

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
William Armiger and Petitioners
I, or we, Daily Express, Inc. owner of the property,
situate in Baltimore County and which is described in the description and
plans attached hereto and made a part hereof, hereby petition for a Special
Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County
to determine whether or not the Zoning Commissioner and/or Deputy Zoning

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

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

ORDERED By the Zoning Commissioner of Baltimore County, this 14th day of January, 1960, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation in Baltimore County, Maryland, 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 20th day of February, 1960 at 2:30 o'clock A.M.

virtue of the filing of this Petition. Although persuaded by this past precedent, this Commissioner is not bound by the same interpretative position; instead, Section 500.6 grants to the Zoning Commissioner the power, upon notice to the parties in interest, to conduct hearings involving the interpretation of the Zoning Regulations.

Having arrived at this conclusion, the question appears to be whether or not the designation of a "public industrial service road" is the subject of interpretation of the Zoning Regulations, where such Regulations do not provide guides and standards, such as a precise definition, upon which to make such interpretation.

Petitioners' counsel argues that the Director of Traffic Engineering has the power to determine the status or designation of a County road under title 17, Article II, of the Baltimore County Code, 1978 Edition, and that the designation of Morse Lane as a "public industrial service road" was so made by inter-office correspondence from Stephen E. Collins, Director of Traffic Engineering, to William E. Hammond, dated October 24, 1979 (Petitioners' Exhibit 9C). To agree with this contention would require a broad interpretation of the duties and responsibilities of the Director of Traffic Engineering to be provided for in the Baltimore County Code, particularly in view of Title 30 Section 30-28, wherein "The County..." is required to adopt a resolution in order to designate a highway as a freeway. This is the only section of law which this Commissioner discovered wherein the power of designation has been specifically set forth. Therefore, the contention of the Petitioners' counsel in this respect is rejected since there is no legal authority reposed in the Director of Traffic Engineering for making the required interpretation in spite of the expertise of that office.

4

This matter comes before the Zoning Commissioner as the result of a Petition for Special Hearing to approve the designation of Morse Lane, between Wise Avenue Extended and North Point Boulevard, as a "public industrial service road" for a distance of approximately 3800 lineal feet.

The necessity for such designation has been created by the desire of the Petitioners, William Armiger and Daily Express, Inc., as partners in a joint venture, to purchase and develop a tract of land with those permitted uses allowed in an M.H. Zone, including a motel and restaurant, with approximately 40 acres to be used as a trucking facility. The subject property consists of approximately 150 acres, lying on the east side of Morse Lane and beginning approximately 2000 feet northeast of the North Point Road and Morse Lane intersection. It is the latter use of a trucking facility that precipitates the need for a determination.

In this regard, the following Sections of the trucking facilities legislation are pertinent to this decision:

Section 410.1.B.2 - "The provisions with respect to which the Zoning Commissioner shall issue rulings under Subparagraph 1 are the following:...Subparagraph 410.3.A.1 (access to streets)" (emphasis added) Also see Section 410A.1.B.2.

Section 410.1.B.3 - "...Nonconformance with Subparagraph 410.3.A.1" (access to streets) "shall be allowed to stand if the site of the trucking facility does not abut a street to which access is permitted under that subparagraph or, if it does abut such a street, the County trucking facilities development officials determine that the length of the coextensive street line and site boundary is insufficient to permit proper access from that street. However, in any case where access that is not in accordance with Subparagraph 410.3.A.1 is allowed to remain, the Zoning Commissioner

roads", but to delay this determination until the zoning amendment procedure has been complied with would, in this Commissioner's opinion, present an unreasonable delay. Therefore, under and pursuant to Section 410.1.B.2, an interpretation will be made herein regarding "access to streets" as such is applicable to a particular road sought to be designated as a "public industrial service road".

In this respect, however, the trucking facility legislation (Bill No. 18-70) is silent as to a definition of a "public industrial service road" or guides and standards by which such designation could be established and, further, fails to mandate the responsibility for determination thereof; however, Section 410.1.B.3 establishes a legislative incursion requiring the County Trucking Facilities Development Officials Committee and the Zoning Commissioner to act in concert; i.e., "...the Zoning Commissioner shall have the power to prescribe the route that trucks must use in reaching or on leaving the site, in accordance with a recommendation of the County trucking-facility development officials". To conclude that this language is applicable only to existing sites which enjoy a nonconforming status to the street access requirements would negate the only legislative expression as to the designation of roads as being "public industrial service roads". Therefore, it is the opinion of this Commissioner that the County Trucking Facilities Development Officials Committee recommends "the route that trucks must use in reaching or on leaving the site" and the Zoning Commissioner "shall have the power to prescribe the route..." in accordance with the recommendation (emphasis added).

In view of this conclusion, to the extent that there has been no recommendation made by the County Trucking Facilities Development Officials Committee, it may be premature for this Commissioner to prescribe Morse Lane as being the route that trucks to or from the subject site should use as the

shall have the power to prescribe the route that trucks must use in reaching or on leaving the site, in accordance with a recommendation of the County trucking-facilities-development officials." (emphasis added) Also see Section 410A.1.B.3.

These two Sections are cited for the expressed purpose of indicating the working relationship between the Zoning Commissioner and the County Transportation and Facilities Development Officials Committee regarding "access to street frontage." See Sections 410.3.A.2, 410.3.B.3, 410.3.B.4, 410.3.B.7, 410A.1.B.3, 410.3.A.2, and 410A.3.B.2.

Section 410.3.A. - "Access points.

1. Any point of access to a public street must be on a public industrial service road, on an arterial street, or on a major collector street, except that—
 - a. No access point on a public industrial service road is permitted unless the service road has direct access to an arterial street, an expressway, or a freeway, and unless the place of that access is closer to the use in question than any point of access the service road may have to a motorway other than an arterial street, and expressway, or a freeway; and
 - b. No access point on a major collector street is permitted unless the access point is within a travel distance of $\frac{1}{4}$ mile from the major collector street's access to an arterial street, an expressway, or a freeway.
2. The curb tangent length between access points must be at least 100 feet, except that a shorter length may be allowed or greater length required by the Zoning Commissioner on recommendation of the County trucking-facilities-development officials and, in the case of access points on a State maintained highway, recommendation of the State Highway Administration."

Section 101 - Definitions

"Arterial Street: A motorway or portion thereof which is, or is intended, for travel to or from major employment centers, such as town centers; has or is intended to have, four or more lanes for moving traffic; is, or is intended to be, designed for traffic speeds of at least 40

"public industrial service road"; however, based upon the testimony, this Commissioner must acknowledge that the present M.H. zoning of the subject site and its proximity to rail service, expressways, water, and the industries to be served are persuasive elements in support of such a designation in spite of the testimony of the Protestants indicating the residential use of Morse Lane and the likely highway safety problems. Contrary to these objections, the Director of Traffic Engineering, in the application of the expertise of his office, indicated that Morse Lane "exists as the industrial service road serving all the MH-IM land between the Patapsco Freeway and the water" (Petitioners' Exhibit 9C).

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of May, 1980, that Morse Lane, between Wise Avenue Extended and North Point Boulevard, is hereby designated to be a "public industrial service road"; subject, however, to the approval of a site plan for any specific site proposing to use Morse Lane, or any part thereof, by the County Trucking Facilities Development Officials Committee.

Zoning Commissioner of
Baltimore County

miles per hour; has or is intended to have, a right of way at least 66 feet wide; is not a freeway or an expressway; and has been designated as an arterial street (or as a boulevard or thorofare) by the Planning Board. (Bill No. 40, 1967)."

"Expressway: A motorway or portion thereof which is, or is intended, for intra-metropolitan travel of varying distances; has or is intended to have a center median strip and a total of four or more lanes for moving traffic; is designed or intended for traffic speeds of at least 55 miles per hour; has no direct access to individual uses on abutting private property; and has been designated as an expressway by the Planning Board. (Bill No. 40, 1967.)"

"Freeway: A motorway or portion thereof which is, or is intended, for both intra- and inter-metropolitan travel; has or is intended to have a center median strip and a total of four or more lanes for moving traffic; is designed or intended for traffic speeds of at least 60 miles per hour; has no access to abutting private property; has no grade-intersections with other motorways; and has been designated as a freeway by the Planning Board. (Bill No. 40, 1967.)"

The Petitioners and the Protestants both presented clear and concise testimony and arguments and were each persuasive in their respective positions. In essence, the Petitioners indicated that the uses permitted on the subject M.H. zoned property would generate truck traffic on Morse Lane irrespective of whether or not Morse Lane is designated as a "public industrial service road"; whereas, the Protestants' objections are predicated on the increase in truck traffic on Morse Lane and North Point Boulevard which would be generated by a trucking facility, notwithstanding the permitted uses provided for in the M.H. Zone.

The Petitioners raised questions as to who is to determine the status of Morse Lane, i.e., Zoning Commissioner, Director of Traffic Engineering County Trucking Facilities Development Officials Committee, or County Council, and, in view of the absence of a definition in the Zoning Regulations, the correctness of a policy definition established during a previous Zoning Commissioner's administration. These questions are, in reality, moot to the extent that the Zoning Commissioner has been clothed with the authority, by

RE: PETITION FOR SPECIAL HEARING : BEFORE
under Section 500.7 of the Baltimore :
County Zoning Regulations : COUNTY BOARD OF APPEALS
to determine the designation of Morse :
Lane, between Wise Ave. Ext. and : OF
North Point Blvd. as a "public :
industrial service road" - 15th Dist. : BALTIMORE COUNTY
William Armiger and :
Daily Express, Inc., Petitioners : No. 80-160-SPH

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner, dated May 12, 1980, designating Morse Lane, between Wise Avenue Extended and North Point Boulevard, as a "public industrial service road". A special hearing on this issue only was held and completed on January 27, 1981.

William Armiger, Petitioner, testified as to the need for this access road designation. He stated that he is the contract purchaser for 150+ acres of this MH-IM zoned land. In addition to other commercial uses, he intends to develop a Class II truck terminal on this property and in order to do so, the access road, in this instance, must be designated as a "public industrial service road". He noted that compliance with all the requirements of Bill 18-76 would reduce to 50 acres, centrally located on the property, the amount of area available to be used as a truck terminal. He testified as to the need in this area for a truck terminal located within twenty minutes driving time to the Bethlehem Steel Sparrows Point facility and the need for a legal storage area for tractor-trailers rather than a haphazard parking of them elsewhere. He also noted that any other commercial or manufacturing facility could be built on this site without the requested road designation, and that any such industry would automatically generate truck traffic. He also admitted to serious deficiencies at the intersection of Morse Lane and North Point Boulevard as it now exists, and agreed to participate in any improvements needed here to bring this intersection into compliance with various State and County agency requirements.

Richard C. Moore, Assistant Traffic Engineer for Baltimore County, testified that this road should be designated as requested. He testified that road designations generally depend on the functional use of such a road to the use of the area it serves. He also testified that this road meets all the requirements for such designation defined in

JPL 23: 585

PETITION FOR SPECIAL HEARING
15th District

ZONING: Petition for Special Hearing
LOCATION: Morse Lane between Wise Avenue extended and North Point Boulevard
DATE & TIME: Wednesday, February 20, 1980 at 9:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the designation of Morse Lane between Wise Avenue extended and North Point Boulevard as a "public industrial service road". The calculated distance is approximately 3000 lineal feet. See Sections 410.3A.1 and 410A.3A.1 of Bill No. 18-76

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

Being the property of William Armiger and Daily Express, Inc.

Hearing Date: Wednesday, February 20, 1980 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

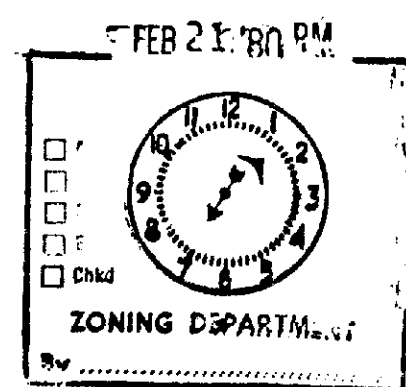
BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Zoning Commissioner
Wm. E. Hammond
Room 109
Col Office Bldg.
Towson Md. 21204

Sir:
I am writing you in regards to Case No. 80 160 SPH. Concerning the trucking lane and terminal in this area. There are a number of advantages in having them.
#1 The existing railroad and side tracks would be ideal for loading and unloading cargo.
#2 We definitely would need a better road way.
#3 The land for the terminal would be ideal since there are no houses near it.
#4 By using this land for a useful purpose it would not only stop the people that haul their trash there, but would eliminate the isolated area where women and girls have been taken and raped. This has happened several times in the area.

I have been a home owner in the area since the late forties and I am very familiar with the area. All I would be asking is for No Trucks to be parked along the highway and not to block the highway in any manner.

Wm C. Lindsey
4305 Libs La.
Balto. Md. 21219



BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
TOWSON, MARYLAND 21204
494-3648

JAMES D. LUCAS, JR.
DIRECTOR

February 15, 1980

Mr. William Hammond
Baltimore County Zoning Commissioner
First Floor
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Mr. Vincent J. Floyd, Assistant Vice President, Consolidated Rail Corporation, has been in touch with me concerning a proposed industrial project near Morse Lane.

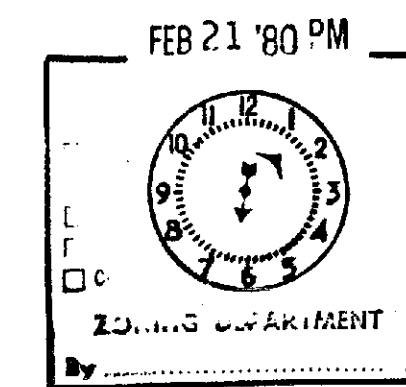
As you can tell from the enclosed correspondence, CONRAIL is preparing plans to serve the proposed industrial park with rail service. Designation of Morse Lane as an industrial service road is critical to success of this project.

I should appreciate your giving these comments your consideration when reviewing this project.

Warm regards,

JAMES D. LUCAS, JR.
Director

JDL:jct
Enclosure



CONRAIL

February 11, 1980

Mr. James Lucas, Director
Industrial Development Commission
County Office Building
Towson, Md. 21204

Dear Mr. Lucas:

We endorse the industrial park proposal of Mr. W. S. Armiger which we note has been supported by others including Victor Palmieri and Company, Inc.

We understand that the success of this project depends on Morse Lane being viewed as an industrial service road and while we are not aware of any precise definition of the term "public industrial service road", we believe that it is a fitting description of the proposed use of Morse Lane.

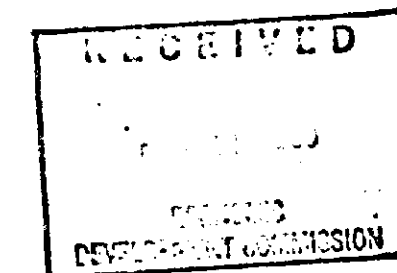
This 150-acre property has considerable potential as an industrial park and should contribute to the economy and development of the surrounding area.

Conrail is preparing plans to serve the park with rail service and will work with Mr. Armiger to locate industries of our mutual interest.

Please be assured of our cooperation in the development of this area.

Very truly yours,

VINCENT J. FLOYD
Assistant Vice President -
Industrial Development

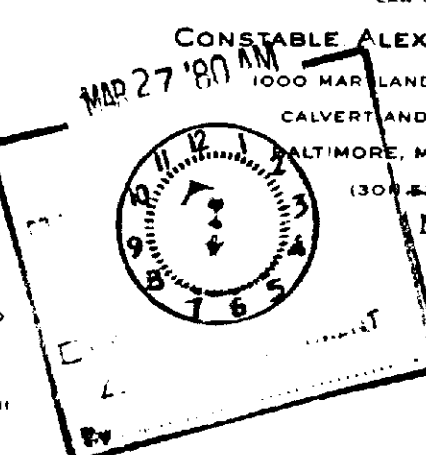


Page 2
Mr. James Lucas
February 11, 1980

cc: Mr. W. S. Armiger
6301 North Charles
Baltimore, Md. 21212

Mr. J. Carroll Holzer
Constable, Alexander & Daneker
The Chesapeake Building
305 W. Chesapeake Avenue
Towson, Md. 21204

JOHN D. ALEXANDER
1882-1878
CLAYTON W. DANEKER
THOMAS F. CONNER, JR.
RONALD L. MAHER
DAVID C. DANEKER
JAMES W. CONSTABLE
MARK J. DANEKER
FRANK THOMAS HOWARD
J. CARROLL HOLZER
CAROLE S. DENLIO
ALEXANDER J. GORINE, III
RICHARD E. JACKSON



WM. ARMIGER and DAILY EXPRESS, INC.
80-160-SPH

March 27, 1980

PLEASE REPLY TO: TOWSON 1-8001-402-8688

The Honorable William Hammond
Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

Re: Morse Lane Industrial Service Road

Dear Bill:

I have refrained from contacting you regarding the above captioned matter however my clients have a number of rather severe deadlines approaching. Our Contract of Sale for purchase of the said property is based upon a determination of Morse Lane as an Industrial Service Road and they must soon make a decision regarding the Agreement.

My client is also proposing through the Economic Development Commission, an Industrial Revenue Bond and we must submit the application for such a Bond and obtain a Resolution before April 30, 1980. Until we have obtained a determination regarding this particular definition, we are limited in our ability to proceed.

If there is anything that you can do to accelerate your decision in this matter, it would be appreciated.

Very truly yours,

J. Carroll Holzer

JCH:jeh



MARYLAND MOTOR TRUCK ASSOCIATION, INC.

WALTER C. THOMPSON
Executive Vice President

February 11, 1980

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

Dear Mr. Hammond,

I understand that on February 20, 1980, your office will hold a public hearing relative to the designation of part of Morse Lane in the Dundalk-Sparrows Point area as a "Public Industrial Service Road".

As you know, our industry has been stymied the past four years first by the truck terminal moratorium and then by Baltimore County Bill 18-76, passed March 15, 1976.

Now it appears that some of our members are ready to conform to the highly restrictive aspects of the bill, but nothing will be allowed to proceed unless this first step is taken. The first step being affirmative action on the above-mentioned petition at public hearing.

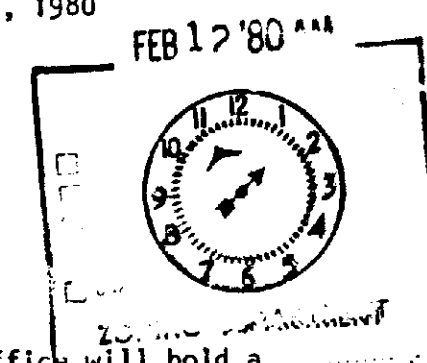
Our organization whole-heartedly supports this petition as a first step toward an overall solution to a stalemate that has been allowed to exist for much too long, and, has handicapped the trucking industry's need to expand and provide better service to the port, as well as the industries of Baltimore County.

We want to go on record as urging your office to approve the designation of Morse Lane as a "Public Industrial Service Road".

Sincerely,

Walter C. Thompson

WCT:gc



BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
TOWSON, MARYLAND 21204
494-3648

JAMES D. LUCAS, JR.
DIRECTOR

February 14, 1980

Mr. William Hammond
Baltimore County Zoning Commissioner
First Floor
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Mr. Harold Manekin, Manekin Corporation, has been in touch with me concerning Morse Road.

As you can tell from the enclosed correspondence, Mr. Manekin feels that Morse Road should be named as an Industrial Service Road. Because there are several petitions before your office concerning Morse Road, I felt you should have the benefit of Mr. Manekin's opinion.

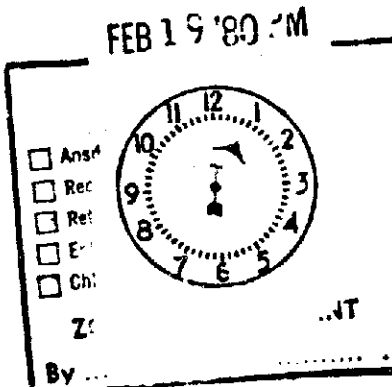
Please let me know if Mr. Manekin's testimony at a forthcoming hearing would be pertinent to the pending petitions.

Warm regards,

JAMES D. LUCAS, JR.
Director

JDL:jct
Enclosure

cc: Harold Manekin



MANEKIN CORPORATION
Industrial and Commercial Real Estate

February 8, 1980

Mr. James Lucas
Director of Industrial Development Commission
County Office Building
Baltimore, Maryland 21204

Dear Jim:

It has come to my attention that a request has been made that Morse Road be designated an Industrial Service Road.

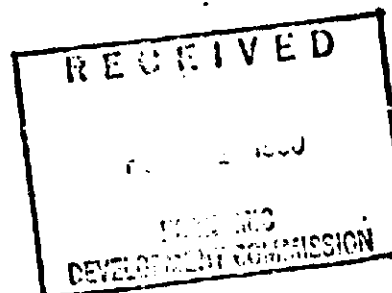
Since the property fronting on Morse Road has been zoned Heavy Manufacturing, it follows that access to this property must accommodate heavy truck traffic.

Since, in my opinion, the zoning is proper and the highest and best use for the property is heavy manufacturing usage, steps should be taken quickly to implement this use in order to add to the tax base of Baltimore County. I would be happy to contact anyone you might suggest if there is any questions about my position.

Sincerely,

David Manekin
David Manekin

RM:dm



Suite 2100, 4 Charles Center South, 436 S. Charles Street, Baltimore, MD 21201 / (301) 727-0600

BALTIMORE COUNTY ECONOMIC DEVELOPMENT COMMISSION
TOWSON, MARYLAND 21204
494-3648

JAMES D. LUCAS, JR.
DIRECTOR

February 25, 1980

Mr. William Hammond
Baltimore County Zoning Commissioner
First Floor
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Mr. Edward D. Seidel, Executive Vice President, Baltimore County Chamber of Commerce, has been in touch with me concerning designating Morse Lane as an Industrial Service Road.

As you can tell from the enclosed correspondence, Mr. Seidel points out the need for full-service truck facilities in southeast Baltimore County.

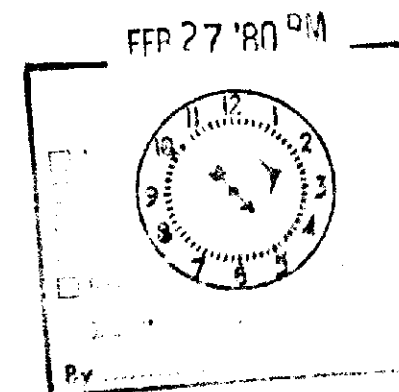
I should appreciate your giving Mr. Seidel's comments every consideration in making your decision in this matter.

Warm regards,

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

JDL:jet
Enclosure

cc: Mr. Edward D. Seidel



BALTIMORE COUNTY CHAMBER of COMMERCE
100 West Pennsylvania Avenue • Towson, Maryland 21204 (301) 625-6200

February 21, 1980

James D. Lucas, Jr.
Director
Economic Development Commission
Baltimore County
Towson, Maryland 21204

Re: W.S. Armiger Request for Naming of Industrial Service Road

Dear Mr. Lucas:

The Baltimore County Chamber of Commerce has received a request from members regarding the need to reclassify Morse Lane as an Industrial Service Road.

It is our understanding that Mr. W.S. Armiger of 6501 N. Charles Street, Baltimore, Maryland 21212, has plans to construct a truck terminal of the quality to meet the standards promulgated four years ago under Baltimore County law.

The importance of updating the road that will service this facility obviously is significant and merits the full support of the Economic Development Commission.

We would urge the Commission to go on the record in support of the project and with this letter, we will notify appropriate department heads of the Chamber's concern and interest.

The lack of truck terminal operations in the area has definitely impeded the service of these important carriers which service our Port and industrial facilities in the County and the region. By providing a full-service truck terminal within reasonable access to our industrial and Port areas.... a facility which has service capability as well as facilities for caring for the drivers, we will definitely enhance the operational climate for these carriers.

We thank you for your consideration of this matter and look forward to an early response to this request.

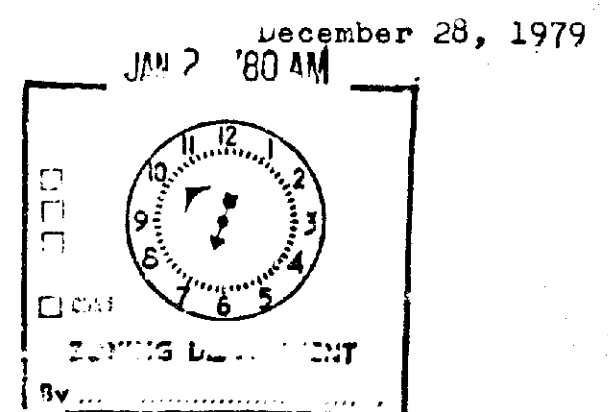
Cordially,

Edward D. Seidel
Edward D. Seidel
Executive Vice President

EDS/rm

Reply To:
Drawer 7060
Charlottesville, Va. 22906
(804) 977-6532

ROBERT T. SMITH
REAL ESTATE BROKER
&
CONSULTANT



Mr. William E. Hammond
Zoning Commissioner
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Hammond:

On November 28, 1979, I filed with your office a petition relative to the truck legislation and industrial service road. It has been designated Item #113.

Mr. Commodari of your office advises me that the initial step, a field inspection of the area involved, was made the week of December 17th and he is now awaiting comments to be returned from various departments.

Contrary to the usual "chicken and egg" problems, our problems start with the determination of "access point" as addressed on Page 23 of Bill 18-76. If this determination can not be resolved in a satisfactory manner we do not need to address all the other problems that we face as relates to sewer, traffic, subdivision, etc.

We are striving to have these problems all solved by the end of the second quarter of 1980 so that we may hopefully be under construction by the third quarter.

Whatever you can do to help us move this petition forward so that an early hearing date may be established will be greatly appreciated. We are trying to work within your system, following your procedures, and using the helpful guidance we have received from all the people in Baltimore County administration and on its staffs, but it appears the system is the villain. Your help will be most appreciated.

Very truly yours,

Robert T. Smith
Robert T. Smith

RTS:bjs
Copies: Mr. John W. O'Rourke
Mr. Robert Wertz
Mr. James Lucas
Mr. William Armiger

SERVING THE TRANSPORTATION INDUSTRY

BALTIMORE COUNTY ECONOMIC DEVELOPMENT COMMISSION
TOWSON, MARYLAND 21204
494-3648

JAMES D. LUCAS, JR.
DIRECTOR

February 22, 1980

Mr. James S. Gurney
Regional Vice President
Victor Palmieri & Company, Inc.
1700 Market Street
Philadelphia, Pennsylvania 19103

Dear Mr. Gurney:

On Wednesday, February 20, 1980, the Zoning Commissioner conducted a lengthy hearing in the matter of Morse Road in Southeast Baltimore County.

A decision by the Zoning Commissioner should be rendered sometime in the next few weeks. For your information, any decision rendered by the Zoning Commissioner may be appealed to the Board of Appeals by the People's Zoning Counsel. I shall let you know the decision of the Zoning Commissioner as soon as that information is available.

As you can tell from the enclosed correspondence, the Director of Planning is preparing recommendations for revisions to the legislation affecting truck facilities. These changes must first be approved by the Planning Board prior to being submitted to the County Council for enactment into law. As soon as I have more information about changes to the truck facilities legislation, I shall be in touch with you again.

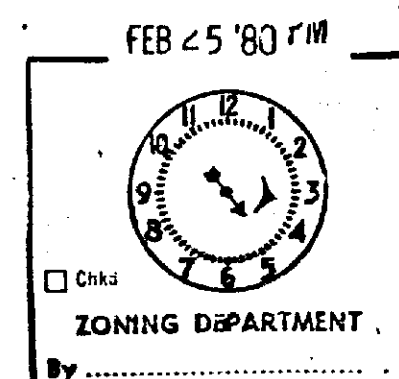
In the meantime, please let me know if I can help in any other way.

