: Interim Development Control
Act (IDCA) Application
Gerald V. Berg - Petitioner
77-193-X

Dear Sir:

Please be advised that your IDCA application for a
hearing was approved by the Planning Board on January 23, 1978
and you may now file your petitions, plans, and descriptions of the
hearing in accordance with the Zoning Commissioner's rules for filing Special Exception

In order to assist you, we are enclosing a copy of the Zoning Com-
missioner's rules for filing and petition forms to be completed by you.

Petitions, Plans, and Descriptions
already filed in the Zoning Dept.

Very truly yours,
S. ERIC DINENNA
Zoning Commissioner

SED/JED/scw

Enclosures

PETITION FOR SPECIAL EXCEPTION

1st HEARING

DATE: Petition for Special Exception for a Hellstop.
LOCATION: Southeast corner of Greenspring Valley Road and
Old Valley Road.
DATE & TIME: WEDNESDAY, MARCH 14, 1978 at 10:00 A.M.
PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland
The Zoning Commission of Baltimore County, by authority of the Zoning Act and
Regulations of Baltimore County, will hold a public hearing
within for Special Exception for a Hellstop.
All that parcel of land in the Third District of Baltimore County

Being the property of Gerald V. Berg, as shown on plat plan filed with the
Zoning Department.

Hearing Date: Tuesday, March 14, 1978 at 10:00 A.M.
PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

IN WITNESS OF
S. ERIC DINENNA
ZONING COMMISSIONER OF
BALTIMORE COUNTY

STEVENSON-BROOKLANDVILLE IMPROVEMENT ASSOCIATION, INC.

GENERAL MEETING
January 25, 1978

The meeting was called to order by George Stewart at 8:15 p.m. at the Stevenson Methodist Church. There were 25 members present. George began by mentioning that our Association has been very responsive to the far reaching needs of the Community and though we are not overly aggressive, we have played a major role in controlling the overdevelopment of the area.

The question of defining the boundaries of the Association was raised. The By-Laws state the Association has been organized as follows:

Northern Boundary: North ridge of the Greenspring Valley
Southern Boundary: South ridge of the Greenspring Valley
Eastern Boundary: Falls Road (including all property abutting the east side of Falls Road)
Western Boundary: Park Heights Avenue (including all property abutting the west side of Park Heights Avenue)

The Treasurer's Report was presented by Bill Browster. To date there is \$3,240.00 in the Savings Account and \$395.00 in the Checking Account. The income over the past year was \$677.00 and the expenditures were \$1,600.00. It was decided to raise the annual dues from \$6.00 to \$8.00 in light of the fact that our expenses far outweigh our income during the past year. We would like to continue to maintain a respectable cash reserve and thus be recognized as a stable force in the Community.

Jim Price, Chairman of the Nominating Committee, introduced the following slate of Officers:

President John Beckley
1st Vice-President Jerry Oppel
2nd Vice-President Robert Vogel
Secretary Thes Royales
Treasurer William Browster

Directors:
Edward Helms
Leona North
Nancy Kats
Clifford Silbiger
William G. Stewart

Past Presidents:
George D. Stewart
W. James Price
Ira B. Fader, Jr.
Clarence Elderdin
Howard Baetjer, II

GENERAL MEETING

Past Presidents (cont'd):

Philip Schermer
Bernard Schloss
Warren A. Burdette
Harry G. Quast

The meeting was then chaired by John Beckley.

CLARK PROPERTY: Jim Ziper announced that the Clark Property has been purchased and that it will remain undivided.

VALLEY HEIGHTS PROPERTY: Jerry Oppel announced that the dispute over the Valley Heights development has been settled. Of the 127 units only 85 will be developed. Additionally, buffer zones abutting neighboring properties will be deeded to the Maryland Environmental Trust. One major result of the suit by the neighbors of the Valley Heights project is the new structural regulations concerning water testing, control and well performance standards.

FORT GARRISON SCHOOL: Jerry Oppel also informed us that there is a possibility that the Fort Garrison Elementary School will be closed. He strongly suggested that those who would be affected by this should write to the County School Board.

MEMBERSHIP COMMITTEE: Bill Stewart will chair a drive for new members.

SEWER SYSTEM FOR ST. PAUL SCHOOL: The St. Paul School has made arrangements to hook a private sewer line across Falls Road into the existing public sewer system. Jim Price has heard that the County will not approve this hook-up unless the Valley's Planning Council puts it's stamp of approval on the system. Mr. Price feels that there is no threat of additional taps into this line.

TRAFFIC PATTERNS AT STEVENSON ROAD AND SHOPPING CENTER: The Association feels that the County and Mr. Ventonitis must be made aware of the serious situation that exists at the narrowing on Stevenson Road. We feel that it is irresponsible to wait until a serious or even fatal accident occurs before something is done. Joan Oppel, His Holiness and Gloria Levenson volunteered to write to the County concerning the problem.

HELICOPTER LANDING PAD: Mr. Gerald Berg has applied for a permit to construct a landing pad for his helicopter. The Association voted to go on record as being opposed to the building of the landing pad by Mr. Berg or by any other persons or corporations.

SHOW AND PARKING: Those in attendance requested all neighbors to be considerate of others and the problems encountered because of cars not being parked properly or being left on the street and impeding the normal flow of traffic. This is particularly important to those persons living north of Greenspring Valley Road and using Stevenson Road.

NATIONAL REGISTER: The Greenspring Valley could be protected and preserved if the area were included on the National Register. Leona North made brief mention of this and will pursue the possibilities in greater depth.

GENERAL MEETING

If any member is interested, a subscription to the Valley's Planning Council Newsletter can be obtained by paying dues of \$10.00. Their address is:

Valley's Planning Council
212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21204

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Thes Royales

OBER, GRIMES & SHRIVER ATTORNEYS AT LAW

1400 Maryland National Bank Building
Baltimore, Maryland 21202

March 14, 1978

Mr. George J. Martinak
Deputy Zoning Commissioner
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Gerald W. Berg - Special Exception
for a Helistop

Dear Mr. Martinak:

As you requested, I am enclosing a Xerox copy of the minutes of the General Meeting of the Stevenson-Brooklandville Improvement Association which took place on January 25, 1978. All dues-paying members of the Association were called a notice of the meeting well in advance and a quorum was present.

If you require any further information, please let me know.

Respectfully,
Gerald W. Berg

JJO:all
Enc.
cc: G. Warren Mix, Esquire (with enclosure)



OBER, GRIMES & SHRIVER ATTORNEYS AT LAW

1400 MARYLAND NATIONAL BANK BUILDING
BALTIMORE, MARYLAND 21202

February 17, 1978

Mrs. B. Anderson
Room 113
Baltimore County Office Building
Towson, Maryland 21204

Dear Mrs. Anderson:

This will confirm your conversation yesterday with Robert B. Karshaw of this office re: the Stevenson-Brooklandville Improvement Association, Inc. and several neighbors who strongly oppose W. Berg's application for a special exception to operate a helistop on his Greenspring Valley Road property.

Please send us a copy of the application for special exception and all materials and documents pertinent to this matter, as well as notification of the time and place of the hearing.

Thank you for your kind attention in this matter.

Very truly yours,

John W. Oppel

JJO:all
cc: Mr. C. Elderkin, Jr.
cc: Mr. Ira B. Fader
cc: John W. Beckley, Esquire

76655
Edna Stokes Sparks
Attorney at Law
M. Berg, Martinak
Dep. Zoning Commissioner
Towson, Md 21204
Dear Commissioners,
Although I am not a part of the Berg
helistop case, I urge a denial of his
request. To allow his petition would be
a dangerous precedent to set in every
residential zone.
In addition to concerns of safety,
pollution and noise, interference with
the right of privacy would be a
major implication.
There is no reason why all flying
should not be restricted to
the airports. Mr. Berg should drive
to the nearest one where his helicopter
should be kept.
It is also apparent that any
person testifying on behalf of Mr. Berg
were paid for
We hope for your denial of the request.
Sincerely,
Edna Stokes Sparks

THE VALLEYS PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21204
Valley 8-7807

March 13, 1978

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

Re: Petition for Special Exception for
Helistop, Greenspring Valley Road;
#78-198-X

Dear Mr. DiMenna:

We understand that Mr. Gerald W. Berg has applied for a Special Exception to use a portion of his property at Greenspring Valley and Old Valley Roads as a helistop and that, further, a hearing has been scheduled for tomorrow to air this request. We ask that this latter become a part of the records of said hearing.

Our organization, made up in great numbers by neighbors of Mr. Berg, is unilaterally opposed to granting of this application. In our opinion, operation of helicopter traffic to and from this location would create an oppressive amount of noise, could result in visual distraction to motorists, on the particularly dangerous section of Valley Road fronting Berg's property, and would result in needless danger to nearby residence and livestock along the Valley floor. The proposed use is, moreover, totally out of keeping with the rural residential character of the Greenspring Valley, a factor which we, with aligned organizations and County planners, have sought so long to preserve.

We urge you to deny this request.

Sincerely yours,

Montgomery Lewis
Executive Director

ML:ec

TURNBULL, MIX & FARMER

908 HOLLY AVENUE
TOWSON, MARYLAND 21204

October 2, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, MD 21204

Re: Petition for Special Exception
Gerald W. Berg
Case No. 78-193-X

Dear Mr. Hammond:

There had been an Appeal taken by the protestants from the granting of the Special Exception filed in the above-captioned matter.

I am writing to request the withdraw of all exhibits filed on behalf of Gerald W. Berg at the time of the hearing so that they will be available for the hearing before the Board of Appeals, which is now tentatively scheduled for November 1st of this year.

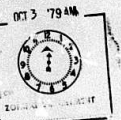
I would appreciate your advising as to when I may pick up the necessary materials.

Thank you for your cooperation.

Very truly yours,

TURNBULL, MIX & FARMER

G. Warren Mix
G. Warren Mix



RE: PETITION FOR SPECIAL EXCEPTION
for Helistop
SE corner Greenspring Valley Road
and Old Valley Road
3rd District
Gerald W. Berg,
Petitioner
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 78-193-X

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner granting the requested special exception with restrictions. The testimony and evidence presented to the Board in this case consumed two court days and is hereafter briefly summarized.

The request is for a special exception to operate a "Helistop" on property owned by the Petitioner which is located in an R.C. 2 zone. The term "Helistop" is clearly defined in Section 101 of the Baltimore County Zoning Regulations. Under uses permitted by special exception in an R.C. 2 zone, "Helistop" is specifically noted in Subsection 1A01.2C13.

Question was raised at the outset of this hearing as to whether the Zoning Commissioner, Board of Appeals or any County authority whatsoever had the authority to consider such a request. It was noted that Bill 72-68, passed and adopted by the County Council, abolished the Director of Public Safety, who had been charged with the supervision of "Helistops". This authority was apparently never specifically resigned, and People's Counsel contended that until the County Council corrected this legislative oversight no "Helistops" could be considered. However, Bill 98-75, establishing some new zoning classifications, was approved and enacted on November 7, 1975. Petitioner's property was zoned into one of these new classifications, R.C. 2. Subsection 1A01.2C13 specifically notes "Helistops" as a use permitted by special exception in an R.C. 2 zone.

The zoning process in Baltimore County charges the Zoning Commissioner with conducting a public hearing and rendering a decision on any matter covered by the Baltimore County Zoning Regulations and properly presented. The Board of Appeals is charged with conducting a "De Novo" hearing on any decision properly appealed from

Gerald W. Berg - #78-193-X

2.

on Order of the Zoning Commissioner. The Board felt that the reasonable intent of Bill 98-75 was that all items covered specifically in this Bill would follow this normal process, and thus heard the case in its entirety.

The Petitioner presented six witnesses in support of the granting of this special exception. Mr. William Collins, an airport engineer, testified that he visited the site and actually flew from it in Mr. Berg's helicopter. He testified that this site meets all State safety requirements. He also testified that under all State requirements, safety or otherwise, this site would be approved. Mr. Gerald Berg testified as to the use for this "Helistop" if approved. He stated that the helicopter was to be used for both pleasure and in conjunction with his own business, and that the average number of trips per week would be two or three. He also testified that coming or going to or from the proposed "Helistop" pad does not require flight over any homes or occupied areas but purely farm land. He answered all parts of Section 502.1 of the Baltimore County Zoning Regulations negatively. Mr. Marshall Silverman, a licensed race horse trainer for 21 years, testified that normal helicopter flights over horses in pastures had no effect on them whatever. Mr. Joseph Goner, who resides 100 yards west of the proposed pad, testified he had no objections to the proposed use and stated that when inside his home he could not hear the helicopter. Mrs. Duini Briscoe who lives two blocks from the proposed site testified she had no objections to the proposed use. Mr. Arnett Thayer, who resides near Mrs. Briscoe, also testified he had no objections to the proposed use. All three residents answered all parts of Section 502.1 negatively. This concluded the Petitioner's case.

Two witnesses testified before the Board in opposition to the granting of this special exception. Mr. Harry Boerjer, Jr., who resides at Valley Road and Park Heights Avenue, testified that he was opposed to the helistop and its operation. He feared that granting this special exception would create hazards and uses not compatible with this rural area. Mr. Clarence Eldarkin, Jr., who resides at 2008 Greenspring Valley Road, also testified in opposition to granting this special exception. He stated that his main

Gerald W. Berg - #78-193-X

3.

fear was that any malfunction of the machine could cause it to fall onto occupied areas and felt that a real danger from this existed. He also felt the proposed use not to be compatible with the rural atmosphere of the area. This concluded the Protestants' case.

The Baltimore County Zoning Regulations clearly recognize the use of R.C. 2 zoned land for a "Helistop" by special exception. In order to grant the special exception as requested, all prerequisites of Section 502.1 must be met. In the opinion of this Board all of these requirements have been met, and the special exception should be granted. The Board would emphasize that this special exception is for a "Helistop" and not a "Helipad". As defined in Section 101 of the Regulations, "Helistop" is strictly a private use and "Helipad" is a commercial use.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of October, 1980, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated April 25, 1978, is affirmed, and that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. The number of round trip flights from the proposed helistop shall not exceed 14 per month.
2. Flight approaches shall be maintained over the approximately 4000 foot field represented by Petitioner's Exhibit No. 3.
3. The helicopters shall maintain an altitude of no less than 500 feet over all buildings and adjacent land.
4. Site plan approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning.

PETITION FOR SPECIAL
EXCEPTION - HELISTOP
GERALD W. BERG, Petitioner
Case No. 78-193-X

MEMORANDUM OF LAW

The Petitioner, Gerald W. Berg, has heretofore been granted a Special Exception for a helistop located at the southeast corner of Greenspring Valley Road and Old Valley Road in the Third Election District of Baltimore County. The Special Exception was granted by the Deputy Zoning Commissioner on April 25, 1978, and from the granting of said Special Exception an Appeal has been taken to the County Board of Appeals.

