

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for controlled excavations

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

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

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

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name and telephone number of legal owner, contract purchaser or representative to be contacted _____
Austin W. Brizendine, Jr.
Name _____
Telephone No. _____
828-7100

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of March, 1981, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of June, 1981, at 10:15 o'clock A.M.

Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. T. Hammond
Zoning Commissioner
Date: May 25, 1981
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Petition No. 81-201-X Item 142

Petition for Special Exception for controlled excavations West side of Earls Road, 1450 feet Southwest of Ebenezer Road
Petitioner- Pen Mar Company, Inc.

Fifteenth District

HEARING: Tuesday, June 2, 1981

If the sediment control facilities are planned, constructed and maintained properly along with any required storm water management facilities, there should be little if any offsite impact with respect to water quality.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:ab

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
W/S of Earls Road, 1,450'
SW of Ebenezer Road, 15th District : OF BALTIMORE COUNTY
PEN MAR COMPANY, INC.,
Petitioner

ORDER FOR APPEAL

Mr. Commissioner:

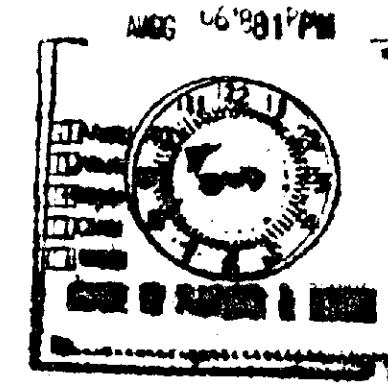
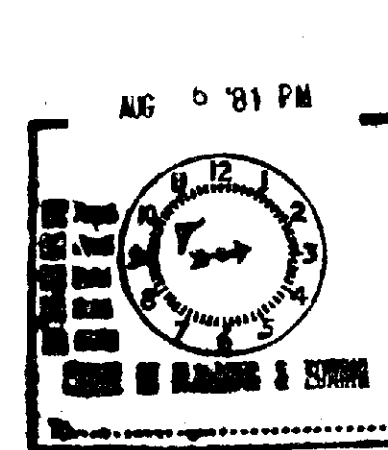
Please note an appeal from your decision in the above-entitled matter, under date of July 13, 1981, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 6th day of August, 1981, a copy of the foregoing

Order for Appeal was mailed to Austin W. Brizendine, Jr., Esquire, 406 Jefferson Building, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
W/S of Earls Rd., 1,450'
SW of Ebenezer Rd., 15th District : OF BALTIMORE COUNTY
PEN MAR COMPANY, INC., Petitioner : Case No. 81-201-X

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

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

Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of May, 1981, a copy of the foregoing

Order was mailed to Austin W. Brizendine, Jr., Esquire, 406 Jefferson Building, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 21, 1981

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

Austin W. Brizendine, Esquire
406 Jefferson Building
Towson, Maryland 21204

RE: Item No. 142
Petitioner - Pen Mar Company, Inc.
Special Exception Petition

Dear Mr. Brizendine:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. 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.

Located on the west side of Earls Road approximately 1450 feet southwest of Ebenezer Road in the 15th Election District, the subject property is improved with two dwellings and a number of sheds along Earls Road. The land to the rear has been excavated, and it is your client's intention to legalize this operation and allow it to continue and expand in the future. Adjacent properties to the north and south are improved with dwellings.

In view of the fact that the proposed truck route of the vehicles entering and leaving the site will be east and west along Ebenezer Road, I suggest you take particular note of the comments from the Department of Traffic Engineering, concerning the weight limit on the Whitmarsh Run Bridge. If you have any questions on this matter you may contact Mr. Michael Flanigan at 494-3554. In addition to this, particular attention should be afforded to the comments of the Health Department and the Department of Permits and Licenses. For further information on the comments of the latter department you may contact Mr. Charles E. Burnham at 494-3987.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari
Chairman
Zoning Plans Advisory Committee

ENCLOSURE
cc: Development Design Group, Ltd.
216 Washington Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

March 9, 1981

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

RE: Item #142 (1980-1981)
Property Owner: Pen Mar Company, Inc.
W/S Earls Rd 1450' S/W of Ebenezer Road
Acres: 18 1/2 District: 15th

Dear Mr. Hammond:

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

Highways:

Earls Road, an existing public road, is proposed to be improved in the future as a 48-foot closed section roadway on a 70-foot right-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

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

Storm Drains:

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

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

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is within the Baltimore County Metropolitan District and beyond the Urban-Rural Demarcation Line. Baltimore County Water and Sewerage Plans W and S-17B, as amended, indicate "Planned Service" in 11 to 30 years.

Very truly yours,
Robert A. Wozniak, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss
cc: Jack Wimbley

September 2, 1981

Austin W. Brizendine, Jr., Esquire
406 Jefferson Building
Towson, Maryland 21204

RE: Petition for Special Exception
W/S Earls Rd., 1,450' SW of
Ebenezer Rd.
Pen Mar Company, Inc. - Petitioner
Item No. 142 - Case No. 81-201-X

Dear Mr. Brizendine:

As you are aware, an appeal has been filed by John W. Hessian, III, on behalf of the People's Counsel for Baltimore County, from the decision rendered by the Zoning Commissioner of Baltimore County in the above-referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:klr

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

Pen Mar Company, Inc.

8-1-81
FILE

MATERIALS FOR THE BUILDER
OFFICE AND WAREHOUSE
OIL BURNERS AND FUEL OIL
1320 N. MONROE STREET
Baltimore, Md. 21217

FUEL OIL - OIL BURNERS
MASTER BUILDERS PRODUCTS
CINDER & CONCRETE BLOCKS

August 19, 1981

Mr. Charles E. Burnham, Chief
Plans Review
Baltimore County Department of Permits &
Licenses
Towson, Maryland 21204

Re: Pen Mar Company, Inc.
Location: W/S Earls Road 1450' S/W Ebenezer Road
Proposed Zoning: Special exception for controlled
excavation in and R.C. 3 zone

Dear Mr. Burnham:

Mr. Wayne E. Maisenholder of Development Design Group, Ltd. has spoken to you with reference to your notation 1 in your comments on Item No. 142 for the Zoning Advisory Committee Meeting dated February 20, 1981 in connection with our request for the above mentioned "Special Exception." Your reference was that "quarries and other excavation shall be fenced and comply with Section 510.0 as may be applicable under Bill No. 199-79 as amended." As Mr. Maisenholder explained, we are grading this site and it could not be considered a quarry or even an "excavation" as such. We will, however, agree to exercise precaution at all times to avoid creating any dangerous pits, overhangs or ponds which could be considered as a hazard to public safety. Should such conditions occur, the hazardous and/or unsafe areas will be protected by the erection of fences as soon as they are needed.

We shall be applying for a grading permit shortly and if you have any other requirement please advise me so that we can comply.

Yours very truly,

PEN MAR COMPANY, INC.

Calvin H. Coblenz
President

CHC:dc

cc: Mr. William E. Hammond, Zoning Commissioner
Office of Planning & Zoning

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

July 13, 1981

Austin W. Brizendine, Jr., Esquire
406 Jefferson Building
Towson, Maryland 21204

RE: Petition for Special Exception
W/S of Earls Road, 1,450' SW of
Ebenezer Road - 15th Election
District
Pen Mar Company, Inc. - Petitioner
NO. 81-201-X (Item No. 142)

Dear Mr. Brizendine:

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:slr

Attachments

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

RE: PETITION FOR SPECIAL EXCEPTION
W/S of Earls Road, 1,450' SW of
Ebenezer Road - 15th Election
District
Pen Mar Company, Inc. - Petitioner
NO. 81-201-X (Item No. 142)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as the result of a Petition for Special Exception for controlled excavations on an 18 1/2 acre tract of land located on Earls Road.

Mr. Calvin H. Coblenz, President of Pen Mar Company, Inc., testified that the property was purchased in May, 1971, for the purpose of excavating sand therefrom for use in his business. From 1971 to 1977, Baltimore County had issued permits to do so, but at that time determined that no further permits would be approved until a special exception for said use was granted. He further testified that the operation consisted of removing sand from the land in a manner that would level it to the elevations shown on the site plan prepared by Development Design Group, Ltd., dated January 16, 1981, and marked Petitioner's Exhibit 1, and that the projected life of the removal operation would be approximately ten years.

A review of the property description and Petitioner's Exhibit 1 indicates that the subject site has a frontage on Earls Road of 396.58 feet, an average depth of approximately 2,327 feet, and is zoned R.C.3, except for a small area zoned M.L.-I.M. on the south side of the property toward the rear. Petitioner's Exhibit 1 also discloses the existence of five improvements shown thereon as two dwellings, two sheds, and a barn. The General Notes, contained on Petitioner's Exhibit 1, indicate the improvements will be razed as the borrow operation approaches the area of the site containing the aforementioned improvements.

The aerial photo marked Petitioner's Exhibit 2, as well as supporting testimony, substantiated that the same or similar operations are occurring to the north and southeast of the subject site.

ORDER RECEIVED FOR FILING

DATE July 13, 1981
BY [Signature]

PEN MAR CO., INC. - #81-201-X

Wayne E. Maisenholder, a professional land surveyor with Development Design Group, Ltd., testified for the Petitioner. Introduced during Mr. Maisenholder's testimony was a site plan for the subject property dated January 16, 1981 and revised July 24, 1981, indicating the Petitioner's willingness to adhere to the restrictions per the Zoning Commissioner's Order of July 13, 1981. It was Mr. Maisenholder's testimony on behalf of the Petitioner that the proposed plat, including the restrictions listed thereon, introduced as Petitioner's Exhibit 8, could be used to establish the restrictions on topography, etc. that the Board may provide in granting a special exception. Mr. Maisenholder also indicated that if leveled in accordance with the site plan, no mining or pumping would exist on the property and that no more than eight to ten acres of the property would be used for the purpose of excavation. Further testimony indicated that excavations in accordance with the site plan would not create any additional drainage problems than had existed prior to the beginning of excavations on this property.

Additional evidence presented by the Petitioner indicated that notwithstanding the present uses being made of the adjacent properties, nevertheless the adjacent properties are zoned for manufacturing. Additionally presented by the Petitioner was evidence indicating that there exists a macadam road leading from Earls Road to the rear of the site; placed there in an effort on the part of the Petitioner to deter the accumulation of dust occasioned by truck use within the subject property.