Warm regards,

JAMES D. LUCAS, JR.
Director

JDL:jet
Enclosure

cc: John D. Seyffert
William Hammond



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

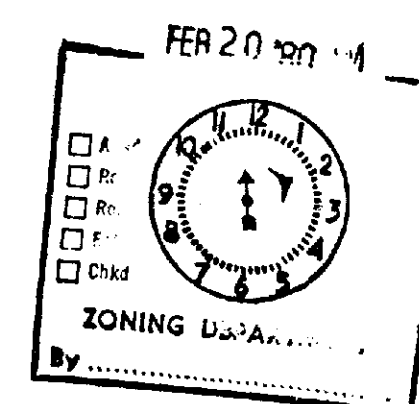
TO: James D. Lucas, Jr., Director
Economic Development Commission
Date: February 14, 1980
FROM: John D. Seyffert, Director
Office of Planning and Zoning
SUBJECT: Industrial Service Road at Morse Road

- Please be advised there will be a special hearing held by the Zoning Commissioner and/or Deputy Zoning Commissioner on Wednesday, February 20, 1980 at 9:30 A.M. in Room 106, County Office Building to determine if Morse Lane (Road) between Wise Avenue extended and North Point Boulevard should be designated as a "Public Industrial Service Road". The calculated distance is approximately 3,800 lineal feet. The petitioners are William Armiger and Daily Express, Inc.
- The Planning Board is expected shortly, to have recommendations from the Truck Terminal Revision Committee as to:
 - Suggested definition of a "Public Industrial Service Road"
 - Suggested changes to the locational requirements for Truck Terminals under Sections 410.3A and 410A.3A.

John D. Seyffert
John D. Seyffert, Director
Office of Planning and Zoning

JDS:EJ:ob

cc: William H. Hammond, Zoning Commissioner
Ed Johnson, Eastern Area Planner



BALTIMORE COUNTY, MARYLAND

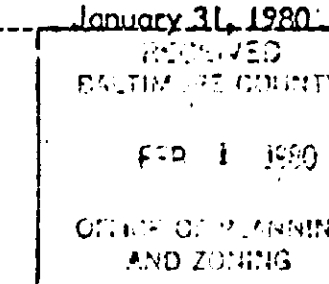
INTER-OFFICE CORRESPONDENCE

TO: ADDRESSEES
Date: January 31, 1980
FROM: James D. Lucas, Jr., Director
Economic Development Commission
SUBJECT: Industrial Service Road at Morse Road

- I have received the following letter from Victor Palmieri and Company concerning the designation of Morse Road as an Industrial Service Road.
- As you can tell, Palmieri is responsible for selling this real estate as part of the dissolution of Penn Central.
- In order to give a response to this letter, we need to know when the question about the Industrial Service Road will be resolved.
- I should appreciate knowing your thinking in this regard.

JDL:jet
Enclosure

ADDRESSEES: John D. Seyffert, Director
Planning and Zoning
William Hammond
Zoning Commissioner



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

2-1-80

① LTR. refers to attached survey - can't find it?
② Have sector planner review & prepare comments for me back to Jim.
Thank
JDS

VICTOR PALMIERI AND COMPANY INCORPORATED
PENN CENTRAL PROPERTIES DIVISION

January 28, 1980

Mr. James Lucas
Director of
Industrial Development Commission
County Office Building
Towson, Maryland 21204

Dear Mr. Lucas:

As you are aware, PCC is owner of many properties in Baltimore County, of which four major ones are situated at Sparrows Point, all of which we have been actively marketing for the past four years. The greatest amount of activity is centered on the property on Morse Road, which is shown on the attached survey. This property has been under active negotiation with both Messrs. William Armiger and Ed Hale. Both individuals have submitted contracts and we are proceeding with a recommendation to the Board of Directors of the PCC for approval of the contract submitted by Mr. Armiger on behalf of the buyer, Tidewater Equipment Company, Incorporated. As a result, Mr. Hale has withdrawn his contracts on the Morse Road property as well as the other 100 acre tract on Lyndhurst Road.

It is my understanding that a critical element in the successful industrial development of this property by any purchaser is the approval for the designation of Morse Road as an industrial service road. It is my understanding that without permission for such a designation, the property or properties in the area are thus prohibited from a number of uses, which uses are considered to be the "highest and best uses" for the property.

Therefore, Victor Palmieri and Company Incorporated, on behalf of PCC, as its Board appointed asset manager for the management and liquidation of its real property assets is

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

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19 __, that the herein Petition for the aforementioned Special Hearing should be and the same is GRANTED, from and after the date of this Order, subject to

Zoning Commissioner of Baltimore County

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

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19 __, that the herein Petition for the aforementioned Special Hearing be and the same is hereby DENIED.

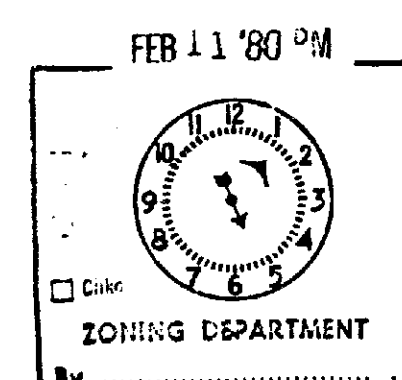
Zoning Commissioner of Baltimore County

PETITION FOR SPECIAL HEARING
Morse Lane between Wise Avenue
Extended and North Point Blvd.,
15th District
WILLIAM ARMIGER AND DAILY
EXPRESS, INC., Petitioners

SUMMONS

Mr. Commissioner:

You are hereby requested to Summons Ian Forrest, Department of Health, New Courts Building, Towson, Maryland, to appear and bring all records pertaining to the above captioned issue and to testify for the Petitioners William Armiger and Daily Express, Inc. at the hearing scheduled for 9:30 a.m., Wednesday, February 20, 1980 in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.



Mr. Sheriff:

Please issue summons in accordance with the attached.

Zoning Commissioner of Baltimore County

COST \$.00

SUMMONED 19

NON EST 19

NON SUNT 19

COPY LEFT 2-14-80

SHERIFF
CHARLES H. HICKEY, JR.
OF BALTIMORE COUNTY

CONSTABLE
ALEXANDER
& DANKEER

William Armiger - #80-160-SPH

2.

Bill 218-80. He also stated that his Department was well aware of the present deficiencies of the intersection of Morse Lane and North Point Boulevard, but stated that his Department has had communications with the State Highway Department and they were in agreement with the proposed changes to bring this intersection into compliance with existing regulations.

Testimony was then received from twenty individual residents of this area in opposition to this road designation. These citizens are all residents of the D.R. 5.5 zoned area abutting the river or nearby areas, and all opposed the use of this MH-IM zoned land for a Class II truck terminal. Their objections are hereafter condensed, for purposes of this Opinion, but are all a part of the official hearing record.

1. All residents use this road for all ingress and egress to and from their homes, and all object to the extra traffic that would be generated by this proposal, especially the added truck traffic.
2. The intersection of Morse Lane and North Point Boulevard is at present a very dangerous intersection, and any additional traffic will heighten this hazard. They noted the large number of accidents that have occurred here in the past, one between a police car and a tractor-trailer occurring just yesterday, 1/26/81.
3. Paving required under Bill 18-76 for a Class II truck terminal would create water runoff that could damage their properties.
4. Noise and exhaust pollution generated by trucks is very objectionable to all residents.
5. Property values would decrease because of the proximity of this proposed truck terminal.
6. All admitted to knowledge of the MH zoning on the surrounding area and that such property could be commercially used. However, many testified that before this commercial development be allowed to take place, another means of ingress and egress, other than Morse Lane, should be provided.

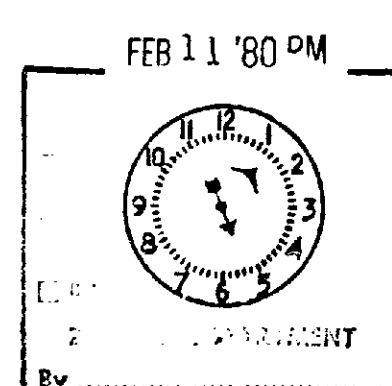
Oral closing arguments were presented by both counsel, and are a part of the hearing record.

PETITION FOR SPECIAL HEARING
Morse Lane between Wise Avenue
Extended and North Point Blvd.,
15th District
WILLIAM ARMIGER AND DAILY
EXPRESS, INC., Petitioners

SUMMONS

Mr. Commissioner:

You are hereby requested to Summons James Dyer, Zoning Supervisor, County Office Building, Towson, Maryland, to appear and bring all records pertaining to the above captioned issue and to testify for the Petitioners William Armiger and Daily Express, Inc. at the hearing scheduled for 9:30 a.m., Wednesday, February 20, 1980 in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.



Mr. Sheriff:

Please issue summons in accordance with the attached.

Zoning Commissioner of Baltimore County

COST \$.00

SUMMONED 2-14-80

NON EST 19

NON SUNT 19

COPY LEFT 19

SHERIFF
CHARLES H. HICKEY, JR.
OF BALTIMORE COUNTY

CONSTABLE
ALEXANDER
& DANKEER

William Armiger - #80-160-SPH

3.

The Board has very carefully considered the Petitioner's request at this special hearing and all of the Protestants' objections to the granting of this request. The Board has also carefully reviewed Bill 18-76 and Bill 218-80 relating to the question at hand. A study of the zoning map shows this to be an extremely large area of MH zoning, completely surrounding the D.R. 5.5 area in which most of the Protestants reside. Although no commercial development of any kind has been initiated anywhere in this area between the railroad and the river, the area is zoned for heavy industrial use, and by merely applying for a building permit almost any industry could then locate there. Naturally, as soon as this would occur, the small rural two lane road known as Morse Lane would automatically have to be upgraded to meet Baltimore County industrial standards. This, in turn, would automatically require the upgrading of the suspect intersection of Morse Lane and North Point Boulevard. Faced with these almost certain probabilities, the chances of Morse Lane remaining a small rural road seem most remote. The restrictions imposed on brand new truck terminals under Bills 18-76 and 218-80 go specifically to minimizing any potential damage to nearby residential areas. Section 410.3.B.5, 6, and 8 directly address this matter.

For these reasons the Board is of the opinion that the granting of the requested road designation would not be detrimental to the health, safety and welfare of the neighborhood and, in fact, the upgrading of the suspect intersection may in reality be advantageous to these residents. Therefore, the Board is of the opinion that the Zoning Commissioner was correct in granting the requested road designation and will so order.

ORDER

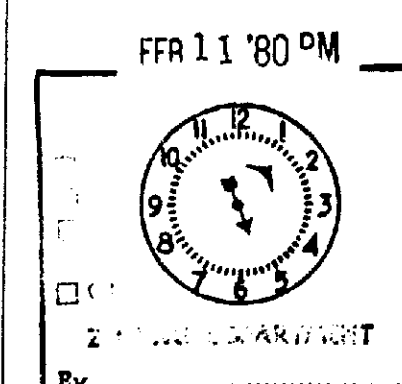
For the reasons set forth in the foregoing Opinion, it is this 10th day of February, 1981, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner of Baltimore County, dated May 12, 1980, be affirmed, and that Morse Lane, between Wise Avenue Extended and North Point Boulevard, be hereby designated to be a "public industrial service road" subject, however, to the approval by

PETITION FOR SPECIAL HEARING
Morse Lane between Wise Avenue
Extended and North Point Blvd.,
15th District
WILLIAM ARMIGER AND DAILY
EXPRESS, INC., Petitioners

SUMMONS

Mr. Commissioner:

You are hereby requested to Summons Malcolm F. Spicer, Jr., Assistant County Solicitor, Courts Building, Towson, Maryland, to appear and bring all records pertaining to the above captioned issue and to testify for the Petitioners William Armiger and Daily Express, Inc. at the hearing scheduled for 9:30 a.m., Wednesday, February 20, 1980, Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.



Mr. Sheriff:

Please issue summons in accordance with the above.

Zoning Commissioner of Baltimore County

COST \$.00

SUMMONED 2-14-80

NON EST 19

NON SUNT 19

COPY LEFT 2-14-80

SHERIFF
CHARLES H. HICKEY, JR.
OF BALTIMORE COUNTY

CONSTABLE
ALEXANDER
& DANKEER

William Armiger - #80-160-SPH

4.

the proper Baltimore County authorities of the site plan for the development of any specific site proposing to use Morse Lane, or any part thereof.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

Patricia Millhauser
Patricia Millhauser

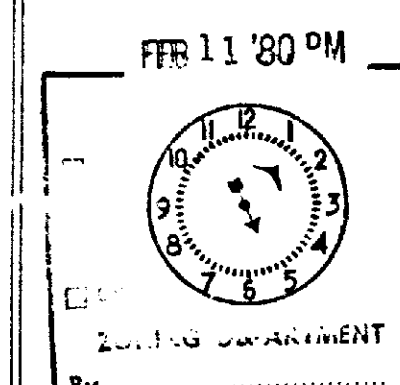
LeRoy B. Spurrer
LeRoy B. Spurrer

PETITION FOR SPECIAL HEARING
Morse Lane between Wise Avenue
Extended and North Point Blvd.,
15th District
WILLIAM ARMIGER AND DAILY
EXPRESS, INC., Petitioners

SUMMONS

Mr. Commissioner:

You are hereby requested to Summons Sharon Caplan, Industrial Development Commission, County Office Building, Towson, Maryland, to appear and bring all records pertaining to the above captioned issue and to testify for the Petitioners William Armiger and Daily Express, Inc. at the hearing scheduled for 9:30 a.m., Wednesday, February 20, 1980 in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.



Mr. Sheriff:

Please issue summons in accordance with the attached.

Zoning Commissioner of Baltimore County

COST \$.00

SUMMONED 2-14-80

NON EST 19

NON SUNT 19

COPY LEFT 2-14-80

SHERIFF
CHARLES H. HICKEY, JR.
OF BALTIMORE COUNTY

CONSTABLE
ALEXANDER
& DANKEER

Mr. James Lucas
January 28, 1980
Page Two

formally joining in the request that permission be granted for Morse Road to be designated as an industrial service road so that the property aforementioned may be put to its highest and best use.

We appreciate every consideration in this matter and should there be any action required by us on behalf of the PCC, please advise us accordingly.

Sincerely yours,

James S. Gurney
James S. Gurney
Regional Vice President

Enclosure

cc: Mr. William Armiger
Mr. Robert Betts

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>WOL</i>			Revised Plans:		Change in outline or description		Yes		No	
Previous case: <i>1</i>			Map #							

PETITION FOR SPECIAL HEARING
15TH DISTRICT
Zoning: Petition for Special Hearing
LOCATION: Morse Lane between Wise Avenue extended and North Point Boulevard
DATE & TIME: Wednesday, February 20, 1980 at 9:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for Special Hearing under Section 600.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the designation of Morse Lane between Wise Avenue extended and North Point Boulevard as a "public industrial service road." The calculated distance is approximately 800 linear feet. See Sections 410.8A.1 and 410A.1 of Bill No. 18-79.
All that parcel of land in the Fifteenth District of Baltimore County being the property of William Armiger and Daily Express, Inc., Hearing Date: Wednesday, February 20, 1980 at 9:30 A.M. County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland. By Order of: WILLIAM E. HAMMOND, Zoning Commissioner of Baltimore County Jan. 21

DUPLICATE CERTIFICATE OF PUBLICATION

YOWSON, MD., January 31, 1980

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~from 1968 to 1978~~ of one time ~~1980~~ weeks before the 29th day of February, 1980, the first publication appearing on the 31st day of January 1980.

THE JEFFERSONIAN,
L. Frank Shuster
Manager.

Cost of Advertisement, \$ *17.00*

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District *15* Date of Posting *2/10/80*
Posted for: *Board of Appeals*
Petitioner: *William Armiger, et al*
Location of property: *Morse Lane between Wise Ave. extended and North Pt. Blvd.*
Location of Signs: *Corner of N. Pt. Blvd. & Morse Lane & Morse Lane & Wise Ave.*
Remarks:
Posted by: *Ken Coleman* Signature Date of return: *2/19/80*
Number of Signs: *2*

RECEIVED
JAN 29 1980
DEVELOPMENT DIVISION

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

Your Petition has been received this *28* day of *Nov*, 1979.
Filing Fee \$ *25* Received: ☒ Check ☐ Cash ☐ Other
#113
William E. Hammond
William E. Hammond, Zoning Commissioner
Petitioner *Armiger & Daily Express* Submitted by *Bob Smith*
Petitioner's Attorney *WOL* Reviewed by *WOL*

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

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District *15* Date of Posting *2/3/80*
Posted for: *Board for Special Hearing*
Petitioner: *William Armiger & Daily Express, Inc.*
Location of property: *Morse Lane between Wise Ave. extended and North Pt. Blvd.*
Location of Signs: *Corner of Morse Lane and Wise Ave. & Corner of N. Pt. Blvd. & Morse Lane*
Remarks:
Posted by: *Ken Coleman* Signature Date of return: *2/7/80*
2 signs

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 088885
DATE *June 12, 1980* ACCOUNT *0-662*
AMOUNT *\$15.00*
RECEIVED FROM: *Thomas L. Hennessy, Esquire*
FOR: *Filing Fee for Appeal of Case No. 80-160-SPH*
2910211 13 *45.00*
VALIDATION OR SIGNATURE OF CASHIER

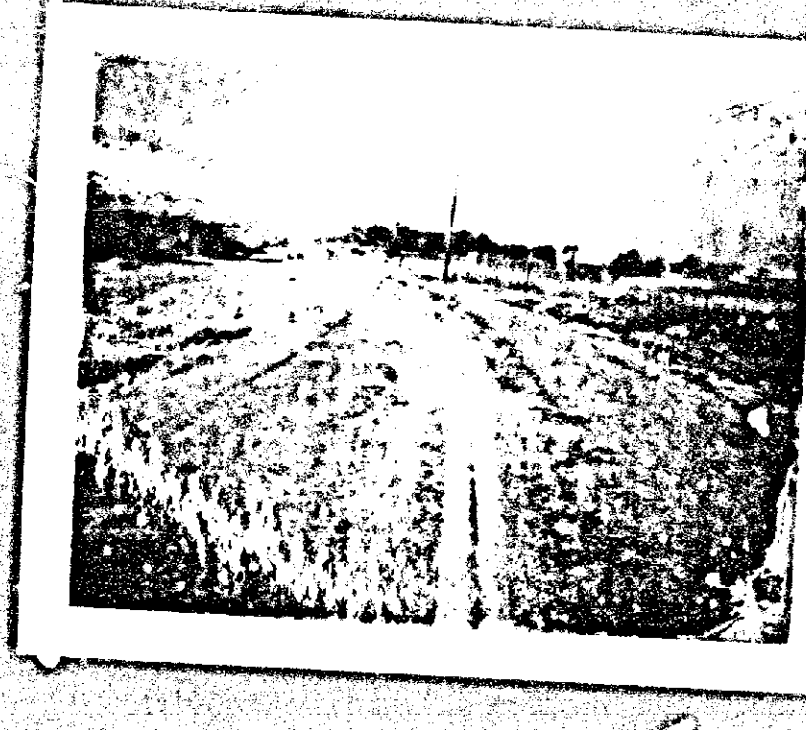
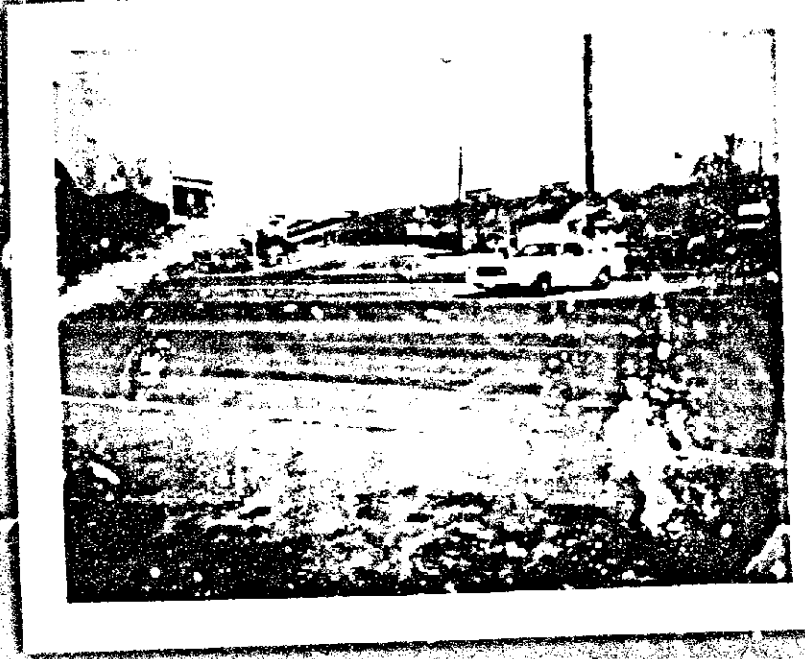
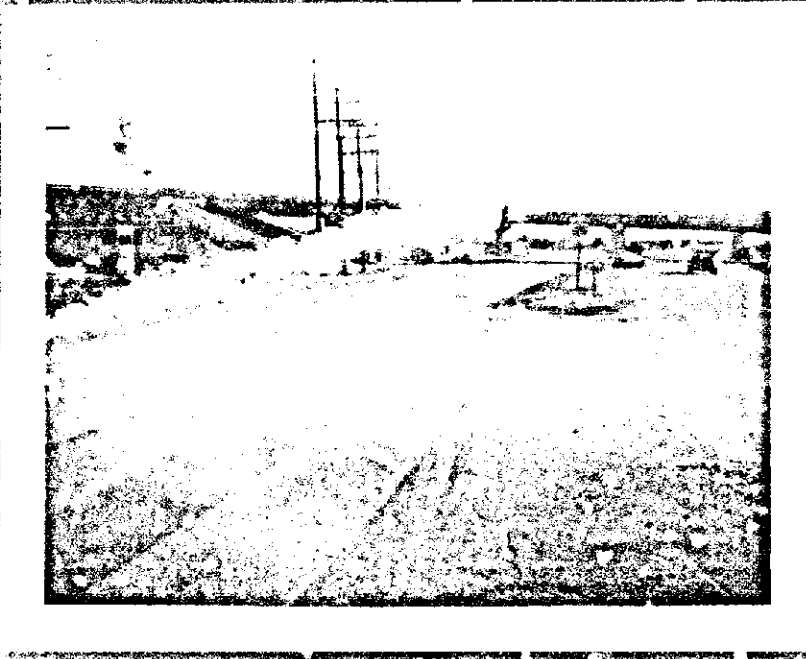
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 088818
DATE *May 12, 1980* ACCOUNT *01-662*
AMOUNT *\$11.75*
RECEIVED FROM: *J. Carroll Holzer, Esquire*
FOR: *Advertising and Posting for Case No. 80-160-SPH*
2870211 13 *41.75*
VALIDATION OR SIGNATURE OF CASHIER

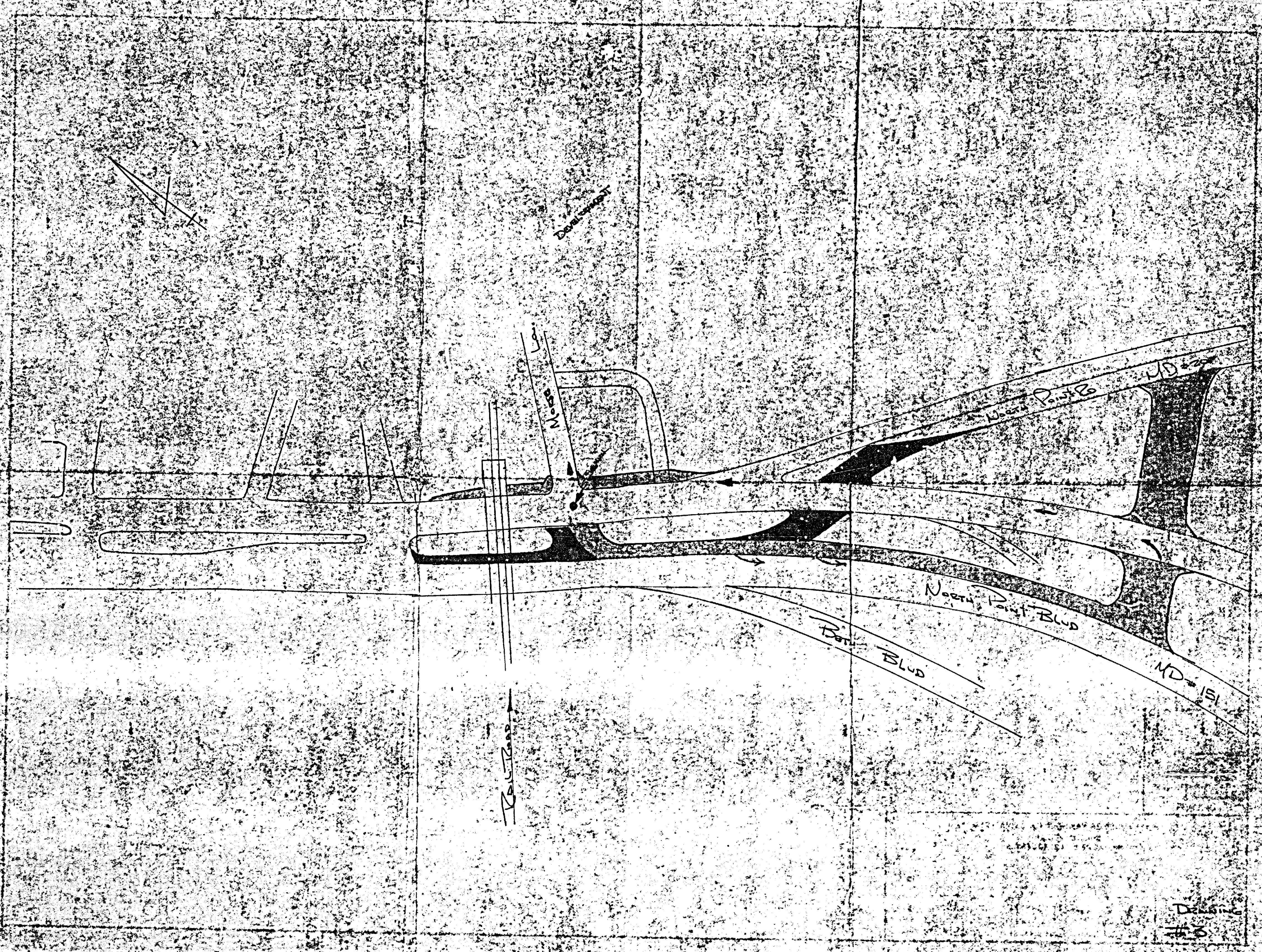
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 85596
DATE *January 23, 1980* ACCOUNT *21-662*
AMOUNT *\$25.00*
RECEIVED FROM: *Robert T. Smith*
FOR: *Filing Fee for Case No. 80-160-SPH*
2843211 24 *25.00*
VALIDATION OR SIGNATURE OF CASHIER

ESSEX TIMES
Bal Air, Md. *Jan 31 1980*
This is to Certify, That the annexed
William E. Hammond
was inserted in THE ~~ESSEX~~ TIMES, a newspaper printed and published in Harford County, once in each of *one* successive weeks before the *20th* day of *Feb*, 1980.
Ann O'Leary Publisher.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 85069
DATE *March 19, 1981* ACCOUNT *01-712*
AMOUNT *\$13.00*
RECEIVED FROM: *Thomas L. Hennessy, Esq., 407 W. Penna. Ave.*
FOR: *Case No. 80-160-SPH, William Armiger, et al*
2843211 24 *25.00*
VALIDATION OR SIGNATURE OF CASHIER

80-160-SPH
(Item 113)
Morse Lane, between Wise Ave. extended and North Pt. Blvd.
William Armiger, et al
2 SIGNS





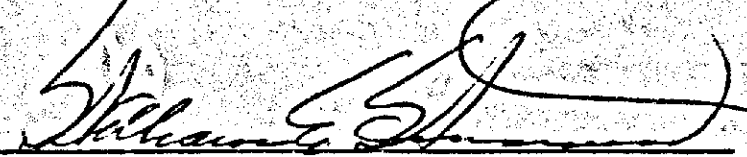
Mr. William Armiger
6301 North Charles Street
Baltimore, Maryland 21212

Mr. Robert Warts, Vice President
Daily Express, Inc.
Box 39
Carlisle, Pennsylvania 17013

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

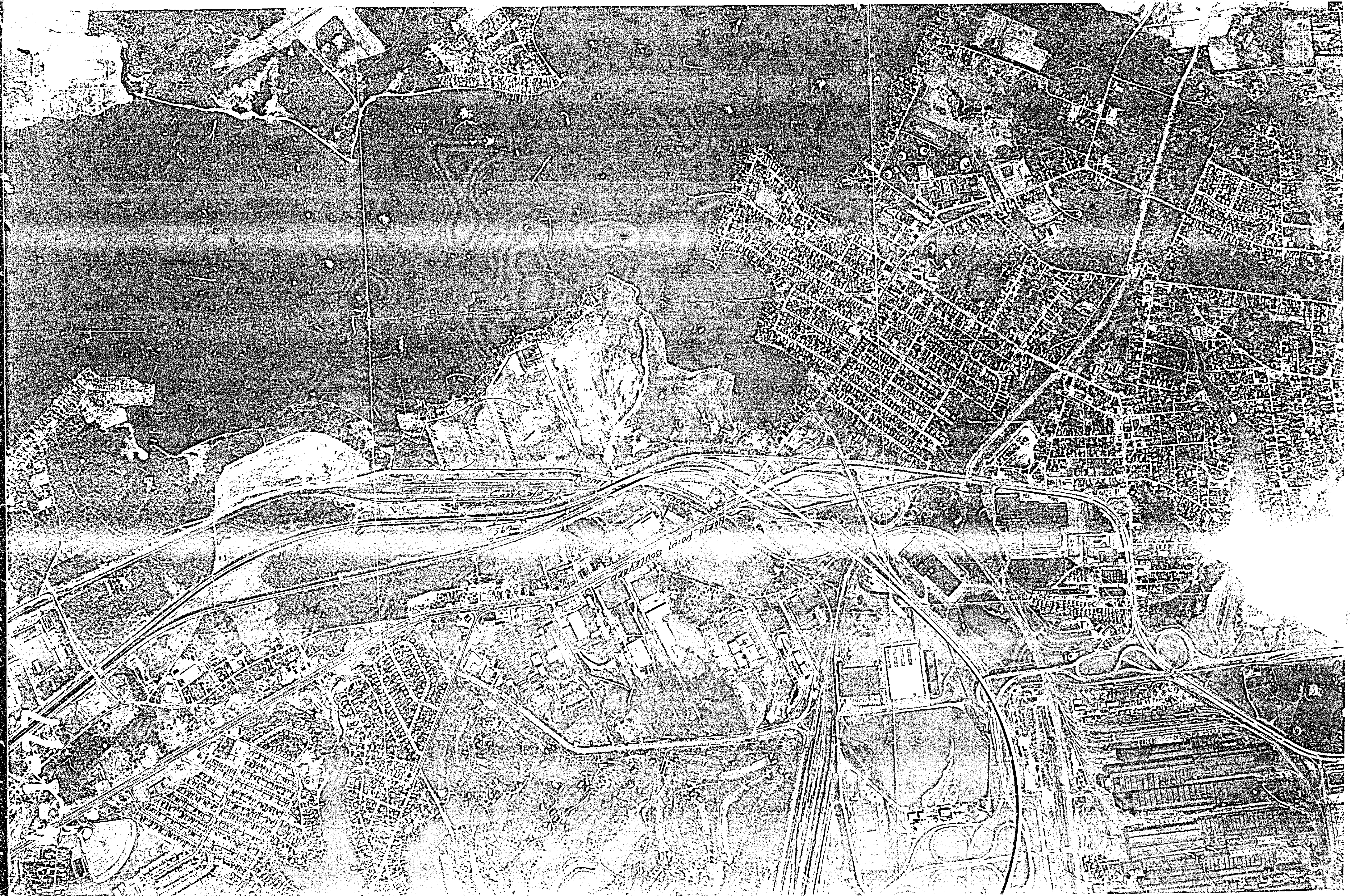
Your Petition has been received and accepted for filing this 1st day
of January, 1960.


WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner William Armiger/Daily Express, Inc.

Petitioner's Attorney, _____

Reviewed by: 
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee



STEPHEN E. COLLINS
DIRECTOR

February 12, 1980

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

Item No. 113 - ZAC - Meeting of December 11, 1979
Property Owner: William Arminger & Daily Express, Inc.
Location: No description submitted
Existing Zoning: M.H.-I.M.
Proposed Zoning: Special Hearing to approve the designation of Morse Lane between Wise Avenue and North Point Blvd. as a "public industrial service road." The calculated distance is approximately 3,800 feet. See Sections 410.3A.1 and 410A.3A.1 of Bill 18-76.

Acreage: 15th
District: 15th
Note: No plats submitted with this folder.

Dear Mr. Hammond:

Enclosed you will find correspondence from Stephen E. Collins, the Director of the Department of Traffic Engineering. He feels that Morse Avenue is an industrial service road.

Very truly yours,

Michael S. Flanigan
Engineering Associate II

MSF/mjm

PETITIONER'S
EXHIBIT 9d

VICTOR PALMIERI AND COMPANY INCORPORATED
PENN CENTRAL PROPERTIES DIVISION

January 28, 1980

Mr. James Lucas
Director of
Industrial Development Commission
County Office Building
Towson, Maryland 21204

Dear Mr. Lucas:

As you are aware, PCO is owner of many properties in Baltimore County, of which four major ones are situated at Sparrows Point, all of which we have been actively marketing for the past four years. The greatest amount of activity is centered on the property on Morse Road, which is shown on the attached survey. This property has been under active negotiation with both Messrs. William Arminger and Ed Hale. Both individuals have submitted contracts and we are proceeding with a recommendation to the Board of Directors of the PCC for approval of the contract submitted by Mr. Arminger on behalf of the buyer, Tidewater Equipment Company, Incorporated. As a result, Mr. Hale has withdrawn his contracts on the Morse Road property as well as the other 100 acre tract on Lyndhurst Road.

It is my understanding that a critical element in the successful industrial development of this property by any purchaser is the approval for the designation of Morse Road as an industrial service road. It is my understanding that without permission for such a designation, the property or properties in the area are thus prohibited from a number of uses, which uses are considered to be the "highest and best uses" for the property.

Therefore, Victor Palmieri and Company Incorporated, on behalf of PCC, as its Board appointed asset manager for the management and liquidation of its real property assets is

PETITIONER'S
EXHIBIT 17a

1700 MARKET STREET - PHILADELPHIA, PENNSYLVANIA 19103 - (215) 561-1650

Mr. James Lucas
January 28, 1980
Page Two

formally joining in the request that permission be granted for Morse Road to be designated as an industrial service road so that the property aforementioned may be put to its highest and best use.

We appreciate every consideration in this matter and should there be any action required by us on behalf of the PCC, please advise us accordingly.

Sincerely yours,

James S. Gurney
Regional Vice President

Enclosure

cc: Mr. William Arminger
Mr. Robert Betts

CONRAIL

February 11, 1980

Mr. James Lucas, Director
Industrial Development Commission
County Office Building
Towson, Md. 21204

Dear Mr. Lucas:

We endorse the industrial park proposal of Mr. W. S. Arminger which we note has been supported by others including Victor Palmieri and Company, Inc.

We understand that the success of this project depends on Morse Lane being viewed as an industrial service road and while we are not aware of any precise definition of the term "public industrial service road", we believe that it is a fitting description of the proposed use of Morse Lane.

This 150-acre property has considerable potential as an industrial park and should contribute to the economy and development of the surrounding area.

Conrail is preparing plans to serve the park with rail service and will work with Mr. Arminger to locate industries of our mutual interest.

Please be assured of our cooperation in the development of this area.

Very truly yours,

Vincent J. Floyd
Assistant Vice President -
Industrial Development

PETITIONER'S
EXHIBIT 17b

Page 2
Mr. James Lucas
February 11, 1980

cc: Mr. W. S. Arminger
6301 North Charles
Baltimore, Md. 21212

Mr. J. Carroll Holzer
Constable, Alexander & Dancker
The Chesapeake Building
305 W. Chesapeake Avenue
Towson, Md. 21204



Maryland Department of Transportation
Maryland Port Administration

James J. O'Donnell
Secretary
W. Gregory Halpin
Port Administrator

December 3, 1979

Mr. James Lucas
Baltimore County Industrial
Development Commission
County Office Building
Towson, Maryland 21204

Jim:

Over the past year, Mr. Bill Arminger has been keeping the Port Administration advised on the progress of the development of the Morse Lane Industrial site.

In a recent meeting at the Administration, he advised that the project is now well advanced and, hopefully, could begin initial operation shortly after the first of the year.

It is not for the Administration to comment on all of the elements of this development as it would impact the area or as it fits into the County's industrial development program.

We can state that the availability of such a site for truck operation and/or storage of equipment and cargo could well be attractive to those using the Dundalk Marine Terminal. The increasing volume of cargo moving through that terminal has resulted in a shortage of space which has forced many of our clients to seek relief outside the terminal.

The proximity of Mr. Arminger's site, along with the substantial amount of acreage available, would indicate that it could be utilized by those doing business at Dundalk Marine Terminal.

PETITIONER'S
EXHIBIT 17c

The World Trade Center Baltimore, Baltimore, Maryland 21202, Telephone (301) 383-5731

Mr. James Lucas
December 3, 1979
Page 2

The above information is being provided to assist you in whatever evaluation or action your Commission is required to take in this matter.

Regards,

W. Gregory Halpin
Port Administrator

WGH:hsc

cc: Mr. William S. Arminger
Captain J. F. Hogan
Mr. L. W. Willett
Mr. R. R. Green

MANEKIN
CORPORATION
Industrial and Commercial Real Estate

FEB 11 1980 REC'D

February 8, 1980

Mr. James Lucas
Director of Industrial Development Commission
County Office Building
Baltimore, Maryland 21204

Dear Jim:

It has come to my attention that a request has been made that Morse Road be designated an Industrial Service Road.

Since the property fronting on Morse Road has been zoned Heavy Manufacturing, it follows that access to this property must accommodate heavy truck traffic.

Since, in my opinion, the zoning is proper and the highest and best use for the property is heavy manufacturing usage, steps should be taken quickly to implement this use in order to add to the tax base of Baltimore County. I would be happy to contact anyone you might suggest if there is any questions about my position.

Sincerely,

Harold Manekin

HM:dm

PETITIONER'S
EXHIBIT 17d

ROBERT T. SMITH
REAL ESTATE BROKER

December 8, 1979

Reply To:
Drawer 7060
Charlottesville, Va. 22906
(804) 977-6532

Mr. William S. Armiger
6303 North Charles Street
Baltimore, Maryland

Dear Bill:

I felt I should write you so that you will know of my genuine interest in assisting you with the marketing of the property at Sparrows Point on which you have labored so long.

As you know I have worked with and for the trucking industry for about a dozen years, first as president of Rollins Properties, Incorporated, a subsidiary of R. L. C. Corporation of Wilmington, Delaware. While there it was my function to acquire truck terminal sites for Matlack, Incorporated and Hollins Truck Leasing, both wholly owned subsidiaries of R. L. C. I acquired sites all over the country. After leaving Rollins, I have been in the real estate brokerage business and have worked closely with several trucking concerns mostly in the east.

The thing that attracts me to your site and situation is that in my opinion Baltimore has the most critical transportation problem in the whole nation. I do not know of any other port, and I have worked around most of them, that has the additional traffic burden that is created by the country's second largest steel producing plant at Sparrows Point. Either Dundalk or Bethlehem Steel by its f would create a problem, but putting the two together less than four miles apart has created unbelievable problems.

As I view the situation, the solution your concept will offer will be the only ball game in town. A well planned marketing and development plan should be successful and completed within a couple of years. I would like to be a part of it.

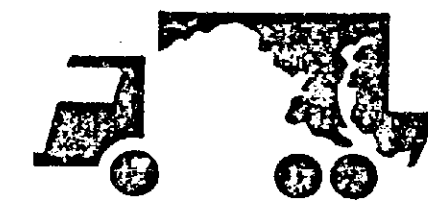
Perhaps as your plans become firm, we can explore my involvement further if you feel I can offer any help.

Very truly yours,

Robert T. Smith

PETITIONER'S
EXHIBIT 17e

RTS:bjs



MARYLAND MOTOR TRUCK ASSOCIATION, INC.

WALTER C. THOMPSON
Executive Vice President

3000 Washington Blvd
Baltimore, Maryland 21230
301 644-4600

February 11, 1980

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

Dear Mr. Hammond,

I understand that on February 20, 1980, your office will hold a public hearing relative to the designation of part of Morse Lane in the Dundalk-Sparrows Point area as a "Public Industrial Service Road".

As you know, our industry has been stymied the past four years first by the truck terminal moratorium and then by Baltimore County Bill 18-76, passed March 15, 1976.

Now it appears that some of our members are ready to conform to the highly restrictive aspects of the bill, but nothing will be allowed to proceed unless this first step is taken. The first step being affirmative action on the above-mentioned petition at public hearing.

Our organization wholeheartedly supports this petition as a first step toward an overall solution to a stalemate that has been allowed to exist for much too long, and, has handicapped the trucking industry's need to expand and provide better service to the port, as well as the industries of Baltimore County.

We want to go on record as urging your office to approve the designation of Morse Lane as a "Public Industrial Service Road".

Sincerely,

Walter C. Thompson

WCT:jgc
cc: Mr. William Armiger

PETITIONER'S
EXHIBIT 17f

Representing the Trucking Industry in Maryland

C. J. Langenfelder & Son, Inc.
CONTRACTORS

CHARLES SCHEELER PRES.
EUGENE N. HELMS EXECUTIVE VICE PRESIDENT
JAY JOHNSON VICE PRESIDENT
JOHN B. BAKER VICE PRESIDENT
JOHN H. HADLAND VICE PRESIDENT
MARK W. STOKES VICE PRESIDENT
W. H. GABLE VICE PRESIDENT
ANN L. BLINE SECRETARY
HARRY M. ELLIOTT TREASURER
R. J. FITZPATRICK ASST. SEC. & ASST. TREAS.

8437 PULASKI HIGHWAY... P.O. BOX 8408... BALTIMORE, MARYLAND 21237
TELEPHONE NO. (201) 682-2000 TWX NO. 7102399038

February 18, 1980

Mr. James Lucas
Baltimore County Industrial
Development Commission
County Office Building
Towson, MD 21204

Dear Mr. Lucas:

We are the owners of two pieces of property that are serviced by Morse Lane. We understand that a request has been made that Morse Lane be designated an Industrial Service Road.

We, therefore, request that since the majority of the property fronting on Morse Lane is zoned Heavy Industrial, this road be designated an Industrial Service Road.

Very truly yours,

C. J. LANGENFELDER & SON, INC.

Charles Scheeler
President

cl

PETITIONER'S
EXHIBIT 17g



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

January 16, 1980

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

Re: Item #113 (1979-1980)
Property Owner: William Armiger & Daily Express, Inc.
Location: No description submitted
Existing Zoning: M.H.-I.M.
Proposed Zoning: Special Hearing to approve the designation of Morse Lane between Wise Avenue and North Point Blvd. as a "public industrial service road". The calculated distance is approximately 3800 feet. See Sections 410.3A.1 and 410A.3A.1 of Bill 18-76.
District: 15th
Note: No plats submitted with this folder.

Dear Mr. Hammond:

The following comments are furnished by the Zoning Advisory Committee in connection with the subject item.

General:

No plan or area description was submitted with this Petition for a Special Hearing to approve the designation of Morse Lane between Wise Avenue (Extended) and North Point Boulevard as a "public industrial service road", an approximate distance of 3,800 feet.

Morse Lane (Henry Avenue), an existing public road, is proposed to be improved in the future, as a collector street in this generally industrial area, with a 48-foot closed section roadway on a 70-foot right-of-way, from Norris Lane southeasterly approximately 3.4 miles to North Point Boulevard (Mds. 151 and 20).

Highway right-of-way widening, including fillet areas for sight distance at roadway intersections and any necessary reversible easements for slopes will be required in connection with any grading or building permit applications.

Very truly yours,
Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Wimbley, J. Somers

E-NE, SE, NW & SW Key Sheets
Pos. Sheets - Various
SE 2 G; 2, 3 4 & 5 H Topo
97, 104 and 111 Tax Maps

PETITIONER'S
EXHIBIT 18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond
Zoning Commissioner
TO: John D. Seyffert, Director
Office of Planning and Zoning
FROM: Petition No. 80-160-SPH - Item 113
SUBJECT: February 11, 1980

Petition for Special Hearing
Morse Lane between Wise Avenue extended and North Point Boulevard
Petitioner - William Armiger and Daily Express, Inc.

15th District

HEARING: Wednesday, February 20, 1980 (9:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

John D. Seyffert, Director
Office of Planning and Zoning

PETITIONER'S
EXHIBIT 19

JDS:JGH:dme

WM. PEPPER CONSTABLE
1882-1878
JOHN D. ALEXANDER
GEORGE W. CONSTABLE
CLAYTON W. DANER
THOMAS F. CONNER, JR.
RONALD L. HANER
WILLIAM F. BLUE
DAVID C. DANESER
JAMES W. CONSTABLE
MARK W. DANER
FRANK THOMAS HOWARD
J. CARROLL HOLZER
CAROLE S. DENING
ALEXANDER J. DORRIS, III
RICHARD E. JACKSON

CONSTANCE, ALEXANDER & DANER
1000 MARYLAND TRUST BUILDING
CALVERT AND REDWOOD STS
BALTIMORE, MARYLAND 21202
(301) 538-3474

January 18, 1980

PLEASE REPLY TO: TOWSON

Malcolm F. Spicer, Jr., Esquire
Assistant County Solicitor for
Baltimore County
Old Court House
Towson, Maryland 21204

Re: County Trucking-Facilities-Development Committee

Dear Mr. Spicer:

I have been advised by Jim Lucas that you are the Chairman of the County Trucking-Facilities-Development Committee which consists of those individuals whom I have listed as receiving copies of this letter. I am representing a client who intends to develop a truck terminal in the eastern part of the County. One preliminary concern that has arisen is the definition of Morse Lane as a "public industrial service road".

In an attempt to get the language contained in Bill No. 18-1976 defined, I have had conversations with a number of County officials, one of whom was Jim Lucas. Jim suggested that I write to you and request a prompt meeting of your Committee in order to gain your insight and assistance in defining this term. Presently scheduled is a Special Hearing before the Zoning Commissioner on this matter for February 20th, 1980. It is my desire that the Committee meet and consider this problem before that date and perhaps make a recommendation as to their findings and conclusions.

If you could call for a meeting of the Committee during the month of January, I would be glad to prepare, in advance, a presentation regarding this issue which could be reviewed by the members of the Committee prior to the meeting date.

PETITIONER'S
EXHIBIT 16a

Malcolm F. Spicer, Jr., Esquire
January 18, 1980
Page Two

Thank you very much for your cooperation in this regard. Please advise me as soon as possible of a date in order that I can prepare my presentation.

Very truly yours,

J. Carroll Holzer

JCH:jeh

cc: Nick Commodari
Fred Ringger
Mike Flannigan
Ted Burnham
John Myers
Jack Wimbley
Jim Lucas



BALTIMORE COUNTY
OFFICE OF LAW
TOWSON, MARYLAND 21204
494-3146

LEONARD S. JACOBSON
COUNTY SOLICITOR

January 28, 1980

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

Re: County Trucking Facilities Development Committee
Dear Mr. Holzer:

I am in receipt of your letter dated January 18, 1980 regarding your request for a committee meeting to consider the possibility of a committee recommendation as to whether or not Morse Lane is a "public industrial service road".

Although I fully understand your plight in this regard and sympathize with you, I do not believe that the committee is authorized to engage in such a function. The functions of the committee and the areas in which it is authorized to make recommendations are set forth in the provisions of Bill No. 18-76 which do not authorize the committee to make recommendations to the Zoning Commissioner as to what is or is not a "public industrial service road".

As the committee and its functions are established by law, I do not believe that it can function as a committee outside the boundaries established by the legislation. The final determination of whether or not a particular road is an industrial service road must rest with the Zoning Commissioner and be based upon the evidence presented to him.

I do not mean to suggest that a member of the committee who is otherwise qualified could not express his opinion on the subject but it would not be a recommendation, decision or opinion of the committee as such.

PETITIONER'S
EXHIBIT 16b

J. Carroll Holzer, Esquire
Page -2-
January 28, 1980

In view of the above, I regret that I am unable to convene a meeting of the Trucking Facilities Development Committee as you have requested.

Sincerely yours,

Mac

Malcolm F. Spicer, Jr.
Assistant County Solicitor

MFSJr./bbr

cc: Nick Commodari
Fred Ringger
Mike Flannigan
Ted Burnham
John Myers
Jack Wimbley
Jim Lucas

POSSIBLE ZONING DEFINITION OF "PUBLIC INDUSTRIAL SERVICE ROAD":

Industrial Service road, public: A motorway that is owned by the County, State or Federal government and -

1. That was designed for the primary or exclusive use of trucks or other vehicles traveling to or from industrial uses, or that was not originally designed for that use but, because of its relation to industrial properties, is suitable for that use; and

2. Has been officially designated as a public industrial service road by the Director of Traffic Engineering or by the Zoning Commissioner ~~and County Board of Appeals~~ upon petition and special hearing in conformance with the criteria stated above, *subject to the right of appeal to the County Board of Appeals.*

SUGGESTED REVISIONS TO TRUCK TERMINAL ORDINANCE LOCATIONAL REQUIREMENTS:

SUGGESTED VERSION A:

410.3A. and 410A.3A. Access points.

1. Any point of access to a public street must be on a public industrial service road, on an arterial street, or on a major collector street, except that -

a. No access point on a public industrial service road is permitted unless the service road has direct access to an arterial street, an expressway, or a freeway, and unless the place of that LEGAL THROUGH TRUCK access is closer to the use in question than any point of LEGAL THROUGH TRUCK access the service road may have to a motorway other than an arterial street, an expressway, or a freeway; and

OR

SUGGESTED VERSION B:

410.3A. and 410A.3A. Access points.

PETITIONER'S
EXHIBIT 15

1. Any point of access to a public street must be on a public industrial service road, on an arterial street, or on a major collector street, except that -

a. No access point on a public industrial service road is permitted unless the service road has direct access to an arterial street, an expressway, or a freeway, and unless the place of that access is closer to the use in question than any point of access the service road may have to a motorway other than an arterial street, an expressway, or a freeway BY A TRUCK ROUTE APPROVED PURSUANT TO THESE REGULATIONS, WHICH APPROVED TRUCK ROUTE IN NO CASE SHALL INVOLVE USAGE OF ANY MOTORWAY OTHER THAN A PUBLIC INDUSTRIAL SERVICE ROAD TO REACH AN ARTERIAL STREET, AN EXPRESSWAY, OR A FREEWAY; and

b. No access point on a major collector street, WHICH IS NOT ALSO A PUBLIC INDUSTRIAL SERVICE ROAD, is permitted unless the access point is within a travel distance of one-quarter mile from the major collector street's access to an arterial street, an expressway or a freeway.

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204
DONALD J ROOP M.D. MPH
DEPUTY STATE & COUNTY HEALTH OFFICER

January 28, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #113, Zoning Advisory Committee Meeting of December 11, 1979, are as follows:

Property Owner:	William Arminger & Daily Express, Inc.
Location:	No description submitted
Existing Zoning:	M.H.-I.M.
Proposed Zoning:	Special Hearing to approve the designation of Morse Lane between Wise Avenue and North Point Blvd. as a "public industrial service road". The calculated distance is approximately 3800 feet. See Sections 410.3A.1 and 410A.3A.1 of Bill 18-76.
District:	15th
Note:	No plats submitted with this folder

The purpose of the special hearing is to allow two proposed trucking facilities to be located on and use Morse Lane as an ingress and egress. The existing road is hard surfaced. Any proposed development on this road will not be approved until public water and sewer is available.

Very truly yours,

Jan J. Forrest
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJP/rth

PETITIONER'S
EXHIBIT 13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William Hammond, Zoning Commissioner
FROM: Sharon M. Caplan, Economic Development Commission
SUBJECT: Petition for Special Hearing, Item #113
Date: January 3, 1980

After working with Robert T. Smith in regard to a petition relative to the truck terminal legislation and the designation of Morse Lane as a "public industrial service road," I wish to bring the following facts on his behalf to your attention:

1. Since August, 1979, Mr. Smith has been working with the County agencies in reference to this project.
2. On November 28, 1979, a petition known as Item #113 was filed with the Zoning Office with our encouragement.
3. The week of December 17, 1979, a field inspection was made at the site of the property.
4. We are now requesting an early hearing date on behalf of Mr. Smith for Item #113. We are supportive of this effort based on the needs of Baltimore County to have upgraded truck terminal facilities based on the truck terminal legislation.

I appreciate your cooperation in this matter of setting an early hearing date.

SHARON M. CAPLAN

SMC:jet

cc: Honorable John W. O'Rourke
Robert Wertz
William S. Arminger
Robert T. Smith

PETITIONER'S
EXHIBIT 10c

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

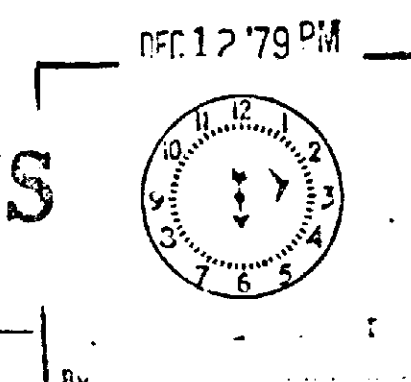
TO: Nicholas R. Commodari, Zoning Advisory Committee
FROM: Sharon M. Caplan, Economic Development Commission
SUBJECT: Item No. 113 - Property Owner: William Arminger & Daily Express, Inc.
Location: No description submitted
Existing Zoning: M.H.-I.M.
Proposed Zoning: Special Hearing to approve the designation of Morse Lane between Wise Avenue and North Point Blvd. as a "public industrial service road". The calculated distance is approximately 3800 feet. See Sections 410.3A.1 and 410A.3A. of Bill 18-76.
Date: December 11, 1979

In recognition of Baltimore County's desire to foster a healthy economic growth, we request the zoning officer to evaluate the above request in the best interest of industrial expansion.

SMC:jet

Sharon M. Caplan
SHARON M. CAPLAN

PETITIONER'S
EXHIBIT 10b



Maryland Department of Transportation
State Highway Administration

James J. O'Donnell
Secretary
M. S. Caltrider
Administrator

PETITIONER'S
EXHIBIT 11

December 19, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Dec. 11, 1979
ITEM: 113.
Property Owner: William Arminger & Daily Express, Inc.
Location: No description submitted.
Existing Zoning: M.H.-I.M.
Proposed Zoning: Special Hearing to approve the designation of Morse Lane between Wise Ave. & North Point Blvd. (Route 151) as a "public industrial service road". The calculated distance is approximately 3800 feet. See Sections 410.3A.1 and 410A.3A.1 of Bill 18-76.

District: 15th
Note: No plats submitted with this folder.

Dear Mr. Hammond:

An inspection of the subject area revealed that access is by way of North Point Blvd. The intersection of Morse Lane with the Boulevard is substandard for the anticipated traffic. The radius returns are too small, and due to the close proximity of the intersection of Old North Point Road with the Boulevard, it is impossible to provide a suitable deceleration lane. The southbound North Point Blvd. movement to eastbound Morse Lane is somewhat restricted by the railroad bridge pier.