A hearing was held before the Board of Appeals on November 1, 1979, at which time no final decision was rendered and the case was continued until December 19, 1979. At the hearing held before the Board of Appeals on November 1, 1979, People's Counsel raised the issue that in the definition of a helistop there is language referring to authorization by the Director of Public Safety. The position formerly known as the Director of Public Safety has been abolished and, therefore, the People's Counsel questions the authority of the Zoning Commissioner and/or the Board of Appeals to grant any helistop in view of the fact that it can no longer be authorized by the Director of Public Safety. This Memorandum of Law is directed to that issue and solely to the question of whether or not a helistop can now be granted.

Bill No. 72, 1968, of the County Council for Baltimore County abolished the office of the Director of Public Safety. Prior to said abolishment, the Director of Public Safety and

the Department of Public Safety were authorized under the Baltimore County Charter and was specifically codified as sections 534, 535 and 536 of the Baltimore County Charter. Section 535 provides as follows:

"Section 535, Functions and Duties of the Department of Public Safety.

The department of public safety shall be responsible for the administration of the affairs of the police department, the fire department, the county jail, and the civil defense agency, which shall hereafter be designated and known as the police bureau, the fire bureau, the jail bureau, and the bureau of civil defense, respectively. The department of public safety shall be responsible for traffic safety and engineering, the control of air pollution, and shall have and perform such other duties and functions as may from time to time be assigned thereto by directive of the county administrative officer or by legislative act of the county council."

Bill No. 85, 1967, of the County Council of Baltimore County provided the definition for a helistop and at the same time gave the authorization to the Director of Public Safety. This authorization was previously governed under section 535 of the Charter when it refers to "shall perform such other duties and functions as may from time to time be assigned thereto... by legislative act of the County Council."

Bill No. 72, 1968, which abolished the office of Director of Public Safety as well as the Department of Public Safety, designated certain departments who were to administer the various duties and functions of the Director and/or Department of Public Safety. The Chief of Police, which is now found in section 541 of the Charter, "shall administer the Police Department and shall also be responsible for the administration of the affairs of the jail bureau and the bureau of civil defense, and who shall have and perform such other duties and functions as may from time to time be assigned thereto by the Director of the County Administrative Office or by legislative act of the County Council." The Fire Chief

shall administer the Fire Department, whereas the Director of Traffic Engineering became the person responsible to administer traffic engineering for Baltimore County." This is the only department, which is now known as the Department of Traffic Engineering, as codified in sections 534 and 535 of the Charter, which could possibly refer to a similar authorization as that held by Director of Public Safety concerning helistops. However, section 535 of the Charter provides:

"The department of traffic engineering shall be responsible for: traffic safety and engineering and is hereby granted full power and authority and directed to promulgate and adopt such rules and regulations relating to the standing or parking of motor vehicles and the movement of vehicular and pedestrian traffic as may be necessary or desirable to create and maintain the safe and expeditious movement of traffic throughout Baltimore County."

"The department of traffic engineering shall also have and perform such other duties and functions as may be from time to time assigned thereto by directive of the county administrative officer or by legislative act of the county council."

There has not been any specific department designated to handle the authorization of helistops since the abolishment of the Director of Public Safety. However, it is equally apparent that in no way did Bill No. 72, 1968, abolish or repeal such authorizations of heliports and/or helistops. The Zoning Regulations of Baltimore County provide for heliports and helistops as they are defined in the general provisions section of the Baltimore County Zoning Regulations. The Baltimore County Zoning Regulations are administered and enforced by the Zoning Commissioner and/or Deputy Zoning Commissioner for Baltimore County. Said positions having been established by section 522 of the Baltimore County Charter. Section 22-23 of the Baltimore County Code, provides the authority for the granting of Special Exceptions by the Zoning Commissioner. That section provides:

"Subject to the appropriate principles, standards, rules, conditions and safeguards as set forth in the zoning regulations the zoning commissioner may grant variances from area and

Gerald W. Berg - #78-193-X

4.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

Patricia Millhouse
Patricia Millhouse

height regulations and may make special exceptions to the zoning regulations in harmony with their general purpose and intent; provided, that the issuance of all such special exceptions and variances shall be subject to appropriate principles, standards, rules, conditions and safeguards set forth in the zoning regulations, and that all decisions of the zoning commissioner with respect to such matters shall be subject to appeal to the board of appeals as provided in this article."

Section 500.2.a of the Baltimore County Zoning Regulations provides "that whenever a Petition is presented to the Office of Planning and Zoning for a zoning or district classification or for reclassification of a piece of property, or for a Special Exception, such Petition may be filed with the Zoning Commissioner only if it meets the Zoning Commissioner's rules of practice and procedure. The Zoning Commissioner has the authority to hold public hearings on said Special Exception and after such a hearing he shall pass his order granting or refusing such Special Exception."

The Special Exception for a helistop which has been requested by your Petitioner is located in a R.C.2 Zone. A Special Exception for a helistop is permitted in an R.C.2 Zone under subsection 1A01.2C13. Such a Special Exception was established by Bill No. 98-75, which Bill amended the Baltimore County Zoning Regulations establishing four (4) new zoning classifications and permitting such a Special Exception as has been requested by your Petitioner. Again, these sections of the Baltimore County Zoning Regulations are administered and enforced by the Office of the Zoning Commissioner. In view of the fact that Bill No. 98-75 was passed seven (7) years after the abolishment of the Director of Public Safety, it can be strongly inferred that the abolishment of the Director of Public Safety is in no way meant to also abolish all helistops in Baltimore County.

LAW OFFICE
TURNBULL, BICE
& FARMER
400 BRADY STREET
BALTIMORE, MD. 21201
RECEIVED
BALTIMORE COUNTY
COUNTY BOARD
OF APPEALS
OCT 17 3 31 PM '80

MICROFILMED

LAW OFFICE
TURNBULL, BICE
& FARMER
400 BRADY STREET
BALTIMORE, MD. 21201
RECEIVED

MICROFILMED

-2-

LAW OFFICE
TURNBULL, BICE
& FARMER
400 BRADY STREET
BALTIMORE, MD. 21201
RECEIVED

MICROFILMED

-3-

LAW OFFICE
TURNBULL, BICE
& FARMER
400 BRADY STREET
BALTIMORE, MD. 21201
RECEIVED

-4-

MICROFILMED

There are existing helistops in Baltimore County, and very recently another helistop has been established at St. Joseph's Hospital. There cannot be an exception to the rule in the granting of one helistop and not another provided the Petitioner seeking the helistop meets those requirements and the burden of proof pursuant to section 502.1 of the Baltimore County Zoning Regulations.

Respectfully Submitted,
G. Warren Mix
G. WARREN MIX
TURNBULL, MIX & FARMER
Attorneys for Petitioner

I HEREBY CERTIFY that on this 7th day of December, 1979, a copy of the foregoing Memorandum of Law was hand delivered to John W. Hession, III, People's Counsel, 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

G. Warren Mix
G. WARREN MIX

-5-

MICROFILMED

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204
November 2, 1979

NOTICE OF ASSIGNMENT

(CONTINUED)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 20). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 26), COUNTY COUNCIL BILL #108

CASE NO. 78-193-X

GERALD W. BERG

SE-for Helistop

SE corner Greenspring Valley Road and Old Valley Road

3rd District

WEDNESDAY, DECEMBER 19, 1979, at 9 a.m.

ASSIGNED FOR:

cc: G. Warren Mix, Esq.

Mr. Gerald W. Berg

Mr. Montgomery Lewis

Mr. Harry N. Boatjer, Jr.

Mr. Ernest H. Wright

Mr. Clarence E. Eldarkin, Jr.

John W. Hession, III, Esq.

Mr. James E. Dyer

Mr. William Hammond

Mr. James Howell

Board of Education

Mrs. Carol Beresh

Counsel for Petitioner

Petitioner

Protestant

"

"

"

People's Counsel

Zoning

"

Planning

June Holmen, Secretary
County Board of Appeals

MICROFILMED

494-3180

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

April 6, 1979

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 20). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 26), COUNTY COUNCIL BILL #108

CASE NO. 78-193-X

GERALD W. BERG

SE-for Helistop

SE corner Greenspring Valley & Old Valley Rd.

3rd District

4/25/78 - D.Z.C. GRANTED SE, subj. to restrictions

WEDNESDAY, JUNE 6, 1979 at 10 a.m.

ASSIGNED FOR:

cc: G. Warren Mix, Esquire

Mr. Gerald W. Berg

Mr. Montgomery Lewis, Esq.

Mr. Harry Norman Boatjer, Jr.

Mr. Ernest H. Wright

Mr. Clarence Eugene Eldarkin, Jr.

John W. Hession, III, Esquire

Mr. J. E. Dyer

Mr. S. E. DiNenna

Mr. L. H. Groff

Board of Education

Mrs. Carol Beresh

Counsel for Petitioner

Petitioner

Counsel for Protestants

Protestant

"

"

"

People's Counsel

Edith T. Elenhart, Adm. Secretary

MICROFILMED

494-3180

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204
September 20, 1979

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 20). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 26), COUNTY COUNCIL BILL #108

CASE NO. 78-193-X

GERALD W. BERG

SE-for Helistop

SE corner Greenspring Valley Road and Old Valley Road

3rd District

THURSDAY, NOVEMBER 1, 1979, at 10:00 A.M.

ASSIGNED FOR:

cc: G. Warren Mix, Esq.

Mr. Gerald W. Berg

Mr. Montgomery Lewis

Mr. Harry N. Boatjer, Jr.

Mr. Ernest H. Wright

Mr. Clarence E. Eldarkin, Jr.

John W. Hession, III, Esq.

Mr. James E. Dyer

Mr. William Hammond

Mr. John Seyffert

Mr. James Howell

Board of Education

Mrs. Carol Beresh

Counsel for Petitioner

Petitioner

Counsel for Protestants

Protestant

"

"

"

People's Counsel

Zoning

"

Planning

Planning

June Holmen
County Board of Appeals

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION
SE corner of Greenspring Valley Rd. and Old Valley Rd., 3rd District
GERALD W. BERG, Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 78-193-X

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from the decision of the Deputy Zoning Commissioner. In the above-entitled matter, under date of April 25, 1978, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

Peter Max Cleveland
Peter Max Cleveland
Deputy People's Counsel

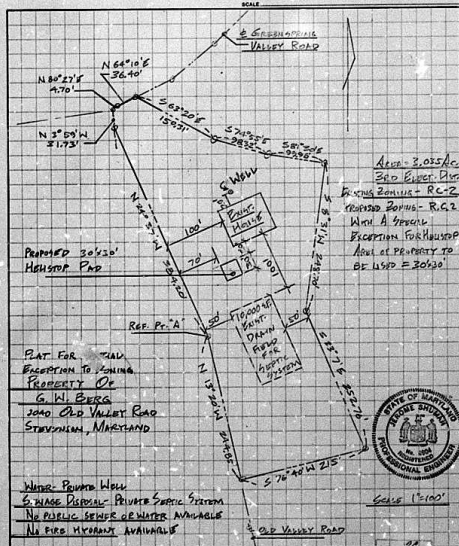
John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that a copy of the foregoing Order was mailed this 23rd day of May, 1978 to G. Warren Mix, Esquire, 202 Loyola Federal Building, Towson, Maryland 21204; Gerald J. O'Connell, Esquire, 1600 Maryland National Bank Building, Baltimore, Maryland 21202; and Mr. Montgomery Lewis, Executive Director, Valleys Planning Council, 212 Washington Avenue, Towson, Maryland 21204.

John W. Hession, III



JEROME SHUMAN
Consulting Engineer
4790 Byron Road
Pikesville, MD 21083



RE: PETITION FOR SPECIAL EXCEPTION
SE corner of Greenspring Valley Rd. and Old Valley Rd., 3rd District
GERALD W. BERG, Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 78-193-X

ORDER TO ENTER APPEARANCE

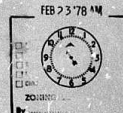
Mr. Commissioner:

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

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

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

I HEREBY CERTIFY that on this 23rd day of February, 1978, a copy of the foregoing Order was mailed to G. Warren Mix, Esquire, 202 Loyola Federal Building, Baltimore, Maryland 21204, Attorney for Petitioner.



JEROME SHUMAN
Consulting Engineer
4790 BYRON ROAD
PIKESVILLE, MARYLAND 21083
494-2188

DESCRIPTION FOR "SPECIAL EXCEPTION TO ZONING 2040 OLD VALLEY ROAD, THIRD DISTRICT, BALTIMORE COUNTY, MARYLAND"

Beginning at a point at the intersection of Valley Road and Old Valley Road and proceeding North 80° 27' East a distance of 4.70', thence North 64° 10' East a distance of 36.40', thence South 69° 20' East a distance of 250.21' along the center line of a private road, thence South 74° 55' East a distance of 38.35', thence South 84° 30' East a distance of 99.96', thence South 80° 31' West a distance of 248.70' to a pipe, thence South 23° 7' East a distance of 252.75' to a tree, thence South 76° 40' West a distance of 215' to a point in the center line of Old Valley Road, continuing North 13° 20' East a distance of 204.83', thence North 24° 37' West a distance of 304.10' along the center line of Old Valley Road, thence North 3° 59' West a distance of 31.73' to the point of beginning.

The above notes and bounds encompassing an area of 3.035 +/- acres. An existing home is located as shown on the accompanying plat. The helicopter landing pad to be designated as a 30' x 30' area as described next herein, located 20' +/- south of the southern corner of the home and 70' west of Old Valley Road.

Beginning at reference point "A" of the Re-Plat and bearing thence North 24° 37' West a distance of 60.0', thence bearing North 69° 23' East a distance of 70.0' to the southwest corner of the helicopter pad, thence bearing North 24° 37' West a distance of 70.0', thence bearing North 69° 23' East a distance of 70.0', thence bearing South 14° 37' West a distance of 30.0', thence South 69° 23' West a distance of 30.0' to the southwest corner of the helicopter pad.



RE: PETITION FOR SPECIAL EXCEPTION
SE/corner of Greenspring Valley Road
and Old Valley Road - 3rd Election
District
Gerald W. Berg - Petitioner
NO. 78-193-X (Item No. 130)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Special Exception for a heliport (heliport landing pad), as an accessory use to an existing dwelling, on three acres of land, more or less, at the southeast corner of Greenspring Valley Road and Old Valley Road, in the Third Election District of Baltimore County. The subject property is zoned R.C.2 and is in an area comprised chiefly of open farmland.

Testimony on behalf of the Petitioner indicated that he intends to acquire an Engstrom 90 horsepower helicopter, which he described as the quietest craft of its kind presently being manufactured in the United States, that he plans to use the machine for transportation to his business sites throughout the state, and that the frequency of such trips would be about three times per week. Counsel for the Petitioner called attention to similar rural aviation installations nearby, including two fixed-wing fields and a heliport.