Finally, the Petitioner presented Mrs. Alice Seifert who resides on the subject property. Mrs. Seifert indicated that she has lived in her present residence since 1919 and that she "oversees the property". It was Mrs. Seifert's testimony that no city water or sewer exists on the subject property. Mrs. Seifert testified in favor of granting the special exception.

People's Counsel presented a number of neighborhood residents who were in opposition to the granting of this special exception.

Ida Doll lives at 512 Earls Road, immediately adjacent to the subject property on the south side. Ms. Doll has resided at this location for fourteen years. The property owned by Ms. Doll contains four acres, including a large garden in the rear

Section 1A02.2.B.8 of the Baltimore County Zoning Regulations provides for "Excavations, controlled" as a use permitted by special exception, subject to the provisions of Section 403, which require detailed plans showing the proposed use of the land during excavation and grading plans after excavation and that all pertinent requirements of the Baltimore County Health Department Regulations and the Baltimore County Building Code be incorporated in an order granting a special exception. "Excavations, Controlled" is defined in Section 101 as being all types of excavations other than those defined as excavations, uncontrolled.

In view of the above and the petitioner having met the requirements of Section 502.1, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of July, 1981, that the herein Petition for Special Exception for controlled excavations, in accordance with the site plan marked Petitioner's Exhibit 1, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with the requirements of Section 403 of the Baltimore County Zoning Regulations, together with the applicable provisions of the Baltimore County Health Department Regulations and the Baltimore County Building Code.
2. Compliance with the comments submitted by the Department of Health, dated March 20, 1981, and the Department of Permits and Licenses, dated February 20, 1981.
3. Razing of existing improvements contained on the site plan at such time as the excavation operation affects their utilization as residential units or accessory uses therefor.
4. Whitemarsh Run Bridge on Ebenezer Road shall not be used by any vehicles used in the excavation operation, all of which exceed the permitted weight limitation.
5. A revised site plan, incorporating the restrictions set forth above, being submitted for approval by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning.

William E. Hammond
Zoning Commissioner of
Baltimore County

IN THE MATTER OF THE APPLICATION OF PEN MAR COMPANY, INC. FOR SPECIAL EXCEPTION FOR CONTROLLED EXCAVATIONS W/S of Earls Road 1450' SW of Ebenezer Road 15th District

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. 81-201-X

OPINION

This case comes before the Board on appeal taken by the People's Counsel from a decision of the Zoning Commissioner which granted a requested special exception on the subject property with certain restrictions. The property is located on the west side of Earls Road, 1450 feet southwest of Ebenezer Road in the Fifteenth Election District of Baltimore County.

The Petitioner seeks a special exception for Controlled Excavations on the subject property. Upon the Zoning Commissioner granting the request for special exception with certain restrictions, this appeal was taken and thus this case comes *de novo* before the Board of Appeals, and the Petitioner must evidence to the Board that the use sought via the special exception will not violate any of the sections or provisions of Section 502.1 of the Baltimore County Zoning Regulations. In furtherance of this burden the Petitioner presented three witnesses to the Board.

Calvin H. Coblenz, the President and controlling stockholder of the Pen Mar Company, Inc., described to the Board the proposal of the Petitioner at the subject property. In May, 1971, Pen Mar bought the subject property, a tract consisting of approximately eighteen and one half (18-1/2) acres, which prior to purchase had been used as a farm. Under agreement with Pen Mar the resident tenant, Mrs. Alice Seifert, and the Petitioner agreed to permit her to remain and reside on the subject property for a ten year period. At the expiration of that term, the parties entered a new agreement for an indefinite period; presumably a life estate. There is no written contract or other evidence, on record or otherwise, of this agreement.

Mr. Coblenz indicated that of the 18-1/2 acres, his company's intention is to take only eight acres of the property for the purpose of excavation and that the maximum desired excavation would be only so much as to make the property level with

PEN MAR CO., INC. - #81-201-X

Earls Road. The Petitioner indicated that under such circumstances there would be no mining, digging or ponding over the tract. It is the Petitioner's belief that such a project will take approximately eight to ten years to accomplish. This is predicated upon approximately three hundred to three hundred and fifty truckloads per year being taken from the property.

Additionally, the Petitioner presented evidence that from the years 1971 to 1976 it obtained the appropriate grading permit from Baltimore County and removed sand from the subject property in accordance with the law until such permit expired in June, 1977. Since that date no excavation or other mining activity has taken place on the subject property. What sand Pen Mar has required since 1977 has been purchased at what was referred to during the hearings as "the Campbell property" across Earls Road from the subject property.

Mr. Coblenz further stated that the proposed project for the subject property bears no relationship to the other commercial mining operations that presently exist in this area. In this regard specific reference was made during the hearing to the request for a special exception petitioned by Stancill Contracting Co., a matter heard before this Board and for which an opinion can be found under case #75-18-X. The file generated during the Stancill petition was stipulated to be part of the file of this case. With reference to the Stancill property, Mr. Coblenz indicated that his request is in no way related to the size or scope of the proposed operation that the Board denied in that matter. In particular the Petitioner notes that it is not requesting permission to mine beneath the level of Earls Road, it plans no washing activity, no lake or lakes on the subject property, no dragline equipment and no increased traffic above that which presently exists as a result of Pen Mar's use of the roads to obtain sand at the Campbell property. Further testimony indicated that the property, for the most part, is zoned R.C. 3 and thus under its present zoning could not be used commercially. Mr. Coblenz indicated that it is the Petitioner's intention that after grading has been completed to build residences on the subject property. In conclusion, Mr. Coblenz testified that the proposed operation would satisfy all the requisite provisions of Section 502.1.

ORDER RECEIVED FOR FILING

DATE July 13, 1981
BY [Signature]

of her property. It was this witness's testimony that at the time the grading began on the subject property it created a tremendous dust storm because at that time the roads leading through the subject property were dirt and not macadam. Thereafter, the macadam road was put on the property which did alleviate some of the dust problems but did not eliminate the problems by any account. Ms. Doll also testified that there presently exists flooding onto her field, that the flooding continues to this date and that further excavations would affect her by creating additional flooding. This point was later rebutted by the Petitioner. Ms. Doll also admitted that her property is primarily zoned M.L. and M.H., thus enabling a great number of manufacturing uses to be permitted on her property.

Next People's Counsel presented Leona Schleicher who has resided on the corner of Ebenezer Road and Earls Road for twenty-three years. It was Ms. Schleicher's testimony that this area causes a tremendous traffic problem at present and that two people were killed in 1972 in her yard because a truck overturned while attempting to negotiate the roads. Ms. Schleicher also testified that at present no water or sewer exists for the properties in the immediate area.

Also testifying in opposition to the petition was Louis Winkler who resides at 6636 Blackhead Road, in close proximity to the subject property. It was Mr. Winkler's testimony that north of the subject property there exists a bend and large grade on Earls Road. As a result, increased truck traffic could create a traffic hindrance or problem that does not exist at present. Mr. Winkler, however, did admit that one truck per day would not particularly affect the traffic situation.

As cited previously in this opinion, the sole question to be decided by this Board is whether the proposal of the Petitioner can satisfy Section 502.1 of the Baltimore County Zoning Regulations. The special exception requested is permitted on the subject property if the Petitioner can evidence compliance with said Section. It is the judgment of the Board that the Petitioner has evidenced that its proposal will satisfy this Section in that among other requirements the proposal as hereinafter restricted will not be detrimental to the health, safety or general welfare of the locality involved nor will it tend to create congestion in the roads, streets or alleys in and around the subject property.

With respect to the traffic, testimony indicated that no increase in traffic would exist as the result of granting a special exception. This is because Pen Mar presently takes sand from the Campbell property which is across Earls Road from the subject property, and uses the same number of trucks from that location now that they will require in the future from the subject property. Therefore, no additional traffic above that which Pen Mar presently maintains would exist under the proposal as approved. With respect to sight distance from the subject property to the north, testimony indicated that the wind in the road was above the northernmost boundary of the subject property on Earls Road. Testimony also indicated that the access road onto the subject property was at the southernmost tip of the property on Earls Road. As such sufficient sight distance exists for trucks turning onto Earls Road from the subject property and sufficient distance to the bend exists for said trucks to obtain adequate speed so not to be a danger to cars approaching from the rear whose visibility will be lessened as they enter the bend in the road.

Further with regard to traffic is a statement contained in the file written by the Baltimore County Department of Traffic Engineering indicating that the trucks to be used in the operation of the proposed excavation exceed the weight limit of White Marsh Run bridge on Ebenezer Road. Petitioner acknowledged that such conditions exist and thus based on the said weight restrictions, Pen Mar will be required to divert its traffic so as to conform with the weight requirements.

A substantial element of Pen Mar's contention that the planned excavation would not be detrimental to the health, safety or general welfare of the locality involved was that its demand for sand would be such that approximately three hundred to three hundred and fifty truckloads per year and no more would be necessary for its purposes. It is the Board's opinion that limited in such a manner, the health, safety and general welfare of the locality is not detrimentally affected, and thus the following Order reflects the maximum that the Board believes is allowable without such a detrimental effect.

In further adherence to the principals of Section 502.1 and to minimize the dust created as a result of work being conducted on the subject property, the Board will require that for the purpose of transporting sand from a given excavation site across the

property, a macadam road must be paved over the subject property from Earls Road to each area being excavated. Additionally required of Pen Mar will be compliance with that grading indicated on the site plan and introduced as Petitioner's Exhibit B.

Finally, in keeping with the residential zoning of the subject property, the Petitioner's testimony that it intends to develop the property for residences following its grading of the subject property and the Board's desire to uphold the residential zone, the Board is of the opinion that Pen Mar shall be required to hold the topsoil taken from any excavation site on the subject property itself and that upon its reaching the level of grading of subsoil indicated on the site plan, Pen Mar shall redistribute the topsoil from site to site over the excavation areas completed. Thus, topsoil will be collected and saved on the subject property and placed over that area regarded as excavation is completed from area to area throughout the subject property.

Having carefully weighed the elements necessary to sustain a special exception in light of Section 502.1 and testimony and evidence presented, the Board is of the opinion that the Petitioner has met its burden of proof to comply with Section 502.1 up to adherence to the restrictions indicated in the following Order. Therefore, for the reasons set out above and as further explained in the following Order, the Board will grant the Petitioner's request for a special exception.