The State Highway Administration has made studies which revealed means to alleviate the traffic problems, however, the State is not in a position to make the highway improvements. It appears unlikely that developers of the area, served by Morse Lane, could be required to

My telephone number is (301) 383-4320

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

December 19, 1979

Mr. W.E. Hammond

make improvements to the State highway. With this in mind, we could be faced with a considerable amount of industrial traffic passing through an inadequate road system.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

John E. Meyers
By: John E. Meyers

CL:JEM:vrd

PETITIONER'S EXHIBIT 14

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1979, Legislative Day No. 23
RESOLUTION NO. 83 -79

Mr. O'Rourke, Councilman

By the County Council, December 3, 1979

WHEREAS, by Bill No. 18-76, the so-called "Truck Terminal Bill", Baltimore County sought to locate and regulate certain classes of trucking facilities in Baltimore County, Maryland; and

WHEREAS, in excess of three years of experience have pointed out certain defects in the language of Bill No. 18-76, relating to legal location requirements with the location of new Class I and Class II trucking facilities; and

WHEREAS, the Baltimore County Code (1978 Ed.) in Sections 22-21 and 22-22 require under ordinary circumstances that amendments to the Zoning Regulations originate upon recommendation by the Planning Board to the County Council; and

WHEREAS, it is the consensus of the County Council that the provisions of the Truck Terminal Ordinance, Bill No. 18-76, relating to the location of Class I and Class II trucking facilities be reexamined, with a view toward amendment; and

WHEREAS, the Council hereby wishes to express to the Planning Staff and the Planning Board its desire that such locational criteria as contained in Bill No. 18-76 be examined with a view toward appropriate amendment and clarification.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the present locational requirements for Class I and Class II trucking facilities as contained in Bill No. 18-76, are overly restrictive, and in fact in a number of cases

have prevented or may in the future prevent the proper location of such trucking facilities in industrial areas served by industrial service roads, the County Council hereby requests the Planning Staff and the Planning Board to examine these locational criteria contained in the said ordinance, particularly Sections 410.3A and 410A.3A and other appropriate Sections of the said ordinance, Bill No. 18-76, relating to the appropriate location of trucking facilities in industrial areas served by industrial service roads.

BE IT FURTHER RESOLVED, that the Planning Staff and the Baltimore County Planning Board consider the addition and clarification of appropriate language to the aforesaid Sections, such as "legal truck access", to make it clear that an otherwise eligible industrial service road is not to be disqualified by its intersection with other motorways, provided such other motorways shall not be available for "shortcutting" by truck traffic, and that such "shortcutting", can be appropriately prevented by providing that such motorways must be available for "legal truck access", with the ability to deny such access to trucks thereby being presently vested in the Department of Traffic Engineering, subject to the final order and approval of the Baltimore County Council.

LAW OFFICES
Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA
JAMES D. CONNOR

January 29, 1981

AREA CODE 301 823-7710
407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
RETELEPHONE MAIL ADDRESS
BOX NO. 8473
TOWSON, MARYLAND 21204

Mrs. Edith Eisenhart
Board of Zoning Appeals for Baltimore County
Room 219
Court House
Towson, Maryland 21204

Re: Horse Lane Industrial Service Road
Armiger - 800-160-SPH

Dear Mrs. Eisenhart:

My face is red. When we left after the hearing on the above matter on January 27, 1981, I found in my file one yellow piece of paper that had been in the lower zoning file from a Marjorie Hill and also a petition that was in that file that was not accepted as an exhibit by the Board in view of their policy. I am returning herewith to you both of these papers to be included back in the Horse Lane file which is case no. 80-160-SPH of your Board.

Thank you for your consideration.

Yours very truly,

Thomas L. Hennessey

TJH/kan
Enc.

RECEIVED
BALTIMORE COUNTY
FEB 3 11 05 AM '81
COUNTY BOARD
CLERK J.A.S.

We, the undersigned, are opposed to making the portion of Horse Lane between Wise Avenue Extended and North Point Boulevard a public industrial service road. We feel that this proposed change would pose a threat to the safety of the residents of the Todd Point Lane, Wise Avenue Extended, Edgemere, Millers Island, and Port Howard areas.

We, the undersigned, are opposed to making the portion of Horse Lane between Wise Avenue Extended and North Point Boulevard a public industrial service road. We feel that this proposed change would pose a threat to the safety of the residents of the Todd Point Lane, Wise Avenue Extended, Edgemere, Millers Island, and Port Howard areas.

We, the undersigned, are opposed to making the portion of Horse Lane between Wise Avenue Extended and North Point Boulevard a public industrial service road. We feel that this proposed change would pose a threat to the safety of the residents of the Todd Point Lane, Wise Avenue Extended, Edgemere, Millers Island, and Port Howard areas.

We, the undersigned, are opposed to making the portion of Horse Lane between Wise Avenue Extended and North Point Boulevard a public industrial service road. We feel that this proposed change would pose a threat to the safety of the residents of the Todd Point Lane, Wise Avenue Extended, Edgemere, Millers Island, and Port Howard areas.

Name	Address
William H. Clark	3206 River Drive Rd. 21219
Albert E. Healey	6524 N.P. Rd. 21219
Dorothy Healey	6524 N.P. Rd. 21219
Maria Karapaz	6520 N.P. Rd. 21219
Frank J. Juel	4514 No. PT Road
Albert Palcher	6506 N. Pt Road
Dorothy Palcher	6506 N. Pt. Road
John Brown	6502 North Point Rd
Agnes Brown	6502 North Point Rd
C.P. Krieger	6500 North Point Rd.
Robert Nuljman	6525 North Point Rd.
Dennis Nuljman	4525 North Point Rd.
Daniel S. Berzine	3118 River Dr. Rd.
John Morgan	2406 Estelle Ave.
ANIEL HANICK	2329 SP. PT. RD.
Edward Michalski	3002 Cedarhurst Ave.
Lorraine Berzine	3118 River Drive Rd.
Berta O'Casey	7401 Chesapeake
Francis Trucist	6610 N. St. Rd.

Name	Address
Joseph W. Walsky	2305 Sp. Pt. Rd.
Mr. Mrs. Stone Price	3114 Greenhill Rd.
Mr & Mrs James Furler	1949 Quentini Rd.
Mr & Mrs Joe Long	Baywood Tr. Pk.
Mr & Mrs. Warren Blagg	Baywood Tr. Pk.
Mr & Mrs Francis Murphy	2523 Lodge Court Dr.
Mrs. Joan Berzine	2911 Ritchie Avenue
Mrs. Mrs. Anne Hoffman	3114 River Drive Rd
Mrs. Chelen Tucker	3114 Greenhill Rd.
Miss. Adela Berzine	2911 Ritchie Ave.
F. L. Wink	7224 Hughes Ave 21219
Kenneth Best	2820 Wellington 21219
Harvey Mapp	7013 RIVERDRIVE RD. 21219
M. S. Taylor	7015 RIVER DRIVE RD
John J. Kistritz	2725 Wells Ave. 21219
Cathy G. Kistritz	2725 Wells Ave. 21219
Kolbert J. Larson Sr. and Margaret Larson	4134 Brookwood Rd 21222

Name	Address
James A. Locke Jr.	2716 Sparrows Pt. Rd.
Catharine H. Wood	2716 Sparrows Pt. Rd.
Percy W. Porter	2306 Ruth Ave.
Lillian Porter	2306 Ruth Ave.
Delores Goode	2814 Sparrows Pt. Rd.
Albert C. Goode Sr.	2814 Sparrows Pt. Rd.
Matthew Lewis	2903 Sparrows Pt. Rd.
Deborah Wells	2715 Sparrows Pt. Rd.
James Wells	2715 Sparrows Pt. Rd.
Shirley Porter	2502 Sparrows Ave.
Franklin Porter	2502 Sparrows Ave.
Russell Burman	3000 Wells Ave
Charley Burman	3000 Wells Ave

Name	Address
Mrs. Helen M. Farnsworth	4606 Todd Pt. Lane, Balt. Md. 21219
James A. Farnsworth	4620 Todd Pt. Lane, Balt. Md. 21219
Robert T. Cooke Jr.	4536 Todd Pt. Lane, Balt. Md. 21219
Helen R. Cooke	4536 Todd Pt. Lane, Balt. Md. 21219
Lillian A. Bloom	4638 Todd Pt. Lane 21219
Patricia A. Bloom	4625 Todd Pt. Lane 21219
Robert P. Bloom Jr.	4638 Todd Pt. Lane 21219
Emmett B. Polanski	4623 Todd Pt. Lane 21219
Madeleine Hoffman	4524 Todd Pt. Lane 21219
Allen W. Lewis	4624 Todd Pt. Lane 21219
Larson Lewis	4624 Todd Pt. Lane 21219
Helen C. Brown	4630 Todd Pt. Lane 21219
Helen Brown	4634 Todd Pt. Lane 21219

RE: PETITION FOR SPECIAL HEARING under Section 500.7 of the Baltimore County Zoning Regulations to determine the designation of Morse Lane, between Wise Ave. Ext. and North Point Blvd. as a "public industrial service road" - 15th Dist.

William Armiger and Daily Express, Inc., Petitioners

File No. 80-160-SPH

Diane L. Sauer, et al, Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 13

Folio No. 107

File No. M 7457

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure William T. Hackett, Patricia Millhouser and Leroy B. Spurrier, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, William Armiger, 6301 N. Charles Street, Baltimore, Md. 21212, and Daily Express, Inc., Box 39, Carlisle, Pennsylvania 17013, Petitioners; J. Carroll Holzer, Esq., 305 W. Chesapeake Avenue, Towson, Md. 21204, Counsel for Petitioners; Mrs. Marjorie Hill, 8109 Raymond Ave., Baltimore, Md. 21222, Mrs. Pearl Gintling, 7718 North Point Creek Rd., Baltimore, Maryland 21219, Mrs. Ethel Weber, 4506 Todd Point Lane, Baltimore, Md. 21219, Mr. Richard Rudolph, Rt. 10, Box 38, Wise Ave. Extended, Baltimore, Md. 21219, Ms. Diane Sauer, 4620 Todd Point Lane, Baltimore, Md. 21219, Mr. Robert Sauer, 4620 Todd Point Lane, Baltimore, Md. 21219, Ms. Helen Furnari, 4616 Todd Point Lane, Baltimore, Md. 21219, Ms. Teresa Griggs, 4638 Todd Point Lane, Baltimore, Md. 21219, James W. Moffitt, 4514 Todd Point Lane, Baltimore, Md. 21219, and William Boyd, 4301 Lebb's Lane, Baltimore, Md. 21219, Protestants; Thomas L. Hennessey, Esq., 407 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Protestants; Newton A. Williams, Esq., 204 W. Pennsylvania Ave., Towson, Md. 21204, and John W. Hessian, III, Esq., Court House, Towson, Maryland, 21204, People's Counsel for Baltimore County, a copy of which Notice is

William Armiger and Daily Express, Inc. File No. 80-160-SPH

attached hereto and prayed that it may be made a part thereof.

June Holmen
County Board of Appeals of Baltimore County
Rm. 219, Court House, Towson, Md. 21204
Telephone: 494-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to William Armiger, 6301 N. Charles St., Baltimore, Md. 21212, and Daily Express, Inc., Box 39, Carlisle, Pa. 17013, Petitioners; J. Carroll Holzer, Esq., 305 W. Chesapeake Ave., Towson, Md. 21204, Counsel for Petitioners; Mrs. Marjorie Hill, 8109 Raymond Ave., Baltimore, Md. 21222, Mrs. Pearl Gintling, 7718 North Point Creek Rd., Baltimore, Md. 21219, Mrs. Ethel Weber, 4506 Todd Point Lane, Baltimore, Md. 21219, Mr. Richard Rudolph, Rt. 10, Box 38, Wise Ave. Extended, Baltimore, Md. 21219, Ms. Diane Sauer, 4620 Todd Point Lane, Baltimore, Md. 21219, Mr. Robert Sauer, 4620 Todd Point Lane, Baltimore, Md. 21219, Ms. Helen Furnari, 4616 Todd Point Lane, Baltimore, Md. 21219, Ms. Teresa Griggs, 4638 Todd Point Lane, Baltimore, Md. 21219, James W. Moffitt, 4514 Todd Point Lane, Baltimore, Md. 21219, and William Boyd, 4301 Lebb's Lane, Baltimore, Md. 21219, Protestants; Thomas L. Hennessey, Esq., 407 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Protestants; Newton A. Williams, Esq., 204 W. Pennsylvania Ave., Towson, Md. 21204, and John W. Hessian, III, Esq., Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 16th day of March, 1981.

June Holmen
County Board of Appeals of Baltimore County

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
APPELLATE COURT
APPEAL FROM THE COUNTY BOARD OF APPEALS

RE: PETITION FOR SPECIAL HEARING under Section 500-7 of the Baltimore County Zoning Regulations to determine the designation of Morse Lane, between Wise Ave. Ext. and North Point Blvd. as a "public industrial service road" - 15th District

William Armiger and Daily Express, Inc., Petitioners

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. 80-160-SPH

NOTICE OF APPEAL

MR. CLERK:

Please note an appeal on behalf of the Petitioners, Diane L. Sauer, Robert L. Sauer, Pearl Gintling, James Moffitt, Ethel Weber, William Boyd, Theresa Griggs, Martha Griggs, Harry Lee Kell, Helen Furnari and Richard Rudolph, from the Opinion and Order of the County Board of Appeals of Baltimore County, dated February 10, 1981, in the above-captioned case, a copy of said Opinion and Order being attached hereto.

THOMAS L. HENNESSEY, P.A.

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

MAIL CERTIFICATION

I HEREBY CERTIFY that a copy of the foregoing Notice of Appeal was mailed, postage prepaid, this 12th day of March, 1981, to William T. Hackett, Acting Chairman, Patricia Millhouser and Leroy B. Spurrier, County Board of Appeals of Baltimore County, County Courthouse, 2nd Floor, Towson, Maryland 21204; a copy to William E. Hammond, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; a copy to J. Carroll Holzer, Esquire, Attorney for William Armiger and Daily Express, Inc., 305 West Chesapeake Avenue, Towson, Maryland 21204; and a copy to John W. Hessian, III, Esquire, 102 West Pennsylvania Avenue, Towson, Maryland 21204.

Thomas L. Hennessey

1. facilities for the service or repair of vehicles or necessary space for the
2. transitory storage of goods or chattels. The term "trucking facilities"
3. includes facilities for the storage of freight-shipping containers designed to
4. be mounted on chassis for part or all of their transport, but does not include a
5. warehouse, moving and storage establishment, or truck stop. Land used for the
6. parking, storage or repair of trucks used as an accessory to a lawful business
7. or industrial use of the land that such parking or storage area forms a part
8. of shall not be considered a trucking facility within the meaning of this definition.
9. As used in this definition, the terms "trucks", "truck trailers", and "truck
10. tractors" do not include any vehicle whose maximum gross weight is 10,000 pounds
11. or less, as rated by the State Motor Vehicle Administration.

12. SECTION 2. And be it further enacted, that the following new term and
13. definition be and it is hereby added, in alphabetical order to §101 of the
14. Baltimore County Zoning Regulations.

15. Section 101. Definitions.

16. Industrial service road, public: A motorway that is owned or maintained
17. by the County, State or Federal government and -

18. 1) That was designed for the primary or exclusive use of trucks or other
19. vehicles traveling to or from industrial uses, or that was not originally designed
20. for that use but, because of its relation to industrial properties, is suitable
21. for that use; and

22. 2) Has been officially designated as a public industrial service road
23. by the Director of Traffic Engineering in conformance with the criteria stated
24. above. (Such a designation may be appealed to the Board of Appeals, as provided
25. under §602 of the Baltimore County Charter, as amended.)

26. SECTION 3. And be it further enacted, that item 3, paragraph B of
27. subsection 253.2 of the Baltimore County Zoning Regulations be and it is hereby
28. repealed and re-enacted with amendments, to read as follows:

29. 253.2 Uses Permitted by Special Exception. The uses listed in this
30. subsection are permitted by special exception only:

31. B. The following auxiliary service uses, provided that any such use
32. shall be located in a planned industrial park at least 25 acres in net area or
33. in an I.M. district, in neither case with any direct access to an arterial

1. street other than a Class I Commercial Motorway, and, provided further, that it
2. is shown that any such use will serve primarily the industrial uses and related
3. activities in the surrounding industrial area:

4. 3. Garages, service, including establishments for the service
5. or repair of trucks (or), of truck trailers, or of freight-shipping containers
6. designed to be mounted on chassis for part or all of their transport.

7. SECTION 4. And be it further enacted, that Subparagraph 1. of subsection
8. 410.3.A and Subparagraph 1. of subsection 410A.3.A of the Baltimore County
9. Zoning Regulations be and they are hereby repealed and new subparagraphs 1 are
10. hereby enacted in lieu thereof, said new subparagraph to read as follows:

11. 410.3

12. A. Access points.

13. 1. Any point of access to a public street must be on a public
14. industrial service road, on an arterial street, or on a major collector street,
15. except that -

16. a. No access point on a public industrial service road is
17. permitted unless the service road has direct access to an arterial street, an
18. expressway, or a freeway, and unless the place of that access is closer to the
19. use in question than any point of access the service road may have to a motorway
20. other than an arterial street, an expressway, or a freeway; and

21. b. No access point on a major collector street is permitted
22. unless the access point is within a travel distance of 1/4 mile from the major
23. collector street's access to an arterial street, an expressway, or a freeway.]

24. 1. Any point of access to a public street must be on a public
25. industrial service road, on a major collector street, or on an arterial street.
26. However, no access point on a public industrial service road is permitted unless
27. the hearing authority (in the case of a trucking facility permissible by special
28. exception) or the Director of Traffic Engineering (in the case of a facility
29. permitted as a matter of right) prescribes an appropriate route for trucks
30. traveling to or from the facility or finds that an appropriate route has already
31. been prescribed. (Such a decision may be appealed to the Board of Appeals as
32. provided under §602 of the Baltimore County Charter, as amended, and §22-32 of the
33. Baltimore County Code, 1978.)

1. 410A.3.

2. A. Access points.

3. 1. Any point of access to a public street must be on a public
4. industrial service road, on an arterial street, or on a major collector street,
5. except that -

6. a. No access point on a public industrial service road is
7. permitted unless the service road has direct access to an arterial street, an
8. expressway, or a freeway, and unless the place of that access is closer to the use
9. in question than any point of access the service road may have to a motorway other
10. than an arterial street, an expressway, or a freeway; and

11. b. No access point on a major collector street is permitted
12. unless the access point is within a travel distance of 1/4 mile from the major
13. collector street's access to an arterial street, an expressway, or a freeway.]

14. 1. Any point of access to a public street must be on a public
15. industrial service road, on a major collector street, or on an arterial street.
16. However, no access point on a public industrial service road is permitted unless
17. the hearing authority (in the case of a trucking facility permissible by special
18. exception) or the Director of Traffic Engineering (in the case of a facility
19. permitted as a matter of right) prescribes an appropriate route for trucks traveling
20. to or from the facility or finds that an appropriate route has already been prescribed.
21. (Such a decision may be appealed to the Board of Appeals as provided under §602
22. of the Baltimore County Charter, as amended and §22-32 of the Baltimore County
23. Code, 1978.)

24. SECTION 5. And be it further enacted, that this act shall take effect
25. forty-five (45) days from the date of its enactment.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1980, Legislative Day No. 25

BILL NO. 218-80

Mr. John W. O'Rourke, Councilman

by the County Council, December 1, 1980

A BILL
ENTITLED

AN ACT to amend the zoning regulations relating to trucking facilities and services garages by amending the definition of "trucking facilities" and adding a new definition for "public industrial service road" under §101; by repealing and re-enacting with amendments, Item 3, paragraph B of subsection 253.2; repealing subparagraph 1 of subsection 410.3.A (access-point regulations for Class I trucking facilities) and enacting a new subparagraph 1. in lieu thereof; and by repealing subparagraph 1. of subsection 410A.3.A (access-point regulations for Class II trucking facilities) and enacting a new subparagraph 1. in lieu thereof, all of the Baltimore County Zoning Regulations.

WHEREAS, the Baltimore County Planning Board has issued a final report concerning proposed amendments to the Baltimore County Zoning Regulations regarding trucking facilities and service garages and the County Council has held a public hearing on said report.

- SECTION 1. Be it enacted by the County Council of Baltimore County,
- Maryland, that the following definition "trucking facilities" contained in §101
- of the Baltimore County Zoning Regulations be and it is hereby repealed and re-
- enacted, with amendments, to read as follows:
- Section 101. Definitions
- Trucking facility: A structure or land used or intended to be used
- primarily a) to accommodate the transfer of goods or chattels from trucks or truck
- trailers to other trucks or truck trailers or to vehicles of other types, in order
- to facilitate the transportation of such goods or chattels; or b) for truck
- or truck-trailer parking or storage. A trucking facility may include, as
- incidental uses only, sleeping quarters and other facilities for trucking personnel.

READ AND PASSED this 5th day of January, 1981
BY ORDER

Thomas Toporovich
Secretary

PRESENTED to the County Executive for his approval this 2nd day
of January, 1981

Thomas Toporovich
Secretary

APPROVED AND ENACTED:

1/6/81
Donald P. Hutchinson
County Executive

I HEREBY CERTIFY THAT BILL NO. 218-80 IS TRUE AND CORRECT AND TOOK EFFECT
ON March 3, 1981

Ronald B. Hickernell
Chairman, County Council

We, the undersigned, are opposed to making the portion of Horse Lane between Wise Avenue Extended and North Point Boulevard a public industrial service road. We feel that this proposed change would pose a threat to the safety of the residents of the Todd Point Lane, Wise Avenue Extended, Edgemere, Millers Island, and Port Howard areas.

Name	Address
William Boyd	4301 Libs Lane
Elizabeth Boyd	Balto, Md. 21219
William Boyd Jr.	" "
Anna L. Stevens	4329 Shore Rd.
John Wm. Stevens	Balto, Md. 21219
Richard Martin	4329 Shore Road 21219
James L. Boyd	4331 Shore Rd. 21219
Louis Williams	4327 Shore Rd. Balto. Md. 21219
John Williams	4315 Shore Rd. Balto. 21219
Fannie L. Williams	4315 S. Lane Rd. Balto. 21219
William D. Williams Sr.	4319 Shore Rd. Balto. 21219
George M. Williams	4319 Shore Rd. Balto. 21219
James R. Williams	4307 Shore Rd. (Lords Lane) 21219
Richard Williams	4309 Shore Rd. 21219
Richard Williams	4309 Shore Rd. 21219

We, the undersigned, are opposed to making the portion of Horse Lane between Wise Avenue Extended and North Point Boulevard a public industrial service road. We feel that this proposed change would pose a threat to the safety of the residents of the Todd Point Lane, Wise Avenue Extended, Edgemere, Millers Island, and Port Howard areas.

Name	Address
Mr. Wm. R. Foulke	7508 Windsor Ave 21219
Robert H. Foulke	4602 Todd Point Lane
	75224 Elvira Lane

We, the undersigned, are opposed to making the portion of Horse Lane between Wise Avenue Extended and North Point Boulevard a public industrial service road. We feel that this proposed change would pose a threat to the safety of the residents of the Todd Point Lane, Wise Avenue Extended, Edgemere, Millers Island, and Port Howard areas.

Name	Address
Mrs. Ethel Weber	4506 Todd Pt Lane
Mr. E. C. Weber Jr.	4506 Todd Pt Lane
Mrs. Ethel B. Weber	4506 Todd Pt Lane
Harry Lee Hill	4700 North Pt. Blvd.
Reuben L. Hill	3102 Whiteway Rd.
Henry J. Hill	7308 Elvira Lane
Edwin L. Hill	4532 Todd Pt Lane
Myrtle Hill	4532 Todd Pt Lane
Ronald Hill	4544 Todd Pt Lane
James W. Hill	4514 Todd Pt Lane
Thompson Hill	4514 Todd Pt Lane
Agnes Hill	7704 Bay View Rd.
John Taylor	2126 Lodge Forest Dr.
Rose Chester	6606 North Point Rd.
Frank L. Hill	7914 Wise Ave.
	6604 North Pt Rd.
	6604 North Pt Rd.
	3116 LYNCH R

We, the undersigned, are opposed to making the portion of Horse Lane between Wise Avenue Extended and North Point Boulevard a public industrial service road. We feel that this proposed change would pose a threat to the safety of the residents of the Todd Point Lane, Wise Avenue Extended, Edgemere, Millers Island, and Port Howard areas.

Name	Address
Charles W. Clark	2501 Pac Lane
Harry E. Ziff	1808 Hill Rd.
Donald E. Ziff	3208 Hill Rd.
Mrs. Mrs. Edward Kiefer	2520 N. Snyder Ave
Mr. & Mrs. Walter Hill	8107 Raymond Ave

Barber Hill
8109 Raymond Ave.
21222

Hearing held Feb. 20, 1960 Item #
Industrial Service Road



My thoughts on this issue are the same as Pearl Gintling's. Mrs. Gintling and I have both visited the area together so we could get an on sight picture and try to figure out all the pros and cons. I would only be repeating what has already been said but I do have something else to say about our area as a whole that might put a light on our problem. I don't know how many people are aware of the fact that all this area was zoned L & 1/2 back in 1945. Well, back then you had a few attorneys and realtors that were on the planning board and at that time there was talk about Back River going to be the next port of Baltimore. Well, all that has changed and because of this mistake the people in the whole area have suffered beyond belief. Its the same thing everytime we to to court fighting a truck terminal, its like (well, its zoned for it) !!

Baltimore County should have done something about the area way back when. But instead, they have allowed businesses to boom and more homes to be built. I believe there has got to be a compromise. Either all industrial parks or all homes. Living conditions amongst these terminals are unreal and its another whole story which I won't go into.

If this road is allowed to go in and trucking facilities are then allowed, do you realize it will just about eliminate every wooded area down there. The woods are beautiful and have all sorts of wild life. I would just hate to see more of our nature destroyed in this way.

I feel Baltimore County (as a whole) has got to sit down and do a planning of this entire area before any more businesses of any kind go in. Thank You

PETITIONER'S EXHIBIT 12

DEVELOPMENT

REVISIONS

MARYLAND STATE HIGHWAY ADMINISTRATION TRANSPORTATION DIVISION OF TRANSPORTATION	
DATE: 10/1/77 SCALE: 1" = 100' DRAWN BY: J. S. [illegible]	CONTRACT NO.: [illegible] COUNTY: [illegible] CHECKED BY: [illegible]
DRAWING NO. 12	

10/1/77

IN THE MATTER OF
WILLIAM ARMIGER & DAILY
EXPRESS, INC.
FOR SPECIAL HEARING ON
PROPERTY LOCATED AT
MORSE LANE, BETWEEN WISE
AVE. EXTENDED AND NORTH
POINT BLVD.
15th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 80-160-SPH

ORDER OF DISMISSAL

Petition of William Armiger & Daily Express, Inc., for Special Hearing
for the designation of Morse Lane between Wise Avenue Extended, as a "public industrial
service road", on property located on Morse Lane, between Wise Avenue Extended and
North Point Boulevard, in the 15th District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of
petition filed June 8, 1984 (a copy of which letter is attached hereto and made a part
hereof) from the attorney representing the Petitioner in the above entitled matter, and

WHEREAS, the said attorney for the said Petitioner requests that the
petition filed on behalf of said Petitioner be dismissed and withdrawn as of June 8, 1984.