Expert testimony offered by the Petitioner included that of Mr. William Collins of the State Aviation Administration, who stated that it was his opinion that the proposed approach to the heliport (heliport landing pad), as both state and federal standards for such operations; a letter from Mr. Robert J. Aaronson, Administrator, State Aviation Administration, indicating that "approach and departure paths are good and will be over your property at the lower altitudes"; and testimony by Mr. Marshall Silverman, described as a horse trainer with 20 years experience, who stated that noises emanating from a helicopter have no lasting effect upon horses and present only minimal disturbance to them.

Further testimony for the Petitioner was offered by several nearby residents who indicated that the use would not be disturbing to them.

Testimony in opposition to the Petition included representatives of the Valleys Planning Council, the Stevenson-Brooklandville Improvement Association, Inc., and a number of nearby residents and landowners. Objections in general included a desire to "preserve the rural character of the land", noise, an admitted fear of helicopters, possible distraction to motorists, danger to livestock, belief that helicopters are inherently unsafe, and possible danger during takeoffs and landings.

The Deputy Zoning Commissioner calls particular attention to the criteria for the granting of a Special Exception and to the fact that the Baltimore County Zoning Regulations clearly recognize the use in question under certain circumstances. In order to grant a Special Exception, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations must be met. In the opinion of the Deputy Zoning Commissioner, this burden has been met by the Petitioner, and the Special Exception should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 28th day of April, 1978, that the Special Exception for a heliport should be and the same is GRANTED, from and after the date of this Order, subject to the following:

1. The number of round trip flights from the proposed heliport shall not exceed 14 per month.
2. Flight approaches shall be maintained over the approximately 4000 foot field represented by Exhibit No. 3.
3. The helicopters shall maintain an altitude of no less than 500 feet over all buildings and adjacent land.

- 2 -

4. Site plan approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning.

[Signature]
Deputy Zoning Commissioner of
Baltimore County

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

No. 73336

DATE June 19, 1978 ACCOUNT 91-662

AMOUNT \$70.00

RECEIVED FROM William Eugene Haskins, Jr., Valley Road, Stevenson, Md. 21153, Cash for Special Exception
FOR Gerald W. Berg, Case No. 78-193-X

3877 PRINCE 21 70.00 MC

VALIDATION OR SIGNATURE OF CASHIER

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

No. 3456

DATE Feb. 21, 1978 ACCOUNT 91-662

AMOUNT \$50.00

RECEIVED FROM G. Warren Mix, Reg. 608 Bowler Ave., Towson, Md. 21204
FOR Petition for Special Exception for Gerald W. Berg 78-193-X

349 PRINCE 22 50.00 MC

VALIDATION OR SIGNATURE OF CASHIER

- 3 -

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 14th day of April, 1978 Filing Fee \$ 5000 Received ☒ Cash ☐ Other

[Signature]
S. Eric Dineen,
Zoning Commissioner

Petitioner G. Berg Submitted by G. Berg
Petitioner's Attorney G. Berg Reviewed by G. Berg
* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

1-SIGN 78-193-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3rd Date of Posting Feb. 24, 1978
Posted for: Petition for Special Exception
Petitioner: Gerald W. Berg
Location of property: SE COR. OF GREENSPRING VALLEY RD AND OLD VALLEY RD
Location of Sign: SE COR. OF GREENSPRING VALLEY RD AND OLD VALLEY RD
Remarks: Thomas E. Roland Date of return: MARCH 3, 1978

1-SIGN 78-193-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3rd Date of Posting JUNE 30, 1978
Posted for: Appeal
Petitioner: Gerald W. Berg
Location of property: SE COR. OF GREENSPRING VALLEY RD AND OLD VALLEY RD
Location of Sign: SE COR. OF GREENSPRING VALLEY RD AND OLD VALLEY RD
Remarks: Thomas E. Roland Date of return: JULY 7, 1978

1-SIGN 78-193-X

MICROFILMED
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Reposted
District 3rd Date of Posting 7-13-78
Posted for: Appeal
Petitioner: Gerald W. Berg
Location of property: SE COR. OF GREENSPRING VALLEY RD AND OLD VALLEY RD
Location of Sign: SE COR. OF GREENSPRING VALLEY RD AND OLD VALLEY RD
Remarks: Thomas E. Roland Date of return: 7-14-78

G. Warren Mix, Register
203 Loyola Federal Bldg.
Towson, MD 21204 BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Your Petition has been received and accepted for filing this 18th day of January, 1978.

[Signature]
S. Eric Dineen,
Zoning Commissioner

Petitioner Gerald Berg
Petitioner's Attorney G. W. Mix Reviewed by Thomas E. Roland
Chairman, Zoning Plans
Advisory Committee

PETITION MAPPING PROGRESS SHEET

FUNCTION	West Map	Original	Duplicate	Tracing	200 Sheet
	date by	date by	date by	date by	date by
Descriptions checked and outline plotted on map			<u>14</u>	<u>14</u>	
Petition number added to outline					
Denied					
Granted by ZC, BA, CC, CA					
Reviewed by:		Revised Plans: Change in outline or description	Yes		
Previous case: <u>10 CA 77-614</u>		Map # <u>141111</u>	No		

G. Warren Mix, Register
203 Loyola Federal Bldg.
Towson, MD 21204 BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 18th day of January, 1978.

[Signature]
S. Eric Dineen,
Zoning Commissioner

Petitioner Gerald Berg
Petitioner's Attorney G. W. Mix Reviewed by Thomas E. Roland
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF PUBLICATION

TOWSON, MD., FEBRUARY 23, 1978.

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 February 23, 1978, the first publication appearing on the 23rd day of February, 1978.

THE JEFFERSONIAN
[Signature]
Manager

Cost of Advertisement, \$

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

No. 73337

DATE June 19, 1978 ACCOUNT 91-662

AMOUNT \$75.00

RECEIVED FROM John W. Haskins, III, Register
FOR Cash of Appeal for Petition for Special Exception
FOR Gerald W. Berg, Case No. 78-193-X

374 PRINCE 21 75.00 MC

VALIDATION OR SIGNATURE OF CASHIER

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

No. 73377

DATE July 7, 1978 ACCOUNT 91-662

AMOUNT \$5.00

RECEIVED FROM William Eugene Haskins, Jr., Valley Road, Stevenson, Md. 21153, Cash of Appeal on Case
FOR No. 78-193-X

374 PRINCE 20 5.00 MC

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Gerald W. Berg, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone for the following reasons:

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for, helicopter movement to Section 100.3C as accessory to existing dwelling.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser _____ Legal Owner _____
Address _____ Address Stevenson, Maryland 21153

G. Warren Mix, Petitioner's Attorney _____
Address 202 Loyola Federal Building
Towson, Maryland 21204

ORDERED BY THE Zoning Commissioner of Baltimore County, this 19th day of April, 1978, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of April, 1978, at 10:00 a.m.
Zoning Commissioner of Baltimore County.

(over)

Case No. 78-193-J (Item No. 130)

Gerald W. Berg

SE/corner of Greenspring Valley Road
and Old Valley Road - 3rd Election District

- ✓ 1. Copy of Petition
- ✓ 2. Copy of Description of Property
- ✓ 3. Copy of Certificate of Posting
- ✓ 4. Copy of Certificate of Publication (2)
- ✓ 5. Copy of Zoning Advisory Committee Comments
- ✓ 6. Copy of Comments from the Director of Planning
- ✓ 7. Planning Board Comments and Accompanying Map
- ✓ 8. Copy of Order to Enter Appearance, John W. Hession, III
- ✓ 9. Copy of Order - ~~Denial~~ Deputy Zoning Commissioner - C, with rev. 4/14/78
- ✓ 10. Copy of Plat of Property
- ✓ 11. 200' Scale Location Plan - site plan
- ✓ 12. 1000' Scale Location Plan
- ✓ 13. Memorandum in Support of Petition
- ✓ 14. Letter(s) from Protestants (5)
- ✓ 15. Letter(s) from Petitioner(s)
- ✓ 16. Protestants' Exhibits to _____
- ✓ 17. Petitioner's Exhibits 1 to 13 - Photographs - 4 x 6 Pictures
not mounted
as exhibits
(no map book
there)
- ✓ 18. Letters of Appeal (2)
- ✓ 19. Aerial Map
- ✓ 20. Aerial Map
- ✓ 21. IDCA Application and Approval Letter - 4/14/78

G. Warren Mix, Esquire
202 Loyola Federal Building
Towson, Maryland 21204
Counsel for Petitioner

Mr. Gerald W. Berg
Stevenson, Maryland 21153
Petitioner

Janald J. Appel, Esquire
1600 Maryland National Bank Building
Baltimore, Maryland 21202
Counsel for Protestants

Rec'd 4/24/78
11 A.M. - Board Meeting

Mr. Montgomery Lewis, Executive Director
Valleys Planning Council
212 Washington Avenue
Towson, Maryland 21204

Protestant

Harry Norman Reutter, Jr.
2217 Greenspring Valley Rd.
Stevenson, Maryland 21153

Protestant

Ernest Hilton Wright
2201 Greenspring Valley Road
Stevenson, Maryland 21153

Protestant

Clarence Eugene Kideckin, Jr.
2008 Greenspring Valley Road
Stevenson, Maryland 21153

Protestant

John W. Hession, III, Esquire

People's Counsel

James R. Dyer
Zoning Supervisor

Request Notification

RE: PETITION FOR SPECIAL EXCEPTION:
SE/corner of Greenspring Valley Road
and Old Valley Road - 3rd Election
District
Gerald W. Berg - Petitioner
NO. 78-193-J (Item No. 130)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Special Exception for a heliport (heliporter landing pad), as an accessory use to an existing dwelling, on three acres of land, more or less, at the southeast corner of Greenspring Valley Road and Old Valley Road, in the Third Election District of Baltimore County. The subject property is zoned R.C.2 and is in an area comprised chiefly of open farmland.

Testimony on behalf of the Petitioner indicated that he intends to acquire an Engstrom 90 horsepower helicopter, which he described as the quietest craft of its kind presently being manufactured in the United States, that he plans to use the machine for transportation to his business sites throughout the state, and that the frequency of such trips would be about three times per week. Counsel for the Petitioner called attention to similar rural aviation installations nearby, including two fixed-wing fields and a heliport.

Expert testimony offered by the Petitioner included that of Mr. William Collins of the State Aviation Administration, who stated that it was his opinion that the proposed approach to the heliport was safe, based upon both state and federal standards for such operations; a letter from Mr. Robert J. Aaronson, Administrator, State Aviation Administration, indicating that "approach and departure paths are good and will be over your property at the lower altitudes"; and testimony by Mr. Marshall Silverman, described as a horse trainer with 20 years experience, who stated that noises emanating from a helicopter have no lasting effect upon horses and present only minimal disturbance to them.

IDCA APPLICATION FOR SPECIAL EXCEPTION AND/OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, G. W. Berg, legal owner of the property situate in Baltimore County, the property outline of which is shown in scales, complete with bearings and distances on 200' x 200' map, which are attached hereto, hereby make application to file for a SPECIAL EXCEPTION to use the herein described property for _____.

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

GROSS SITE AREA 3.055 acres DEED REF. 100-47-1-153

GRAZING none % OF OVERALL SITE WILL REQUIRE GRADING.

REZONING from R.C.2 to R.C.2

GROUND FLOOR NA AREA 30' x 30'

NUMBER OF FLOORS NA TOTAL HEIGHT NA

FLOOR AREA RATIO - TOTAL FLOOR AREA DIVIDED BY SITE AREA - NA

BUILDING USE NA

GROUND FLOOR NA FLOORS NA

REQUIRED NUMBER OF PARKING SPACES

GROUND FLOOR NA OTHER FLOORS NA TOTAL NA

PAVING

AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES NA

(LARGE AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 300')

UTILITIES

WATER: Electric, Sewerage, Type of System: Public

SEWER: Electric, Sewerage, Type of System: Public

UTILITIES SECURITY APPROVAL: NA

I CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

G. W. Berg
SUBSCRIBER: G. W. Berg, Esq.
Towson, Md. 21204
825-1517

APPROVED: NA
DEPUTY ZONING COMMISSIONER

THE PLANNING BOARD HAS DETERMINED ON 1-19-78 THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION 22-101 OF THE BALTIMORE COUNTY ZONING LAW.

DATE APR 9 77 PM
IDCA FILE NO. 2 REVISED 5-15-77

FILED IN PLANNING & ZONING

Further testimony for the Petitioner was offered by several nearby residents who indicated that the use would not be disturbing to them.

Testimony in opposition to the Petition included representatives of the Valleys Planning Council, the Stevenson-Brooklandville Improvement Association, Inc., and a number of nearby residents and landowners. Objections in general included a desire to "preserve the rural character of the land", noise, an admitted fear of helicopters, possible distraction to motorists, danger to livestock, belief that helicopters are inherently unsafe, and possible danger during takeoffs and landings.

The Deputy Zoning Commissioner calls particular attention to the criteria for the granting of a Special Exception and to the fact that the Baltimore County Zoning Regulations clearly recognize the use in question under certain circumstances. In order to grant a Special Exception, the prerequisites of Section 302.1 of the Baltimore County Zoning Regulations must be met. In the opinion of the Deputy Zoning Commissioner, this burden has been met by the Petitioner, and the Special Exception should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 25th day of April, 1978, that the Special Exception for a heliport should be and the same is GRANTED, from and after the date of this Order, subject to the following:

1. The number of round trip flights from the proposed heliport shall not exceed 14 per month.
2. Flight approaches shall be maintained over the approximately 4000 foot field represented by Exhibit No. 3.
3. The helicopters shall maintain an altitude of no less than 500 feet over all buildings and adjacent land.

4. Site plan approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning.

G. W. Berg
Deputy Zoning Commissioner of
Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SE corner of Greenspring Valley Rd. : OF BALTIMORE COUNTY
and Old Valley Rd., 3rd District
GERALD W. BERG, Petitioner : Case No. 78-193-X

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-entitled matter, under date of April 25, 1978, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that a copy of the foregoing Order was mailed this 23rd day of May, 1978 to G. Warren Mix, Esquire, 202 Loyola Federal Building, Towson, Maryland 21204; Gerald J. Appel, Esquire, 1600 Maryland National Bank Building, Baltimore, Maryland 21202; and Mr. Montgomery Lewis, Executive Director, Valleys Planning Council, 212 Washington Avenue, Towson, Maryland 21204.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Helistop : COUNTY BOARD OF APPEALS
SE corner Greenspring Valley Road : OF
and Old Valley Road : BALTIMORE COUNTY
3rd District : No. 78-193-X
Gerald W. Berg, :
Petitioner :

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner granting the requested special exception with restrictions. The testimony and evidence presented to the Board in this case consumed two court days and is hereafter briefly summarized.