ORDER

the reasons set forth in the foregoing Opinion, the Board affirms, with restrictions set forth below, the Order of the Zoning Commissioner, dated July 13, 1981, and it is this 31st day of March, 1982, by the County Board of Appeals ORDERED that the special exception petitioned for be and the same is hereby GRANTED with the following restrictions:

1. The property owner must comply with the requirements of Section 403 of the Baltimore County Zoning Regulations, together with the applicable provisions of the Baltimore County Health Regulations and the Baltimore County Building Code.
2. The property owner must comply with the comments submitted by the Department of Health, dated March, 1981, and the Department of Permits and Licenses, dated February 20, 1981.

property for excavation purposes for a period of two years, whichever is first, the property owner shall redistribute over the entire tract of the subject property sufficient topsoil to adequately cover the entire tract, regardless of whether such amount of topsoil has been preserved on the subject property or not.

12. The property owner shall be required to maintain on the property a macadam road, from Earls Road up to each site being excavated, at all times that excavation work takes place.

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

Keith S. Fong, Acting Chairman

John V. Murphy
John V. Murphy, Zoning Commissioner

LeRoy V. Spurrer

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: 4/14/81
Posted for: Board of Appeals
Petitioner: Pen Mar Co. Inc.
Location of property: W/S of Earls Rd., 1450' SW of Ebenezer Rd.
Location of Signs: Facing Earls Rd.
Remarks: _____
Posted by: Keith S. Fong Date of return: 4/17/81
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: 5/12/81
Posted for: Petition for Special Exception
Petitioner: Pen Mar Co. Inc.
Location of property: W/S of Earls Rd., 1450' SW of Ebenezer Rd.
Location of Signs: Facing Earls Rd.
Remarks: _____
Posted by: Keith S. Fong Date of return: 5/12/81
Number of Signs: 1

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

You- Petition has been received this 2 day of Feb, 1981.*

Filing Fee \$ 50.00 Received: ☒ Check

☐ Cash

☐ Other

142

Petitioner Pen Mar Co. Inc. Submitted by Austin W. Baizandine

Petitioner's Attorney A. W. Baizandine Reviewed by WCM

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

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: <u>WCM</u>	Revised Plans: Change in outline or description ☐ Yes ☒ No									
Previous case: _____	Map # <u>5B</u>									

Item 141

3. The property owner must raze the existing improvements contained on the site plan at such time as the excavation operation permitted affects the utilization of said improvements as residential units or necessary uses thereof.
4. White Marsh Run bridge on Ebenezer Road shall not be used by any vehicles used in the excavation operation permitted for the property owner until such time as improvements are made to said bridge so as to increase the permitted weight limitation above that which is carried by trucks leaving the excavation site.
5. All borrow removed from the site must be for the sole use of the property owner. The property owner shall not make sales of such borrow or excavation materials to other parties.
6. The hours of operation permitted for this property shall be 7:30 a.m. to 4:00 p.m., Monday through Friday only.
7. All phases of the proposed controlled borrow will be performed in compliance with Baltimore County Sediment Control and Soil Erosion policies. Such items as slope stabilization, sediment control basins and erosion control must be adhered to.
8. The property owner shall be permitted no more than three hundred sixty-five (365) truck trips to and from the site per year, nor more than ten such trips on any given day.
9. All requirements and representations made on the site plan for the subject property dated January 16, 1981, and revised July 24, 1981, submitted as Petitioner's Exhibit B shall be fully complied with to the extent that such requirements and representations are not in conflict with the terms of this Order.
10. The property owner shall be required to hold and maintain on the subject property all topsoil taken from the various excavation sites. Such topsoil shall be redistributed over the excavation sites that exist now or in the future upon the occurrence of the sooner of the following events:
 - a. The reaching of the ultimate or final grade of any given portion of the subject property as stated on the site plan submitted as Petitioner's Exhibit B.
 - b. The non-use of an excavation site by the property owner for excavation purposes for a period of one year.
11. Upon the conclusion of excavation operations on this property, either by exhaustion of material able to be taken from the property under the limits set in the site plan or by the failure of the property owner to use the

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 11, 1981

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once each one time once each week before the 2nd day of June, 1981, the first publication appearing on the 11th day of May, 1981.

THE JEFFERSONIAN

John V. Murphy
Manager

Cost of Advertisement, \$ 21.00

PETITION FOR SPECIAL EXCEPTION - 15th DISTRICT
ZONING: Petition for Special Exception for controlled excavation.
LOCATION: West 1/4 of Earls Road, 1450 feet Southwest of Ebenezer Road.
DATE & TIME: Tuesday, June 2, 1981, at 10:15 A.M.
PUBLIC HEARING: From 100 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 Exception for controlled excavation.
All the parcel of land in the Fifteenth District of Baltimore County, beginning for the same at a point in the center line of Earls Road, said point being South 89° 45' 00" West distant 140 feet more or less from the intersection formed by the center line of said Earls Road and Ebenezer Road, running thence South 89° 45' 00" West 117 feet and (1) South 89° 45' 00" West 275 feet, then bearing said road, running North 89° 45' 00" West 275 feet more or less, (2) North 89° 45' 00" East 275 feet more or less, (3) North 89° 45' 00" East 275 feet more or less, (4) South 89° 45' 00" East 275 feet more or less, (5) South 89° 45' 00" East 275 feet more or less, (6) South 89° 45' 00" East 275 feet more or less, (7) South 89° 45' 00" East 275 feet more or less, (8) South 89° 45' 00" East 275 feet more or less, (9) South 89° 45' 00" East 275 feet more or less, (10) South 89° 45' 00" East 275 feet more or less, (11) South 89° 45' 00" East 275 feet more or less, (12) South 89° 45' 00" East 275 feet 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MOORE, HENNEGAN, CARNEY & RYAN
ATTORNEYS AT LAW
406 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
828-7100
AREA CODE 301
E. SCOTT MOORE
A. OWEN HENNEGAN
ROBERT E. CARNEY, JR.
ROBERT J. RYAN
AUSTIN W. BRIZENDINE, JR.

January 21, 1982

County Board of Appeals
Room 219 Court House
Towson, Maryland 21204
Attn: Mr. Hackett

Re: Case No. 81-201-X
Pen Mar Company, Inc.
SE-Controlled Excavations

Dear Mr. Hackett:

It would be appreciated if you would put the above-entitled matter in for a hearing at your earliest convenience. As I have previously stated, the applicant for special exception will only call 2 witnesses and there were no protestants at the original zoning case. This matter was set in for a hearing today, however, it was called off due to inclement weather.

Respectfully,

E. Scott Moore
E. Scott Moore

ESM:je

cc: Mr. Calvin Coblenz
Pen Mar Company, Inc.

RECEIVED
BALTIMORE COUNTY
JAN 22 1982
CLERK OF COURT

494-3180

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

Jan. 29, 1982

NOTICE OF ASSIGNMENT

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

CASE NO. 81-201-X PEN MAR COMPANY, INC.
W/s of Earls Rd., 1450' SW of Ebenezer Rd.
15th District
SE-Controlled Excavations
7/13/81-Z.C. GRANTED special exception
w/restrictions

ASSIGNED FOR:

THURSDAY, MARCH 18, 1982, at 10 a.m.

E. Scott Moore

cc: Austin Brizendine, Jr., Esq. Attorney for petitioner

Pen Mar Co., Inc. Petitioner
Jerry Stancill Req. notification
J. E. Dyer
W. E. Hammond
N. E. Gerber
J. Hoswell
J. W. Hessian, Esq.

June Holmen, Secretary

12/9/81 - Notified the following of hearing scheduled for Thurs., Jan. 21, 1982, at 10 a.m.

Austin Brizendine, Esq. (Jr.)
Pen Mar Co., Inc.
J. Dyer
W. Hammond
N. Gerber
J. Hoswell
J. Hessian

*Postponed to 12/18/81
because of poor storm*

1/29/82 - Notified the above, plus J. Stancill, of hearing set for Thurs., March 18, '82, at 10 a.m.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
March 31, 1982

John W. Hessian, III, Esquire
People's Counsel for Baltimore County
Courthouse
Towson, Md. 21204

Re: Case No. 81-201-X
Pen Mar Company, Inc.

Dear Mr. Hessian:

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

Very truly yours,

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

Encl.
Austin W. Brizendine, Jr., Esquire
cc: Pen Mar Company, Inc.
Mr. Jerry Stancill
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. N. E. Gerber
Mr. J. G. Hoswell
Board of Education

Development Design Group, Ltd.

216 Washington Avenue
Towson, Maryland 21204

Richard B. Williams, President
Wayne E. Maisenholder
Land Surveyor

(301) 828-0727

January 19, 1981

DESCRIPTION TO ACCOMPANY ZONING PETITION
FOR SPECIAL EXCEPTION FOR CONTROLLED EXCAVATION
PEN MAR CO., INC. WEST SIDE EARLS ROAD

Beginning for the same at a point in the center line of Earls Road, said point being South 50°52'39" West distant 1450 feet more or less from the intersection formed by the center lines of said Earls Road and Ebenezer Road, running thence binding in the center of said Earls Road, the two following courses viz: (1) South 32°30' West 117 feet and (2) South 28°15' West 279.58 feet, thence leaving said road, running the four following courses viz: (3) North 88° West 2350 feet more or less, (4) North 24°59'54" East 422 feet more or less, (5) South 57°45' East 75 feet more or less and South 88° East 2304.33 feet to the place of beginning.

Containing 18 1/2 acres of land more or less.

This description is prepared for zoning purposes only.



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 20, 1981

Austin W. Brizendine, Jr., Esquire
406 Jefferson Building
Towson, Maryland 21204

RE: W/s Earls Rd., 1,450' SW of Ebenezer Rd.
Petition for Special Exception
Pen Mar Company, Inc. - Case No. 81-201-X

Dear Mr. Brizendine:

This is to advise you that \$53.50 is due for advertising and posting of the above property.

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:klr

Pen Mar Co., Inc.
Calvin H. Coblenz, President

May 5, 1981

c/o Austin W. Brizendine, Jr., Esquire
406 Jefferson Building
Towson, MD 21204

NOTICE OF HEARING

TIME: 10:15 A.M.

