

PETITION FOR SPECIAL EXCEPTION 83-54-XSPHA

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 used motor vehicle outdoor sales area, separated from sales agency building.

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

Legal Owner(s):

Charles Dengler
(Type or Print Name)
Signature

Benjamin Macks
(Type or Print Name)
Signature

Attorney for Petitioner:
Robert J. Romadka & John B. Gontrum
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Charles Dengler
Name
Pulaski Highway, Town & Country
Address
Phone No. Winnebago

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of June, 1982, 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 9th day of September, 1982, at 11:00 o'clock A.M.

[Signature]
Zoning Commissioner of Baltimore County.

PETITION FOR ZONING VARIANCE 83-54-XSPHA

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 Variance from Section 238.2 for a rear yard setback of 5' in lieu of the required 30'.

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

Difficulty in locating building in BR zone with optimal parking arrangement and access to parking.

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

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

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

Legal Owner(s):

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(Type or Print Name)
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Benjamin Macks
(Type or Print Name)
Signature

Attorney for Petitioner:
Robert J. Romadka & John B. Gontrum
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Charles Dengler
Name
Pulaski Highway, Town & Country
Address
Phone No. Winnebago

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[Signature]
Zoning Commissioner of Baltimore County.

PETITION FOR SPECIAL HEARING 83-54-XSPHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve as an accessory use to service garage dismantling-recycling of cars for parts.

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

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

Legal Owner(s):

Charles Dengler
(Type or Print Name)
Signature

Benjamin Macks
(Type or Print Name)
Signature

Attorney for Petitioner:
Robert J. Romadka & John B. Gontrum
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Charles Dengler
Name
Pulaski Highway, Town & Country
Address
Phone No. Winnebago

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of June, 1982, 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 9th day of September, 1982, at 11:00 o'clock A.M.

[Signature]
Zoning Commissioner of Baltimore County.

IN THE MATTER OF THE APPLICATION OF CHARLES DENGLER, et al. FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE FROM THE BALTIMORE COUNTY ZONING REGULATIONS SE/S Pulaski Hwy., 2,100' & 2,255' E of Ebenezer Rd, 15th District

Zoning File No. 83-54-XSPHA

ORDER FOR APPEAL

MR. CLERK:

Please note an appeal to the Circuit Court for Baltimore County from the Order of the County Board of Appeals of Baltimore County under date of September 8, 1983, in the above-entitled matter.

[Signature]
John W. Hession, III
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 6th day of October, 1983, a copy of the foregoing Order for Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Robert J. Romadka, Esquire and John B. Gontrum, Esquire, 809 Eastern Boulevard, Baltimore, MD 21221.

[Signature]
Peter Max Zimmerman

Received: *[Signature]* 10-6-83
Edith T. Eisenhart
Administrative Secretary to the County Board of Appeals of Baltimore County

IN THE MATTER OF THE APPLICATION OF CHARLES DENGLER, et al. FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE FROM THE BALTIMORE COUNTY ZONING REGULATIONS SE/S Pulaski Hwy., 2,100' & 2,255' E of Ebenezer Rd, 15th District

Zoning File No. 83-54-XSPHA

PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellant herein, in compliance with Maryland Rule 8-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

1. That the County Board of Appeals had no legally sufficient evidence upon which to approve the dismantling of automobiles as an accessory use to a service garage in a BR-CS-1 zone.
2. That the requested use was, based on the law and the record, a junkyard use not permitted under the applicable zoning classification.
3. That the Order of the County Board of Appeals dated September 8, 1983 is, therefore, arbitrary, capricious, and not fairly debatable.

WHEREFORE, Appellant prays that the Order of the Board of Appeals of Baltimore County under date of September 8, 1983 be reversed, and that the requested special exception, special hearing, and variance be denied insofar as it pertains to the requested dismantling of automobiles.

[Signature]
John W. Hession, III
People's Counsel for Baltimore County

IN THE MATTER OF THE APPLICATION OF CHARLES DENGLER, ET AL FOR SPECIAL EXCEPTION-SPECIAL HEARING AND VARIANCE FROM THE BALTIMORE COUNTY ZONING REGULATIONS SE/S PULASKI HWY., 2,100' and 2,255' E. of EBENEZER ROAD 15th DISTRICT

Zoning File No. 83-54-XSPHA

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, William T. Mackett, Diana K. Vincent, and Patricia Phipps, 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, Robert J. Romadka, Esq. and John B. Gontrum, Esq., 809 Eastern Blvd., Baltimore, Md. 21221, Counsel for the Petitioners; Charles Dengler, et al, Town and Country Winnebago, 11051 Pulaski Highway, White Marsh, Md. 21162, Petitioners; and John W. Hession, Esq., Court House, Towson, Md. 21204, People's Counsel for Baltimore County-Appellant, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

[Signature]
June Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
494-3180

Charles Dengler, et al
Case No. 83-54-XSPHA

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Robert J. Romadka, Esq. and John B. Gontrum, Esq., 809 Eastern Blvd., Baltimore, Md. 21221, Counsel for the Petitioners; Charles Dengler, et al, Town and Country Winnebago, 11051 Pulaski Highway, White Marsh, Md. 21162, Petitioners; and John W. Hession, Esq., Court House, Towson, Md. 21204, People's Counsel for Baltimore County-Appellant, on this 6th day of October, 1983.