The request is for a special exception to operate a "Helistop" on property owned by the Petitioner which is located in an R.C. 2 zone. The term "Helistop" is clearly defined in Section 101 of the Baltimore County Zoning Regulations. Under uses permitted by special exception in an R.C. 2 zone, "Helistop" is specifically noted in Subsection 1A01.2C13.

Question was raised at the outset of this hearing as to whether the Zoning Commissioner, Board of Appeals or any County authority whatsoever had the authority to consider such a request. It was noted that Bill 72-68, passed and adopted by the County Council, abolished the Director of Public Safety, who had been charged with the supervision of "Helistops". This authority was apparently never specifically reassigned, and People's Counsel contended that until the County Council corrected this legislative oversight no "Helistops" could be considered. However, Bill 98-75, establishing some new zoning classifications, was approved and enacted on November 7, 1975. Petitioner's property was zoned into one of these new classifications, R.C. 2. Subsection 1A01.2C13 specifically notes "Helistops" as a use permitted by special exception in an R.C. 2 zone.

The zoning process in Baltimore County charges the Zoning Commissioner with conducting a public hearing and rendering a decision on any matter covered by the Baltimore County Zoning Regulations and properly presented. The Board of Appeals is charged with conducting a "De Novo" hearing on any decision properly appealed from

494-3180

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

April 6, 1979

NOTICE OF ASSIGNMENT

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

CASE NO. 78-193-X

GERALD W. BERG
for SE - Helistop
SE corner Greenspring Valley & Old Valley Rd.
3rd District
4/25/78 - D.Z.C. GRANTED SE, subj.to restrictions

ASSIGNED FOR:

cc: G. Warren Mix, Esquire Counsel for Petitioner
Mr. Gerald W. Berg Petitioner
Gerald J. Appel, Esquire Counsel for Protestants
Mr. Montgomery Lewis, Ex. Dir. Protestants
Valleys Planning Council
Mr. Harry Norman Boetjer, Jr.
Mr. Ernest Hilton Wright
Mr. Clarence Eugene Elderkin, Jr.
John W. Hession, III, Esquire People's Counsel
Mr. J. E. Dyer
Mr. S. E. DiNenna
Mr. L. H. Groef
Board of Education
Mrs. Carol Beresh

Edith T. Eisenhart, Adm. Secretary

Gerald W. Berg - #78-193-X

on Order of the Zoning Commissioner. The Board felt that the reasonable intent of Bill 98-75 was that all items covered specifically in this Bill would follow this normal process, and thus heard the case in its entirety.

The Petitioner presented six witnesses in support of the granting of this special exception. Mr. William Collins, an airport engineer, testified that he visited the site and actually flew from it in Mr. Berg's helicopter. He testified that this site meets all State safety requirements. He also testified that under all State requirements, safety or otherwise, this site would be approved. Mr. Gerald Berg testified as to the use for this "Helistop" if approved. He stated that the helicopter was to be used for both pleasure and in conjunction with his own business, and that the average number of trips per week would be two or three. He also testified that coming or going to or from the proposed "Helistop" pad does not require flight over or near homes or occupied areas but purely farm land. He answered all parts of Section 502.1 of the Baltimore County Zoning Regulations negatively. Mr. Marshall Silverman, a licensed race horse trainer for 21 years, testified that normal helicopter flights over horses in pastures had no effect on them whatever. Mr. Joseph Ganev, who resides 100 yards west of the proposed pad, testified he had no objections to the proposed use and stated that when inside his home he could not hear the helicopter. Mrs. Duini Trisco who lives two blocks from the proposed site testified she had no objections to the proposed use. Mr. Arnett Thayer, who resides near Mrs. Briscoe, also testified he had no objections to the proposed use. All three residents answered all parts of Section 502.1 negatively. This concluded the Petitioner's case.

Two witnesses testified before the Board in opposition to the granting of this special exception. Mr. Harry Boetjer, Jr., who resides at Valley Road and Park Heights Avenue, testified that he was opposed to the helistop and its operation. He feared that granting this special exception would create hazards and uses not compatible with this rural area. Mr. Clarence Elderkin, Jr., who resides at 2008 Greenspring Valley Road, also testified in opposition to granting this special exception. He stated that his main

494-3180

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204
September 20, 1979

NOTICE OF ASSIGNMENT

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

CASE NO. 78-193-X

GERALD W. BERG
SE - For Helistop
SE corner Greenspring Valley Road
and Old Valley Road
3rd District

ASSIGNED FOR:

cc: G. Warren Mix, Esq. Counsel for Petitioner
Mr. Gerald W. Berg Petitioner
Gerald J. Appel, Esq. Counsel for Protestants
Mr. Montgomery Lewis Protestants
Mr. Harry N. Boetjer, Jr.
Mr. Ernest H. Wright
Mr. Clarence E. Elderkin, Jr.
John W. Hession, III, Esq. People's Counsel
Mr. James E. Dyer Zoning
Mr. William Hammond Zoning
Mr. John Seyffert Planning
Mr. James Howell Planning
Board of Education
Mrs. Carol Beresh

June Holmen
County Board of Appeals

Gerald W. Berg - #78-193-X

feared was that any malfunction of the machine could cause it to fall onto occupied areas and felt that a real danger from this existed. He also felt the proposed use not to be compatible with the rural atmosphere of the area. This concluded the Protestants' case. The Baltimore County Zoning Regulations clearly recognize the use of R.C. 2 zoned land for a "Helistop" by special exception. In order to grant the special exception as requested, all prerequisites of Section 502.1 must be met. In the opinion of this Board all of these requirements have been met, and the special exception should be granted. The Board would emphasize that this special exception is for a "Helistop" and not a "Helipad". As defined in Section 101 of the Regulations, "Helistop" is strictly a private use and "Helipad" is a commercial use.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of October, 1980, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated April 25, 1978, is affirmed, and that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. The number of round trip flights from the proposed helistop shall not exceed 14 per month.
2. Flight approaches shall be maintained over the approximately 4000 foot field represented by Petitioner's Exhibit No. 3.
3. The helicopters shall maintain an altitude of no less than 500 feet over all buildings and adjacent land.
4. Site plan approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning.

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204
November 2, 1979

NOTICE OF ASSIGNMENT

(CONTINUED)

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. 78-193-X

GERALD W. BERG
SE - For Helistop
SE corner Greenspring Valley Road and
Old Valley Road
3rd District

ASSIGNED FOR:

cc: G. Warren Mix, Esq. Counsel for Petitioner
Mr. Gerald W. Berg Petitioner
Mr. Montgomery Lewis Protestants
Mr. Harry N. Boetjer, Jr.
Mr. Ernest H. Wright
Mr. Clarence E. Elderkin, Jr.
John W. Hession, III, Esq. People's Counsel
Mr. James E. Dyer Zoning
Mr. William Hammond
Mr. James Howell Planning
Board of Education
Mrs. Carol Beresh

June Holmen, Secretary
County Board of Appeals

Gerald W. Berg - #78-193-X

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman
Patricia Millhouse
Patricia Millhouse

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SE corner of Greenspring Valley Rd. and : OF BALTIMORE COUNTY
Old Valley Rd., 3rd District
GERALD W. BERG, Petitioner : Case No. 78-193-X

ORDER TO ENTER APPEARANCE

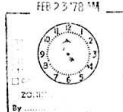
Mr. Commissioner:

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

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

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

I HEREBY CERTIFY that on this 23rd day of February, 1978, a copy of the foregoing Order was mailed to G. Warren Mix, Esquire, 202 Loyola Federal Building, Baltimore, Maryland 21204, Attorney for Petitioner.



PETITION FOR SPECIAL EXCEPTION - HELISTOP : BEFORE THE COUNTY BOARD OF APPEALS
GERALD W. BERG, Petitioner : Case No. 78-193-X

MEMORANDUM OF LAW

The Petitioner, Gerald W. Berg, has heretofore been granted a Special Exception for a helistop located at the southeast corner of Greenspring Valley Road and Old Valley Road in the Third Election District of Baltimore County. The Special Exception was granted by the Deputy Zoning Commissioner on April 25, 1978, and from the granting of said Special Exception an Appeal has been taken to the County Board of Appeals.

A hearing was held before the Board of Appeals on November 1, 1979, at which time no final decision was rendered and the case was continued until December 19, 1979. At the hearing held before the Board of Appeals on November 1, 1979, People's Counsel raised the issue that in the definition of a helistop there is language referring to authorization by the Director of Public Safety. The position formerly known as the Director of Public Safety has been abolished and, therefore, the People's Counsel questions the authority of the Zoning Commissioner and/or the Board of Appeals to grant any helistop in view of the fact that it can no longer be authorized by the Director of Public Safety. This Memorandum of Law is directed to that issue and solely to the question of whether or not a helistop can now be granted.

Bill No. 72, 1968, of the County Council for Baltimore County abolished the office of the Director of Public Safety. Prior to said abolishment, the Director of Public Safety and

the Department of Public Safety were authorized under the Baltimore County Charter and was specifically codified as sections 534, 535 and 536 of the Baltimore County Charter. Section 535 provides as follows:

"Section 535, Functions and Duties of the Department of Public Safety.

The department of public safety shall be responsible for the administration of the affairs of the police department, the fire department, the county jail, and the civil defense agency, which shall hereafter be designated and known as the police bureau, the fire bureau, the jail bureau, and the civil defense bureau, respectively. The department of public safety shall be responsible for traffic safety and engineering, the control of air pollution, and shall have and perform such other duties and functions as may from time to time be assigned thereto by directive of the county administrative officer or by legislative act of the county council."

Bill No. 85, 1967, of the County Council of Baltimore County provided the definition for a helistop and at the same time gave the authorization to the Director of Public Safety. This authorization was previously governed under section 535 of the Charter when it refers to "shall perform such other duties and functions as may from time to time be assigned thereto..." by legislative act of the County Council."

Bill No. 72, 1968, which abolished the office of Director of Public Safety as well as the Department of Public Safety, designated certain departments who were to administer the various duties and functions of the Director and/or Department of Public Safety. The Chief of Police, which is now found in section 541 of the Charter, "shall administer the Police Department and shall also be responsible for the administration of the affairs of the jail bureau and the bureau of civil defense, and who shall have and perform such other duties and functions as may from time to time be assigned thereto by the Director of the County Administrative Office or by legislative act of the County Council." The Fire Chief

-2-

shall administer the Fire Department, whereas the Director of Traffic Engineering became the person responsible to administer traffic engineering for Baltimore County." This is the only department, which is now known as the Department of Traffic Engineering, as codified in sections 534 and 535 of the Charter, which could possibly refer to a similar authorization as that held by Director of Public Safety concerning helistops. However, section 535 of the Charter provides:

"The department of traffic engineering shall be responsible for traffic safety and engineering and is hereby granted full power and authority and directed to promulgate and adopt such rules and regulations relating to the standing or parking of motor vehicles and the movement of vehicular and pedestrian traffic as may be necessary or desirable to create and maintain the safe and expeditious movement of traffic throughout Baltimore County."

"The department of traffic engineering shall also have and perform such other duties and functions as may be from time to time assigned thereto by directive of the county administrative officer or by legislative action of the county council."

There has not been any specific department designated to handle the authorization of helistops since the abolishment of the Director of Public Safety. However, it is equally apparent that in no way did Bill No. 72, 1968, abolish or repeal such authorizations of helistops and/or helistops. The Zoning Regulations of Baltimore County provide for helistops and helistops as they are defined in the general provisions section of the Baltimore County Zoning Regulations. The Baltimore County Zoning Regulations are administered and enforced by the Zoning Commissioner and/or Deputy Zoning Commissioner for Baltimore County. Said positions having been established by section 522 of the Baltimore County Charter. Section 22-23 of the Baltimore County Code, provides the authority for the granting of Special Exceptions by the Zoning Commissioner. That section provides:

"Subject to the appropriate principles, standards, rules, conditions and safeguards as set forth in the zoning regulations, the zoning commissioner may grant variances from area and

-3-

height regulations and may make special exceptions to the zoning regulations in harmony with their general purpose and intent; provided, that the issuance of all such special exceptions and variances shall be subject to appropriate principles, standards, rules, conditions and safeguards set forth in the zoning regulations, and that all decisions of the zoning commissioner with respect to such matters shall be subject to appeal to the board of appeals as provided in this article."

Section 500.2.a of the Baltimore County Zoning Regulations provides "that whenever a Petition is presented to the Office of Planning and Zoning for a zoning or district classification or for reclassification of a piece of property, or for a Special Exception, such Petition may be filed with the Zoning Commissioner only if it meets the Zoning Commissioner's rules of practice and procedure. The Zoning Commissioner has the authority to hold public hearings on said Special Exception and after such a hearing he shall pass his order granting or refusing such Special Exception."

The Special Exception for a helistop which has been requested by your Petitioner is located in an R.C.2 Zone. A Special Exception for a helistop is permitted in an R.C.2 Zone under subsection 1A01.2C13. Such a Special Exception was established by Bill No. 98-75, which bill amended the Baltimore County Zoning Regulations establishing four (4) new zoning classifications and permitting such a Special Exception as has been requested by your Petitioner. Again, these sections of the Baltimore County Zoning Regulations are administered and enforced by the Office of the Zoning Commissioner. In view of the fact that Bill No. 98-75 was passed seven (7) years after the abolishment of the Director of Public Safety, it can be strongly inferred that the abolishment of the Director of Public Safety is in no way meant to also abolish all helistops in Baltimore County.

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There are existing helistops in Baltimore County, and very recently another helistop has been established at St. Joseph's Hospital. There cannot be an exception to the rule in the granting of one helistop and not another provided the Petitioner seeking the helistop meets those requirements and the burden of proof pursuant to section 502.1 of the Baltimore County Zoning Regulations.

Respectfully Submitted,
G. Warren Mix
G. Warren Mix
TURNBULL, MIX & FARMER
Attorneys for Petitioner

I HEREBY CERTIFY that on this 23rd day of December, 1979, a copy of the foregoing Memorandum of Law was hand delivered to John W. Hessian, III, People's Counsel, 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

G. Warren Mix
G. WARREN MIX

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
SE corner of Greenspring Valley Road : COUNTY BOARD OF APPEALS
and Old Valley Road :
3rd District : OF
BALTIMORE COUNTY
GERALD W. BERG, :
Petitioner : Case No. 78-193-X

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner granting the requested special exception with restrictions. The testimony and evidence presented to the Board in this case consumed two court days and is hereafter briefly summarized.

The request is for a special exception to operate a "Helistop" on property owned by the Petitioner which is located in an R.C. 2 zone. The term "Helistop" is clearly defined in Section 101 of the Baltimore County Zoning Regulations. Under uses permitted by special exception in an R.C. 2 zone, "Helistop" is specifically noted in Subsection 1A01.2C13.