DATE: Tuesday, June 2, 1981

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

TOWSON, MARYLAND

William E. Hammond
WILLIAM E. HAMMOND
ZONING COMMISSIONER OF
BALTIMORE COUNTY

PETITION FOR SPECIAL EXCEPTION

15th DISTRICT

ZONING: Petition for Special Exception for controlled excavations
LOCATION: West side of Earls Road, 1450 feet Southwest of Ebenezer Road

DATE & TIME: Tuesday, June 2, 1981, at 10:15 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:

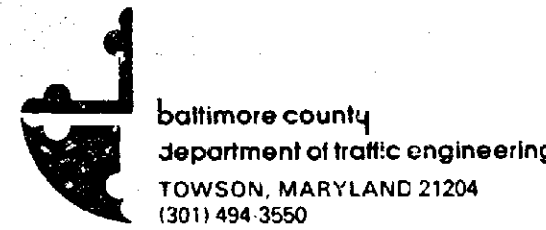
Petition for Special Exception for controlled excavations

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

Being the property of Pen Mar Company, Inc., as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, June 2, 1981, at 10:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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



STEPHEN E. COLLINS
DIRECTOR

March 16, 1981

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

Item No. 142 - ZAC - Meeting of February 10, 1981
Property Owner: Pen Mar Company, Inc.
Location: W/S Earls Road 1450' S/W of Ebenezer Road
Existing Zoning: R.C. 3 and ML-IM
Proposed Zoning: Special Exception for controlled excavation in and R.C. 3 Zone

Acres: 18 1/2
District: 15th

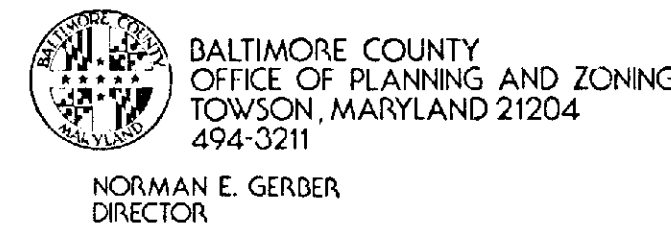
Dear Mr. Hammond:

The weight limit on the Whitemarsh Run Bridge on Ebenezer Road is to be lower and trucks will not be able to use it.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineer Associate II

MSF/bza



NORMAN E. GERDER
DIRECTOR

May 22, 1981

Mr. 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 #142, Zoning Advisory Committee Meeting, February 10, 1981, are as follows:

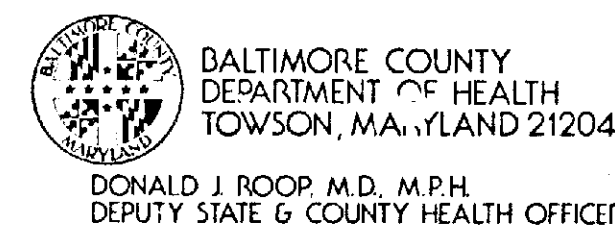
Property Owner: Pen Mar Company, Inc.
Location: W/S Earls Road 1450' S/W of Ebenezer Road
Acres: 18.50
District: 15th

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

The petition should indicate how the land will be reclaimed after the borrow pit activities are completed.

Very truly yours,

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



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

March 20, 1981

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

Dear Mr. Hammond:

Comments on Item 142, Zoning Advisory Committee Meeting of February 10, 1981, are as follows:

Property Owner: Pen Mar Company, Inc.
Location: W/S Earls Road 1450' S/W of Ebenezer Road
Existing Zoning: R.C. 3 and ML-IM
Proposed Zoning: Special Exception for controlled excavation in and R.C. 3 zone
Acres: 18 1/2
District: 15th

Prior to commencing excavations in the vicinity of the existing water well, the well must be properly abandoned and backfilled.

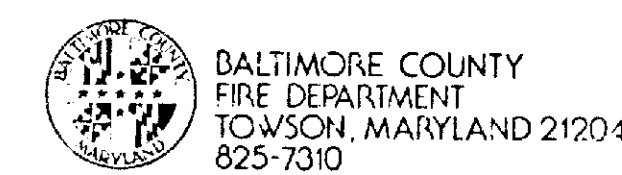
The well must be backfilled by a licensed well driller or under supervision of the Baltimore County Department of Health.

This department must be notified twenty four hours in advance of the date and time the well is to be backfilled.

Very truly yours,

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

LJF/kc



PAUL H. REINCKE
CHIEF

March 6, 1981

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: Pen Mar Company, Inc.

Location: W/S Earls Road 1450' S/W of Ebenezer Road

Item No.: 142 Zoning Agenda: Meeting of Feb. 10, 1981

Gentlemen:

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

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

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

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

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.

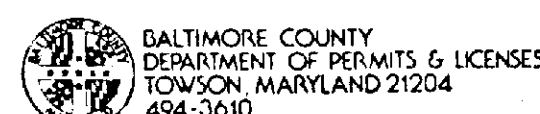
() 6. Site plans are approved as drawn.

XX 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *George M. Hagan*
PLANNING GROUP
SPECIAL INSPECTION DIVISION

Noted and Approved: *George M. Hagan*
FIRE PREVENTION BUREAU

/mb



TED ZALESKI, JR.
DIRECTOR

February 20, 1981

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

Dear Mr. Hammond:

Comments on Item #142 Zoning Advisory Committee Meeting, February 10, 1981 are as follows:

Property Owner: Pen Mar Company Inc
Location: W/S Earls Road 1450' S/W of Ebenezer Road
Existing Zoning: R.C. 3 & ML-IM
Proposed Zoning: Special Exception for controlled excavation in and R.C. 3 zone

Acres: 18 1/2
District: 15th

The items checked below are applicable:

- X A. Any proposed structures shall conform to the Baltimore County Building Code 1976, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes, and other miscellaneous required.
- X B. A building permit shall be before beginning construction. OR excavating
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____
- X G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed changes if building are to be used for commercial purposes. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 214.
- X I. Comments - Quarries and other excavation shall be fenced and comply with Section 320.0 as may be applicable. See Bill No. 199-79 as amended.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burdick
Charles E. Burdick, Chief
Plans Review

CES:rrj

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Nicholas R. Commodari
TO: Zoning Advisory Committee
FROM: Sharon Caplan
Economic Development

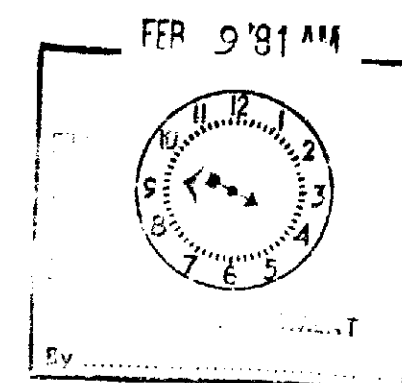
Date: February 19, 1981

SUBJECT: Item #142 - Property Owner: Pen Mar Company, Inc.
Location: W/S Earls Road 1450' S/W of Ebenezer Road
Existing Zoning: R.C. 3 & ML-IM
Proposed Zoning: Special Exception for controlled excavation in and R.C. 3 zone.

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:alc

Sharon Caplan
Sharon Caplan



BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: February 9, 1981

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: February 10, 1981

RE: Item No: 137, 138, 139, 140, 141, 142, 143, 144
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Nick Petrovich
Nick Petrovich, Assistant
Department of Planning

WNP/bp

MOORE, HENNEGAN, CARNEY & RYAN
ATTORNEYS AT LAW
406 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

828-7100
AREA CODE 301

December 4, 1981

Mr. William T. Hackett
Chairman, County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

Re: Case No. 81-201-X
Controlled Excavation
Pen Mar Company

Dear Mr. Hackett:

Please set this matter in for a hearing as soon as possible as there were no protestants before the Zoning Commissioner. The case would take one-half hour to try inasmuch as the petitioner would put on about 3 witnesses. I have been in contact with John Hessian and we are trying to work out a compromise.

Respectfully,

E. Scott Moore
E. Scott Moore

ESM:je

cc: John W. Hessian, III, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RECEIVED
BALTIMORE COUNTY
FEB 7 9 22 AM '81
BY: [Signature]

15th District
ZONING: Petition for
Special Exception for con-
trolled excavations
LOCATION: West side
of Earls Road, 1450 feet
Southwest of Ebenezer
Road
DATE & TIME: Tues-
day, June 2, 1981, at 10:15
A.M.
PUBLIC HEARING:
Room 106, County Office
Building, 111 W. Chesa-

poles Avenue, Towson, Maryland. 1
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on a Petition for Special Exception for controlled excavations on a portion of land in the Fifteenth District of Baltimore County. 2
Beginning for the same at a point on the corner of Earls Road, said point, being South 50°32'33" West 1450 feet or more less from the section formed by the center of said Earls Road and Elbow Road, said point being the intersection of the line of this binding in the center of said Earls Road, to (1) South 25°15'11" West 117 feet and (2) South 28°11' West 279.58 feet, then along said road, running the following courses: viz (3) North 88°58' East 560 feet or more less (4) North 2°12' East 422 feet or more less (5) South 57°45' East 70 feet or more less and South 88°58' East 2304.33 feet to the place of beginning. 3
Containing 18½ acres of land. 4
Being the property of Pen Mar Company, Inc., as shown on the plan filed with the planning department. 5
Hearing Date: Tuesday, May 19, 1963, 10:15 A.M. Public Hearing. 6
Dwight O. Coffey, Clerk Baltimore County Office Chesapeake Avenue, Towson, Maryland. 7
Very truly yours,
William H. H. H. H.
Zoning Commissioner of Baltimore County

Essex, Md., May 14 1981

This is to Certify, That the annexed

each of one successive
weeks before the 14th day of

John D. Wolfe, 1981
Publisher.