IT IS HEREBY ORDERED this 12th day of June, 1984, that said petition
be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

William R. Evans

Leroy B. Spurrier

Newton A. Williams, Esquire 204 W. Pennsylvania Avenue Towson, Maryland 21204	Request Notification
Mr. Richard Rudolph Route 10, Box 38 Wise Avenue Extended Baltimore, Maryland 21219	Protestant
Ms. Diane L. Sauer 1620 Todd Point Lane Baltimore, Maryland 21219	Protestant
Mr. Robert D. Sauer 1620 Todd Point Lane Baltimore, Maryland 21219	Protestant
Ms. Ethel Weber 1506 Todd Point Lane Baltimore, Maryland 21219	Protestant
Ms. Helen Furnari 1616 Todd Point Lane Baltimore, Maryland 21219	Protestant
Ms. Teresa Griggs 1638 Todd Point Lane Baltimore, Maryland 21219	Protestant
Mr. James W. Moffitt 1514 Todd Point Lane Baltimore, Maryland 21219	Protestant
Mr. William Boyd 1301 Lebbe Lane Baltimore, Maryland 21219	Protestant
Thomas L. Hennessey, Esquire 107 W. Pennsylvania Avenue Towson, Maryland 21204	Attorney for Protestants
John W. Hessian, III, Esquire	People's Counsel
James E. Dyer,	Request Notification



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
May 9, 1984

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-
MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-
ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

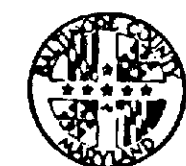
CASE NO. 80-160-SPH WILLIAM ARMIGER & DAILY EXPRESS, INC.
FOR SH-RE THE DESIGNATION OF MORSE
LANE BETWEEN WISE AVE. EXTENDED AND
N. POINT BLVD. AS A "PUBLIC INDUSTRIAL
SERVICE ROAD"
MORSE LANE, BETWEEN WISE AVENUE
EXTENDED & N. POINT BLVD.
15th DISTRICT
3/11/83- REMANDED BY JUDGE HINKEL

(Circuit Court File
No. M-7457)

ASSIGNED FOR:

cc: J. Carroll Holzer, Esquire William Armiger Daily Express, Inc.	Counsel for Petitioners Petitioner
Leslie M. Pittler, Esquire Army Associates W. Taylor Brown, Esquire	Counsel for Petitioner Successor to Armiger Counsel for Army Associates
Thomas L. Hennessey, Esquire Mrs. Ethel Weber Mr. Richard Rudolph Ms. Diane L. Sauer Mr. Robert D. Sauer Ms. Helen Furnari Ms. Teresa Griggs Mr. James W. Moffitt Mr. William Boyd Mrs. Marjorie Hill Mrs. Pearl Gintling Newton A. Williams, Esquire Thomas J. Bollinger, Esquire J. E. Dyer A. Jablon N. E. Gerber J. G. Hoswell	Counsel for Protestants-Appellants Protestant-Appellant " " " " " " " " " " " " " " " " " " Protestant Requested Notification Office of Law

Edith T. Eisenhart, Adm. Secretary



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

May 9, 1984

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ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 80-160-SPH WILLIAM ARMIGER & DAILY EXPRESS, INC.
FOR SH-RE THE DESIGNATION OF MORSE
LANE BETWEEN WISE AVE. EXTENDED AND
N. POINT BLVD. AS A "PUBLIC INDUSTRIAL
SERVICE ROAD"
MORSE LANE, BETWEEN WISE AVENUE
EXTENDED & N. POINT BLVD.
15th DISTRICT
3/11/83- REMANDED BY JUDGE HINKEL

ASSIGNED FOR:

cc: J. Carroll Holzer, Esquire William Armiger Daily Express, Inc.	Counsel for Petitioners Petitioner
Leslie M. Pittler, Esquire Army Associates W. Taylor Brown, Esquire	Counsel for Petitioner Successor to Armiger Counsel for Army Associates
Thomas L. Hennessey, Esquire Mrs. Ethel Weber Mr. Richard Rudolph Ms. Diane L. Sauer Mr. Robert D. Sauer Ms. Helen Furnari Ms. Teresa Griggs Mr. James W. Moffitt Mr. William Boyd Mrs. Marjorie Hill Mrs. Pearl Gintling Newton A. Williams, Esquire Thomas J. Bollinger, Esquire J. E. Dyer A. Jablon N. E. Gerber J. G. Hoswell	Counsel for Protestants-Appellants Protestant-Appellant " " " " " " " " " " " " " " " " " " Protestant Requested Notification Office of Law

Edith T. Eisenhart, Adm. Secretary

J. Carroll Holzer
Case No. 7457
Thomas L. Hennessey

WILLIAM ARMIGER
DAILY EXPRESS, INC.
Petitioners

DIANE L. SAUER, ROBERT L. SAUER, PEARL GINTLING,
JAMES MOFFITT, ETHEL WEBER, WILLIAM BOYD,
TERESA GRIGGS, MARTHA GRIGGS, HARRY LES KELL,
HELEN FURNARI and RICHARD RUDOLPH
Protestants

RE: PETITION FOR SPECIAL HEARING under
Section 500-7 of the Balto. Co. Zoning
Regulations to determine the designation
of Morse Lane, between Wise Ave. Ext. and
North Point Blvd. as a "Public Industrial
service road" - 15th District

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

WILLIAM ARMIGER
DAILY EXPRESS, INC.
MRS. MARJORIE HILL
MRS. PEARL GINTLING
MRS. ETHEL WEBER
RICHARD RUDOLPH
Ms. DIANE SAUER
ROBERT SAUER
Ms. HELEN FURNARI
Ms. TERESA GRIGGS
JAMES W. MOFFITT
WILLIAM BOYD
Protestants-Appellants

ADVANCE COSTS

PH's Atty 5.00

Clerk 60.00

Sheriff

File 7/15/84

Receipt No. 14150

ADDITIONAL COSTS

Def's Atty

Clerk

Sheriff

- (1) Mar. 12, 1981 Protestants' Order for Appeal from the Order of the County Board of Appeals of Balto. Co. fd.
- (2) Mar. 16, 1981 Certificate of Notice fd.
- (3) Mar. 23, 1981 Protestants Petition and Request for Hearing fd.
- (4) April 20, 1981 - Protestants-Appellants' Petition for Extension of Time for Transmission, Points & Authorities and Order of Court granting extension to May 5, 1981 fd. (JED)
- (5) April 27, 1981 - Order to enter app. of J. Carroll Holzer as atty for petitioners fd.
- (6) May 4, 1981 - Certified Copies of Proceedings before the Zoning Commissioner and the Board of Appeals of Baltimore County and Exhibits fd.
- (7) May 4, 1981 - Notice of Filing of Record fd. Copies sent.
- (8) July 6, 1981 - Protestants-Appellants Petition for Extension of time for Filing Memorandum and Order of Court that the Protestants-Appellants are granted an extension of 30ty days to file a memorandum so that said memorandum is to be filed in this Court on or before the 5th day of August, 1981. (JSS)
- (9) July 6, 1981 - Protestants-Appellants Request for Hearing fd.
- (10) August 5, 1981 Protestants-Appellants' Memorandum of Law fd.
- (11) Feb. 16, 1982 Protestants-Appellants' Second Request for Hearing Date fd.
- (12) April 12, 1982- Petitioner-Appellee Answer to Petition under rule B-2 fd.
- (13) April 12, 1982- Petitioner-Appellee Memorandum of Law fd.
- January 11, 1983 Hon. J. William Hinkel. Hearing had. Held sub-curia. Opinion to be filed.
- (14) Mar. 14, 1983 - Opinion and Order of Court that this case be remanded to the Board of Appeals for Balto. Co. fd. (JUN) (Order signed Mar. 11, 1983)

Case No. 80-160-SPH
Item No. 113

Morse Lane, between Wise Avenue
Extended and North Point Boulevard
William Armiger & Daily Express, Inc.

1. Copy of Petition
2. Copy of Description of Property (no description)
3. Copy of Certificate of Posting 2/3/80
4. Copy of Certificates of Publication 1/31/80
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
9. Copy of Order - Zoning Commissioner
10. Copy of Plat of Property
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestant(s)
15. Letter(s) from Petitioner(s)
16. Protestants' Exhibits 1 to (Petition)
17. Petitioners' Exhibits 1 to 12
18. Letter of Appeal, James L. Hennessey, Esquire

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

Attorney for Petitioners

William Armiger
6301 N. Charles Street
Baltimore, Maryland 21212
Daily Express, Inc.
Box 39
Carlisle, Pennsylvania 17013

Petitioner

Petitioner

Mrs. Marjorie Hill
8109 Raymond Avenue
Baltimore, Maryland 21222

Protestant

Mrs. Pearl Gintling
7718 North Point Creek Road
Baltimore, Maryland 21219

Protestant

Mrs. Ethel Weber
1506 Todd Point Lane
Baltimore, Maryland 21219

Protestant

WILLIAM ARMIGER and
DAILY EXPRESS, INC.
Petitioners-
Appellees
VS.
DIANE L. SAUER, ET AL
Protestants-
Appellants
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
File No. M 7457
Misc. Docket 13
Fo. to 107

OPINION AND ORDER

The Petitioners, William Armiger and Daily Express, Inc., are contract purchasers of a parcel of land containing approximately 150 acres which is zoned MH. In addition to other uses permitted within this zone, Petitioners intend to develop (or at least be in a position to develop) a Class II Trucking Facility. Section 256.2 of the Baltimore County Zoning Regulations permits this use, however, subject to the regulations governing trucking facilities.

Petitioners' Exhibit 5 provides a fairly clear picture of the location of the land (shaded area) and its relationship to the surrounding residential, business and industrial communities (although it does not show that Morse Lane continues on beyond Lynhurst Road and its direct connection to Beachwood Road). The pertinent roadways are succinctly described in Petitioners' Exhibit 9a., a communication from the State Highway Administrator, M. S. Caltrider:

"Md. 151 in this area is a four-lane divided expressway with an interchange immediately to the south with Bethlehem Boulevard serving the steel plant and as an access to Md. 695 and the Key Bridge. Morse Lane at this time is a narrow two-lane county-maintained roadway serving a large undeveloped area that exists between Md. 695 and Back River. Morse Lane does generally

"parallel Md. 695 connecting with Beachwood Road, which bridges Md. 695 and connects with Md. 20, which in turn connects with Md. 151. Access is available to the north and to Md. 695 through these other roadways."

Section 410A.3 requires that access from a trucking facility to public street must be on a "public industrial service road", on a "major collector street" or an "arterial street". Morse Lane does not fit the definitions of an arterial or major collector street as provided in Section 101. Therefore, it became necessary that Petitioners institute a proceeding before the Zoning Commissioner of Baltimore County to have Morse Lane designated as a public industrial service road. This was done when a Petition for Special Hearing was filed on December 3, 1979, asking the Zoning Commissioner to "Approve the designation of Morse Lane between Wise Avenue Extended and North Point Boulevard as a 'public industrial service road'. The calculated distance is approximately 3800 lineal feet."

On May 12, 1980, the request was granted. An Appeal was noted by the Protestants. The County Board of Appeals of Baltimore County held a de novo hearing on January 27, 1981, and on February 10, 1981, rendered its Opinion and Order in which it stated, "that Morse Lane, between Wise Avenue Extended and North Point Boulevard, be hereby designated to be a 'public industrial service road' subject, however, to the approval by the proper Baltimore County authorities of the site plan for the development of any specific site proposing to use Morse Lane, or any part thereof." It is from this decision that the Protestants again Appeal.

At all times during the pendency of this proceeding before the administrative bodies the law governing trucking

-3-

"Section 101. Definitions.

Industrial service road, public: A motorway that is owned or maintained by the County, State or Federal government and -

- 1) That was designed for the primary or exclusive use of trucks or other vehicles traveling to or from industrial uses, or that was not originally designed for that use but, because of its relation to industrial properties, is suitable for that use; and
- 2) Has been officially designated as a public industrial service road by the Director of Traffic Engineering in conformance with the criteria stated above." (Emphasis supplied).

If the County Council had intended that the mere zoning of land to a classification permitting a trucking facility use was all that was necessary to have the adjacent road designated as a public industrial service road it could easily have so stated. It did not, therefore, we must determine what was intended.

"[I]n ascertaining that intent the Court considers the language of an enactment in its natural and ordinary signification." St. Paul Fire and Marine v. Insurance Commissioner, 275 Md. 139, 139 (1975).

In order to qualify as a public industrial service road, the motorway must be designated as such by the Director of Traffic Engineering in conformance with one of the two alternatives provided in Section 101:

- 1) The roadway must have been designated for the primary or exclusive use of trucks or other vehicles traveling to or from industrial uses; or
- 2) Although not originally designed for that use but, because of its relation to industrial property, is suitable for that use. (Emphasis supplied).

The Petitioners urge the Court to accept the

-6-

facilities was provided in County Council Bill 18-76. Until the enactment of this ordinance the term "public industrial service road" was unknown to the zoning laws of Baltimore County and Bill 18-76 provided no definition for such a roadway, nor did it set forth a method for determining what is or may be designated as such.

The issue before this Court is whether the designation of Morse Lane by the Board of Appeals as a public industrial service road was proper. The test to be applied by this Court in review of the action by the Board of Appeals was succinctly expressed by the Court of Appeals in Supervisor of Assessments of Montgomery County v. Ely, 272 Md. 77, 84 (1974):

"The common denominator for testing judicial review of the act of an administrative agency such as the Maryland Tax Court has been defined as whether a reasoning mind reasonably could have reached the factual conclusion the agency reached; this need not and must not be either judicial fact-finding or a substitution of judicial judgment for agency judgment."

In addition to the facts set forth heretofore concerning the zoning, ownership and location of the land and roadways, the testimony of C. Richard Moore, Assistant Traffic Engineer, provided the only other significant evidence upon which the Board could have based its opinion.

Mr. Moore testified that he was generally familiar with Morse Lane and that it "is an old country road that is paved, and it runs from North Point Boulevard paralleling the railroad tracks for some distance up into the residential community and is serving the entire area of the industrial land that's been zoned in that area for a long time" (T.75) and that it is a "very rural road" (T.118). He does not know how wide the road is (T.94), although he guesses it might be

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"methodology" of Richard Moore that it is the contiguity of the roadway to the land that is controlling and nothing else. This emphasis on that part of the law which refers to "relation to industrial properties" is misplaced. The words that reveal the intention of the County Council are "designed" and "suitable".

There can be no doubt that Morse Lane was not "designed for the primary or exclusive use of trucks or other vehicles traveling to or from industrial uses", and no one even suggest that that be so. Therefore, in order for Morse Lane to fit the definition it must, because of its relation to industrial properties, be suitable for that use.

According to Webster's Third New International Dictionary (Unabridged) "suitable" is defined as matching or correspondent (as in character, condition, or kind): like, similar, adapted to a use or purpose: fit, appropriate from the view point of propriety, convenience or fitness: proper, right: having the necessary qualifications: meeting requirements: apt, qualified.

In the context of this ordinance "suitable" has to do with "necessary qualifications", "meeting requirements". Suitable means more than juxtaposition. It has reference to the dimension and design of the roadway and its ability to handle the traffic thereon, in addition to proximity. The word "suitable" as used here refers to the road and whether the road is capable of handling truck (or other vehicle) traffic with due regard to the "health, safety and welfare of the neighborhood." It is the County Council's recognition of the need for adequacy of the roads serving industrial properties that brought about the definition of public industrial service road.

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eighteen feet to twenty feet wide (T.95). Moore confesses he has no idea of the then present traffic count (number of vehicles using Morse Lane) (T.101). He admitted to knowledge of a problem at the intersection of Morse Lane and North Point Boulevard because of a lack of an automatic traffic signal.

When questioned as to whether a roadway that would carry heavy truck traffic should have a special design or roadbed, Moore replied: "Of course it does. Anytime you design a pavement, and if we were to redesign Morse Lane, and if Mr. Armiger were to come in with a development, whether it be a truck terminal or industrial development of some sort, he would have to meet the present standards in his Public Works agreement to carry the weight of the predicted number of trucks." (T.102). He further testified that if the property is developed "the County is going to require a fifty-foot roadway, which is a four-lane road, to serve all the industrial land as it is zoned by Baltimore County", and that "Morse Lane definitely could not handle it as it now exists today." (T.119). Nowhere does Moore testify to the construction or design of Morse Lane.

A thorough review of Mr. Moore's testimony makes it abundantly clear that what little he knew or remembered about the roadway in question played no part in his opinion that Morse Lane is a public industrial service road, except the single factor that it is adjacent to industrial zoned land. He could not have stated it any more clearly than when he said, "Well I think the methodology I used when I reviewed this was that one, it has to be a road and has to serve industrially zoned land". (T.77). Oh, that all things in life be so simple. A "functional classification"

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If Bill 218-80 had been the law at the time of the Board's ruling, this Court would without hesitation reverse because there is a complete lack of evidence to support its finding. The Board appears to have merely adopted the rationale of Mr. Moore. The Protestants are entitled to the application of this change in the law which became effective after the Board rendered its decision. "When that change invokes" (as it does here) "a function of the first level fact finder, the appellate Court is not only empowered to remand for such factual findings and further consideration as are necessary, it is required to remand. Only by doing so can an appellant obtain the right to rely on the new law." Lawton T. Sharp, Inc. v. Somerlock, supra.

Therefore, it is ORDERED this 11th day of March, 1983, that this case be remanded to the Board of Appeals for Baltimore County.

JWH/lg

cc: Thomas L. Hennessey, Esquire
Attorney for Protestants/Appellants
J. Carroll Holzer, Esquire
Attorney for Petitioners/Appellees
Peter M. Zimmerman, Esquire
People's Counsel for Baltimore County
County Board of Appeals of Baltimore County

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is what Moore terms a public industrial service road and equates that to, if the road serves the industrial zoned land then ergo, it is a public industrial service road.

Although at the time of the hearing before the Board reference was often made to County Council Bill 218-80, and the Board cites that ordinance in its Opinion, the law did not become effective until March 2, 1981. It appears that the Board considered Bill 218-80 in its decision but it is not clear to what extent, nor is it clear whether the Board's decision was based on the law (Bill 18-76) as it existed at the time or on Bill 218-80 or a combination of those laws.

This Court has been asked by Protestants to consider this case according to the law as it exists today. They are so entitled. Lawton T. Sharp, Inc. v. Somerlock, 52 Md. App. 207 (1982). Therefore, it is necessary to apply Bill 218-80 to the facts to determine if the action of the Board was appropriate.

Bill 218-80 made two significant changes in the law governing trucking facilities. It provided a definition in Section 101 for "industrial service road, public" and amended Section 410A.3 dealing with "access points."

"410A.3

A. Access points.

1. Any point of access to a public street must be on a public industrial service road, on a major collector street, or on an arterial street. However, no access point on a public industrial service road is permitted unless the hearing authority (in the case of a trucking facility permissible by special exception) or the Director of Traffic Engineering (in the case of a facility permitted as a matter of right) prescribes an appropriate route for trucks traveling to or from the facility or finds that an appropriate route has already been prescribed."

-5-

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURT BUILDING
401 Bailey Avenue
P.O. Box 6754
Towson, Maryland 21204-0754
November 1, 1982.

TO: J. Carroll Holzer, Esq.
Thomas L. Hennessey, Esq.
County Bd. of Appeals of Baltimore Co.
Thomas J. Hollister, Esq.

RE: W. & M. 1457 - Wm. Lawler et. al. VS Diana L. Seaver et. al.

HEARING DATE: Tuesday, Jan 11, 1983, @ 9:30 a.m.

ON THE FOLLOWING: Appeals & Day

Notes: Corrected notice.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Joyce Grimm - 494-3487.

SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS FROM ORDER OF JUDGE FRANK E. GROVER. Please direct all inquiries to the attention of Joel Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately.

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Sanjay Sarda - 494-2660
Assignment - May - Monday
Freddie Groves
Assistant Clerk Typist
Irene Summers - 494-2661
Assignment - Monday - Monday
Marie Etchling
Assistant Clerk Typist

WILLIAM ARMIGER and
DAILY EXPRESS, INC.
Petitioners
vs.
DIANE L. SAUER, et al
Protestants-
Appellants

MEMORANDUM OF LAW

The following Memorandum of Law is submitted by the
Petitioners-Appellees, William Armiger and Daily Express, Inc.:
The matter of providing a definition for "public industrial
service road" arises as a result of legislation enacted by the
Baltimore County Council regulating trucking facilities in Balti-
more County and presently appears in the Baltimore County Zoning
Regulations as Section 410.3.A--Access Points. That section
provides:

1. Any point of access to a public street must be on a public industrial service road, (italics provided) on an arterial street, or on a major collector street, except that:
 - a. No access point on a public industrial service road is permitted unless the service road has direct access to an arterial street, an expressway, or a freeway, and unless the place of that access is closer to the use in question than any point of access the service road may have to a motorway other than an arterial street, and expressway, or a freeway; and
 - b. No access point on a major collector street is permitted unless the access point is within a travel distance of 1/4 mile from the major collector street's access to an arterial street, an expressway, or a freeway.

The legislation concerning the operations and limitations of trucking facilities in Baltimore County does not further provide a definition of "public industrial service road". Until after the filing of this Special Petition, the term had not been

defined by the County Council or by any administrative body of Baltimore County. The Petitioners, William Armiger and Daily Express, Inc. sought for over two years to have the definition determined by an appropriate authority connected with Baltimore County, defining the public industrial service road. It was finally determined in the opinion of County officials, that the decision of the Zoning Commissioner would be the appropriate vehicle for further defining "public industrial service road" in view of the absence of further legislative definition. The Petitioners in this case applied to the Zoning Commissioner for a Special Hearing to request an interpretation and designation of Morse Lane as an industrial service road. After a lengthy hearing before the Zoning Commissioner, at which time evidence was taken from experts in the County, particularly representatives of the Department of Traffic Engineering and Planning, it was determined by the Commissioner, that Morse Lane, between Wise Avenue Extended and North Point Boulevard, in 3300 lineal feet did in fact serve property in the MH Zone for heavy industrial purposes and therefore was an "industrial service road". It was also determined that all the property adjoining the designated segment of Morse Lane was in fact zoned industrial. On the 12th day of May 1980, the Zoning Commissioner decided that "the zoning of the subject site in its proximity to rail service, expressways, water and the industries to be served are persuasive elements in support of such designation... the director of traffic engineering, in the application of the expertise of his office indicated that Morse Lane exist as the industrial service road serving all the MH-MH land between Patapsco Freeway and the water".

Thereafter, the matter was appealed by the Protestants-Appellants to the County Board of Appeals at which time testimony was again presented from County officials particularly the

CONCLUSION

It is clear from the testimony of the Assistant Director of Traffic Engineering, that the decision of the Zoning Commissioner and the determination by the Board of Appeals of Baltimore County who heard all the testimony on two occasions, both lay and expert was correct on the issue as petitioned before the Zoning Commissioner for Special Hearing, that 3300 lineal feet of Morse Lane between Wise Avenue Extended and North Point Boulevard was an "industrial service road".

As stated in Commissioner, Baltimore City Police Department vs. Cassin 34 Maryland Appeals 487 (1977) a review in Court may and should examine facts found by an agency to see if there was evidence to support each fact found. If there was evidence of the fact and the record before the agency, no matter how conflicting or how questionable creditability of the source the evidence, the Court has no power to substitute its assessment of creditability for that made by the agency and by doing so, reject the fact.

It is submitted in the instant case that the Zoning Commissioner and the Board of Appeals from which this appeal is taken, reasonably and upon appropriate facts, reached the factual conclusion that Morse Lane was a public industrial service road.

J. CARROLL HOLZER
Attorneys for the Petitioner-Appellee
Constable, Alexander, Daneker & Skown
305 W. Chesapeake Avenue
Suite 100
Towson, Maryland 21204
828-9232

CERTIFICATION

I HEREBY CERTIFY, That on this 6th day of April, 1982, a copy of the within Memorandum of Law was mailed, postage prepaid, to William T. Hackett, Patricia Millhouser and Leroy B. Spurrier, constituting the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; Thomas L. Hennessey, Esquire, 407 West Pennsylvania Avenue, Towson, Maryland 21204; and John W. Hossain, III, Esquire, Court House, Towson, Maryland 21204, People's Counsel for Baltimore County.

J. CARROLL HOLZER

Department of Traffic Engineering which supported the original testimony before the Zoning Commissioner and the Commissioner's decision.

Since the original action was filed in the instant case, the Baltimore County Council has addressed in part this issue by its passage of Bill #218-80, which became effective March 2nd, 1981. The County Council defined the question of public industrial service road as follows:

Industrial service road, public: A motorway that is owned or maintained by the County, State or Federal government and -

- 1) That was designed for the primary or exclusive use of trucks or other vehicles traveling to or from industrial uses, or that was not originally designed for that use but, because of its relation to industrial properties, is suitable for that use; and
- 2) Has been officially designated as a public industrial service road by the Director of Traffic Engineering in conformance with the criteria stated above (Such a designation may be appealed to the Board of Appeals, as provided under §602 of the Baltimore County Charter, as amended).

The Petitioner-Appellee contend that this legislative definition as underlined above in Sub-Paragraph 1 confirms not only the interruption and the definition of the Zoning Commissioner but the subsequent decision by the County Board of Appeals in so defining that portion of Morse Lane in question as a "public industrial service road".

THE BOARD OF APPEALS DID NOT ERROR IN ITS DESIGNATION OF MORSE LANE AS A PUBLIC INDUSTRIAL SERVICE ROAD SINCE THEIR ACTIONS WERE BASED UPON VALID REASONABLE AND BELIEVABLE EXPERT TESTIMONY WITH THE COUNTY'S OWN OFFICIALS.

The Petitioners moved for the designation of Morse Lane as a "public industrial service road" and presented the testimony of William Armiger, the developer, who testified in regard to the proposed facilities to be utilized and further testified in

regard to the nature of the surrounding property, i.e. heavy industrial. Assistant Traffic Engineer, Mr. C. Richard Moore was called by the Petitioners. Mr. Moore testified that in his opinion the definition of an public industrial service road is straight forward and interpreting what the County Council meant based upon his opinion was that it was in a road serving industrially zoned property. (Page 73 - 89, page 77 1. 2 - 4 and 1. 10-12). Mr. Moore in his opinion indicated that the County Council, through its zoning prerogative, placed an industrial zone upon the property served by Morse Lane. That Morse Lane is capable of serving as an industrial service road. That its function based upon the surrounding industrially zoned land, rail, water allows one to draw the conclusion that it is "a public industrial service road". (Page 78 1. 11-16; page 79 1. 17-20; page 83, 1. 10-20; page 97 1. 10-21)

2. The Zoning Commissioner, the Board of Appeals and the Department of Traffic Engineering have all interrupted the issue of "public industrial service road" in the same straight-forward and reasonable manner. In response to Appellants Paragraphs 2, 3 and 4 under this heading, Mr. Moore responded that the other parameters raised by counsel for the appellants are not relevant or necessary in the definition or functions of an industrial service road (Page 118 line 7 to page 119 line 21; page 120 line 8 - 11).

As stated in Appellants Memorandum, St. Paul Fire & Marine v. Insurance Commissioner, 275 Md 130 stated "as we have frequently said, the cardinal rule of statutory construction is to ascertain and carry out the real legislative intent in ascertaining that intent the Court considers the language of an enactment in its natural and ordinary signification". It is clear that that rule was applied in the instant case by the Director of Traffic Engineering, the Zoning Commissioner and the

Board of Appeals for Baltimore County. The Agreement is further reinforced by the fact that such legislation as subsequently passed by the Baltimore County Council, in part while amending other sections of the legislation pertaining to truck facilities, did in fact restate the position that such a service road was "because of its relation to industrial properties is suitable for that use".

It is respectfully requested that this Honorable Court find that the Board of Appeals was correct in its application of the standard and in its determination that Morse Lane is an industrial service road.

THE BOARD OF APPEALS DID NOT ERROR IN FAILING TO AFFORD THE PROPER WEIGHT TO THE TESTIMONY OF THE PROTESTANTS WHO DESCRIBED A RURAL ROAD TRAFFIC HAZARD, INADEQUATE RIGHT OF WAY AND DANGER TO LIFE AND LIMB.

The Protestant's presented a number of local residents who utilized the questioned segment of Morse Lane and who testified basically, in their opinion, that truck traffic would present a traffic hazard. Respecting the opinion of those individuals who testified as local residents, it is clear from the testimony that this issue is irrelevant in regard to the limited issue of the definition of "public industrial service road". It is submitted by the Petitioner Appellees that numerous other safety traffic standards must be complied with prior to the Petitioner actually receiving a building permit to be able to utilize the Petitioner's property along Morse Lane.

Further, in the testimony of Assistant Director Traffic Engineering, Richard Moore, it is clear that the proposals of the Petitioners have received approval from not only the County Department of Traffic Engineering, but of the State Highway Administration (page 86, page 97 line 10 - 21 and Petitioner's Exhibits 9 A, B and C).

WILLIAM ARMIGER and
DAILY EXPRESS, INC.,
Petitioners
vs.
DIANE L. SAUER, et al.
Protestants-
Appellants

SECOND REQUEST FOR HEARING DATE

Now come the Protestants-Appellants, by their attorneys, Thomas L. Hennessey, P.A. and Thomas L. Hennessey, and respectfully request that a date be set for the hearing of oral argument in the above-encaptioned matter.

THOMAS L. HENNESSEY, P.A.
By: Thomas L. Hennessey
Attorneys for Protestants-Appellants
407 West Pennsylvania Avenue
P.O. Box 5473
Towson, Maryland 21204
Phone: 823-7710

MAIL CERTIFICATION

I HEREBY CERTIFY that on this 19th day of February, 1982, a copy of the foregoing Second Request for Hearing Date was mailed, postage prepaid, to William T. Hackett, Patricia Millhouser and Leroy B. Spurrier, constituting the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; to J. Carroll Holzer, Esquire, 305 West Chesapeake Avenue, Towson, Maryland 21204, People's Counsel for Baltimore County, and to Newton A. Williams, Esquire, 204 West Pennsylvania Avenue, Towson, Maryland 21204.