Question was raised at the outset of this hearing as to whether the Zoning Commissioner, Board of Appeals or any County authority whatsoever had the authority to consider such a request. It was noted that Bill 72-68, passed and adopted by the County Council, abolished the Director of Public Safety, who had been charged with the supervision of "Helistops". This authority was apparently never specifically reassigned, and People's Counsel contended that until the County Council corrected this legislative oversight no "Helistops" could be considered. However, Bill 98-75, establishing some new zoning classifications, was approved and enacted on November 7, 1975. Petitioner's property was zoned into one of these new classifications, R.C. 2. Subsection 1A01.2C13 specifically notes "Helistops" as a use permitted by special exception in an R.C. 2 zone.

The zoning process in Baltimore County charges the Zoning Commissioner with conducting a public hearing and rendering a decision on any matter covered by the Baltimore County Zoning Regulations and properly presented. The Board of Appeals is charged with conducting a "De Novo" hearing on any decision properly appealed from

Gerald W. Berg - #78-193-X

on Order of the Zoning Commissioner. The Board felt that the reasonable intent of Bill 98-75 was that all items covered specifically in this Bill would follow this normal process, and thus heard the case in its entirety.

The Petitioner presented six witnesses in support of the granting of this special exception. Mr. William Collins, an airport engineer, testified that he visited the site and actually flew from it in Mr. Berg's helicopter. He testified that this site meets all State safety requirements. He also testified that under all State requirements, safety or otherwise, this site would be approved. Mr. Gerald Berg testified as to the use for this "Helistop" if approved. He stated that the helicopter was to be used for both pleasure and in conjunction with his own business, and that the average number of trips per week would be two or three. He also testified that coming or going to or from the proposed "Helistop" pad does not require flight over any homes or occupied areas but purely farm land. He answered all parts of Section 502.1 of the Baltimore County Zoning Regulations negatively. Mr. Marshall Silverman, a licensed horse race trainer for 21 years, testified that normal helicopter flights over horses in pastures had no effect on them whatever. Mr. Joseph Conroy, who resides 100 yards west of the proposed pad, testified he had no objections to the proposed use and stated that when inside his home he could not hear the helicopter. Mrs. Duini Briscoe who lives two blocks from the proposed site testified she had no objection to the proposed use. Mr. Arnett Thayer, who resides near Mrs. Briscoe, also testified he had no objections to the proposed use. All three residents answered all parts of Section 502.1 negatively. This concluded the Petitioner's case.

Two witnesses testified before the Board in opposition to the granting of this special exception. Mr. Harry Boelger, Jr., who resides at Valley Road and Park Heights Avenue, testified that he was opposed to the helistop and its operation. He feared that granting this special exception would create hazards and was not compatible with this rural area. Mr. Clarence Eldeskin, Jr., who resides at 2008 Greenspring Valley Road, also testified in opposition to granting this special exception. He stated that his main

-5-

feared that any malfunction of the machine could cause it to fall onto occupied areas and felt that a real danger from this existed. He also felt the proposed use not to be compatible with the rural atmosphere of the area. This concluded the Protestants' case.

The Baltimore County Zoning Regulations clearly recognize the use of R.C. 2 zoned land for a "Helistop" by special exception. In order to grant the special exception as requested, all prerequisites of Section 502.1 must be met. In the opinion of this Board all of these requirements have been met, and the special exception should be granted. The Board would emphasize that this special exception is for a "Helistop" and not a "Helipad". As defined in Section 101 of the Regulations, "Helistop" is strictly a private use and "Helipad" is a commercial use.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of October, 1980, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated April 25, 1978, is affirmed, and that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. The number of round trip flights from the proposed helistop shall not exceed 14 per month.
2. Flight approaches shall be maintained over the approximately 4000 foot field represented by Petitioner's Exhibit No. 3.
3. The helicopters shall maintain an altitude of no less than 300 feet over all buildings and adjacent land.
4. Site plan approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

John Millhouse
John Millhouse

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 484-2851

January 24, 1978

S. ERIC DINNIA
ZONING COMMISSIONER

G. Warren Mix, Esq.
22 W. Park Ave.
Towson, Md. 21204

RE: Interim Development Control
Act (IDCA) Application #77-62-X
Gerald W. Berg - Petitioner

Dear Sir:

Please be advised that your IDCA application for a Helistop hearing was approved by the Planning Board on January 19, 1978 and you may now file your petitions, plans, and descriptions in accordance with the Zoning Commissioner's rules for filing. Special Exception

In order to assist you, we are enclosing a copy of the Zoning Commissioner's rules for filing and petition forms to be completed by you.

Petitions, Plans, and descriptions Very truly yours,
already filed in the Zoning Dept.

S. Eric Dinnia
S. ERIC DINNIA
Zoning Commissioner

SED/JED/saw

Enclosure

OBER, GRIMES & SHRIVER ATTORNEYS AT LAW

1400 MARLBOROUGH BUILDING, BALTIMORE
BALTIMORE, MARYLAND 21202

Telephone (301) 685-1000
Cable Address "Terror"

Telex 8-7774

Washington, D.C. Office
1725 K Street, N.W.

Washington, D.C. 20006

Telephone (202) 638-2400

Cable Address "Terror"

Telex 8-7774

March 14, 1978

Mr. George J. Martinak
Deputy Zoning Commissioner
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Gerald W. Berg - Special Exception
for a Helistop

Dear Mr. Martinak:

As you requested, I am enclosing a Xerox copy of the minutes of the General Meeting of the Stevenson-Brooklandville Improvement Association which took place on January 25, 1978. All dues-paying members of the Association were mailed a notice of the meeting well in advance and a quorum was present.

If you require any further information, please let me know.

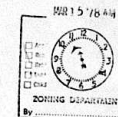
Respectfully,

Gerald J. Ober
Gerald J. Ober

JJO:all

Enc.

cc: G. Warren Mix, Esquire (with enclosure)



STEVENSON-BROOKLANDVILLE IMPROVEMENT ASSOCIATION, INC.

GENERAL MEETING

January 25, 1978

The meeting was called to order by George Stewart at 8:15 p.m. at the Stevenson Methodist Church. There were 25 members present. George began by mentioning that our Association has been very responsive to the far reaching needs of the Community and though we are not overly aggressive, we have played a major role in controlling the overdevelopment of the area.

The question of defining the boundaries of the Association was raised. The By-Laws state the Association has been organized as follows:

Northern Boundary: North ridge of the GreenSpring Valley
Southern Boundary: South ridge of the GreenSpring Valley
Eastern Boundary: Falls Road (including all property abutting the east side of Falls Rd.)
Western Boundary: Park Heights Avenue (including all property abutting the west side of Park Heights Avenue)

The Treasurer's Report was presented by Bill Brewster. To date there is \$3,289.00 in the Savings Account and \$369.00 in the Checking Account. The income over the past year was \$677.00 and the expenditures were \$1,600.00. It was decided to raise the annual dues from \$6.00 to \$8.00 in light of the fact that our expenses far outweighed our income during the past year. We would like to continue to maintain a respectable cash reserve and thus be recognized as a stable force in the Community.

Jim Price, Chairman of the Nominating Committee, introduced the following slate of Officers:

President John Beckley
1st Vice-President Jerry Oppel
2nd Vice-President Robert Vogel
Secretary Theo Bynalme
Treasurer William Brewster

Directors:
Edward Hone
Leona North
Jenny Katz
Clifford Silbiger
William G. Stewart

Past Presidents:
George D. Stewart
W. James Price
Ira B. Palmer, Jr.
Clarence Elderkin
Howard Baetjer, II

Tout Prosidents (cont'd):

Philip Schmoring
Bernard Schless
Warren A. Burdette
Harry C. Quast

The meeting was then chaired by John Beckley.

CLARK PROPERTY: Jim Piper announced that the Clark Property has been purchased and that it will remain undivided.

VALLEY HEIGHTS PROPERTY: Jerry Oppel announced that the dispute over the Valley Heights development has been settled. Of the 127 units only 85 will be developed. Additionally, buffer zones abutting neighboring properties will be developed. The Maryland Environmental Trust. One major result of the suit by the neighbors of the Valley Heights project is the more stringent regulations concerning water testing, control and well performance standards.

FORT GARRISON SCHOOLS: Jerry Oppel also informed us that there is a possibility that the Fort Garrison Elementary School will be closed. He strongly suggested that those who would be affected by this should write to the County School Board.

MEMBERSHIP COMMITTEE: Bill Stewart will chair a drive for new members.

SEWER SYSTEM FOR ST. PAUL SCHOOL: The St. Paul School has made arrangements to hook a private sewer line across Falls Road into the existing public sewer system. Jim Price has heard that the County will not approve this hookup unless the Valley's Planning Council puts its stamp of approval on the system. Mr. Price feels that there is no threat of additional taps into this line.

TRAFFIC PATROLS AT STEVENSON ROAD AND SHOOTING LANE: The Association feels that the County and Mr. Bencis must be made aware of the previous situation that exists at the narrowing on Stevenson Road. We feel that it is irresponsible to wait until a serious or even fatal accident occurs before something is done. Jean Oppel, Max Hone and Gloria Lewenson volunteered to write to the County concerning the problem.

HELICOPTER LANDING PAD: Mr. Gerald Berg has applied for a permit to construct a landing pad for his helicopter. The Association voted to go on record as being opposed to the building of the landing pad by Mr. Berg or by any other persons or corporations.

SHOW AND PARKING: Those in attendance require 11 neighbors to be considerate of others and the problems encountered because of cars not being parked properly or being left on the street and impeding the normal flow of traffic. This is particularly important to those persons living north of GreenSpring Valley Road and using Stevenson Road.

NATIONAL REGISTER: The GreenSpring Valley could be protected and preserved if the area were included on the National Register. Leona North made brief mention of this and will pursue the possibilities in greater depth.

- 3 -

GENERAL MEETING

If any member is interested, a subscription to the Valley's Planning Council Newsletter can be obtained by paying dues of \$10.00. Their address is:

Valley's Planning Council
212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21204

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Thea Bynalme

Edna Ambler Sparks
Edna Ambler Sparks



Mr. George Martinak
Mr. George Martinak
Deputy Zoning Commissioner
Towson, Md. 21204

Dear Commissioner:

Although I am not a party to the Berg Helistop case, I urge a denial of his request. To allow his petition would be a dangerous precedent to set in every residential zone.

In addition to concerns of safety, pollution and noise, interference with the right of privacy would be a major consideration.

There is no reason why all flying objects should not be restricted to the airport. Mr. Berg should drive to the nearest one where his helicopter should be kept.

It is also apparent that any person testifying in behalf of Mr. Berg is not paid off.
No hope for your denial of the request.
Sincerely,
Edna Ambler Sparks

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21204
VALLEY 8-7807

March 13, 1978

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

Re: Petition for Special Exception for
Helipad, Greenspring Valley Road;
#78-198-X

Dear Mr. DiNenna:

We understand that Mr. Gerald W. Berg has applied for a Special Exception to use a portion of his property at Greenspring Valley and Old Valley Roads as a helipad and that, further, a hearing has been scheduled for tomorrow to air this request. We ask that this letter become a part of the records of said hearing.

Our organization, made up in great numbers by neighbors of Mr. Berg, is unalterably opposed to granting of this application. In our opinion, operation of helicopter traffic to and from this location would create an oppressive amount of noise, could result in visual distraction to motorists, on the particularly dangerous section of Valley Road fronting Berg's property, and would result in needless danger to nearby residences and livestock along the Valley floor. The proposed use is, moreover, totally out of keeping with the rural residential character of the Greenspring Valley, a factor which, with aligned organizations and County planners, have sought so long to preserve.

We urge you to deny this request.

Sincerely yours,

Montgomery Lewis
Montgomery Lewis
Executive Director

MJ/ee

OBER, GRIMES & SHRIVER

ATTORNEYS AT LAW
1800 BALTIMORE NATIONAL BANK BUILDING
BALTIMORE, MARYLAND 21204

February 17, 1978

Mrs. B. Anderson
Room 113
Baltimore County Office Building
Towson, Maryland 21204

Dear Mrs. Anderson:

This will confirm your conversation yesterday with Robert B. Kershaw of this office that we represent The Stevenson-Brooklandville Improvement Association, Inc. and several neighbors who strongly oppose Gerald W. Berg's application for a special exception to operate a helipad on his Greenspring Valley Road property.

Please send us a copy of the application for special exception and all materials and documents pertinent to this matter, as well as notification of the time and place of the hearing.

Thank you for your kind attention in this matter.

Very truly yours,

John W. Ober
John W. Ober
Attorney at Law

JO:all
cc: Mr. C. Elderkin, Jr.
cc: Mr. Ira B. Fader
cc: John W. Beckley, Esquire

FEBRUARY 27 1978

Mr. Gerald W. Berg
Green Spring Valley Road & Old Valley Road
Stevenson, Maryland 21153

Dear Mr. Berg:

At your request, a representative of this Administration inspected the site of a proposed private use helipad at Stevenson, Maryland.

The helipad would be located in an open turf area south of your residence, at latitude 39° 24' 40" and longitude 76° 43' 10". Approach and departure paths are good and will be over your property at the lower altitudes.

In view of this and since the Federal Aviation Administration by letter of January 31, 1978 has determined that no airspace conflict results from helicopter operations at this location, the site is approved for a private use helipad. This approval does not prevent or waive any local laws or regulations concerning the establishment of helipads.

Sincerely,

Robert J. Aaronson
Robert J. Aaronson
Administrator

RJA:ldh

cc: Baltimore County
Planning & Zoning

PETITIONER'S
EXHIBIT 14

TO DATE 1:30 PM 3/15
COM 3/22
DATE 3/21

Response to telephone request from Don Cocker (pilot to Berg)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

March 3, 1978

cc: Nicholas B. Commodari
Chairman

G. Warren Mix, Esquire
202 Loyola Federal Building
Towson, Maryland 21204

RE: Special Exception Petition
Item Number 130
Petitioner - Gerald Berg

Dear Mr. Mix:

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 Commissioners with recommendations as to the suitability of the requested zoning.

This three-plus acre site, located on the southeast corner of Old Valley and Greenspring Valley Roads, is presently improved with a single family residence. The surrounding land is zoned R.C. 2, as is this property, and consists of rural farm land. As you are aware, your client's proposed helipad on this property was the subject of a previous zoning violation hearing, C-75-134-V, in which the Deputy Zoning Commissioner determined that the use was illegal without obtaining a Special Exception; hence this hearing. Since the proposed helipad is located closer than 500 feet to any property line, particular attention should be afforded the definition of same, which is stated in Section 101 of the Baltimore County Zoning Regulations.