27.50

DATE 11/9/81 ACCOUNT 01.712

AMOUNT \$10.50

RECEIVED
FROM: Terry Stancill, (Southern Faur Corp.)
3123 Harmony Church Rd., Darlington, Md. 21034
FOR: Copies of file (Pan Mar Co., Inc., Ebenezer Rd)

B B132*****1050:a =09ZF

VALIDATION OR SIGNATURE OF CASHIER

DATE 7/13/81 ACCOUNT 01-662

AMOUNT \$53.50

RECEIVED Austin W. Brizendine, Jr., Esquire

FOR: **Posting & Advertising of Case #81-201-X**

815 48.11 13 - 53.50

VALIDATION OR SIGNATURE OF CASHIER

May 4, 1981 01-662

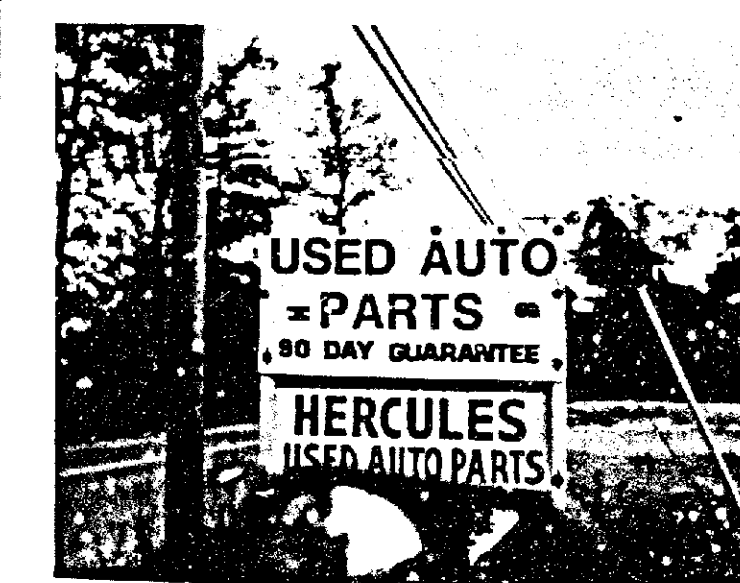
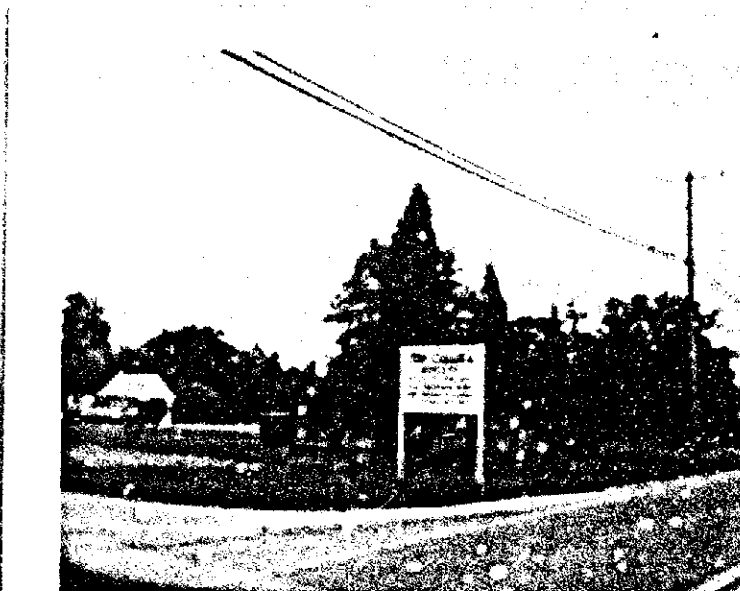
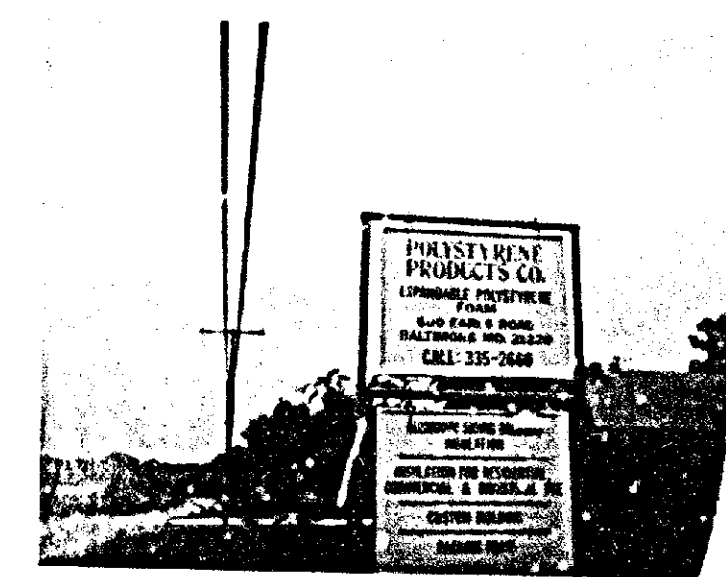
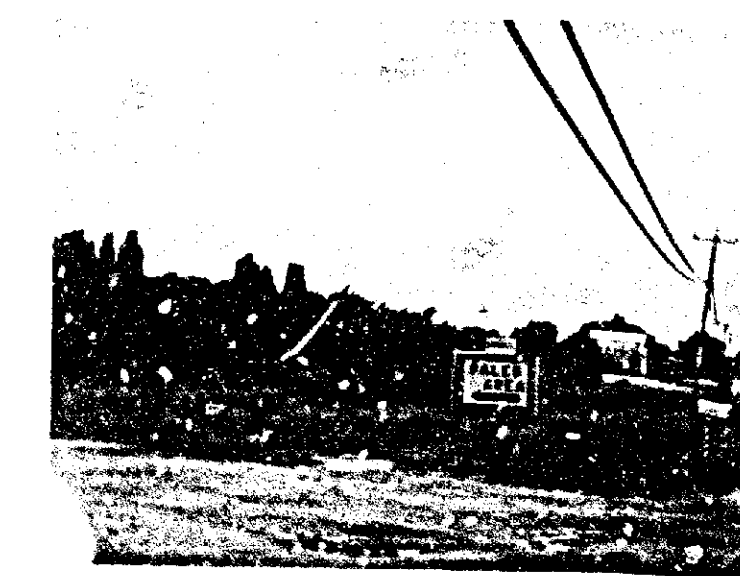
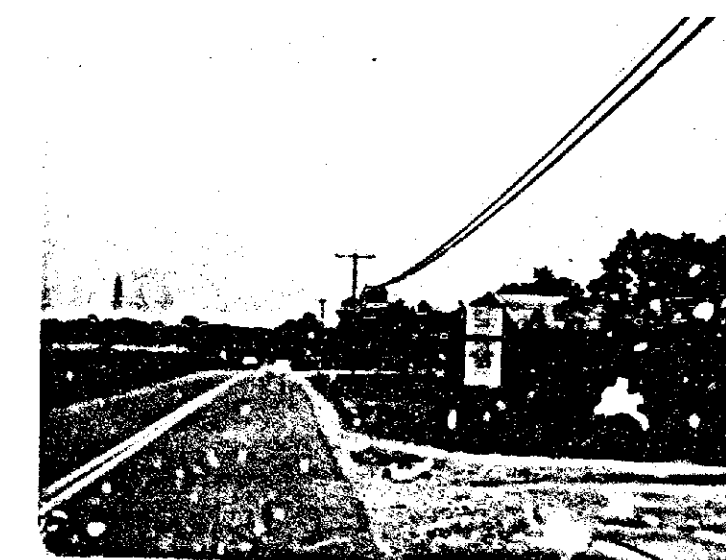
AMOUNT	\$50.00
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RECEIVED Austin W. Brizendine, Jr.

FROM: _____
Filing Fee for Case #81-201-X

84528.7 4 50.0 ml

VALIDATION OR SIGNATURE OF CASHIER



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

ACCOUNT 01-662
9/2/81

AMOUNT	\$75.00
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RECEIVED
John W. Hearst, III - People's Counsel

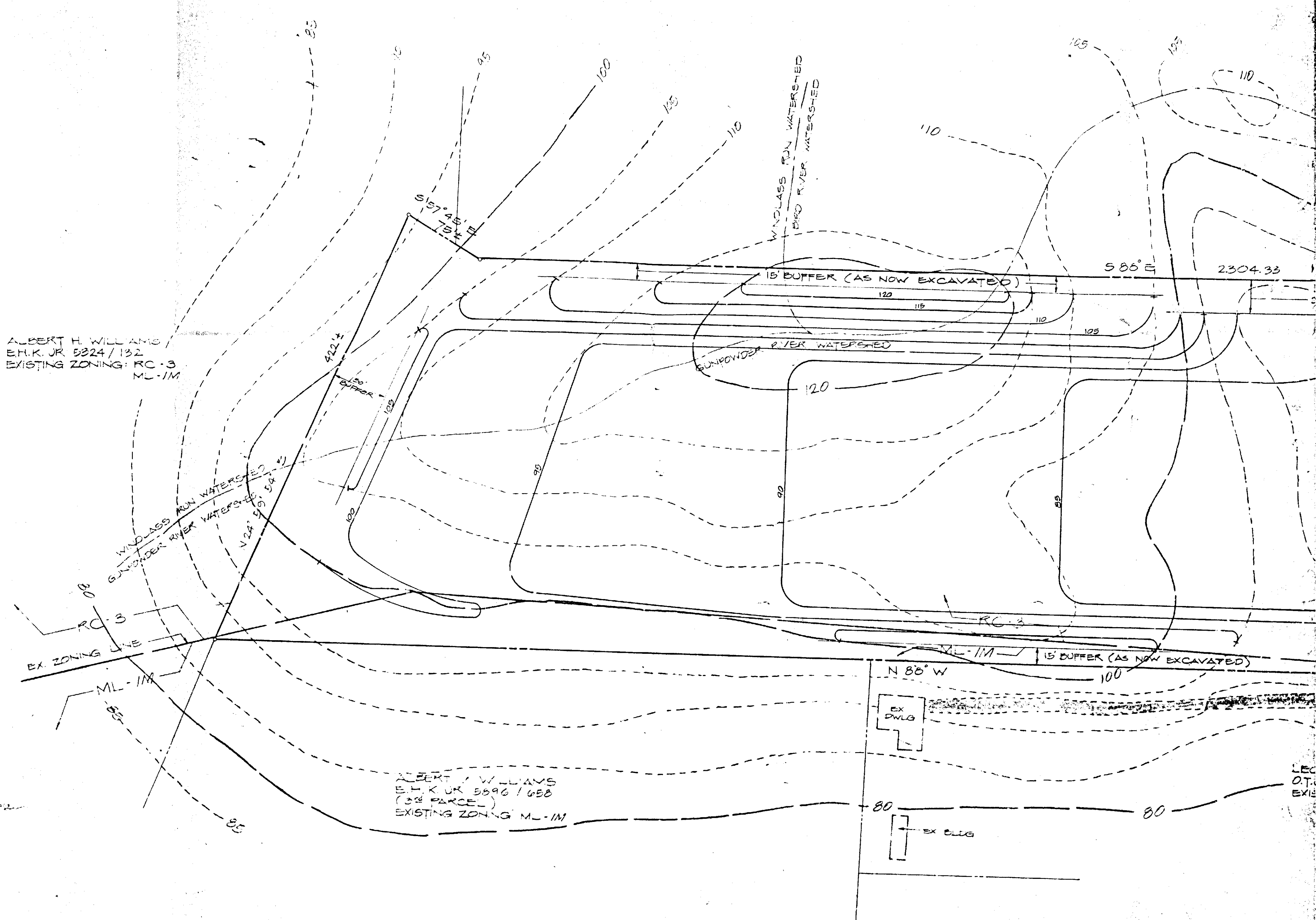
RECEIVED **John W. Hessian, III - People's Counsel**
FROM: **Attorney for Case #82-201-X**