LAW OFFICE OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

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Baltimore County
Board of Appeals

RE: PETITION FOR SPECIAL HEARING * IN THE
under Section 500.7 of the * CIRCUIT COURT
Baltimore County Zoning *
Regulations to Determine * FOR
the designation of Morse * BALTIMORE COUNTY
Lane, between Wise Avenue * AT LAW
Ext. and North Point Blvd. *
as a "public industrial *
service road" - 15th *
District *
William Armiger and * Misc. Docket: 13
Daily Express, Inc., * Folio: 107
Petitioners * File No: M7457
File No. -60-160-SPH *
Diane L. Sauer, et al., *
Protestants-Appellants *

ANSWER TO PETITION UNDER RULE B-2

Now comes the Petitioner-Appellee, William Armiger and Daily Express, Inc., in the above captioned matter by Constable, Alexander, Daneker & Skeen and J. Carroll Holzer, their attorneys and in answer to Protestants Appeal from the Opinion and Order of the County Board of Appeals dated February 10, 1981, designating a "public industrial service road" on Morse Lane between Wise Avenue Extended and North Point Boulevard, says:

1. That the County Board of Appeals did not error in taking such action.
2. That the County Board of Appeals did not error in its finding that Morse Lane should be a "public industrial service road".
3. That the County Board of Appeals did not error in their finding that the standard applied by the County and the Zoning Commissioner in defining and applying the definition of a "public industrial service road" was correct. The County Board of Appeals correctly interrupted the testimony of Petitioner's witnesses in accepting the County's definition of a "public industrial service road".

and the physical characteristics of the area and the next witness was called, the Assistant Traffic Engineer, Mr. C. Richard Moore. The following facts were introduced through Mr. Moore:

1. That there was not a definition of public industrial service road at the time of the determination.
 - (a) It is not contained in the law (page 3, lines 1 to 6; lines 13 to 17, lines 18 to 21; Page 4, lines 1 to 2, lines 8 to 9; Page 119, lines 9 to 21; Page 210, lines 1 to 21 and Page 121 lines 1 to 21.
 - (b) A new law, Bill 218 of 1980, does not give a specific definition. Page 80, lines 13 to 19; Page 83, lines 10 to 20 and Page 90.
2. The Assistant Traffic Engineer cannot assign parameters other than service to the public industrial service road. He cannot give its width, design, paving, pedestrian precautions, traffic control, curb control or drainage, or any other factor other than it would serve to carry trucks. Page 90, lines 4 to 21; Page 94, lines 10 to 14, lines 15 to 21; Page 95, lines 1 to 21; Page 96, lines 1 to 21; Page 97, lines 1 to 21, Page 98, lines 1 to 10; Page 101, lines 1 to 21; Page 102, lines 3 to 12 and Page 122, lines 10 to 21.
3. The Assistant Traffic Engineer did not produce any studies or information to aid in the determination of the Board. Page 115, 116 and 117.
4. The Assistant Traffic Engineer states that Morse Lane is a rural road and its use does not concern his opinion since it is a function classification. Page 117, lines 16 to 21; Page 118, lines 1 to 21; Page 119, lines 1 to 21.

The applicants then rested not having introduced any other evidence. The use of the words 'public industrial service road' are words in the Ordinance and are controlling yet are ambiguous from inception. The Courts have always ruled that Ordinances such as this are to be interpreted the same as statutes. Prince Georges County v. Equitable Trust Co., 44 Md App 272. For this reason statutes that contain ambiguities have been found to be improper due specifically to the fact that interpretation of the verbiage to infer the intent of the

4. The County Board of Appeals did error in regard to the allegations contained in Protestants Paragraph #4.
5. The County Board of Appeals did not error in regard to the allegations contained in Protestants Paragraph #5.
6. The County Board of Appeals did not error in regard to the allegations contained in Protestants Paragraph #6.
7. The County Board of Appeals did not error in regard to the allegations contained in Protestants Paragraph #7.
8. The County Board of Appeals did not error in regard to the allegations contained in Protestants Paragraph #8.
9. The County Board of Appeals did not act in an arbitrary and capricious manner, and in fact their decision was based upon sufficient, believable, and reasonable testimony by County experts designating a portion of Morse Lane as an "industrial service road".
10. The County Board of Appeals did not error in its decision and was in fact supported by expert testimony in regard to the definition of an industrial service road.

J. CARROLL HOLZER
Attorney for Petitioners-Appellees
Constable, Alexander, Daneker & Skeen
305 W. Chesapeake Avenue
Suite 100
Towson, Maryland 21204
828-9282

CERTIFICATION

I HEREBY CERTIFY that on this 6th day of April, 1982, a copy of the foregoing Answer To Petition Under Rule B-2 was mailed, postage prepaid, to William T. Hackett, Patricia Millhouser and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; Thomas L. Hennessey, Esquire, 407 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Protestants; and to John W. Hessian, III, Esquire, Court House, Towson, Maryland 21204, People's Counsel for Baltimore County.

J. CARROLL HOLZER

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Legislature is not a proper function of the Courts. St. Paul Fire & Marine v. Insurance Commissioner, 275 Md 130. In the same case it is particularly stated "As we have frequently said, the cardinal rule of statutory construction is to ascertain and carry out the real legislative intent and in ascertaining that intent the Court considers the language of an enactment in its natural and ordinary signification". It further relied on Maryland National Cap. P. & P. v. Rockville, 272 Md 556. For the reason of the ambiguity alone, the Board, in not knowing what it was approving, erred in its determination since the closest evidence to it was that public industrial service road meant a function and not a road at all according to the expert testimony presented.

THE BOARD OF APPEALS ERRED IN FAILING TO AFFORD THE PROPER WEIGHT TO THE TESTIMONY OF THE PROTESTANTS WHO DESCRIBED A RURAL ROAD TRAFFIC HAZARD, INADEQUATE RIGHT OF WAY AND DANGER TO LIFE AND LIMB.

The Protestants presented a battery of local persons who had lived in the area for periods up to thirty years.

1. Mr. James Moffitt testified that he had been a resident for thirteen years, knew the area, explained the traffic hazard, and the fact that his land was residential. He further stated that the road was paved to 16 feet, that there was a wetlands area, no public sewer, and that no truck traffic uses the road. Pages 143 to 149, no road use, Page 149 lines 18 thru 21.
2. Mrs. Pearl Gintling testified that she was a fifty-five year resident of the area and she was individually present and also on behalf of the North Point Peninsula Community Coordinating Council. She described the accidents in the area, road hazards with abutment on North Point Road, that no one had given her a classification of public industrial service road, and further offered an exhibit, Protestants Exhibit 1. Accidents, page 160; road hazards, page 161; no definition of public industrial service road, page 164. Mrs. Gintling further made the point that no industrial use has ever been made of Morse Lane and that this had been explained to Mr. Moore, the Assistant Traffic Engineer, when he appeared on behalf of the developer at a community meeting. Page 171, lines 6 thru 20. She further explained that there was no

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WILLIAM ARMIGER and
DAILY EXPRESS, INC.
Petitioners
vs.
DIANE L. SAUER, et al
Protestants-
Appellants

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 13
Folio 107
File No. M 7457

MEMORANDUM OF LAW

The matter of industrial service road public or public industrial service road is a new concept in connection with the regulation of trucking facilities in Baltimore County and had its origin in a concept relative to limitation of truck traffic through residential areas and under the original sections of trucking facilities legislation appears in Section 410.3.A.- Access Points, which states as follows:

1. Any point of access to a public street must be on a public industrial service road, on an arterial street, or on a major collector street, except that:
 - a. No access point on a public industrial service road is permitted unless the service road has direct access to an arterial street, an expressway, or a freeway, and unless the place of that access is closer to the use in question than any point of access the service road may have to a motorway other than an arterial street, and expressway, or a freeway; and
 - b. No access point on a major collector street is permitted unless the access point is within a travel distance of 1/4 mile from the major collector street's access to an arterial street, an expressway, or a freeway.

Ironically enough there is no definition contained in the legislation of public industrial service road and no parameters are established by the Bill other than the bare reference thereto of a particular type road. The original applicants in this case applied through the Zoning Commissioner for an interpretation and a designation of Morse Lane in a special hearings category. The matter was ruled upon and appealed to the County Board of Appeals and heard at

problem with industrial usage but there was a "hang-up" on truck terminals. Page 184, lines 1 thru 3. See also Protestants Exhibit 2, sketch of area traffic flow, by Mrs. Gintling. Page 196.

3. Mrs. Ethel Weber testified to the congestion in the road, truck traffic, noise and that Morse Lane was a country road. Pages 201 and 202. She further stated that the current Morse Lane was used by school busses for the local children. Page 203, lines 9 thru 17.

4. Mr. Harry Lee Kiel, Sr. testified as to the plat of his property showing Morse Lane and a copy of his Deed showing the width of Morse Lane which is less than County standards. Protestants Exhibits 4 and 5. Page 215 and 219. He further testified that he was forced to change his business from a service station to a garage due to the refusal of the authorities to give him an adequate entrance since this created a traffic hazard at the point of Morse Lane and North Point Boulevard. Pages 216 and 217.

5. Other witnesses testified, including Mrs. Diane Sauer, Mr. Richard Martin, Mr. William Boyd, Miss Teresa Griggs, Mrs. Josephine Boock and Mrs. Martha Griggs, all of whose testimony was cumulative and reiterated the points that Morse Lane was a rural road, had carried no industrial traffic, that additional traffic would create a hazard and that the residences which Morse Lane served would be adversely affected as to the safety, health and welfare of the occupants and residents of the area.

CONCLUSION

The weight of the evidence has been ignored by the Board of Appeals. The Board of Appeals not only heard the personal experiences of the residents introduced showing traffic hazards, the width of the road, and other adverse effects but the testimony of the Assistant Traffic Engineer concluded that the definition of the road type was functional which is very much like saying conjectural or ethereal. He also admitted that it was presently a rural road which would have to be widened to 50 feet and that studies had been made but not presented and that other than the overawing pressure of the desire to create a truck facility, there was no need for the designation of Morse Lane

that level and from the determination therein the Protestants, resident citizens and parties in interests, appealed to the Court to correct the error of the designation granted below.

It is well to note that since the original action was filed subsequent legislation has been enacted by the County Council by its passage of Bill 218-80 which became effective March 2, 1981 and in that Bill an attempt has been made to define industrial service road, public. That definition is as follows:

Industrial service road, public: A motorway that is owned or maintained by the County, State or Federal government and -

- 1) That was designed for the primary or exclusive use of trucks or other vehicles traveling to or from industrial uses, or that was not originally designed for that use but, because of its relation to industrial properties, is suitable for that use; and
- 2) Has been officially designated as a public industrial service road by the Director of Traffic Engineering in conformance with the criteria stated above (Such a designation may be appealed to the Board of Appeals, as provided under §602 of the Baltimore County Charter, as amended).

This Appeal is necessary and not moot since, unless it is furthered, the action of the Board of Appeals becomes a finality and the new law implementation can only be attacked on grounds of its constitutionality since its designation of power of determination rests solely in the Traffic Engineer with no right of hearing until a designation has been made and then to the Board of Appeals, the determining body in this legislation, so that a new action would amount to a res judicata situation.

THE BOARD OF APPEALS ERRED IN ITS DESIGNATION OF MORSE LANE AS A PUBLIC INDUSTRIAL SERVICE ROAD SINCE THOSE ACTIONS WERE ARBITRARY AND CAPRICIOUS AND NOT FOUNDED ON SUFFICIENT INFORMATION.

The Petitioners moved for the designation of a public industrial service road and presented the testimony of the developer who stated his reasons for development and that he could proceed to develop under the zoning classification but would not be permitted a trucking facility without the specific designation. The evidence introduced established the current zoning

-2-

as a public industrial service road and that desire for the designation ignored the creation of standards, the protection of the general public and other pertinent factors. In the case of Ford v. Baltimore County, Maryland 268 Md 172, the Court said "As to the substance of a fair hearing, this Court has indicated:

"A statutory provision for a public hearing implies both the privilege of introducing evidence, and the duty of deciding in accordance with the evidence, and it is arbitrary and unlawful to make an essential finding without supporting evidence. This is especially true in zoning cases. . . ."

This is a quote of the Court's Opinion in Heath v. Mayor and City Council of Baltimore, 187 Md. 296. Although this case dealt with a public hearing on a zoning map, the language is clear that in zoning cases it is arbitrary to make an essential finding without supporting evidence. It would also be arbitrary and capricious to find a concept in the legislative intent to permit trucking facilities in legislation that was designed to limit them and this was known to the Board so that resolving the ambiguity against the legislative intent is error.

THOMAS L. HENNESSY, P.A.
407 West Pennsylvania Avenue
Towson, Maryland 21204
823-7710
Attorneys for Protestants-Appellants

I HEREBY CERTIFY, That on this 5th day of August, 1981, a copy of the within Memorandum of Law was mailed, postage prepaid, to William T. Hackett, Patricia Millhouser and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; J. Carroll Holzer, Esquire, 305 West Chesapeake Avenue, Towson, Maryland 21204, Counsel for Petitioners; John W. Hessian, III, Esquire, Court House, Towson, Maryland 21204, People's Counsel for Baltimore County, and to Newton A. Williams, Esquire, 204 West Pennsylvania Avenue, Towson, Maryland 21204.

-6-

RE: PETITION FOR SPECIAL HEARING under Section 500.7 of the Baltimore County Zoning Regulations to determine the designation of Morse Lane, between Wise Avenue Ext. and North Point Blvd. as a "public industrial service road" - 15th District

William Armiger and Daily Express, Inc., Petitioners

File No. 80-160-SPH

Diane L. Sauer, et al., Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket: 13
Folio: 107
File No: M7457

PETITION FOR EXTENSION OF TIME FOR TRANSMISSION OF RECORD

Now come Diane L. Sauer, et al., Protestants-Appellants, by their attorneys, Thomas L. Hennessey, P.A., and Thomas L. Hennessey, and respectfully represents unto this Honorable Court:

1. That under rule of Court, transmission to the Clerk of the Court of the original or a certified copy of the record of the proceedings in this matter before the County Board of Appeals, is required within 30 days after receipt of the Petition required pursuant to Maryland Rule B-2.

2. That a copy of the record of the proceedings in this matter before the Board of Appeals was promptly ordered by the Protestants-Appellants but that the reporter has informed the Protestants-Appellants that due to the length of the proceedings in this matter, the transcript to be prepared is quite lengthy and expensive and for this reason, she will be unable to finish and furnish the transcript within the 30-day period as specified by the rules.

3. That the reporter has informed the Protestants-Appellants that an extension of 15 days beyond the specified 30-day period would be sufficient to allow her to complete preparation and furnishment of the transcript and the reporter has requested that the Protestants-Appellants seek such an extension.

WHEREFORE, the Protestants-Appellants pray that this Honorable Court sign the attached Order granting an extension of time for transmission of the record of the proceedings before the County Board of Appeals in the

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

RECEIVED COUNTY
BALTIMORE COUNTY
APR 22 9 27 AM '81
COUNTY CLERK
BY:

MAIL CERTIFICATION

I HEREBY CERTIFY that on this 14th day of July, 1981, a copy of the foregoing Petition for Extension of Time for Filing Memorandum was mailed, postage prepaid, to William T. Hackett, Patricia Millhouser and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; to J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Towson, Maryland 21204, Counsel for Petitioners; to John W. Hessian, III, Esquire, Court House, Towson, Maryland 21204, People's Counsel for Baltimore County, and to Newton A. Williams, Esquire, 204 West Pennsylvania Avenue, Towson, Maryland 21204.

Thomas L. Hennessey
Thomas L. Hennessey

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

above-captioned matter for a period of 15 days so that the record is to be furnished on or before May 5, 1981.

THOMAS L. HENNESSEY, P.A.

By: *15/*
Thomas L. Hennessey
Attorneys for the Protestants-Appellants
407 West Pennsylvania Avenue
Towson, Maryland 21204
823-7710

POINTS AND AUTHORITIES

1. Maryland Rule B-7b ("Upon application of any party, including an agency, and for sufficient cause shown, the Court may direct that the record be transmitted in such shorter or longer time, not exceeding 90 days after receipt of the first copy of a Petition of Appeal, as may be ordered, except that the record need not be transmitted until after disposition of a demurrer or similar pleading.")

MAIL CERTIFICATION

I HEREBY CERTIFY that on this 26th day of April, 1981, a copy of the foregoing Petition for Extension of Time for Transmission of Record and Order was mailed, postage prepaid, to William T. Hackett, Patricia Millhouser and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; to J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Towson, Maryland 21204, Counsel for Petitioners; to John W. Hessian, III, Esquire, Court House, Towson, Maryland 21204, People's Counsel for Baltimore County, and to Newton A. Williams, Esquire, 204 West Pennsylvania Avenue, Towson, Maryland 21204.

15/
Thomas L. Hennessey

WILLIAM ARMIGER and DAILY EXPRESS, INC., Petitioners

vs. DIANE L. SAUER, et al. Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No: 13
Folio: 107
File No: M 7457

ORDER

UPON consideration of the foregoing Petition for Extension of Time for Filing Memorandum, it is this 14th day of July, 1981, by the Circuit Court for Baltimore County,

ORDERED, that the Protestants-Appellants are granted an extension of 30 days to file a memorandum so that said memorandum is to be filed in this Court on or before the 14th day of August, 1981.

James E. Hoff
JUDGE

True Copy Test
ELMER H. KAHLINE, JR., CLK
For *Maria Smith*
Deputy Clerk

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

RE: PETITION FOR SPECIAL HEARING under Section 500.7 of the Baltimore County Zoning Regulations to determine the designation of Morse Lane, between Wise Avenue Ext. and North Point Blvd. as a "public industrial service road" - 15th District

William Armiger and Daily Express, Inc., Petitioners

File No. 80-160-SPH

Diane L. Sauer, et al., Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket: 13
Folio: 107
File No: M7457

ORDER

Upon consideration of the foregoing Petition for Extension of Time for Transmission of Record, it is this 26th day of April, 1981, by the Circuit Court for Baltimore County,

ORDERED, that an extension of time be granted for transmission of the record of the proceedings before the County Board of Appeals in the above-captioned case so that the record of the proceedings is to be furnished on or before May 5, 1981.

Frank C. Baine
JUDGE

True Copy Test
ELMER H. KAHLINE, JR., CLK
For *J. E. Smith*
Deputy Clerk

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

WILLIAM ARMIGER and DAILY EXPRESS, INC., Petitioners

vs. DIANE L. SAUER, et al. Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No: 13
Folio: 107
File No: M 7457

REQUEST FOR HEARING DATE

Now come the Protestants-Appellants, by their attorneys, Thomas L. Hennessey, P.A. and Thomas L. Hennessey, and respectfully request that a date be set for the hearing of oral argument in the above-captioned matter.

THOMAS L. HENNESSEY, P.A.

By: *Thomas L. Hennessey*
Thomas L. Hennessey
Attorney for Protestants-Appellants
407 West Pennsylvania Avenue
Towson, Maryland 21204
823-7710

MAIL CERTIFICATION

I HEREBY CERTIFY that on this 14th day of July, 1981, a copy of the foregoing Request for Hearing Date was mailed, postage prepaid, to William T. Hackett, Patricia Millhouser and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; to J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Towson, Maryland 21204, Counsel for Petitioners; to John W. Hessian, III, Esquire, Court House, Towson, Maryland 21204, People's Counsel for Baltimore County, and to Newton A. Williams, Esquire, 204 West Pennsylvania Avenue, Towson, Maryland 21204.

Thomas L. Hennessey
Thomas L. Hennessey

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

WILLIAM ARMIGER and DAILY EXPRESS, INC., Petitioners

vs. DIANE L. SAUER, et al. Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No: 13
Folio: 107
File No: M 7457

PETITION FOR EXTENSION OF TIME FOR FILING MEMORANDUM

Now come the Protestants-Appellants, by their attorneys, Thomas L. Hennessey, P.A., and Thomas L. Hennessey, and respectfully petition this Honorable Court for an extension of time for filing a memorandum setting forth a concise statement of all issues raised on appeal and argument on each issue, including citations of legal authorities and references to pages of the transcript and exhibits relied on, and for reasons say:

1. That Maryland Rule B12 requires that the Appellant shall file a memorandum within 30 days after being notified by the Clerk of the filing of the record.

2. That due to circumstances beyond their control, the Protestants-Appellants are not yet in possession of a copy of the record in this matter and for that reason have been unable to file a memorandum setting forth the required concise statement and argument.

3. That the Protestants-Appellants expect to receive a copy of the transcript within 5 days of the date of this Petition, and state that the granting of an extension of time for the filing of a memorandum will not delay the hearing on oral argument or ultimate disposition of this case.

WHEREFORE, your Petitioners pray:

A. That this Honorable Court sign the attached Order granting them an extension of time for filing a memorandum.

THOMAS L. HENNESSEY, P.A.

By: *Thomas L. Hennessey*
Thomas L. Hennessey
Attorneys for the Protestants-Appellants
407 West Pennsylvania Avenue
Towson, Maryland 21204
Phone: 823-7710

APR 27 10 12 AM '81
COUNTY CLERK
BY:

RE: PETITION FOR SPECIAL HEARING under Section 500.7 of the Baltimore County Zoning Regulations to determine the designation of Morse Lane, between Wise Ave. Ext. and North Point Blvd. as a "public industrial service road" - 15th Dist.

William Armiger and Daily Express, Inc., Petitioners

File No. 80-160-SPH

Diane L. Sauer, et al., Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 13
Folio No. 107
File No. M7457

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hockett, Patricia Millhouser and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 80-160-SPH

January 4, 1980 Petition of William Armiger and Daily Express, Inc., for special hearing to determine whether or not the Zoning Commissioner should approve the designation of Morse Lane between Wise Ave. Extended and North Point Blvd. as a "public industrial service road". The property is located in the 15th District - filed

January 4, 1980 Order of Zoning Commissioner directing advertisement and posting of property - Date of hearing set for Feb. 20, 1980, at 9:30 a.m.

January 31, 1980 Certificate of Publication in newspaper - filed

February 3, 1980 " " Posting of property - filed

William Armiger and
Daily Express, Inc.
Case No. 80-160-SPH

February 11, 1980 Comments of Baltimore County Zoning Plans Advisory Committee - filed

February 20, 1980 At 9:30 a.m. hearing held on petition by Zoning Commissioner

May 12, 1980 Order of Zoning Commissioner stating that Morse Lane, between Wise Ave. Extended and North Point Blvd., be designated a "public industrial service road"

June 10, 1980 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner

January 27, 1981 Hearing on appeal before County Board of Appeals

February 10, 1981 Order of County Board of Appeals AFFIRMING Order of the Zoning Commissioner

March 12, 1981 Order for Appeal filed in the Circuit Court for Baltimore County by Thomas L. Hennessey, Esq., Counsel for Protestants

March 16, 1981 Certificate of Notice sent to all interested parties

March 23, 1981 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County

April 30, 1981 Transcript of testimony filed - 1 volume

Petitioner's Exhibit No. 1 - Metropolitan Map No. 23

" " " 2 - Aerial Photo

" " " 3 - Plat in yellow and green by W. Armiger

" " " 4 - Proposed development plat

" " " 5 - Plat showing 150 acres shaded

" " " 6 - Photos taken by Mr. Holtzer, of site

" " " 7 - Zoning map showing proposed service road

" " " 8 - Deleted

" " " 9A-Letter from Mr. Coltrider to Mr. Armiger dated 1/30/79

" " " 9B-Letter, 3/21/79 to Mr. Armiger from from Mr. Collins

" " " 9C-Letter to Mr. Hammond from Mr. Collins dated Oct. 24, 1979

William Armiger and
Daily Express, Inc.
Case No. 80-160-SPH

Petitioner's Exhibits (cont'd.)

Sheet 2 of Petitioner's Exhibit 9 - Traffic count marked, Study of Todd Point

Protestants' Exhibits No. 1 - Letter from North Point Peninsula Community Coordinating Council, 2/21/80

" " " 2 - Sketch prepared by Mrs. Gintling

" " " 3 - Letter to Mr. Hammond from Ethel Weber dated 2/22/80

" " " 4 - Plat showing Harry L. Kiel property

" " " 5 - Deed of property, Harry L. Kiel

People's Counsel Exhibit 1 - A thru L - Photos of site in question

May 4, 1981 Record of proceedings filed in the Circuit Court for Baltimore County

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

Respectfully submitted,

June Holmen
June Holmen
County Board of Appeals of Baltimore County

William Armiger and
Daily Express, Inc.
Case No. 80-160-SPH

Petitioner's Exhibits (cont'd.)

Sheet 2 of Petitioner's Exhibit 9 - Traffic count marked, Study of Todd Point

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Respectfully submitted,

June Holmen
June Holmen
County Board of Appeals of Baltimore County

cc: J. Carroll Holzer, Esq.
Newton A. Williams, Esq.
Thomas L. Hennessey, Esq.
John W. Hession, III, Esq.
File

RE: PETITION FOR SPECIAL HEARING : IN THE
under Section 500.7 of the Baltimore : CIRCUIT COURT
County Zoning Regulations to determine : FOR
the designation of Morse Lane, between : BALTIMORE COUNTY
Wise Avenue Ext. and North Point Blvd. :
as a "public industrial service road" - :
15th District :
William Armiger and : AT LAW
Daily Express, Inc., Petitioners :
File No. 80-160-SPH : Misc. Docket: 13
Diane L. Sauer, et al., : Folio: 107
Protestants-Appellants : File No: M7457

PETITION UNDER RULE B-2

Now comes the Protestants in the above-entitled matter by Thomas L. Hennessey, P.A. and Thomas L. Hennessey, their attorneys, and for appeal from the Opinion and Order of the County Board of Appeals dated February 10, 1981, designating a "public industrial service road" on Morse Lane between Wise Avenue Extended and North Point Boulevard, says:

1. That the County Board of Appeals committed an error in taking such action.

2. That the County Board of Appeals erred in its finding that this should be a public industrial service road since the land surrounding the D.R. 5.5 area is zoned M.H.

3. The County Board of Appeals erred in failing to realize that the County may impose on development standards for safety and protection and stated that in their belief anyone could use the area for heavy industrial use by merely applying for a building permit.

4. The County Board of Appeals erred in refusing to place the proper weight upon the evidence that there had never been any truck traffic of a commercial nature upon the rural lane known as Morse Lane.

5. The County Board of Appeals erred in speculating that Morse Lane would automatically have to be upgraded to meet Baltimore County industrial standards and further that this would automatically require the upgrading of the suspect intersection of Morse Lane and North Point Boulevard.

RE: PETITION FOR SPECIAL HEARING : IN THE
under Section 500.7 of the Baltimore : CIRCUIT COURT
County Zoning Regulations to :
determine the designation of Morse :
Lane, between Wise Ave. Ext. and : FOR
North Point Blvd. as a "public : BALTIMORE COUNTY
industrial service road" - 15th Dist. :
William Armiger and : AT LAW
Daily Express, Inc., Petitioners :
File No. 80-160-SPH : Misc. Docket No. 13
Diane L. Sauer, et al., : Folio No. 107
Protestants-Appellants : File No. M7457

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Patricia Millhouser and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 80-160-SPH

January 4, 1980 Petition of William Armiger and Daily Express, Inc., for special hearing to determine whether or not the Zoning Commissioner should approve the designation of Morse Lane between Wise Ave. Extended and North Point Blvd. as a "public industrial service road". The property is located in the 15th District - filed

January 4, 1980 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for Feb. 20, 1980, at 9:30 a.m.

January 31, 1980 Certificate of Publication in newspaper - filed

February 3, 1980 " " Posting of property - filed

6. The County Board of Appeals erred in granting a prospective view of Morse Lane stating that with almost certain probability it would not remain a small rural road.

7. The County Board of Appeals erred in speculating that the County Bills 18-76 and 218-80 would minimize potential damage to the residential owner protestants.

8. The County Board of Appeals erred in failing to find on the evidence presented that the designation of the road as a public industrial service road was not detrimental to the health, safety and welfare of the neighborhood; and further, speculating on the upgrading of the intersection of Morse Lane and North Point Boulevard, an admitted traffic danger zone, would be an advantage to the residents who are the protestants of the area.