G. Warren Mix, Esquire
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Item Number 130
March 3, 1978

At the time of this writing, the comments from the Office of Current Planning and Development were not available. It is suggested that you personally contact Mr. John Winkley at 494-3335 for his comments on this request.

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,

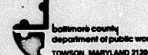
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: Mr. Jerome Shuman
8780 Byron Road
Pikesville, Maryland 21208

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3-10 Date of Posting: MAR 24 1978
Posted for: Petition For Special Exception
Petitioner: Gerald W. Berg
Location of property: SE COR. OF GREENSPRING VALLEY RD. AND OLD VALLEY RD.
Location of Sign: SE COR. OF GREENSPRING VALLEY RD. AND OLD VALLEY RD.
Remarks: [Signature]
Posted by: [Signature] Date of return: MARCH 3, 1978



THOMSON M. MOURING, P.E.
DIRECTOR

February 7, 1978

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

Re: Item #130 (1977-1978)
Property Owner: Gerald W. Berg
5/6 cor. Greenspring Valley Rd. & Old Valley Rd.
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for a helipad
(IDCA 77-61X)
Across: 3.035 District: 3rd

Dear Mr. DiNenna:

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

General:

Comments were supplied for this property for Project IDCA No. 77-61X.

Highways:

Greenspring Valley Road (Md. 130) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Old Valley Road, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a 30-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

Sediment Control:

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

Storm Drains:

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

Item #130 (1977-1978)
Property Owner: Gerald W. Berg
Page 2
February 7, 1978

Storm Drainage (Cont'd)

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

A drainage and utility easement is required through this property.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is using private cesses facilities. This property is beyond the Urban-Rural Demarcation Line and in an area designated "No Planned Service" on the Baltimore County Water and Sewerage Plans W-16A and S-16A, as amended.

Very truly yours,

Edmund M. Diver, P.E.
EDMUND M. DIVER, P.E.
Chief, Bureau of Engineering

END:EAH/PWR:es

CC: D. Grise
J. Somers

S-SW Key Sheet
42 NW 20 Pos. Sheet
NW 11 & Topo
68 Tax Map

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21204
(301) 464-2800
STEPHEN E. COLLINS
DIRECTOR

February 8, 1978

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

Item No. 130 - ZNC - December 27, 1977
Property Owner: Gerald W. Berg
Location: SE/C Greenspring Valley Rd. & Old Valley Rd.
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for a helistop (IDCA 77-61-X)
Acres: 3.035
District: 3rd

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested Special Exception for a helistop.

Very truly yours,

Michael S. Manigan
Michael S. Manigan
Traffic Engineer Associate

NNP/lms

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 #130, Zoning Advisory Committee Meeting of December 27, 1977.

Property Owner: Gerald W. Berg
Location: SE/C Greenspring Valley Rd. & Old Valley Rd.
Acres: 3.035
District: 3rd

Since the proposed helistop will not be constructed in the center of the water tank or sewage disposal system and the sewage disposal system appears to be functioning properly, no health hazards are anticipated.

Very truly yours,

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

SEC 35 118

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

Attention: *Edmund M. Diver*
Zoning Advisory Committee

Re: Property Owner: Gerald W. Berg

Location: SE/C Greenspring Valley Rd. & Old Valley Rd.

Item No. 130 Zoning Agency Meeting of 12/27/77

Gentlemen:

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

1. Fire hydrants for the referenced property are required and shall be located at intervals or 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 _____ within the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
6. Site plans are approved as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John J. Kelly*
Planning Group
Special Inspection Division

Noted and Approved: *George M. McGehee*
Fire Prevention Bureau

Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21204
(301) 464-2800
JOHN D. SEVIER
DIRECTOR

January 6, 1978

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

Dear Mr. DiNenna:

Comments on Item #130 Zoning Advisory Committee Meeting, December 27, 1977 are as follows:

Property Owner: Gerald W. Berg
Location: SE/C Greenspring Valley Road & Old Valley Road
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for a helistop (IDCA 77-61-X)
Acres: 3.035
District: 3rd

The items checked below are applicable:

- ☒ A. Any proposed structure shall conform to Baltimore County Building Code (BCBC) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A building permit shall be required before 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. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Plans Review Chief
(301) 464-2800

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: December 28, 1977

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

RE: Item No. 130
Property Owner: Gerald W. Berg
Location: SE/C Greenspring Valley Rd. & Old Valley Rd.
Present Zoning: R.C. 2
Proposed Zoning: Special Exception for a helistop (IDCA 77-61-X)

Z.A.C. Meeting of: December 27, 1977

District: 3rd
No. Acres: 3.035

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

JOSEPH M. MCGOWAN, CLERK
T. HAYARD WILLIAMS, JR., VICEPRESIDENT
HARVEY M. BOYDANCE

JOHN H. BOWEN
HARVEY M. BOYDANCE
ROGER S. HATJEN

ALVIN LORANCE
HARVEY M. BOYDANCE
RICHARD T. TRACY, D.M.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: March 13, 1978
FROM: Leslie H. Groff, Director of Planning
Item #130
SUBJECT: Petition 78-193-X, Petition for Special Exception for a Helistop
Southeast corner of Greenspring Valley Road and Old Valley Road
Petitioner - Gerald W. Berg

3rd District

HEARING: Tuesday, March 14, 1978 (10:00 A.M.)

It is the opinion of this office that the proposed use would be an inappropriate one for this area.

Leslie H. Groff
Leslie H. Groff
Director of Planning

LHG:JGH

HAND DELIVERED

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Stevenson, Maryland 21153
May 24, 1978

Re: Petition for Special
Exception SE/Corner of
Greenspring Valley Road
and Old Valley Road -
3rd Election District
Gerald W. Berg - Petitioner
NO. 78-193-X (Item No. 130)

Gentlemen:

We the undersigned, wish to appeal from the Order of the Deputy Zoning Commissioner in the above-captioned matter dated April 25, 1978. We feel that the granting of the special exception is adverse to our general welfare, safety and health. The names and addresses of the appellants are listed as follows:

Harry Norman Baetjer, Jr.
Jean Hook Baetjer
2217 Greenspring Valley Road
Stevenson, Maryland 21153

Ernest Hilton Wright
Charlotte Simpson Wright
2301 Greenspring Valley Road
Stevenson, Maryland 21153

Clarence Eugene Elderkirk, Jr.
Helen Chittum Elderkirk
3038 Greenspring Valley Road
Stevenson, Maryland 21153

Also enclosed is a check in the amount of \$70.00, made payable to Baltimore County, Maryland, said check constituting the Fee for Appeal.

Sincerely,

Harry Norman Baetjer, Jr.
Harry Norman Baetjer, Jr.

Jean Hook Baetjer
Jean Hook Baetjer

4/6/79 - Notified of appeal hearing scheduled for WEDNESDAY, JUNE 6, 1979 at 10 a.m.

G. Warren Mix, Esq.
Mr. Gerald W. Berg
Jerald J. Oppel, Esq.
Mr. Montgomery Lewis
Harry Norman Baerger, Jr.
Mr. Ernest Hilton Wright
Mr. Clarence Eugene Elderkin, Jr.
John W. Hession, III, Esq.

4/20/79 - Postponed at
request of W. Mix, Esq.

9/20/79 - Above notified of appeal hearing scheduled for THURSDAY, NOVEMBER 1, 1979 at 10 a.m.

11/1/79 - Above notified of CONTINUED HEARING set for WEDNESDAY, DECEMBER 19, 1979 at 9 a.m.

for the purpose of having testimony from Mr. Elderkin and an expert on noise, if Mr. Hession determines this necessary.

494-3180

County Board of Appeals

Room 219, Court House

Towson, Maryland 21204

October 7, 1980

Mr. Harry Norman Baerger, Jr.
2217 Greening Valley Road
Stevenson, Md. 21153

Re: Case No. 78-193-X
Gerald W. Berg

Dear Mr. Baerger:

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 E. Elmhurst
Edith E. Elmhurst, Adm. Secretary

Encl.

cc: Mr. Ernest Hilton Wright
Mr. Clarence Eugene Elderkin, Jr.
G. Warren Mix, Esquire
Mr. Gerald W. Berg
Mr. Montgomery Lewis
John W. Hession, III, Esquire
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. J. Howell

County Council of Baltimore County Maryland

Legislative Session 1968, Legislative Day No. 14

BILL NO. 122

Introduced by Mr. Bartenefer, (D), Councilman
(By request of the County Executive)

By Law County Council, October 7, 1968.

A BILL

Entitled

AN ACT, To implement the provisions of Sections 504, 534, 535, 541 and 542 of the Baltimore County Charter as proposed to be amended or added by Bill No. 72, 1968, by the County Council of Baltimore County, Maryland, and to provide that this Bill shall take effect at the same time as the said Bill No. 72, 1968, if said previous Bill is to be adopted by the voters of Baltimore County, by repealing and re-enacting with amendments Sections 18-10, 18-11, 18-12, 18-13, 18-14, 18-15, 18-16, 18-17, 18-18, 18-20, 18-21, 18-22, 18-23, 18-24, 18-25, 18-26, 18-27, 18-28, 18-29, 18-30, 18-31, 18-32, 18-33, 18-34, 18-35, 18-36, 18-37, 18-38, 18-39, 18-40, 18-41, 18-42, 18-43, 18-44, 18-45, 18-46, 18-47, 18-48, 18-49, 18-50, 18-51, 18-52, 18-53, 18-54, 18-55, 18-56, 18-57, 18-58, 18-59, 18-60, 18-61, 18-62, 18-63, 18-64, 18-65, 18-66, 18-67, 18-68, 18-69, 18-70, 18-71, 18-72, 18-73, 18-74, 18-75, 18-76, 18-77, 18-78, 18-79, 18-80, 18-81, 18-82, 18-83, 18-84, 18-85, 18-86, 18-87, 18-88, 18-89, 18-90, 18-91, 18-92, 18-93, 18-94, 18-95, 18-96, 18-97, 18-98, 18-99, 19-00, 19-01, 19-02, 19-03, 19-04, 19-05, 19-06, 19-07, 19-08, 19-09, 19-10, 19-11, 19-12, 19-13, 19-14, 19-15, 19-16, 19-17, 19-18, 19-19, 19-20, 19-21, 19-22, 19-23, 19-24, 19-25, 19-26, 19-27, 19-28, 19-29, 19-30, 19-31, 19-32, 19-33, 19-34, 19-35, 19-36, 19-37, 19-38, 19-39, 19-40, 19-41, 19-42, 19-43, 19-44, 19-45, 19-46, 19-47, 19-48, 19-49, 19-50, 19-51, 19-52, 19-53, 19-54, 19-55, 19-56, 19-57, 19-58, 19-59, 19-60, 19-61, 19-62, 19-63, 19-64, 19-65, 19-66, 19-67, 19-68, 19-69, 19-70, 19-71, 19-72, 19-73, 19-74, 19-75, 19-76, 19-77, 19-78, 19-79, 19-80, 19-81, 19-82, 19-83, 19-84, 19-85, 19-86, 19-87, 19-88, 19-89, 19-90, 19-91, 19-92, 19-93, 19-94, 19-95, 19-96, 19-97, 19-98, 19-99, 20-00, 20-01, 20-02, 20-03, 20-04, 20-05, 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, 20-39, 20-40, 20-41, 20-42, 20-43, 20-44, 20-45, 20-46, 20-47, 20-48, 20-49, 20-50, 20-51, 20-52, 20-53, 20-54, 20-55, 20-56, 20-57, 20-58, 20-59, 20-60, 20-61, 20-62, 20-63, 20-64, 20-65, 20-66, 20-67, 20-68, 20-69, 20-70, 20-71, 20-72, 20-73, 20-74, 20-75, 20-76, 20-77, 20-78, 20-79, 20-80, 20-81, 20-82, 20-83, 20-84, 20-85, 20-86, 20-87, 20-88, 20-89, 20-90, 20-91, 20-92, 20-93, 20-94, 20-95, 20-96, 20-97, 20-98, 20-99, 21-00, 21-01, 21-02, 21-03, 21-04, 21-05, 21-06, 21-07, 21-08, 21-09, 21-10, 21-11, 21-12, 21-13, 21-14, 21-15, 21-16, 21-17, 21-18, 21-19, 21-20, 21-21, 21-22, 21-23, 21-24, 21-25, 21-26, 21-27, 21-28, 21-29, 21-30, 21-31, 21-32, 21-33, 21-34, 21-35, 21-36, 21-37, 21-38, 21-39, 21-40, 21-41, 21-42, 21-43, 21-44, 21-45, 21-46, 21-47, 21-48, 21-49, 21-50, 21-51, 21-52, 21-53, 21-54, 21-55, 21-56, 21-57, 21-58, 21-59, 21-60, 21-61, 21-62, 21-63, 21-64, 21-65, 21-66, 21-67, 21-68, 21-69, 21-70, 21-71, 21-72, 21-73, 21-74, 21-75, 21-76, 21-77, 21-78, 21-79, 21-80, 21-81, 21-82, 21-83, 21-84, 21-85, 21-86, 21-87, 21-88, 21-89, 21-90, 21-91, 21-92, 21-93, 21-94, 21-95, 21-96, 21-97, 21-98, 21-99, 22-00, 22-01, 22-02, 22-03, 22-04, 22-05, 22-06, 22-07, 22-08, 22-09, 22-10, 22-11, 22-12, 22-13, 22-14, 22-15, 22-16, 22-17, 22-18, 22-19, 22-20, 22-21, 22-22, 22-23, 22-24, 22-25, 22-26, 22-27, 22-28, 22-29, 22-30, 22-31, 22-32, 22-33, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-40, 22-41, 22-42, 22-43, 22-44, 22-45, 22-46, 22-47, 22-48, 22-49, 22-50, 22-51, 22-52, 22-53, 22-54, 22-55, 22-56, 22-57, 22-58, 22-59, 22-60, 22-61, 22-62, 22-63, 22-64, 22-65, 22-66, 22-67, 22-68, 22-69, 22-70, 22-71, 22-72, 22-73, 22-74, 22-75, 22-76, 22-77, 22-78, 22-79, 22-80, 22-81, 22-82, 22-83, 22-84, 22-85, 22-86, 22-87, 22-88, 22-89, 22-90, 22-91, 22-92, 22-93, 22-94, 22-95, 22-96, 22-97, 22-98, 22-99, 23-00, 23-01, 23-02, 23-03, 23-04, 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, 23-11, 23-12, 23-13, 23-14, 23-15, 23-16, 23-17, 23-18, 23-19, 23-20, 23-21, 23-22, 23-23, 23-24, 23-25, 23-26, 23-27, 23-28, 23-29, 23-30, 23-31, 23-32, 23-33, 23-34, 23-35, 23-36, 23-37, 23-38, 23-39, 23-40, 23-41, 23-42, 23-43, 23-44, 23-45, 23-46, 23-47, 23-48, 23-49, 23-50, 23-51, 23-52, 23-53, 23-54, 23-55, 23-56, 23-57, 23-58, 23-59, 23-60, 23-61, 23-62, 23-63, 23-64, 23-65, 23-66, 23-67, 23-68, 23-69, 23-70, 23-71, 23-72, 23-73, 23-74, 23-75, 23-76, 23-77, 23-78, 23-79, 23-80, 23-81, 23-82, 23-83, 23-84, 23-85, 23-86, 23-87, 23-88, 23-89, 23-90, 23-91, 23-92, 23-93, 23-94, 23-95, 23-96, 23-97, 23-98, 23-99, 24-00, 24-01, 24-02, 24-03, 24-04, 24-05, 24-06, 24-07, 24-08, 24-09, 24-10, 24-11, 24-12, 24-13, 24-14, 24-15, 24-16, 24-17, 24-18, 24-19, 24-20, 24-21, 24-22, 24-23, 24-24, 24-25, 24-26, 24-27, 24-28, 24-29, 24-30, 24-31, 24-32, 24-33, 24-34, 24-35, 24-36, 24-37, 24-38, 24-39, 24-40, 24-41, 24-42, 24-43, 24-44, 24-45, 24-46, 24-47, 24-48, 24-49, 24-50, 24-51, 24-52, 24-53, 24-54, 24-55, 24-56, 24-57, 24-58, 24-59, 24-60, 24-61, 24-62, 24-63, 24-64, 24-65, 24-66, 24-67, 24-68, 24-69, 24-70, 24-71, 24-72, 24-73, 24-74, 24-75, 24-76, 24-77, 24-78, 24-79, 24-80, 24-81, 24-82, 24-83, 24-84, 24-85, 24-86, 24-87, 24-88, 24-89, 24-90, 24-91, 24-92, 24-93, 24-94, 24-95, 24-96, 24-97, 24-98, 24-99, 25-00, 25-01, 25-02, 25-03, 25-04, 25-05, 25-06, 25-07, 25-08, 25-09, 25-10, 25-11, 25-12, 25-13, 25-14, 25-15, 25-16, 25-17, 25-18, 25-19, 25-20, 25-21, 25-22, 25-23, 25-24, 25-25, 25-26, 25-27, 25-28, 25-29, 25-30, 25-31, 25-32, 25-33, 25-34, 25-35, 25-36, 25-37, 25-38, 25-39, 25-40, 25-41, 25-42, 25-43, 25-44, 25-45, 25-46, 25-47, 25-48, 25-49, 25-50, 25-51, 25-52, 25-53, 25-54, 25-55, 25-56, 25-57, 25-58, 25-59, 25-60, 25-61, 25-62, 25-63, 25-64, 25-65, 25-66, 25-67, 25-68, 25-69, 25-70, 25-71, 25-72, 25-73, 25-74, 25-75, 25-76, 25-77, 25-78, 25-79, 25-80, 25-81, 25-82, 25-83, 25-84, 25-85, 25-86, 25-87, 25-88, 25-89, 25-90, 25-91, 25-92, 25-93, 25-94, 25-95, 25-96, 25-97, 25-98, 25-99, 26-00, 26-01, 26-02, 26-03, 26-04, 26-05, 26-06, 26-07, 26-08, 26-09, 26-10, 26-11, 26-12, 26-13, 26-14, 26-15, 26-16, 26-17, 26-18, 26-19, 26-20, 26-21, 26-22, 26-23, 26-24, 26-25, 26-26, 26-27, 26-28, 26-29, 26-30, 26-31, 26-32, 26-33, 26-34, 26-35, 26-36, 26-37, 26-38, 26-39, 26-40, 26-41, 26-42, 26-43, 26-44, 26-45, 26-46, 26-47, 26-48, 26-49, 26-50, 26-51, 26-52, 26-53, 26-54, 26-55, 26-56, 26-57, 26-58, 26-59, 26-60, 26-61, 26-62, 26-63, 26-64, 26-65, 26-66, 26-67, 26-68, 26-69, 26-70, 26-71, 26-72, 26-73, 26-74, 26-75, 26-76, 26-77, 26-78, 26-79, 26-80, 26-81, 26-82, 26-83, 26-84, 26-85, 26-86, 26-87, 26-88, 26-89, 26-90, 26-91, 26-92, 26-93, 26-94, 26-95, 26-96, 26-97, 26-98, 26-99, 27-00, 27-01, 27-02, 27-03, 27-04, 27-05, 27-06, 27-07, 27-08, 27-09, 27-10, 27-11, 27-12, 27-13, 27-14, 27-15, 27-16, 27-17, 27-18, 27-19, 27-20, 27-21, 27-22, 27-23, 27-24, 27-25, 27-26, 27-27, 27-28, 27-29, 27-30, 27-31, 27-32, 27-33, 27-34, 27-35, 27-36, 27-37, 27-38, 27-39, 27-40, 27-41, 27-42, 27-43, 27-44, 27-45, 27-46, 27-47, 27-48, 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33-21, 33-22, 33-23, 33-24, 33-25, 33-26, 33-27, 33-28, 33-29, 33-30, 33-31, 33-32, 33-33, 33-34, 33-35, 33-36, 33-37, 33-38, 33-39, 33-40, 33-41, 33-42, 33-43, 33-44, 33-45, 33-46, 33-47, 33-48, 33-49, 33-50, 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 3