FROM: **Filing Appeal for Case #82-201-X**

750000

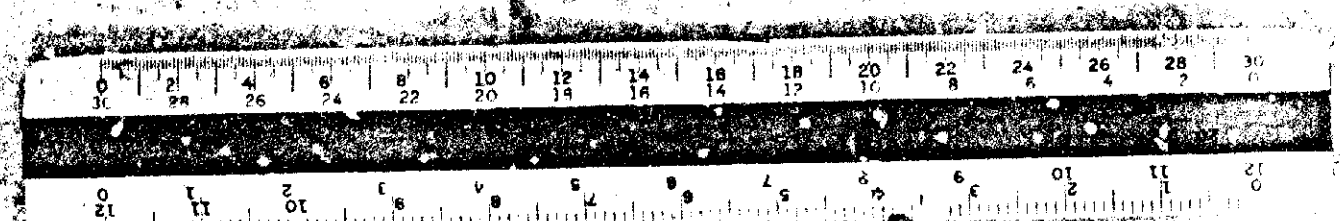
VALIDATION OR SIGNATURE OF CASHIER

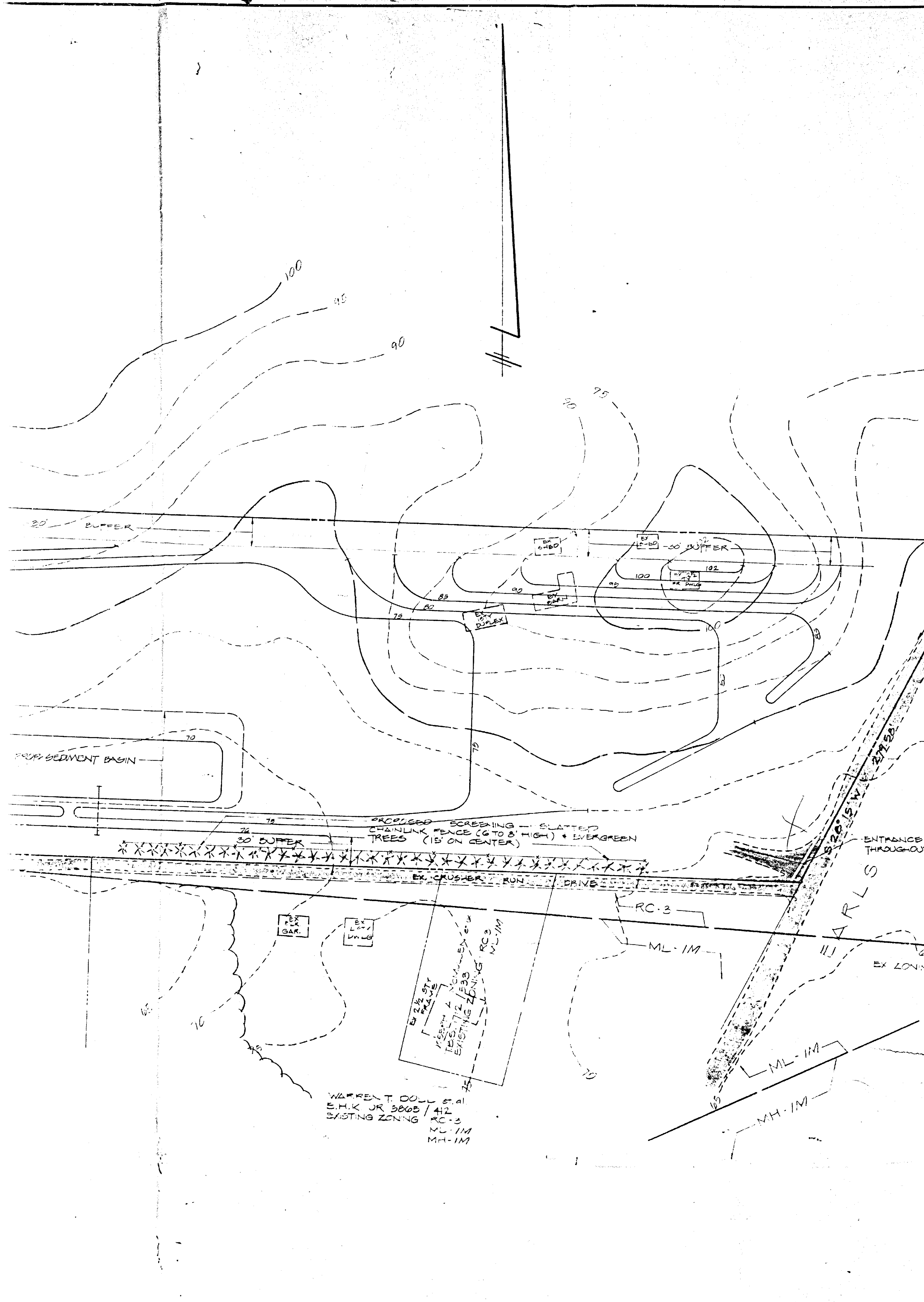
ALBERT H. WILLIAMS
E.H.K. JR. 5224/132
EXISTING ZONING: RC-3
ML-1M



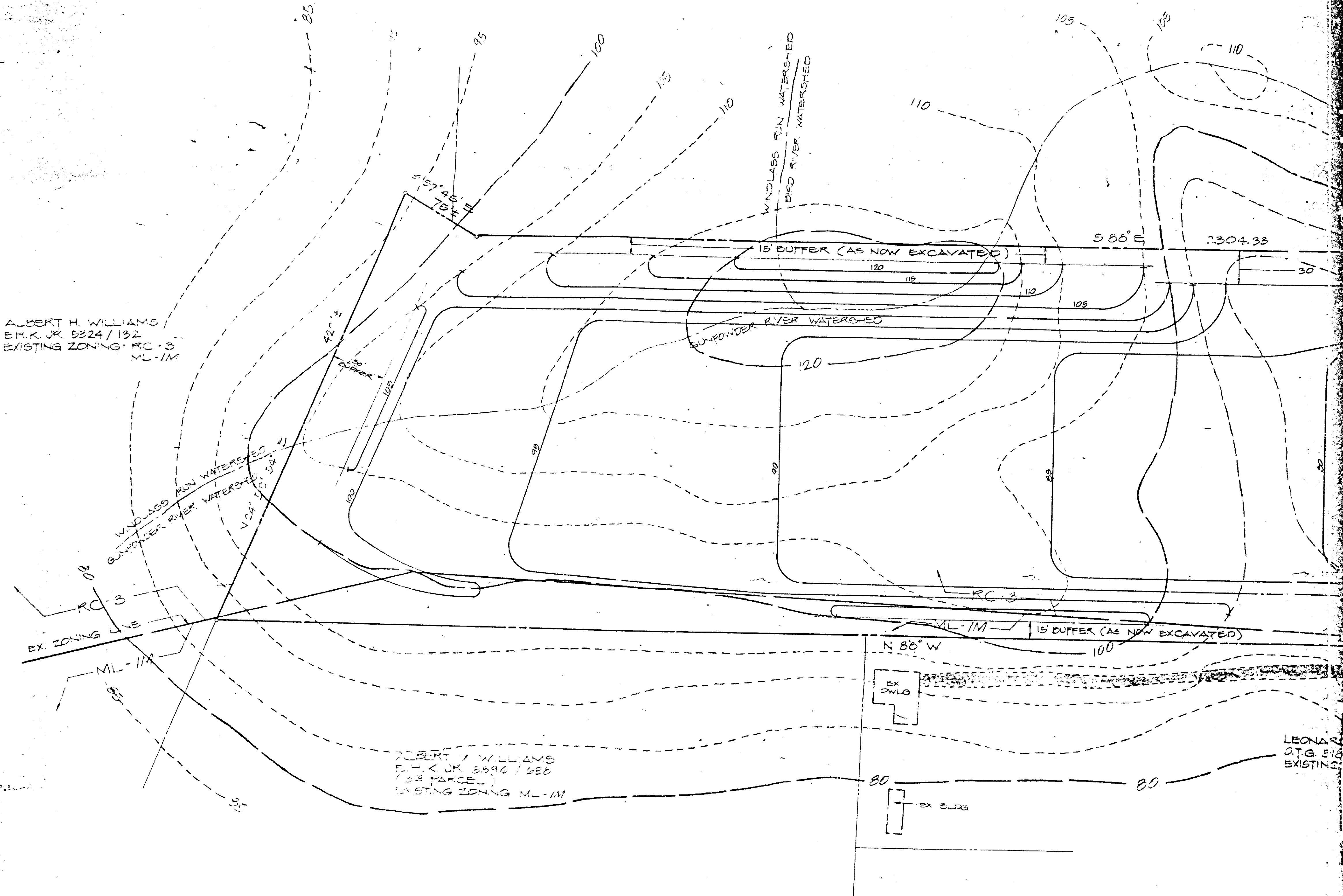
GENERAL NOTES:

- 1) EXISTING ZONING - RC-3 & ML-1M
- 2) EXISTING USE - CONTROLLED BORROW & RESIDENTIAL
- 3) AREA SITE - 18.2 AC±
- 4) PROPERTY HAS BEEN OWNED AND UTILIZED FOR CONTROLLED BORROW BY THE PETITIONER SINCE 1971; THE RESIDENTIAL USE ON SITE IS RENTED TO TENANT BY OWNER.
- 5) ALL BORROW REMOVED FROM THIS SITE IS FOR THE SOLE USE OF THE PETITIONER; THERE ARE NO SALES TO OTHER PARTIES.
- 6) UPON APPROVAL, THE PETITIONER PROPOSES TO UTILIZE THIS SITE FOR AN APPROXIMATED PERIOD OF 10 YEARS FROM THAT DATE. DURING THIS TIME, BORROW WILL BE REMOVED ACCORDING TO DEMAND. PAST USAGE HAS INDICATED PERIODIC TRUCK TRIPS TO AND FROM SITE PER WEEK; AND IN THE MOST DEMANDING USE, PETITIONER ESTIMATES NO MORE THAN ONE WEEK HAULING AT ANY GIVEN TIME. IN THE MOST DEMANDING USE (1 WEEK) PETITIONER ESTIMATES 30 TO 40 TRUCK TRIPS PER DAY.
- 7) HOURS OF OPERATION - 5 DAYS PER WEEK, 7:30 AM TO 4:00 PM
- 8) AS BORROW OPERATION PROGRESSES, THE EXISTING BUILDINGS ON SITE WILL BE RAZED.
- 9) ALL PHASES OF THE PROPOSED CONTROLLED BORROW WILL BE PERFORMED IN COMPLIANCE WITH BALTIMORE COUNTY SEDIMENT CONTROL AND SOIL EROSION POLICIES. SUCH ITEMS AS SLOPE STABILIZATION, SEDIMENT CONTROL BASINS AND EROSION CONTROL WILL BE ADHERED TO.
- 10) UPON FINAL COMPLETION OF THE BORROW ACTIVITIES, PETITIONER RESERVES THE RIGHT TO MAKE THE SITE AVAILABLE TO OTHER INTERESTED PARTIES FOR DEVELOPMENT UNDER THE ZONING REGULATIONS IN EFFECT AT THAT TIME.
- 11) TOPOGRAPHY SHOWN HEREON IS BASED ON BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAPS INDICATED THUS $\frac{85}{100}$ } CONTOUR INTERVAL IS 5'
- 12) THERE IS AN EXISTING MACADAM HAUL ROAD LEADING FROM EARL'S ROAD TO THE REAR OF THE SITE WHICH SERVES AS A DETERRANT TO ACCUMULATION OF DUST. IN THAT THIS HAUL ROAD IS SUBJECT TO CHANGE AND RELOCATION, AS THE OPERATION PROGRESSES, IT HAS NOT BEEN ILLUSTRATED ON THIS PLAN.





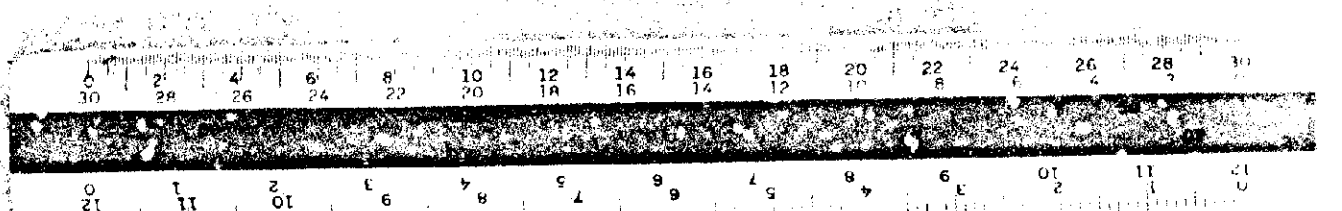
PN 8036



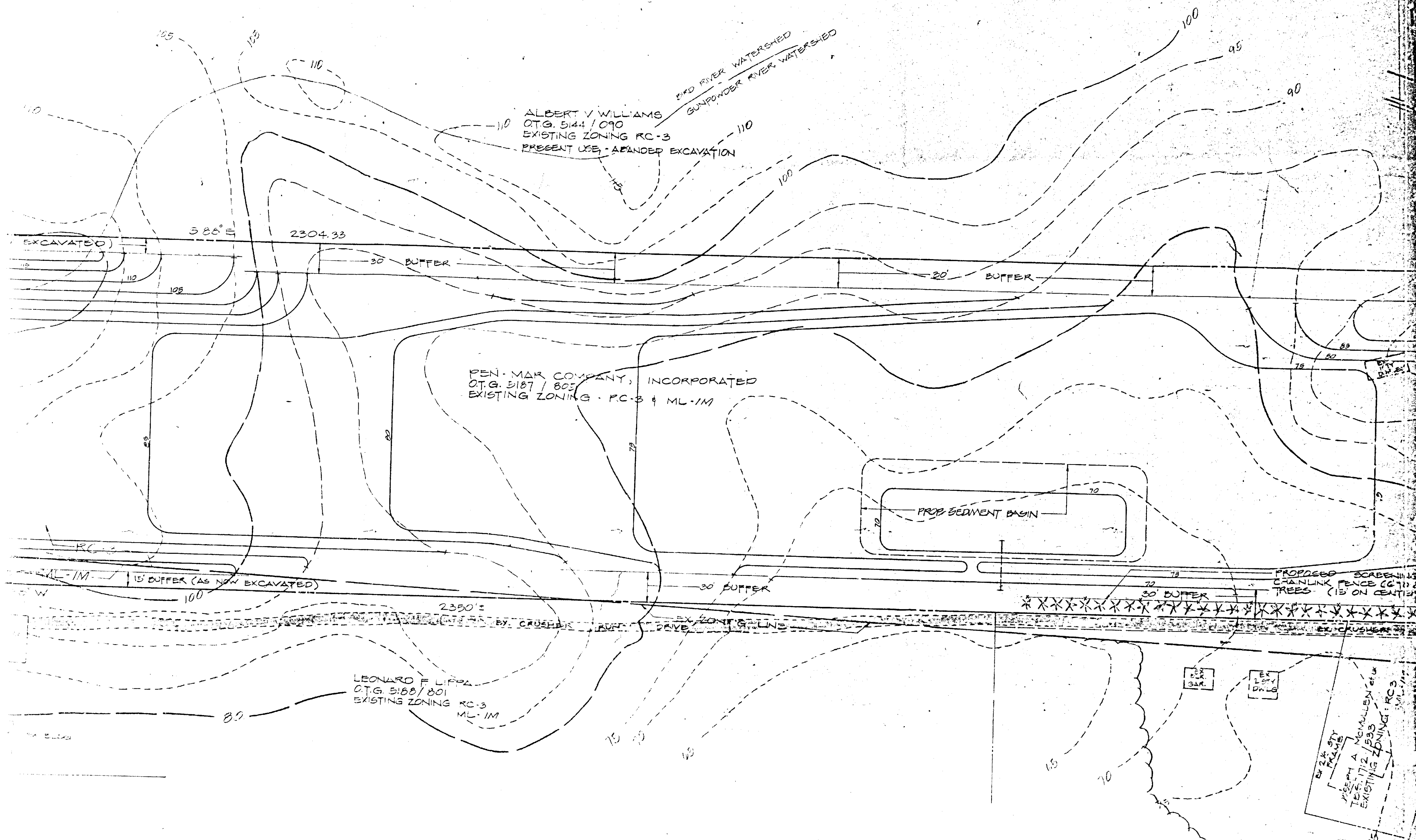
GENERAL NOTES:

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- 10) TOPOGRAPHY SHOWN HEREON IS BASED ON BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAPS INDICATED THUS $\frac{85}{82}$ PROPOSED ULTIMATE OR FINAL GRADES ARE INDICATED THUS $\frac{85}{82}$ } CONTOUR INTERVAL IS 5'
- 11) THERE IS AN EXISTING MACADAM HAUL ROAD LEADING FROM EARLE ROAD TO THE REAR OF THE SITE WHICH SERVES AS A DETERRANT TO ACCUMULATION OF DUST. IN THAT THIS HAUL ROAD IS SUBJECT TO CHANGE AND RELOCATION, AS THE OPERATION PROGRESSES, IT HAS NOT BEEN ILLUSTRATED ON THIS PLAN.

PURSUANT TO THE ZONING SUBJECT TO THE FOLLOWING: 1) COMPLIANCE WITH BALTIMORE COUNTY PROVISIONS OF THE BALTIMORE COUNTY DEPARTMENT OF HEALTH, DIVISION OF PERMITS AND LICENSING, AT SUCH TIME AS IS REQUIRED BY ANY VEHICLES EXCEED THE PERMIT SET FORTH ABOVE. DEPARTMENT OF ENGINEERING.