9. The County Board of Appeals acted in an arbitrary and capricious manner in ignoring the testimony and designating a portion of a rural road of a width less than County standards at an admittedly dangerous intersection with no past industrial use.

10. The County Board of Appeals erred in not having before it parameters for use in gauging the name of public industrial service road other than the definition and was absent of any knowledge as to width, paving surface, curb and gutter requirements, sidewalk requirements, traffic control requirements (other than a speculated traffic light), exact area to be serviced, usage of the road and other pertinent factors.

And for other reasons of error as reflected by the testimony and to be stated at the hearing of this matter.

THOMAS L. HENNESSEY, P.A.

By: *Thomas L. Hennessey*
Thomas L. Hennessey
Attorney for Protestants
407 West Pennsylvania Avenue
Towson, Maryland 21204
823-7710

William Armiger and
Daily Express, Inc.
Case No. 80-160-SPH

February 11, 1980 Comments of Baltimore County Zoning Plans Advisory Committee - filed

February 20, 1980 At 9:30 a.m. hearing held on petition by Zoning Commissioner

May 12, 1980 Order of Zoning Commissioner stating that Morse Lane, between Wise Ave. Extended and North Point Blvd., be designated a "public industrial service road"

June 10, 1980 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner

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February 10, 1981 Order of County Board of Appeals AFFIRMING Order of the Zoning Commissioner

March 12, 1981 Order for Appeal filed in the Circuit Court for Baltimore County by Thomas L. Hennessey, Esq., Counsel for Protestants

March 16, 1981 Certificate of Notice sent to all interested parties

March 23, 1981 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County

April 30, 1981 Transcript of testimony filed - 1 volume

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" " " 2 - Aerial Photo

" " " 3 - Plat in yellow and green by W. Armiger

" " " 4 - Proposed development plat

" " " 5 - Plat showing 150 acres shaded

" " " 6 - Photos taken by Mr. Holtzer, of site

" " " 7 - Zoning map showing proposed service road

" " " 8 - Deleted

" " " 9A-Letter from Mr. Coltrider to Mr. Armiger dated 1/30/79

" " " 9B-Letter, 3/21/79 to Mr. Armiger from from Mr. Collins

" " " 9C-Letter to Mr. Hammond from Mr. Collins dated Oct. 24, 1979

MAIL CERTIFICATION

I HEREBY CERTIFY that on this 20th day of March, 1981, a copy of the foregoing Petition Under Rule B-2 was mailed, postage prepaid, to William T. Hackett, Patricia Millhouser and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; to J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Towson, Maryland 21204, Counsel for Petitioners; to John W. Hession, III, Esquire, Court House, Towson, Maryland 21204, People's Counsel for Baltimore County, and to Newton A. Williams, Esquire, 204 West Pennsylvania Avenue, Towson, Maryland 21204.

Thomas L. Hennessey
Thomas L. Hennessey

RECEIVED
BALTIMORE COUNTY
MAR 23 1 50 PM '81
CLERK OF COURT
BY: *Thomas L. Hennessey*

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 11, 1980

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204c/o
Nicholas B. Commodari
ChairmanMEMBERS
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
DevelopmentMr. William Armiger
6301 North Charles Street
Baltimore, Maryland 21212
andMr. Robert Wartz, Vice President
Daily Express, Inc.
Box 39
Carlisle, Pennsylvania 17013RE: Item No. 113
Petitioners: Armiger/Daily
Express, Inc.
Special Hearing Petition

Gentlemen:

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 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 petition originated from a failure of Bill No. 18-76, concerning trucking facilities, to provide a definition of a public industrial service road. As provided in this Bill, trucking facilities can only be established on one of three types of roads: an arterial street, a major collector street, or a public industrial service road. In view of the fact that Morse Lane cannot be defined as either an arterial street or a major collector street, and coupled with your proposal to locate a trucking facility fronting on said road, your only alternative is to have this road classified as a public industrial service road. In order to do this, the Special Hearing is required.

Item No. 113
Armiger/Daily Express, Inc.
Page Two
February 11, 1980

As indicated in a number of conversations with Mr. James E. Dyer and myself concerning this matter and if the petition is granted, the travel distance between the access for the proposed facility(s) from North Point Boulevard must be less than the travel distance between the access for the proposed facilities and any other intersecting roads (Wise Avenue Extended and Merritt Avenue). At the present time, the wording of the Section of the aforementioned Bill, concerning access for new facilities, is presently being reviewed in order to determine whether revisions should be made. If the proposed revisions are incorporated, it may alleviate this problem; distance between the access point of the trucking facility(s) and any other intersecting roads.

As you are aware, this problem with public industrial service roads has presented a dilemma for any new facilities that are contemplating locating in Baltimore County. I would like to remind you that if this petition is granted, it will only apply to the subject property. With this in mind, it should be noted that a similar petition is being processed for property to the north of your proposed site.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. 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
Chairman
Zoning Plans Advisory Committee

NBC/sf
Enclosurescc: Mr. Bob Smith
Drawer 7060
Charlottesville, Va. 22906BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3211JOHN D. SEYFFERT
DIRECTORMr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #113, Zoning Advisory Committee Meeting, December 11, 1979, are as follows:

Property Owner: William Armiger & Daily Express, Inc.
Location: No description submitted
Existing Zoning: M.H.-I.M.
Proposed Zoning: Special Hearing to approve the designation of Morse Lane Between Wise Avenue and North Point Blvd. as a "public industrial service road". The calculated distance is approximately 3800 feet. See Sections 410.3A.1 and 410A.3A.1 of Bill 18-76.

District: 15th
Note: No plats submitted with this folder

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

Since there is no site accompanying the petition, this office will reserve site plan comment.

Very truly yours,

John L. Wimbley
Planner III
Project and Development Planning

BALTIMORE COUNTY, MARYLAND

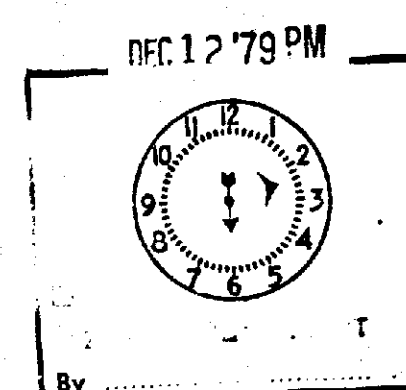
INTER-OFFICE CORRESPONDENCE

TO: Nicholas B. Commodari, Chairman
Zoning Advisory Committee
Date: December 11, 1979
FROM: Sharon M. Caplan
Economic Development Commission
SUBJECT: Item No. 113 - Property Owner: William Armiger & Daily Express, Inc.
Locations: No description submitted
Existing Zoning: M.H.-I.M.
Proposed Zoning: Special Hearing to approve the designation of Morse Lane between Wise Avenue and North Point Blvd. as a "public industrial service road". The calculated distance is approximately 3800 feet. See Sections 410.3A.1 and 410A.3A.1 of Bill 18-76.

In recognition of Baltimore County's desire to foster a healthy economic growth, we request the zoning officer to evaluate the above request in the best interest of industrial expansion.

SHARON M. CAPLAN

SMC:jet



Maryland Department of Transportation

State Highway Administration

James J. O'Donnell
Secretary
M. S. Caltrider
Administrator

December 19, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Dec. 11, 1979
ITEM: 113.
Property Owner: William Armiger & Daily Express, Inc.
Location: No description submitted.
Existing Zoning: M.H.-I.M.
Proposed Zoning: Special Hearing to approve the designation of Morse Lane between Wise Ave. & North Point Blvd. (Route 151) as a "public industrial service road". The calculated distance is approximately 3800 feet. See Sections 410.3A.1 and 410A.3A.1 of Bill 18-76.

District: 15th
Note: No plats submitted with this folder.

Dear Mr. Hammond:

An inspection of the subject area revealed that access is by way of North Point Blvd. The intersection of Morse Lane with the Boulevard is substandard for the anticipated traffic. The radius returns are too small, and due to the close proximity of the intersection of Old North Point Road with the Boulevard, it is impossible to provide a suitable deceleration lane. The southbound North Point Blvd. movement to eastbound Morse Lane is somewhat restricted by the railroad bridge pier.

The State Highway Administration has made studies which revealed means to alleviate the traffic problems, however, the State is not in a position to make the highway improvements. It appears unlikely that developers of the area, served by Morse Lane, could be required to

Mr. W.E. Hammond

make improvements to the State highway. With this in mind, we could be faced with a considerable amount of industrial traffic passing through an inadequate road system.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers

CL:JEM:vrd

December 19, 1979

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
(301) 494-3550STEPHEN E. COLLINS
DIRECTOR

February 12, 1980

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

Item No. 113 - ZAC - Meeting of December 11, 1979
Property Owner: William Armiger & Daily Express, Inc.
Location: No description submitted
Existing Zoning: M.H.-I.M.
Proposed Zoning: Special Hearing to approve the designation of Morse Lane between Wise Avenue and North Point Blvd. as a "public industrial service road". The calculated distance is approximately 3,800 feet. See Sections 410.3A.1 and 410A.3A.1 of Bill 18-76.

Acres: 15th
District: 15th
Note: No plats submitted with this folder.

Dear Mr. Hammond:

Enclosed you will find correspondence from Stephen E. Collins, the Director of the Department of Traffic Engineering. He feels that Morse Avenue is an industrial service road.

Very truly yours,

Michael S. Planigan
Engineering Associate II

MSF/mjm

January 28, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #113, Zoning Advisory Committee Meeting of December 11, 1979, are as follows:

Property Owner: William Arminger & Daily Express, Inc.
Location: No description submitted
Existing Zoning: M-1.5-R
Proposed Zoning: Special Hearing to approve the designation of Morse Lane between Wise Avenue and North Point Blvd. as a "public industrial service road". The calculated distance is approximately 3800 feet. See Sections 410.3A.1 and 410A.3A.1 of Bill 18-76.

District: 15th
Notes: No plans submitted with this folder

The purpose of the special hearing is to allow two proposed trucking facilities to be located on and use Morse Lane as an ingress and egress. The existing road is hard surfaced. Any proposed development on this road will not be approved until public water and sewer is available.

Very truly yours,

Jan J. Forrest
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/ith

PAUL H. RENCKE
CHIEF

January 23, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: William Arminger and Daily Express, Inc.

Location: No description submitted

Item No: 113 Zoning Agenda: Meeting of 12/11/79

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 _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

() 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", 1976 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

(x) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER *Capt. J. H. Kelly 1-23-80* Noted and Approved: *George M. Wiegand*
Planning Group Fire Prevention Bureau
Special Inspection Division

PAUL H. RENCKE
CHIEF

January 23, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: William Arminger and Daily Express, Inc.

Location: No description submitted

Item No: 113 Zoning Agenda: Meeting of 12/11/79

Gentlemen:

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() 6. Site plans are approved as drawn.

(x) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER *Capt. J. H. Kelly 1-23-80* Noted and Approved: *George M. Wiegand*
Planning Group Fire Prevention Bureau
Special Inspection Division

PAUL H. RENCKE
CHIEF

January 23, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: William Arminger and Daily Express, Inc.

Location: No description submitted

Item No: 113 Zoning Agenda: Meeting of 12/11/80

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.

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() 6. Site plans are approved as drawn.

(x) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER *Capt. J. H. Kelly 1-23-80* Noted and Approved: *George M. Wiegand*
Planning Group Fire Prevention Bureau
Special Inspection Division

PAUL H. RENCKE
CHIEF

January 23, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: William Arminger and Daily Express, Inc.

Location: No description submitted

Item No: 113 Zoning Agenda: Meeting of 12/11/80

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.

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() 6. Site plans are approved as drawn.

(x) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER *Capt. J. H. Kelly 1-23-80* Noted and Approved: *George M. Wiegand*
Planning Group Fire Prevention Bureau
Special Inspection Division

PAUL H. RENCKE
CHIEF

January 23, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: William Arminger and Daily Express, Inc.

Location: No description submitted

Item No: 113 Zoning Agenda: Meeting of 12/11/79

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.

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() 2. A second means of vehicle access is required for the site.

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

EXCEEDS the maximum allowed by the Fire Department.

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() 6. Site plans are approved as drawn.

(x) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER *Capt. J. H. Kelly 1-23-80* Noted and Approved: *George M. Wiegand*
Planning Group Fire Prevention Bureau
Special Inspection Division

J. Carroll Holser, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Special Hearing - William Arminger and Daily Express, Inc.
Morse Lane between Wise Avenue Extended and North Point Boulevard,
Case No. 80-160-SPH

TIME: 9:30 A.M.

DATE: Wednesday, February 20, 1980

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

William Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

cc: Mr. Robert T. Smith
P.O. Box 7060
Charlottesville, Virginia 22906

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: ADDRESSEES Date: January 31, 1980

FROM: James D. Lucas, Jr., Director
Economic Development Commission

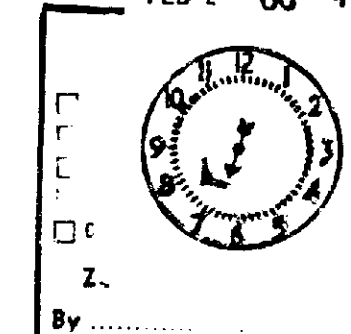
SUBJECT: Industrial Service Road at Morse Road

1. I have received the following letter from Victor Palmieri and Company concerning the designation of Morse Road as an Industrial Service Road.
2. As you can tell, Palmieri is responsible for selling this real estate as part of the dissolution of Penn Central.
3. In order to give a response to this letter, we need to know when the question about the Industrial Service Road will be resolved.
4. I should appreciate knowing your thinking in this regard.

JDL:jet
Enclosure

ADDRESSEES: John D. Seyffert, Director
Planning and Zoning
William Hammond
Zoning Commissioner

FEB 1 '80 AM



VICTOR PALMIERI AND COMPANY INCORPORATED
PENN CENTRAL PROPERTIES DIVISION

January 28, 1980

Mr. James Lucas
Director of
Industrial Development Commission
County Office Building
Towson, Maryland 21204

Dear Mr. Lucas:

As you are aware, PCC is owner of many properties in Baltimore County, of which four major ones are situated at Sparrows Point, all of which we have been actively marketing for the past four years. The greatest amount of activity is centered on the property on Morse Road, which is shown on the attached survey. This property has been under active negotiation with both Messrs. William Armiger and Ed Hale. Both individuals have submitted contracts and we are proceeding with a recommendation to the Board of Directors of the PCC for approval of the contract submitted by Mr. Armiger on behalf of the buyer, Tidewater Equipment Company, Incorporated. As a result, Mr. Hale has withdrawn his contracts on the Morse Road property as well as the other 100 acre tract on Lyndhurst Road.

It is my understanding that a critical element in the successful industrial development of this property by any purchaser is the approval for the designation of Morse Road as an industrial service road. It is my understanding that without permission for such a designation, the property or properties in the area are thus prohibited from a number of uses, which uses are considered to be the "highest and best uses" for the property.

Therefore, Victor Palmieri and Company Incorporated, on behalf of PCC, as its Board appointed asset manager for the management and liquidation of its real property assets is

Mr. James Lucas
January 28, 1980
Page Two

formally joining in the request that permission be granted for Morse Road to be designated as an industrial service road so that the property aforementioned may be put to its highest and best use.

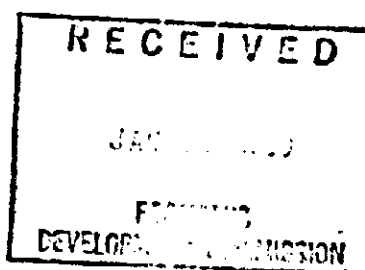
We appreciate every consideration in this matter and should there be any action required by us on behalf of the PCC, please advise us accordingly.

Sincerely yours,

James S. Gurney
Regional Vice President

Enclosure

cc: Mr. William Armiger
Mr. Robert Betts



1700 MARKET STREET • PHILADELPHIA, PENNSYLVANIA 19103 • (215) 561-1650

ROBERT T. SMITH
REAL ESTATE BROKER

November 29, 1979

Reply To:
Drawer 7060
Charlottesville, Va. 22906
(804) 977-6532

Councilman John W. O'Rourke
Dundalk District Office
4 North Center Place
Dundalk, Maryland 21222

Dear John:

In order to keep you abreast of our continuing effort to solve my client's objective of establishing a truck terminal in your district, I am enclosing a copy of a petition I filed yesterday.

While the petition does not require an identification of the specific property, you should be aware that my client and Bill Armiger have an interest in the property along Morse Lane that currently is owned by Bethlehem Steel. This petition should not be confused with any other petition that I understand may be filed by others.

We hope that you will be sufficiently interested in our trying to establish the question of Access Points as set out in Bill #18-76 on page 23 that you will help us follow this petition through the procedural steps so that an early hearing date may be set.

Very truly yours,

Robert T. Smith

RTS:bjs
Enclosure
Copies: Mr. Bob Wertz
Mr. James Lucas, Jr.
Mr. Bill Armiger

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
William Armiger and
Daily Express, Inc. Petitioners

I, or we, as legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning

Commissioner should approve the designation of Morse Lane between
Wise Avenue and North Point Boulevard as a "public industrial
service road". The calculated distance is approximately 3800

lineal feet. See Sections 410.3A.1 and 410A.3A.1 of Bill No. 18-76

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

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

Petitioner
Address: 3411 34
Caldwell Rd 17013

Petitioner
Address: 4301 N. Charles
Bklyn. Co. Maryland 21212

Petitioner's Attorney
Address:

Protestant's Attorney
Address:

ORDERED By the Zoning Commissioner of Baltimore County, this day of 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that 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 day of 1980, at o'clock M.

Zoning Commissioner of Baltimore County

(-v-)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

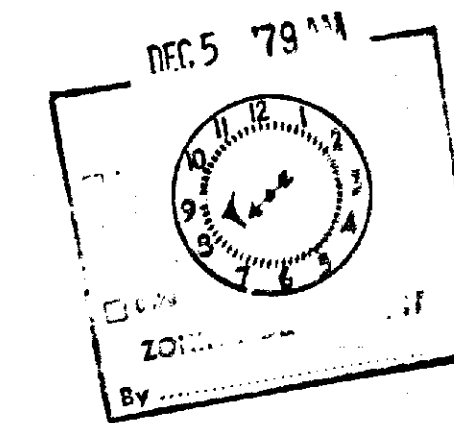
TO: William Hammond
Zoning Commissioner
Date: December 3, 1979
FROM: Sharon M. Caplan
Economic Development Commission
SUBJECT: Morse Lane Being Designated "Public Industrial Service Road"

Attached are copies of two letters Mr. Robert Smith has written to Jim Lucas and to Councilman O'Rourke. I wanted you to be aware of his requests so that our office can assist him through the County procedures. Mr. Smith's objective is to have Morse Lane designated a public industrial service road in order that a truck terminal might be located along Morse Lane.

Thank you for your assistance in this matter.

SMC:jet
Enclosures (3)

cc: Robert T. Smith



CONSTABLE ALEXANDER & DANER

1000 MARYLAND TRUST BUILDING
CALVERT AND REDWOOD STS
BALTIMORE, MARYLAND 21202
(301) 539-3474

January 18, 1980

The Honorable William Hammond
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition No. 113
File November 28, 1979
Armiger and Daily Express

Dear Mr. Hammond:

Please enter my appearance in the above captioned matter presently scheduled for a hearing on February 20, 1980.

I would appreciate receiving all official notices pertaining to this matter.

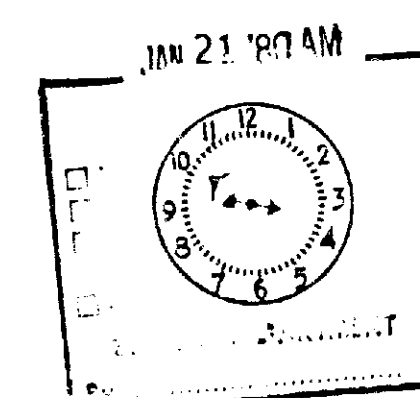
Thank you for your cooperation.

Very truly yours,

Carroll Holzer

J.H:jeh

cc: James Dyer
Nick Commodari



ROBERT T. SMITH
REAL ESTATE BROKER

November 29, 1979

Reply To:
Drawer 7060
Charlottesville, Va. 22906
(804) 977-6532

Mr. James D. Lucas, Jr.
Director, Industrial Development Commission
County Office Building
Baltimore County
Towson, Maryland 21204

Dear Jim:

Pursuant to our conversation yesterday, I am writing you to advise you that yesterday, November 28, 1979, I filed with Nick Commodari of the zoning office, a petition (attached) to have a portion of Morse Lane designated as a "public industrial service road".

It is imperative that we keep this petition moving forward as without the requested designation we are at a standstill as far as solving the question of truck-terminal use of the Bethlehem Steel property.

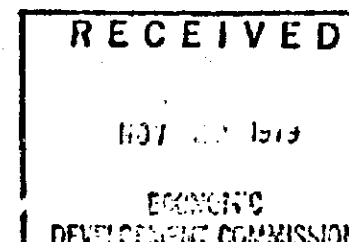
Because this is the first petition requesting this designation, I fear that it may be slowed in the bureaucratic process while various departments ponder their own particular function as it relates to our request.

Nick gave me a printed procedure that would indicate that the ZPAC will inspect the site by December 11. Sometime after this date the ZPAC accepts the petition and sets a hearing date. All of us concerned would greatly appreciate it if you would encourage members of this committee to move promptly as it appears everyone feels that the public hearing is the only way to remedy this very ambiguous problem. This petition has been designated as Item #113.

Very truly yours,

Robert T. Smith

RTS:bjs
Enclosure
Copies: Mr. Bob Wertz
Mr. Bill Armiger



CONSTABLE ALEXANDER & DANER

1000 MARYLAND TRUST BUILDING
CALVERT AND REDWOOD STS
BALTIMORE, MARYLAND 21202
(301) 539-3474

January 18, 1980

The Honorable William Hammond
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition No. 113
File November 28, 1979
Armiger and Daily Express

Dear Mr. Hammond:

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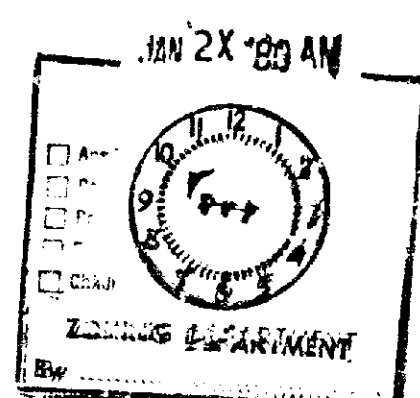
Thank you for your cooperation.

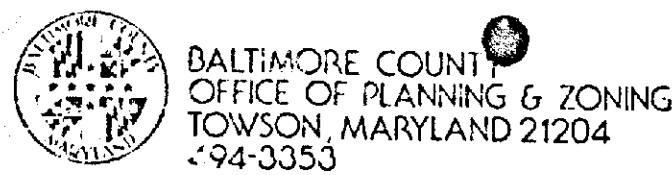
Very truly yours,

Carroll Holzer

JCH:jeh

cc: James Dyer
Nick Commodari





WILLIAM E. HAMMOND
ZONING COMMISSIONER

February 5, 1980

J. Carroll Holzer
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing -
Morse Lane between Wise Ave. Extended
and North Point Blvd. - William
Armiger & Daily Express, Inc. -
Case No. 80-160-SPH

Dear Sir:

This is to advise you that \$11.75 is due for
advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and
remitt to Sondra Jones, Room 113, County Office Building, Towson,
Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH:ej



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

June 12, 1984

Thomas L. Hennessey, Esq.
407 W. Pennsylvania Ave.
Towson, Md. 21204

Dear Mr. Hennessey:

Re: William Armiger & Daily Express,
Inc. - Case No. 80-160-SPH

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

Very truly yours,

June Holmen, Secretary

Encl.

cc: J. Carroll Holzer, Esq.
William Armiger
Daily Express, Inc.
Mrs. Marjorie Hill
Mrs. Pearl Gintling
Mrs. Ethel Weber
Newton A. Williams, Esq.
Richard Rudolph
Diane L. Sauer
Robert D. Sauer
Helen Furnari
Teresa Griggs
James W. Moffitt
William Boyd

T. J. Bollinger, Esq.
J. E. Dyer
A. Jablon
Army Associates
W. Taylor Brown, Esq.
Leslie M. Pittler, Esq.

LAW OFFICES
CONSTABLE, ALEXANDER, DANER & SKEEN
1000 MARYLAND TRUST BUILDING
CALVERT AND REDWOOD STS.
BALTIMORE, MARYLAND 21202
(301) 539-3474
TELEX 710-234-2483 CALDAS

ELIZABETH C. E. HOGUE
STEVEN A. LOEWY
STEPHEN F. WHITE
ROBERT E. HEDERMAN

OF COUNSEL
JOHN H. SKEEN, JR.
WILLIAM A. SKEEN

WM. PEPPER CONSTABLE
1882-1878

PHILIP O. ROACH
1918-1878

TOWSON OFFICE
305 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
(301) 828-9282

ELKTON OFFICE
138 E. MAIN ST.
ELKTON, MD. 21821
(301) 398-1844

September 14, 1983
PLEASE REPLY TO:
TOWSON

Mr. William Hackett
Board of Appeals
County Office Building
Towson, Maryland 21204

Dear Bill:

Thank you for your call of yesterday in regard to the Armiger
matter, number 80-160. I have written to Mr. Armiger as of
today's date as well as Mr. Brown, who are presently involved in
the ownership of the property and have requested that they advise
me as to their desire to proceed. Please bear with me until I
have had an opportunity to obtain a response from these gentlemen
at which time I will be in touch with you.

Very truly yours,

J. Carroll Holzer

JCH:djm

LAW OFFICES
CONSTABLE, ALEXANDER, DANER & SKEEN
1000 MARYLAND TRUST BUILDING
CALVERT AND REDWOOD STS.
BALTIMORE, MARYLAND 21202
(301) 539-3474
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ROBERT E. HEDERMAN

OF COUNSEL
JOHN H. SKEEN, JR.
WILLIAM A. SKEEN

WM. PEPPER CONSTABLE
1882-1878

PHILIP O. ROACH
1918-1878

TOWSON OFFICE
305 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
(301) 828-9282

ELKTON OFFICE
138 E. MAIN ST.
ELKTON, MD. 21821
(301) 398-1844

December 20, 1983

PLEASE REPLY TO
TOWSON

Mr. Bill Hackett
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

RE: Armiger/Morse Lane

Dear Bill:

Thank you very much for your phone calls inquiring whether or
not my client, Armiger, requests a hearing on the above captioned
matter. I have written Mr. Armiger as well as the partnership
that was the successor to Mr. Armiger's interest and requested
direction and guidance in regard to the rescheduling of a hearing
for this case. To date, I have received no reply to my inquiries.

I would appreciate your waiting fifteen days and if you have
not received direct notification from either Mr. Armiger or Taylor
Brown, Esquire at that point, I would suggest the Board of Appeals
proceed with this matter in its normal way.

Thank you for all your kindness and assistance.

Very truly yours,

J. Carroll Holzer

JCH:djm

cc: Mr. William Armiger
W. Taylor Brown, Esquire

332-8708

727-4415 Tell Hennessey, Esq.

9220 SHARON SMITH & LONG

Les Pittler 296-1844 James Gay 576-8565
1-10-84 - 52 and a letter of disapproval for HT II
Attorney for Baltimore County & County Board
Bankers Realty

10/16/80 - Notified of hearing scheduled for TUESDAY, JANUARY 27, 1981 at 10 a.m.

J. Carroll Holzer, Esq.
William Armiger
Daily Express
Mrs. Marjorie Hill
Mrs. Pearl Gintling
Mrs. Ethel Weber
Newton A. Williams, Esq.
Mr. Richard Rudolph
Ms. Diane L. Sauer
Mr. Robert D. Sauer
Ms. Ethel Weber
Ms. Helen Furnari
Ms. Teresa Griggs
Mr. James W. Moffitt
Mr. William Boyd
Thomas L. Hennessey, Esq.
John W. Hession, Esq.

5/9/84 - Above notified of REMAND HEARING scheduled for WEDNESDAY, JUNE 27, 1984 at 10 a.m.

Also, Leslie M. Pittler, Esq.
Army Associates
W. Taylor Brown, Esq.