employee's last known address, as contained in the records of the Police or Fire [Bureau] Department, setting a time, date and place for a Trial Board hearing.

Special Regulation 6.14. The [Director of Public Safety] Administrative Officer shall act as Chairman of the Trial Board. The findings of the Trial Board shall be final and the Board may dismiss any proceedings or prescribe any disciplinary action up to and including dismissal from the Police or Fire [Bureau] Department.

Special Regulation 8.15. Any employee suspended shall be relieved of all official duties, placed in a leave without pay status and shall surrender all official equipment and identification issued to him by the Bureau's department.

Special Regulation 6.16. Any Police or Fire [Bureau] Department employee may be suspended for any act or failure to act which is deemed a breach of discipline, order, regulation or directive, existing or as may be issued from time to time by the Chief of the Police or Fire [Bureau] Department provided the order, regulation or directive has been issued in writing and made available to all Police and Fire [Bureau] Department personnel.

An Administrative Suspension shall be one placed in effect on by the Chief of the Police or Fire [Bureau] Department and shall be predicated upon the fact or facts involving an infraction of order regulation directive coming to his attention subsequent to the commission of the infraction. The Chief of the [Bureau] department may invoke the same disciplinary steps provided for in Special Regulation 6.08, and the procedure to be followed shall be the same.

Whenever any disciplinary action other than the filing of Charges and Specifications is imposed by the Chief of the Police Fire [Bureau] Department after a thorough investigation, a disciplinary report and subsequent application of a disciplinary penalty shall be forwarded in writing to the [Director] Administrative Officer for approval.

Special Regulation 6.17. A written record of any disciplinary action imposed on any member of the Police or Fire [Bureau] Department shall be made in the employee's next annual performance report.

Special Regulation 6.22. Any employee who resigns after being charged with a crime, or who is dismissed by action of the Trial Board shall be ineligible for employment or re-instatement in the Police or Fire Department.

Special Regulation 7.01. To be eligible for promotion to the rank above the one the member of the Fire or Police [Bureau/Department] currently holds, the employee must meet the pro-

(b) Such special police officers may be appointed or discharged without reference to the provisions of this title relating to regular police officers, and they shall not be members of the regular Police [Bureau] Department or entitled to any of the rights and privileges of such members. They shall perform such duties and receive such compensation, if any, as the county may determine. Before entering upon the performance of their duties they shall give such bond, as the county may prescribe.

21-104. Police Cadets: appointment, duties.

In addition to the power and authority hereinbefore granted to appoint and regulate a Police [Bureau] Department, the County is authorized to appoint such number of persons between the ages of

authorized to appoint persons to the Police [Bureau] Department, eighteen years and twenty-one years to the Police Cadets, as the county may deem necessary. The appointment of such persons shall be made subject to the same requirements, except as to age, as are the appointments to the County Police [Bureau] Department. The Police Cadets shall perform such duties as the Chief of Police, with the approval of the Administrative Officer of Baltimore County, Maryland, shall determine but shall be exempt from any requirements for the procurement of bond.

SECTION 7. And be it further enacted, That Sections 29-1(a)3, 29-12(c) and 29-12(d) of the Baltimore County Code, as amended, Title "Schools," be and they are hereby repealed and the provisions herein contained to read as follows:

enacted with amendments to read as follows:

29-12(a).
 "Approved inspector" means an inspector approved by the
 [director of public safety] Police Department to make the inspe
 tions under this section.

29-12(c).
The [department of public safety] Police Department is authorized by regulations to designate the equipment, mechanisms, or parts of a motor vehicle which shall be inspected and the times when such inspection shall be made.

inspection shall be made. Such rules and regulations shall provide for the suspension of operation of any school bus which does not pass inspection and for the restoring of operating privileges upon receipt of evidence satisfactory to indicate the defective equipment, mechanical or electrical, has been corrected to meet or exceed the standards.

29-12(d).
The approved facilities shall be those which are designated

the [director of public safety] Police Department from time to time. Whenever an approved facility is so designated, the Director of

mits act. License, on application of the owner or operator of the approved facility and upon receipt of a fee of ten dollars, shall issue a license to such approved facility for a period of one year, and the renewal fee for such license shall also be ten dollars per year, but not including county-owned school buses or county-chartered school buses.

SECTION 8. And be it further enacted, That Section 35-3 of the Baltimore County Code, 1968, Title "Administration," be and it is hereby repealed and re-enacted with amendments to read as follows:

35-3. Bond and duties of special officers.

In connection with all special officers who are appointed and assigned to the Police [Bureau] Department for the purpose of serving as school guards, the providing of bond shall be required, however, in appointing special officers to serve for private persons or corporations, a bond at least in the amount of one thousand dollars shall be required. The duties of the special officers appointed and assigned to the Police [Bureau] Department shall be that of a school guard; their particular duties and authority shall be prescribed by the Chief of Police of the county.

SECTION 9. And be it further enacted, That Sections 40A-4 and 40A-5 of the Baltimore County Code, 1968, as amended, Title "Pawnbrokers," be and they are hereby repealed and re-enacted with amendments to read as follows:

40A-4. Good character, police [Bureau] Department, expiration of license prorated fee.

Every applicant for a license to operate a pawnshop in Baltimore County must apply for said license on forms to be supplied by the Director of Permits and Licenses. Applicants will be required to be photographed and fingerprinted by the Police [Bureau] Department and every applicant must produce satisfactory evidence of good character prior to the issuance of such license. All licenses issued under this title shall expire on June 30 of each year. For licenses issued for periods of less than one year, the fee shall be prorated on a monthly basis, but in no case shall it be less than one hundred dollars and there shall be no rebate on revoked or remitted licenses.

40A-5. Stolen Goods.

(a) In the event an item is located in a Baltimore County pawnshop and it has been definitely established that this item was stolen within the boundaries of Baltimore County, and having been positively identified by proper owner and if an arrest and conviction has been made in regard to the larceny of said item, it will be the responsibility of the pawnbroker to release said item to the Baltimore County Police [Bureau] Department upon demand. This will be

executed without the pawnbroker's being 'indemnured for the amount of the pledge by the Baltimore County Police [Bureau] Department and/or the actual owner of the item in question.

SECTION 10. And be it further enacted, That Group 4 of Sections 41-4 and 41-5B.1 of the Baltimore County Code, 1968 (1966 Cumulative Supplement), Title "Pensions and Retirement," be and they are hereby repealed and re-enacted with amendments to read as follows:

41-4.

Group 4. Policemen and firemen consisting of the permanent employees of the regular Fire and Police [Bureau] Departments.

41-5B.1. Certain members of the police and fire [Bureau] Departments need not be examined.

Notwithstanding anything to the contrary contained in section 41-4B of this Code, members of the regular Fire and Police [Bureau] Departments applying for admission to the employees' retirement system of Baltimore County need not be examined by the medical board created in section 41-5B of this title, provided such members have passed the physical examination required by Special Regulation 2.02 of section 22-3.2 of the Baltimore County Code, 1968 (1966 Cumulative Supplement).

SECTION 11. And be it further enacted, That Section 45-16 of the Baltimore County Code, 1968 (1966 Cumulative Supplement), Title "Taxicabs," be and it is hereby repealed and re-enacted with amendments to read as follows:

45-16. Same—Fees.

The following taxicab driver's license fees shall be paid by the applicant: Three dollars for the original license; three dollars for each renewal thereof. A copy of each license issued shall be forwarded to the Police [Bureau] Department by the Department of Permits and Licenses with photo attached, and the applications shall be filed in the Department of Permits and Licenses. A fee of one dollar shall be paid by the applicant for replacement of a license lost or stolen.

SECTION 12. Be it further enacted, That this bill take effect at the same time as Bill No. 72, 1968, becomes effective, but shall not take effect at all unless said Bill No. 72, 1968, is adopted by the voters of Baltimore County at the November 5, 1968 election.

READ AND PASSED this 4th day of November, 1968.

By Order:
Herbert Hohenberger, Secretary

PRESENTED to the County Executive, for his approval this 6th day of November, 1968.

Herbert Hohenberger, Secretary

APPROVED AND ENACTED: November 8, 1968.

Dale Anderson,
County Executive

I HEREBY CERTIFY THAT BILL NO. 122 IS TRUE AND CORRECT AND WILL TAKE EFFECT ON DECEMBER 6, 1968.

Harry J. Bartesfelder,
Chairman, County Council

SE cor. Greenspring Valley Rd.
and Old Valley Rd.
3rd Election District

Jan.	19, 1978	Petition filed
"	19	IDCA approved (777-61-X)
Apr.	25, 1978	D.Z.C. GRANTED SE, subject to restriction
May	23	Order of Appeal to C.B. of A. filed by John W. Hession, III, Esq., People's Counsel
"	24	Letter of Appeal to C.B. of A. filed by Harry N. Boetjer, Jr., et al, Protestants

G. Warren Mix, Esq.
1400 Maryland National Bank Bldg. (B2)
706 Washington Ave. - 21204
Stevenson, Md. 21153

Counsel for Petitioner

Mr. Gerald W. Berg
Stevenson, Md. 21153

Petitioner

Jerold S. Oppel, Esq.
1400 Maryland National Bank Bldg. (B2)
Stevenson, Md. 21153

Counsel for Protestants—
Greenspring-Brooklands Imp. Assn.