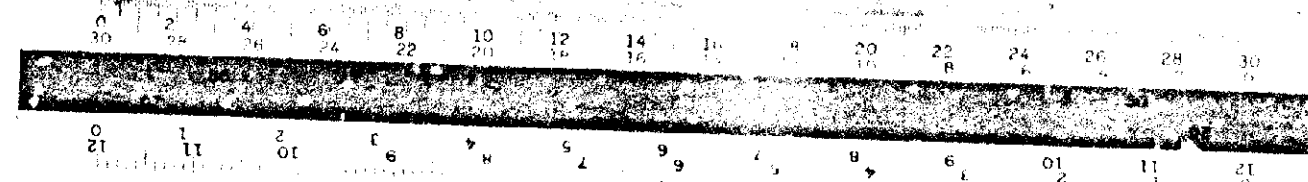


BOARD OF APPEALS
PETITIONER'S
EXHIBIT B

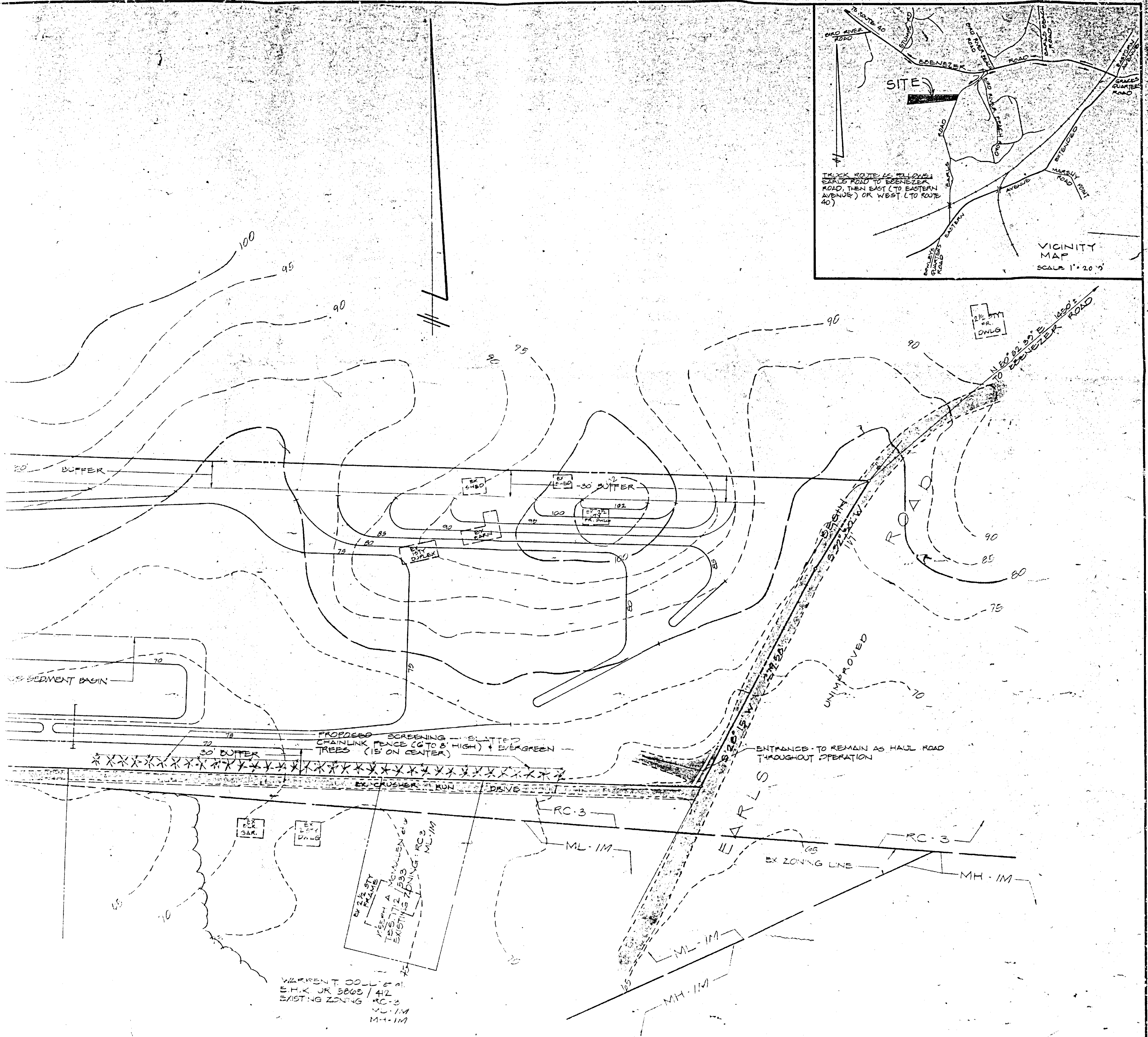


PURSUANT TO THE ZONING ORDER ISSUED JULY 13, 1981, THIS SITE IS
SUBJECT TO THE FOLLOWING RESTRICTIONS:
1) COMPLIANCE WITH THE REQUIREMENTS OF SECTION 403 OF THE
BALTIMORE COUNTY ZONING REGULATIONS, TOGETHER WITH THE APPLICABLE
PROVISIONS OF THE BALTIMORE COUNTY HEALTH DEPARTMENT REGULATIONS
AND THE BALTIMORE COUNTY BUILDING CODE.
2) COMPLIANCE WITH THE COMMENTS SUBMITTED BY THE DEPARTMENT
OF HEALTH DATED MARCH 20, 1981 AND THE DEPARTMENT OF
PERMITS AND LICENSES DATED FEBRUARY 20, 1981.
3) RAZING OF EXISTING IMPROVEMENTS CONTAINED ON THE SITE PLAN
AT SUCH TIME AS THE EXCAVATION OPERATION AFFECTS THEIR UTILIZATION
AS RESIDENTIAL UNITS OR ACCESSORY USES THEREOF.
4) WHITELASH RUN BRIDGE ON EBENEZER ROAD SHALL NOT BE USED
BY ANY VEHICLES USED IN THE EXCAVATION OPERATION, ALL OF WHICH
EXCEED THE PERMITTED WEIGHT LIMITATION.
5) THE HEREIN REVISED SITE PLAN WHICH INCORPORATES THE RESTRICTIONS
SET FORTH ABOVE IS HEREBY SUBMITTED FOR APPROVAL BY THE
DEPARTMENT OF PUBLIC WORKS, THE DEPARTMENT OF PUBLIC
ENGINEERING, AND THE OFFICE OF PLANNING AND ZONING.

WARREN T. DOLL # 01
E.H.K. OR 3223 / 112
EXISTING ZONING RC-3
ML-1M
MH-1M



APPROX BY
DATED
FOR
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AND
USE
ETC
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BY
RESERVES
TO PARTIES
NOT AT
200
CONTOUR INTERVAL
10 5'
ROAD
ACCUMULATION
RELOCATION,
THE PLAN.



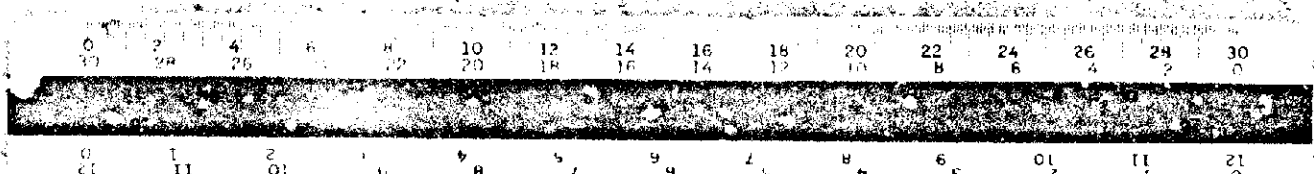
SITE PLAN
FOR
CONTROLLED EXCAVATION

WEST SIDE OF EARL'S ROAD
PEN-MAR COMPANY, INCORPORATED

BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT NO 13
SCALE 1" = 50'

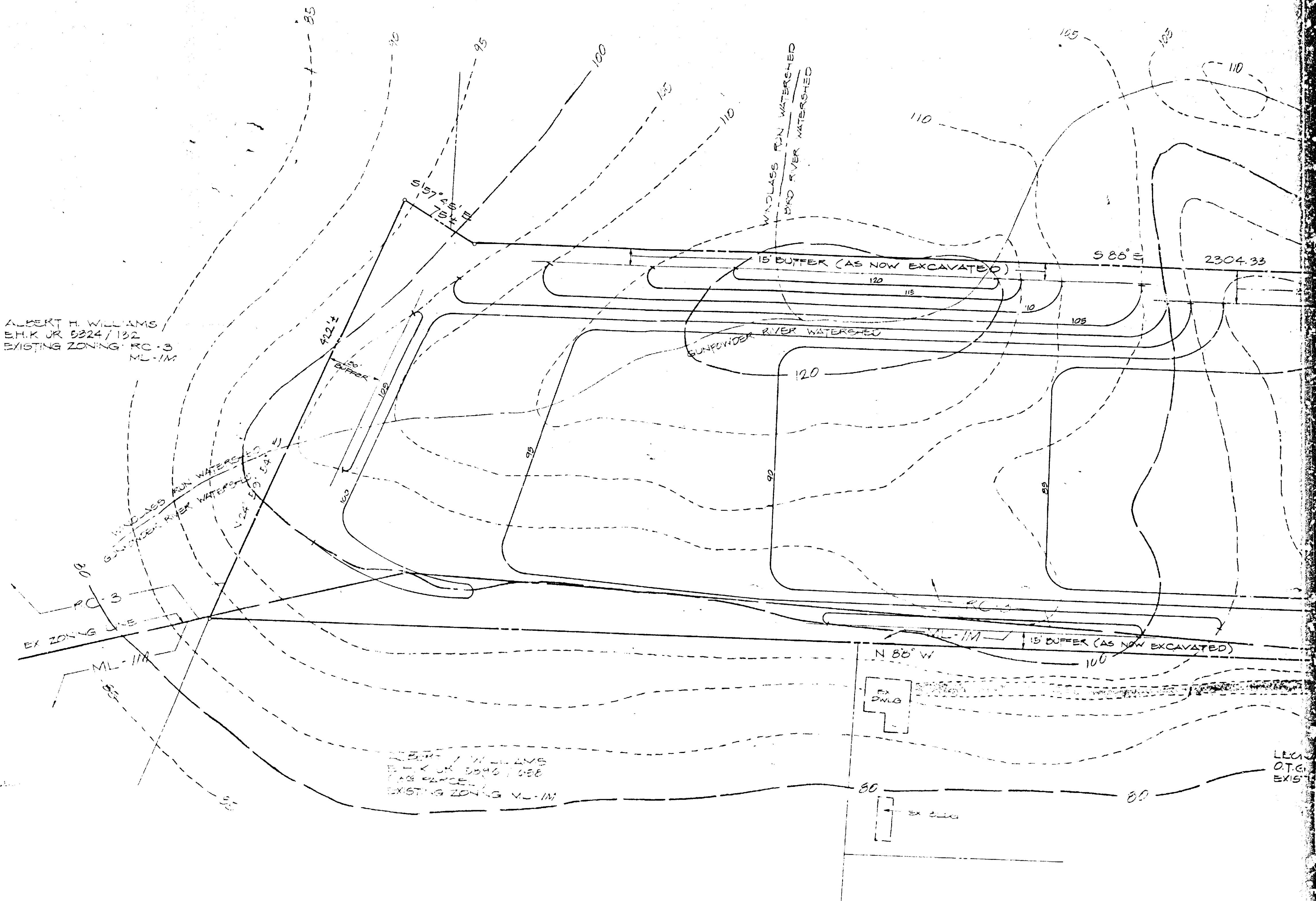
JANUARY 16, 1981
REVISED: JULY 24, 1981 (CHANGE TITLE AND ADD RESTRICTIONS PER ZONING ORDER OF JULY 13, 1981)

BOARD OF APPEALS
PETITIONER'S
EXHIBIT B



DEVELOPMENT DESIGN GROUP, LTD
RIVERWOOD BLDG., SUITE 100, 1107 KENILWORTH DRIVE
TOWSON, MARYLAND 21204
FN 80336

ALBERT H. WILLIAMS
E.H.K. JR. 5324/132
EXISTING ZONING: RC-3
ML-1M



GENERAL NOTES:

- 1) EXISTING ZONING: RC-3 • ML-1M
- 2) EXISTING USE: CONTROLLED BORROW & RESIDENTIAL
- 3) AREA SITE: 18 1/2 AC±
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PETITIONER'S
EXHIBIT