LAW OFFICES
HOLZER, MAHER & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 110
TOWSON, MARYLAND 21204
(301) 825-6560

WASHINGTON, D.C. OFFICE
225 SHOREMAN BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO
TOWSON

May 14, 1984

County Board of Appeals of
Baltimore County
Room 200, Court House
Towson, MD 21204

RE: Case No. 80-160-SPH

Gentlemen:

Thank you for your notice scheduling the above captioned
matter for Wednesday, June 27th, 1984. On previous occasions I
have written to William Armiger and his successors, Army
Associates, and notified them of the Board's scheduling of
hearings. I am, by copy of this letter, doing the same; however,
I have not heard from any one of my clients in regard to this
matter for well over one year.

By copy of this letter, I am informing William Armiger and
Army Associates, c/o W. Taylor Brown, of the above scheduled
hearing. I will not be prepared for any further presentation of
this matter; however, in view of my inability to obtain a response
from the petitioners.

Very truly yours,

J. Carroll Holzer

JCH:djm

cc: Mr. William Armiger
Army Associates



May 17, 1984

County Board of Appeals of Baltimore County
Edith T. Eisenhart, Adm. Secretary
Room 200 Court House
Towson, MD 21204

RE: Case No. 80-160-SPH

Dear Ms. Eisenhart,

Case #80-160-SPH has been scheduled for hearing Wednes-
day, June 27, 1984 at 10 A.M. to address the designation of
Morse Lane between Wise Ave. extended and N. Point Blvd. as
a public industrial service road. Daily Express, Inc. has
been shown as a petitioner in this case, along with William
Armiger.

Daily Express is not pursuing this rezoning classifica-
tion and request that our name, "Daily Express, Inc.", be
removed from this case as a petitioner.

If there are any questions regarding the removal of
Daily Express as a petitioner, the matter should be discussed
with Robert H. Wertz, V.P., Daily Express at 717-243-5757.

Sincerely yours,

Robert H. Wertz
Vice-Pres., Operations

RHW/cln

Enclosure

RECEIVED
COUNTY BOARD OF APPEALS
MAY 21 A 11 16

P. O. BOX 38 - CARLISLE, PENNSYLVANIA 17013 - (717) 243-5757

LAW OFFICES
Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELLA
JAMES D. O'CONNOR

AREA CODE 301 823-7710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
RETURN MAIL ADDRESS
BOX NO. 5475
TOWSON, MARYLAND 21204

August 5, 1981

William T. Hackett
Patricia Millhouser
Leroy B. Spurrier
County Board of Appeals of
Baltimore County
Room 219
Court House
Towson, Maryland 21204

Re: William Armiger and Daily Express, Inc., vs.
Diane L. Saur, et al.
Case No. 13/107/M7457

Dear Mr. Hackett, Ms. Millhouser, and Mr. Spurrier:

For your information, inclosed is a copy of the Memo-
randum of Law filed today in the case of William Armiger and
Daily Express, Inc., Petitioners vs. Diane L. Saur, et al,
Protestants and Appellants.

Yours very truly,

Thomas L. Hennessey

TLH/SEH/ckc
Enc.

RECEIVED
BALTIMORE COUNTY
AUG 7 9 29 AM '81
COUNTY BOARD
OF APPEALS
BY: [initials]

LAW OFFICES
Thomas L. Hennessey, P.S.I.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA
JAMES D. O'CONNOR

February 15, 1982

Mr. William T. Hackett
Ms. Patricia Millhouse
Mr. LeRoy B. Spurrier
County Board of Appeals for Baltimore County
Court House, Room 219
Towson, Maryland 21204

Re: William Armiger and Daily Express Inc.
vs. Diane L. Sauer, et al

Dear Messrs. Hackett & Spurrier and Ms. Millhouse:

Enclosed please find a copy of our Second Request for Hearing, which
was filed in the above-captioned matter.

Yours very truly,

Thomas L. Hennessey
Thomas L. Hennessey

TLH/SEH/gh

Enc:

AREA CODE 301 823 7710

LAW OFFICES
Thomas L. Hennessey, P.S.I.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA
JAMES D. O'CONNOR

July 6, 1981

William T. Hackett
Patricia Millhouse
LeRoy B. Spurrier
County Board of Appeals of Baltimore County
Room 219
Court House
Towson, MD 21204

Carroll Holzer, Esquire
305 W. Chesapeake Ave.
Towson, MD 21204

John W. Hessian, III, Esquire
Court House
Towson, MD 21204

Newton A. Williams, Esquire
204 W. Pennsylvania Ave.
Towson, MD 21204

Re: Armiger vs. Sauer
Misc. Docket No: 13
Folio: 107
File No: M 7457

Lady and Gentlemen:

Enclosed please find the Petition for Extension of
Time for Filing Memorandum and Order thereon, signed by Judge Sfikas,
which were filed in the above mentioned case on July 6, 1981. Also
enclosed herewith you will find the Request for Hearing Date which
was filed on the same day.

Very truly yours,

Thomas L. Hennessey
Thomas L. Hennessey

TLH/JOC/ckc
Enc.

AREA CODE 301 823 7710

LAW OFFICES
Thomas L. Hennessey, P.S.I.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA
JAMES D. O'CONNOR

April 21, 1981

William T. Hackett
Patricia Millhouse
LeRoy B. Spurrier
County Board of Appeals of
Baltimore County
Room 219
Court House
Towson, Maryland 21204

John W. Hessian, III, Esquire
Court House
Towson, Maryland 21204

Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

J. Carroll Holzer, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

Re: Miscellaneous Case No. M7457

Gentlemen and Lady:

Enclosed please find a copy of the Petition for Extension
of Time for Transmission of Record and a copy of the Order signed thereon
by Judge Ciccone on April 20, 1981.

Very truly yours,

Thomas L. Hennessey
Thomas L. Hennessey

TLH/las
Enclosure

RECEIVED
BALTIMORE COUNTY
CLERK OF APPEALS
APR 22 9 27 AM '81
COUNTY BOARD
OF APPEALS
B-1

LAW OFFICES
Thomas L. Hennessey, P.S.I.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA
JAMES D. O'CONNOR

March 20, 1981

Clerk of the Circuit Court
for Baltimore County at Law
County Courts Building
Towson, Maryland 21204

Re: Petition for Special Hearing under Section
500.7 of the Baltimore County Zoning
Regulations
William Armiger and Daily Express, Inc.,
Petitioners
File No. 80-160-SPH
13/107/M7457

Mr. Clerk:

Attached herewith kindly find Petition Under Rule B-2 as required
in the above-entitled matter.

Very truly yours,

Thomas L. Hennessey
Thomas L. Hennessey

TLH/kan

Enc.

cc: Baltimore County Board of Appeals
J. Carroll Holzer, Esquire
John W. Hessian, III, Esquire
Newton A. Williams, Esquire

RECEIVED
BALTIMORE COUNTY
CLERK OF APPEALS
MAR 23 1 50 PM '81
COUNTY BOARD
OF APPEALS
B-1

March 13, 1981

BILLED TO: Thomas L. Hennessey, Esq.
407 W. Pennsylvania Ave.
Towson, Md. 21204

Cost of certified documents filed
in Case No. 80-160-SPH \$13.00

William Armiger, et al
Morse Lane, between Wise Avenue
Extended and North Point Blvd.
15th District

MAKE CHECKS PAYABLE TO:

Baltimore County, Maryland

REMIT TO:

County Board of Appeals
Rm. 219, Court House
Towson, Md. 21204

LAW OFFICES
Thomas L. Hennessey, P.S.I.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA
JAMES D. O'CONNOR

March 18, 1981

County Board of Appeals
Rm. 219, Court House
Towson, Maryland 21204

Re: Case No. 80-160-SPH

Gentlemen:

Enclosed please find our check in the amount of \$13.00
for cost of certified documents filed in the above-captioned case. Also
enclosed please find a copy of bill, please receipt and return to this office.

Thank you for your cooperation herein.

Yours very truly,

Thomas L. Hennessey
Thomas L. Hennessey

TLH/gh

Enc:

AREA CODE 301 823 7710

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

March 16, 1981

Thomas L. Hennessey, Esq.
407 W. Pennsylvania Ave.
Towson, Md. 21204

Dear Mr. Hennessey:

Re: Case No. 80-160-SPH
William Armiger, et al

In accordance with Rule 8-7 (a) of the Rules of Procedure of
the Court of Appeals of Maryland, the County Board of Appeals is required
to submit the record of proceedings of the zoning appeal which you have
taken to the Circuit Court for Baltimore County in the above matter within
thirty days.

The cost of the transcript of the record must be paid by you.
Certified copies of any other documents necessary for the completion of
the record must also be at your expense.

The cost of the transcript, plus any other documents, must be
paid in time to transmit the same to the Circuit Court not later than thirty
days from the date of any petition you might file in court, in accordance
with Rule 8-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice
covering the cost of certified copies of necessary documents.

Very truly yours,

June Holmen
June Holmen, Secretary

Encls.

cc: Mrs. Marjorie Hill
Mrs. Pearl Gintling
Mrs. Ethel Weber
Mr. Richard Rudolph
Ms. Diane Sauer
Mr. Robt. Sauer
Ms. Helen Furnari
Ms. Teresa Griggs
Mr. James Moffitt
Mr. Wm. Boyd

RECEIVED
BALTIMORE COUNTY
CLERK OF APPEALS
MAR 19 9 54 AM '81
COUNTY BOARD
OF APPEALS
B-1

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

March 16, 1981

J. Carroll Holzer, Esq.
305 W. Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Holzer:

Re: Case No. 80-160-SPH
William Armiger, et al

Notice is hereby given, in accordance with the Rules
of Procedure of the Court of Appeals of Maryland, that an appeal has
been taken to the Circuit Court for Baltimore County from the decision
of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

cc: William Armiger
Daily Express, Inc.
Newton A. Williams, Esq.
John W. Hessian, Esq.
J. E. Dyer
William Hammond
JH

March 13, 1981

BILLED TO: Thomas L. Hennessey, Esq.
407 W. Pennsylvania Ave.
Towson, Md. 21204

Cost of certified documents filed
in Case No. 80-160-SPH \$13.00

William Armiger, et al
Morse Lane, between Wise Avenue
Extended and North Point Blvd.
15th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Rm. 219, Court House
Towson, Md. 21204

LAW OFFICES
Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA
JAMES D. O'CONNOR

March 12, 1981

Mr. William T. Hackett, Acting Chairman
Ms. Patricia Millhouser
Mr. Leroy B. Spurrier
County Board of Appeals of Baltimore County
County Courthouse, 2nd Floor
Towson, Maryland 21204

Re: Case No. 80-160-SPH
William Armiger and Daily Express, Inc.

Dear Mr. Hackett, Ms. Millhouser and Mr. Spurrier:

Attached please find a copy of a Notice of Appeal filed today
in the above-entitled matter. I am not attaching a copy of the Opinion and Order
to the Notice since same is already in your file. However, I will furnish a copy
of said Opinion and Order upon your request.

Yours very truly,

Thomas L. Hennessey

TLH/kan
Enc.

RECEIVED
BALTIMORE COUNTY
MAR 12 2 51 PM '81
COUNTY BOARD
OF APPEALS
BY: [initials]

AREA CODE 301 823-7710

LAW OFFICES
CONSTABLE, ALEXANDER & DANER

WM. PEPPER CONSTABLE
1882 1976
JOHN D. ALEXANDER
GEORGE W. CONSTABLE
CLAYTON W. DANER
THOMAS F. CONNER, JR.
RONALD L. WALKER
WILLIAM F. BLUE
DAVID E. DANER
JAMES W. CONSTABLE
MARK J. DANER
FRANK THOMAS HOWARD
J. CARROLL HOLZER
CAROLE S. DEMILLO
ALEXANDER J. OGRIN, III
RICHARD E. JACKSON

1000 MARYLAND TRUST BUILDING
CALVERT AND REDWOOD STS
BALTIMORE, MARYLAND 21202
(301) 538-3474

October 13, 1980

PLEASE REPLY TO:
TOWSON

The Baltimore County Board
of Appeals
Old Court Building
Towson, Maryland 21204

RE: Appeal from Petition for Special Hearing -
Morse Lane between Wise Avenue Extended and
Northpoint Boulevard - William Armiger
and Daily Express Inc., Petitioners
Case #80-160-SPH

Gentlemen:

Please be advised that I represent the Petitioners in
the above captioned matter. An Appeal was taken from a
favorable decision of the Zoning Commissioner, Mr. William
Hammond, on June 16, 1980. I have not been advised by the
Board that this case has been set for a hearing at the present
time.

I would appreciate your scheduling this case for an
immediate hearing in view of the economic loss to my client
occasioned by this delay and in view of the fact that a time
lapse of over three months has existed without the Board
setting the case for a hearing. Thank you very much for
your immediate attention. If there is any additional infor-
mation that you require in regard to this matter, please do
not hesitate to contact me.

Very truly yours,

J. Carroll Holzer

JCH:djm

Set for 27

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BALTIMORE COUNTY
OCT 14 1 05 PM '80
COUNTY BOARD
OF APPEALS
BY: [initials]

494-3180

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

October 16, 1980

NOTICE OF ASSIGNMENT

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

CASE NO. 80-160-SPH

WILLIAM ARMIGER, et al

SH-the designation of Morse Lane between
Wise Ave. extended, as a "public industrial
service road"

Morse Lane, between Wise Ave. extended and
North Point Blvd.

15th District

5/12/80 - Z.C. (Hammond) GRANTED above
road as a "public industrial service road"
subject to the approval of a site plan

TUESDAY, JANUARY 27, 1981, at 10 a.m.

ASSIGNED FOR:

cc: J. Carroll Holzer, Esq.
William Armiger
Daily Express, Inc.
Mrs. Marjorie Hill
Mrs. Pearl Gintling
Mrs. Ethel Weber
Newton A. Williams, Esq.
Mr. Richard Rudolph
Ms. Diane L. Sauer
Mr. Robert D. Sauer
Ms. Ethel Weber
Ms. Helen Furnari
Ms. Teresa Griggs
Mr. James W. Moffitt
Mr. William Boyd
Thomas L. Hennessey, Esq.
J. W. Hessian, Esq.
J. E. Dyer
W. Hammond

Attorney for Petitioners
Petitioner

Protestant

Protestant

Attorney for Protestants
People's Counsel
Zoning Office

June Holmen, Secy.

494-3180

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

February 10, 1981

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

Re: Case No. 80-160-SPH
William Armiger and Daily Express, Inc.

Dear Mr. Hennessey:

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, Adm. Secretary

Encl.

cc: J. Carroll Holzer, Esquire
William Armiger
Daily Express, Inc.
Mrs. Marjorie Hill
Mrs. Pearl Gintling
Mrs. Ethel Weber
Newton A. Williams, Esquire
Mr. Richard Rudolph
Ms. Diane L. Sauer
Mr. Robert D. Sauer
Ms. Ethel Weber
Ms. Helen Furnari
Ms. Teresa Griggs
Mr. James W. Moffitt
Mr. William Boyd
John W. Hessian, II, Esquire
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. N. E. Gerber
Mr. J. Howell

LAW OFFICES
Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA
ROBERT W. BAKER, JR.
JAMES D. O'CONNOR

June 10, 1980

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

Re: Petition for Special Hearing
Morse Lane, between Wise Avenue
Extended and North Point Boulevard
15th Election District
William Armiger and Daily Express,
Inc. - Petitioners
NO. 80-160-SPH (Item No. 113)

Dear Mr. Hammond:

Please be advised that the writer has been retained to represent persons
who wish to Appeal your findings and your Order in the above entitled matter dated
the 12th day of May, 1980. Attached please find this office's check in the amount
of \$45 covering the cost of posting of 2 signs and the Appeal as per our confer-
ence with your office.

Those persons for whose benefit the Appeal is being noted are as follows:

Diane L. Sauer
4620 Todd Point Lane
Baltimore, Maryland 21219

Robert D. Sauer
4620 Todd Point Lane
Baltimore, Maryland 21219

Ethel Weber
4506 Todd Point Lane
Baltimore, Maryland 21219

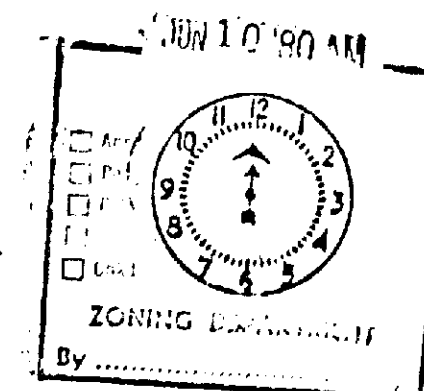
Helen Furnari
4616 Todd Point Lane
Baltimore, Maryland 21219

Teresa Griggs
4638 Todd Point Lane
Baltimore, Maryland 21219

James W. Moffitt
45.4 Todd Point Lane
Baltimore, Maryland 21219

William Boyd
4301 Lebbe Lane
Baltimore, Maryland 21219

Richard Rudolph
4309 Shore Road
Baltimore, Maryland 21219



Mr. William E. Hammond,
Zoning Commissioner
June 10, 1980
Page 2.

Please advise this office that the Appeal has been noted.

Yours very truly,

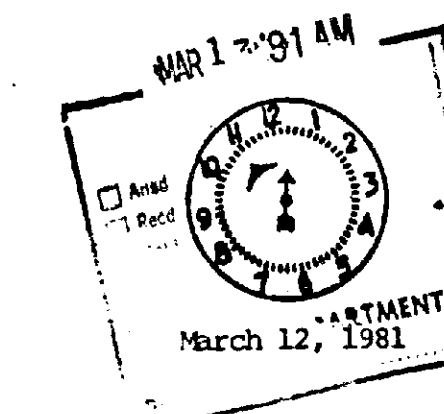
Thomas L. Hennessey

TLH:ewh

cc: Mrs. Diane L. Sauer, et al

LAW OFFICES
Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA
JAMES D. O'CONNOR



Mr. William E. Hammond, Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Case No. 80-160-SPH
William Armiger and Daily Express, Inc.

Dear Mr. Hammond:

Attached please find a copy of a Notice of Appeal filed today
in the above-entitled matter. I am not attaching a copy of the Opinion and Order
to the Notice since same is already in your file. However, I will furnish a copy
of said Opinion and Order upon your request.

Yours very truly,

Thomas L. Hennessey

TLH/kan
Enc.

WM PEPPER CONSTABLE
1882-1876
JOHN D. ALEXANDER
GEORGE W. CONSTABLE
CLAYTON W. DANKEER
THOMAS F. CONNER, 3rd
RONALD L. MAHER
WILLIAM F. BLUE
DAVID C. DANKEER
JAMES W. CONSTABLE
MARK J. DANKEER
FRANK THOMAS HOWARD
J. CARROLL HOLZER
CAROLE B. DEHILIO
ALEXANDER J. OGRINE, III
RICHARD L. JACKSON

LAW OFFICES
CONSTABLE, ALEXANDER & DANKEER
1000 MARYLAND TRUST BUILDING
CALVERT AND REDWOOD STS.
BALTIMORE, MARYLAND 21202
(301) 539-3474

January 18, 1980

PLEASE REPLY TO: Towson

The Honorable William Hammond
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition No. 113
File November 28, 1979
Armiger and Daily Express

Dear Mr. Hammond:

Please enter my appearance in the above captioned matter presently scheduled for a hearing on February 20, 1980.

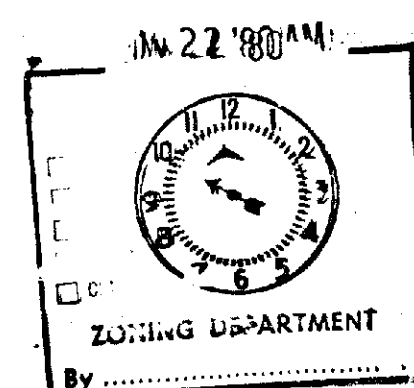
I would appreciate receiving all official notices pertaining to this matter.

Thank you for your cooperation.

Very truly yours,
Carroll Holzer

JCH:jeh

cc: James Dyer
Nick Commodari



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 12, 1980

J. Carroll Holzer, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Morse Lane, between Wise Avenue
Extended and North Point Boulevard - 15th Election District
William Armiger and Daily Express, Inc. - Petitioners
NO. 80-160-SPH (Item No. 113)

Dear Mr. Holzer:

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

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: Mrs. Marjorie Hill
8109 Raymond Avenue
Baltimore, Maryland 21222

Mrs. Pearl Gintling
7718 North Point Creek Road
Baltimore, Maryland 21219

Mrs. Ethel Weber
4506 Todd Point Lane
Baltimore, Maryland 21219

Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

Mr. Richard Rudolph
Route 10, Box 38
Wise Avenue Extended
Baltimore, Maryland 21219

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

LAW OFFICES
Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY WELFA
ROBERT W. BAKER, JR.
JAMES D. O'CONNOR

AREA CODE 301 623-7710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21204

June 10, 1980

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

Re: Petition for Special Hearing
Morse Lane, between Wise Avenue
Extended and North Point Boulevard
15th Election District
William Armiger and Daily Express, Inc. - Petitioners
NO. 80-160-SPH (Item No. 113)

Dear Mr. Hammond:

Please be advised that the writer has been retained to represent persons who wish to Appeal your findings and your Order in the above entitled matter dated the 12th day of May, 1980. Attached please find this office's check in the amount of \$45 covering the cost of posting of 2 signs and the Appeal as per our conference with your office.

Those persons for whose benefit the Appeal is being noted are as follows:

Diane L. Sauer
4620 Todd Point Lane
Baltimore, Maryland 21219

Robert D. Sauer
4620 Todd Point Lane
Baltimore, Maryland 21219

Ethel Weber
4506 Todd Point Lane
Baltimore, Maryland 21219

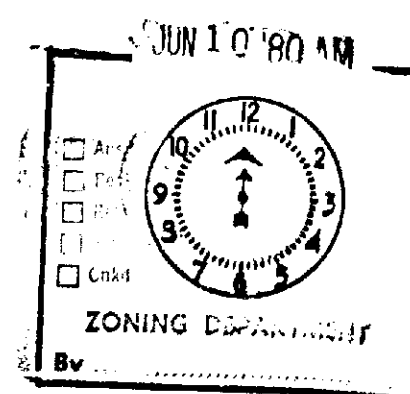
Helen Furnari
4616 Todd Point Lane
Baltimore, Maryland 21219

Teresa Griggs
4638 Todd Point Lane
Baltimore, Maryland 21219

James W. Moffitt
4514 Todd Point Lane
Baltimore, Maryland 21219

William Boyd
4301 Lebbes Lane
Baltimore, Maryland 21219

Richard Rudolph
4309 Shore Road
Baltimore, Maryland 21219



Malcolm F. Spicer, Jr., Esquire
January 18, 1980
Page Two

Thank you very much for your cooperation in this regard. Please advise me as soon as possible of a date in order that I can prepare my presentation.

Very truly yours,
J. Carroll Holzer

JCH:jeh

cc: Nick Commodari
Fred Ringer
Mike Flannigan
Ted Burnham
John Myers
Jack Weimbley
Jim Lucas

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William Hammond
Zoning Commissioner
Date: January 3, 1980
FROM: Sharon M. Caplan
Economic Development Commission
SUBJECT: Petition for Special Hearing, Item #113

After working with Robert T. Smith in regard to a petition relative to the truck terminal legislation and the designation of Morse Lane as a "public industrial service road," I wish to bring the following facts on his behalf to your attention:

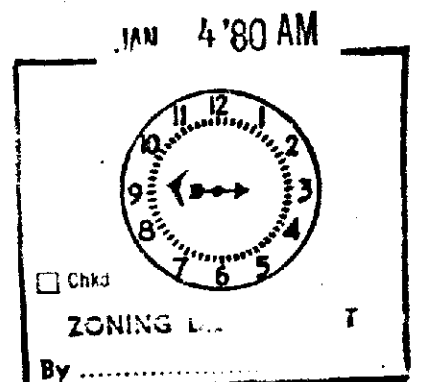
1. Since August, 1979, Mr. Smith has been working with the County agencies in reference to this project.
2. On November 18, 1979, a petition known as Item #113 was filed with the Zoning Office with our encouragement.
3. The week of December 17, 1979, a field inspection was made at the site of the property.
4. We are now requesting an early hearing date on behalf of Mr. Smith for Item #113. We are supportive of this effort based on the needs of Baltimore County to have upgraded truck terminal facilities based on the truck terminal legislation.

I appreciate your cooperation in this matter of setting an early hearing date.

Sharon M. Caplan
SHARON M. CAPLAN

SMC:tjet

cc: Honorable John W. O'Rourke
Robert Wertz
William S. Armiger
Robert T. Smith



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 12, 1980

J. Carroll Holzer, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Morse Lane, between Wise Avenue
Extended and North Point Boulevard - 15th Election District
William Armiger and Daily Express, Inc. - Petitioners
NO. 80-160-SPH (Item No. 113)

Dear Mr. Holzer:

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

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: Mrs. Marjorie Hill
8109 Raymond Avenue
Baltimore, Maryland 21222

Mrs. Pearl Gintling
7718 North Point Creek Road
Baltimore, Maryland 21219

Mrs. Ethel Weber
4506 Todd Point Lane
Baltimore, Maryland 21219

Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

Mr. Richard Rudolph
Route 10, Box 38
Wise Avenue Extended
Baltimore, Maryland 21219

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

LAW OFFICES
Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY WELFA
ROBERT W. BAKER, JR.
JAMES D. O'CONNOR

AREA CODE 301 623-7710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21204

June 10, 1980

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

Re: Petition for Special Hearing
Morse Lane, between Wise Avenue
Extended and North Point Boulevard
15th Election District
William Armiger and Daily Express, Inc. - Petitioners
NO. 80-160-SPH (Item No. 113)

Dear Mr. Hammond:

Please be advised that the writer has been retained to represent persons who wish to Appeal your findings and your Order in the above entitled matter dated the 12th day of May, 1980. Attached please find this office's check in the amount of \$45 covering the cost of posting of 2 signs and the Appeal as per our conference with your office.

Those persons for whose benefit the Appeal is being noted are as follows:

Diane L. Sauer
4620 Todd Point Lane
Baltimore, Maryland 21219

Robert D. Sauer
4620 Todd Point Lane
Baltimore, Maryland 21219

Ethel Weber
4506 Todd Point Lane
Baltimore, Maryland 21219

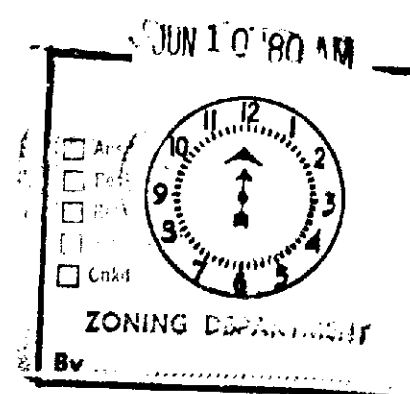
Helen Furnari
4616 Todd Point Lane
Baltimore, Maryland 21219

Teresa Griggs
4638 Todd Point Lane
Baltimore, Maryland 21219

James W. Moffitt
4514 Todd Point Lane
Baltimore, Maryland 21219

William Boyd
4301 Lebbes Lane
Baltimore, Maryland 21219

Richard Rudolph
4309 Shore Road
Baltimore, Maryland 21219



Mr. William E. Hammond,
Zoning Commissioner
June 10, 1980
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Please advise this office that the Appeal has been noted.

Yours very truly,
Thomas L. Hennessey

TJH:ewh

cc: Mrs. Diane L. Sauer, et al

June 16, 1980

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Morse Lane between Wise Avenue
Extended and North Point Boulevard
William Armiger & Daily Express, Inc.
Case No. 80-160-SPH

Dear Mr. Holzer:

Please be advised that an Appeal has been filed, on behalf of the Protestants, by Thomas L. Hennessey, Esquire, from the decision rendered by the Zoning Commissioner in the above-captioned matter.

When this case is scheduled for a hearing you will be notified by the Board of Appeals of the date.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:sj

cc: Mrs. Marjorie Hill
Mrs. Pearl Gintling
Mrs. Ethel Weber
Newton A. Williams, Esquire
Mr. Richard Rudolph
John W. Hessian, III, Esquire