Mr. Montgomery Lewis, Exec. Dir.
Valley Planning Council
212 Washington Ave. (B4)
Stevenson, Md. 21153

Protestant

Harry Norman Boetjer, Jr.
2217 Greenspring Valley Rd.
Stevenson, Md. 21153

Protestant

Ernest Hilton Wright
2201 Greenspring Valley Rd.
Stevenson, Md. 21153

"

Clarence Eugene Elderkin, Jr.
2008 Greenspring Valley Rd.
Stevenson, Md. 21153

"

John W. Hession, III, Esq.
Mr. James E. Dyer, Zoning Supervisor

People's Counsel

Req. Notification

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 23, 1978.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., commencing on one line before the 11th day of March, 1978, the last publication appearing on the 23rd day of February.

19 78.

THE JEFFERSONIAN,
G. L. Lusk, Jr., Manager

Cost of Advertisement, \$ 10.00



THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR SPECIAL EXCEPTION: Gerald W. Berg 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 24th day of Feb., 1978, that is to say, the same was inserted in the issues of Feb. 23, 1978.

STROMBERG PUBLICATIONS, INC.

By: James Stromberg

Form with fields for To, Date, Time, and a section titled 'WHILE YOU WERE OUT' with checkboxes for 'TELEPHONED', 'CALLED TO SEE YOU', 'WILL CALL AGAIN', 'WANTS TO SEE YOU', and 'RETURNED YOUR CALL'. There is also a section for 'MESSAGE' and a signature line.

1-SIGN 78-193-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd
Posted for: Appeal
Petitioner: GERALD W. BERG
Location of property: SE. COR. OF GREENSPRING VALLEY RD. AND OLD VALLEY RD.
Location of Sign: SE. COR. OF GREENSPRING VALLEY RD. AND OLD VALLEY RD.
Remarks: By Thomas E. Boland
Date of return: 7-13-78

Handwritten note: "We finished the testimony. The People's Council will submit to us a memorandum by 12-27-78 and then it will be ready for us to write a decision." Signed: B. W. A. R.

1-SIGN 78-193-X

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78-663

1-653
Sins: = file

1-6-68
Sirs: - File
With reference to the zoning
variance application of Small Burg
of Old Valley and Gwynn's Valley
Roads to allow the construction of
a Helipad or Heligol both Mrs
wells and I want to express strong
objection to allowing such a thing
to be built. This is a residential
area not any airport area.
Sincerely, Richard Curd.

67-173-X

2nd District

Gerald W. Berg, Politician

1 SIGN

MICROFILMED

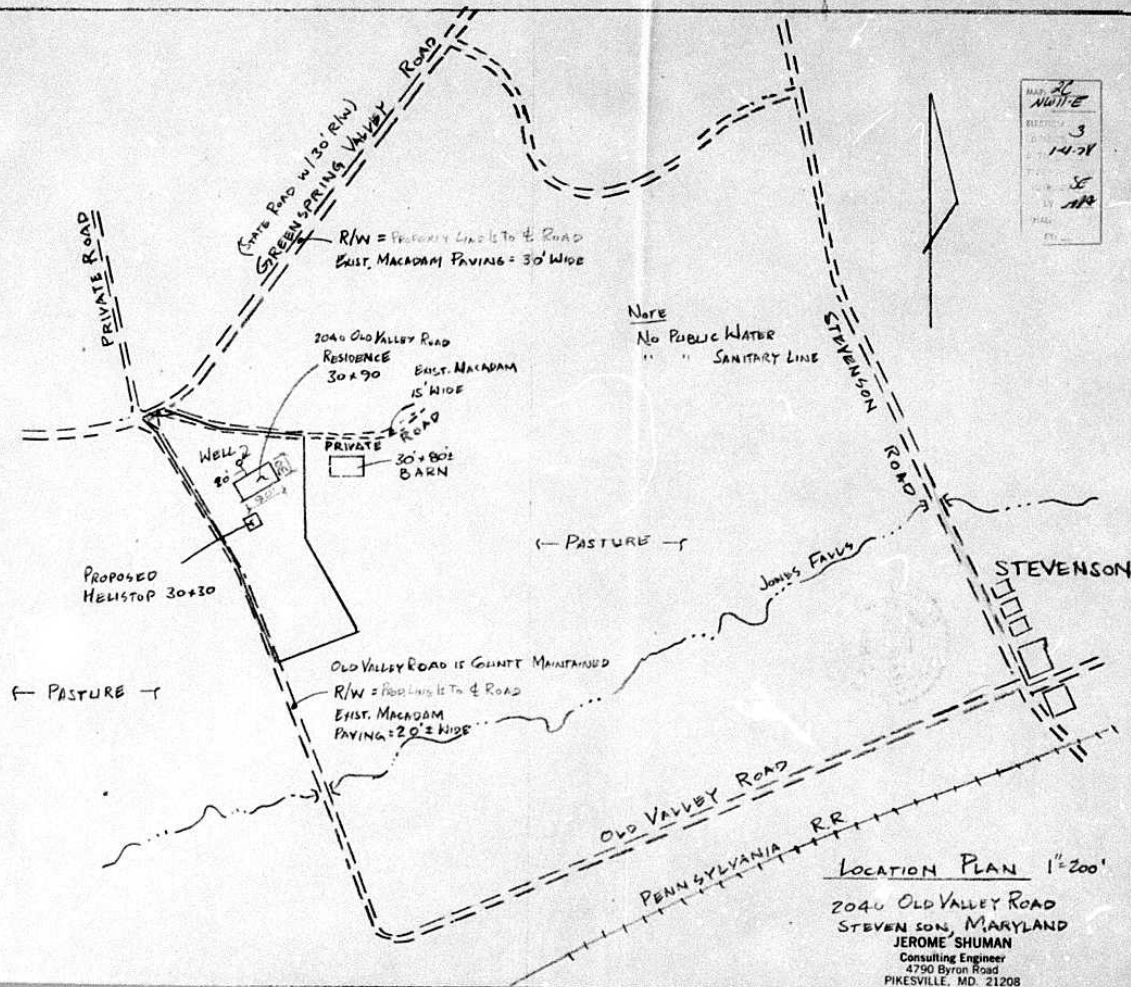
670-300-31

2nd Quarter

Donald W. Borg
President

150294

MICROFILMED

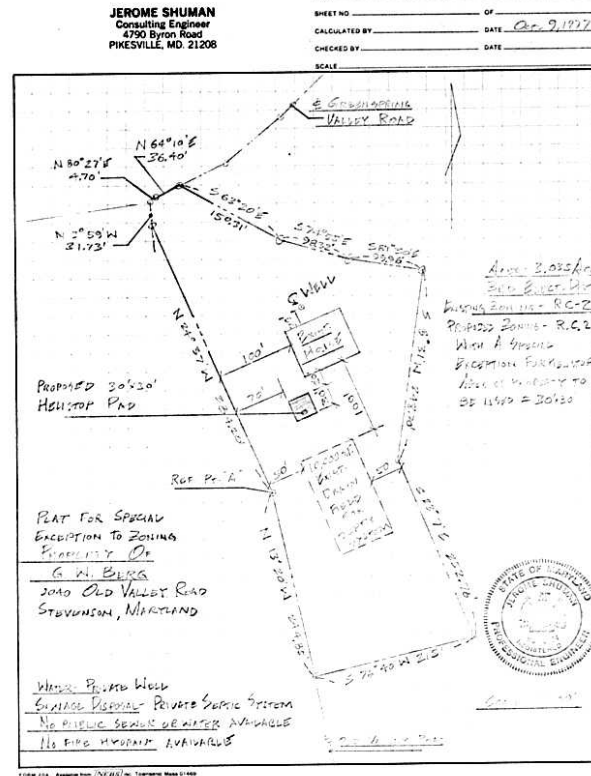
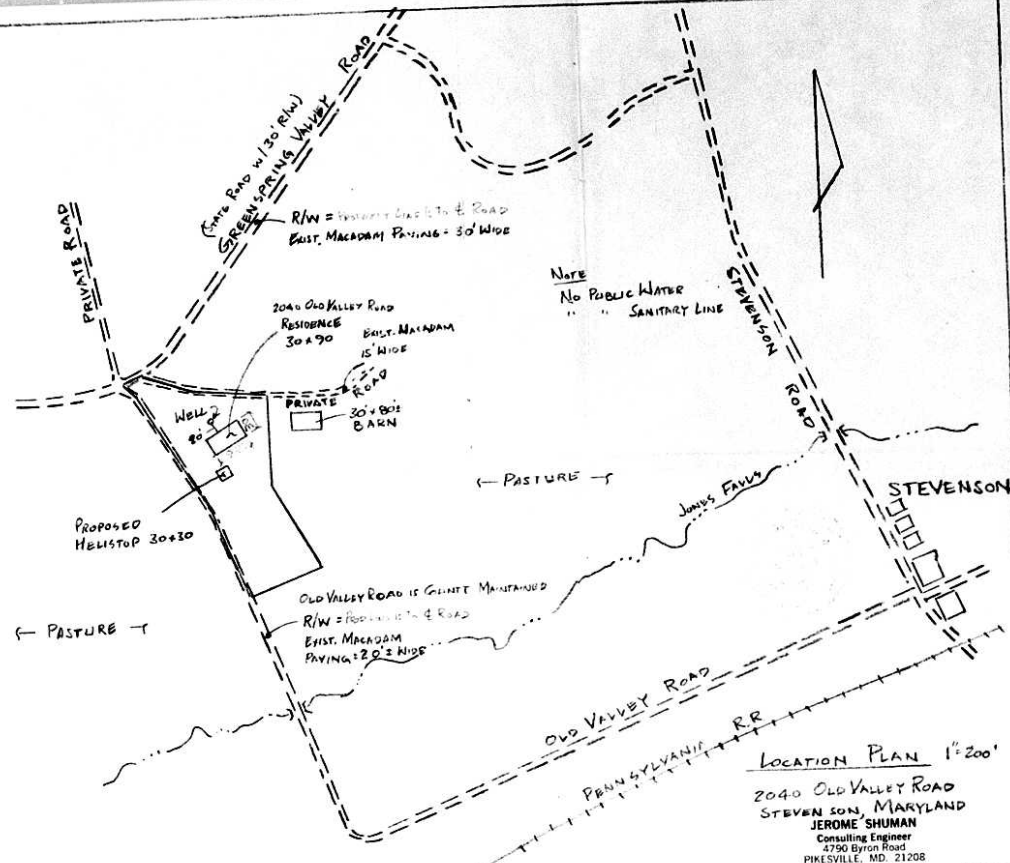


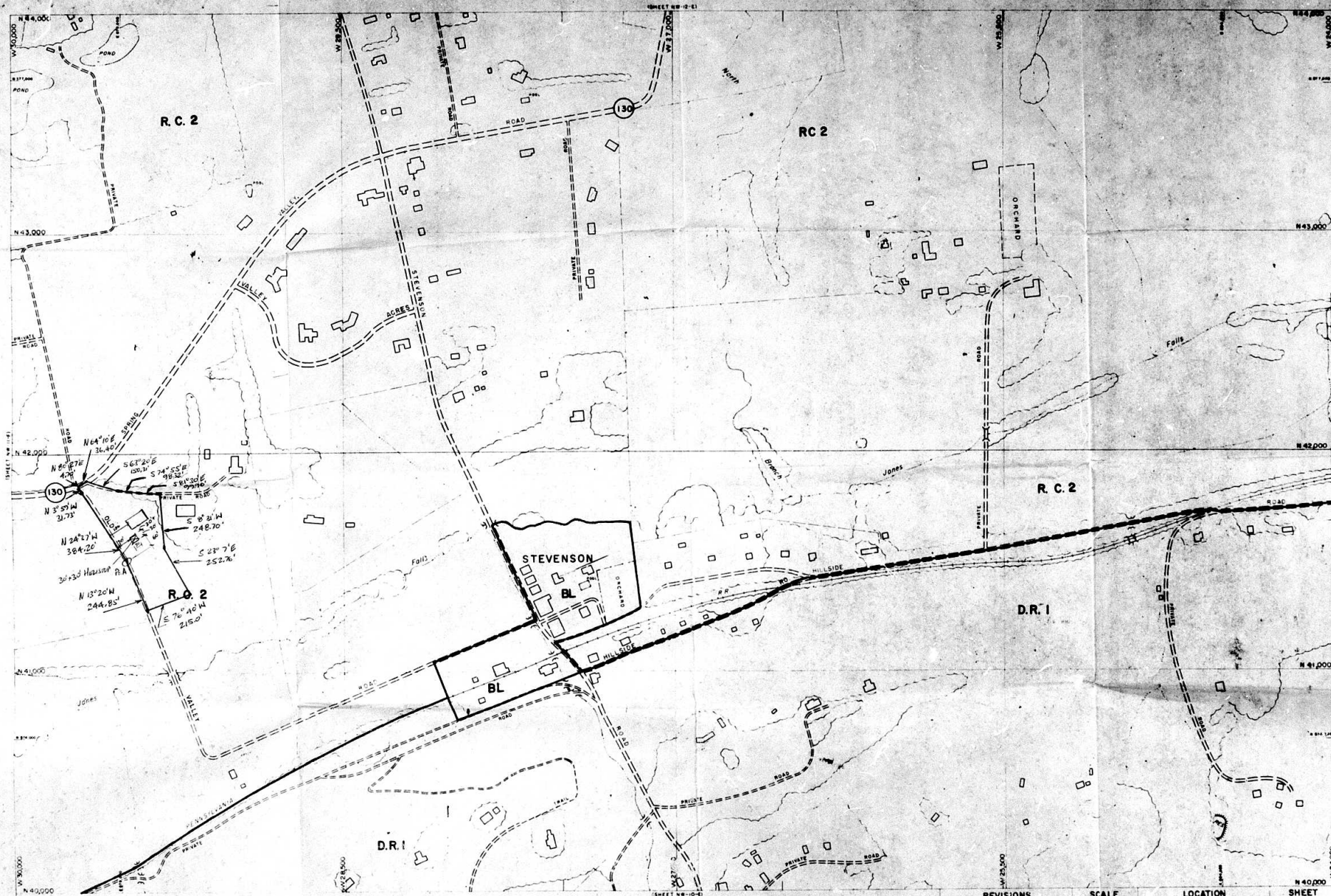
LOCATION PLAN 1"=200'

2046 OLD VALLEY ROAD
STEVENSON, MARYLAND
JEROME SHUMAN
Consulting Engineer
4790 Byron Road
PIKESVILLE, MD. 21208



10-23 SW





1976 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT 7, 1976 & OCT 8, 1976
BILL NOS 109 76, 109 76, 110 76, 111 76,
112 76, 113 76, and 114 76

CHAIRMAN COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA OFFICIAL ZONING MAP

REVISIONS			SCALE	LOCATION	SHEET
BY	DATE				
			1" = 200'	STEVENS	N. W. 11-E
			DATE OF PHOTOGRAPHY APRIL, 1955		
Compiled by Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.					