[Signature]
June Holmen
County Board of Appeals of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 18th day of March, 1983, that the herein Petition for Special Exception for a used motor vehicle outdoor sales area separated from a sales agency building, as shown on the site plan prepared by Frank S. Lee, revised May 17, 1982, and marked Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The two (2) designated parking spaces shall be available for customer parking at all times.
2. The sales area, including the display area and customer or employee parking, shall not encroach onto the area designated for residential use on Petitioner's Exhibit 1.
3. The Bird River tributary and any accompanying flood plain, as well as gates and drives to the residence and service garage, shall be indicated on the site plan.
4. Compliance with the comments submitted by the Department of Health, dated August 10, 1982.
5. The existing fence in front of the residence may be removed.
6. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning, together with a detailed landscaping and screening plan being submitted for approval by the Current Planning and Development Division.

Jan M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE March 18, 1983
BY John W. Hession, III
ADMINISTRATIVE SECRETARY

Pursuant to the advertisement, posting of property, and a public hearing on the petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners, the Variance should be had; and, it further appears that the granting of the Variance requested will not adversely affect the health, safety, and general welfare of the community, and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 18th day of March, 1983, that the Petition for Variance to permit a rear yard setback of five (5) feet in lieu of the required thirty (30) feet, in accordance with Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the terms, provisions, and conditions contained in the accompanying Special Exception and Special Hearing Orders.

Jan M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts that to approve the dismantling and recycling of cars for parts as an accessory use to a service garage would be, in the instant case and with the restrictions set forth below, in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not adversely affect the health, safety, and general welfare of the community, and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 18th day of March, 1983, that the dismantling and recycling of cars for parts as an accessory use to a service garage, in accordance with Petitioner's Exhibit 1, is approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. No more than six (6) cars shall be permitted on the property at any one time for recycling and those vehicles shall be stored in the spaces located within the designated eight (8) foot high slatted fenced area or in the bay provided. Storage of nonoperable or partially dismantled vehicles outside those spaces shall constitute a junk yard and be in violation of the Baltimore County Zoning Regulations.
2. No dismantling of vehicles shall be permitted outside the building. All dismantling shall take place in the bay provided for that purpose.
3. Parts removed during the recycling process shall be stored within the service garage building until they are sold at wholesale or utilized.
4. No vehicle brought in for recycling shall be stored on the property for more than three (3) weeks nor shall any dismantled vehicle remain on the premises more than forty-eight (48) hours.
5. The dumpster location shall be indicated on the site plan.
6. Compliance with Section 405A of the Baltimore County Zoning Regulations.
7. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

Jan M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE March 18, 1983
BY John W. Hession, III
ADMINISTRATIVE SECRETARY

IN THE MATTER OF THE APPLICATION OF CHARLES DENGLE, et al. FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE FROM THE BALTIMORE COUNTY ZONING REGULATIONS SE/S Pulaski Hwy., 2,100' & 2,255' E of Ebenezer Rd. 15th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. Docket No. 15 Folio No. 382 File No. 83-M-347

ORDER

Upon the foregoing Petition for Extension of Time to File Transcript of Proceedings, it is hereby ORDERED this _____ day of October, 1983, that the time for filing in Court the transcript of proceedings before the Board of Appeals is hereby extended until December 5, 1983.

JUDGE

IN THE MATTER OF THE APPLICATION OF CHARLES DENGLE, et al. FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE FROM THE BALTIMORE COUNTY ZONING REGULATIONS SE/S Pulaski Hwy., 2,100' & 2,255' E of Ebenezer Rd. 15th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. No. 83-M-348

Zoning File No. 83-54-XSPHA

PETITION FOR EXTENSION OF TIME TO FILE TRANSCRIPT OF PROCEEDINGS

The People's Counsel for Baltimore County, Appellant herein, petitions this Court, pursuant to Maryland Rule 87(b), for an extension of time within which to file the transcript of proceedings before the Baltimore County Board of Appeals and in support of this Petition states:

Carol Ann Beresh, Court Reporter for the County Board of Appeals at the time of the hearing before said Board in the above-entitled case, has advised Appellant by letter dated November 21, 1983 (copy attached) that because of an overload in her work schedule, she will need an additional thirty days in order to prepare the transcript of proceedings.

WHEREFORE, Appellant prays this Honorable Court to extend the time for filing the transcript until January 4, 1984, 90 days after the first Petition on Appeal was filed.

John W. Hession, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, Maryland 21204
494-2188

IN THE MATTER OF THE APPLICATION OF CHARLES DENGLE, et al. FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE FROM THE BALTIMORE COUNTY ZONING REGULATIONS SE/S Pulaski Hwy., 2,100' & 2,255' E of Ebenezer Rd. 15th District

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Zoning File No. 83-54-XSPHA

PETITION FOR EXTENSION OF TIME TO FILE TRANSCRIPT OF PROCEEDINGS

The People's Counsel for Baltimore County, Appellant herein, petitions this Court, pursuant to Maryland Rule 87(b), for an extension of time within which to file the transcript of proceedings before the Baltimore County Board of Appeals and in support of this Petition states:

Carol Ann Beresh, Court Reporter for the County Board of Appeals at the time of the hearing before said Board in the above-entitled case, has advised Appellant that because of a backlog of cases, she will need a sixty-day extension of time to prepare the transcript of proceedings.

WHEREFORE, Appellant prays this Honorable Court to extend the time for filing the transcript until December 5, 1983, 60 days after the first Petition on Appeal was filed.

John W. Hession, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 21st day of November, 1983, a copy of the foregoing Petition for Extension of Time to File Transcript of Proceedings was served on the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy thereof was mailed to Robert J. Romadka, Esquire, and John B. Gontrum, Esquire, 809 Eastern Boulevard, Baltimore, MD 21221.

John W. Hession, III

Received:

Edith T. Eisenhart 11/21/83
Edith T. Eisenhart Date
Administrative Secretary to the
County Board of Appeals of Baltimore County

Acknowledged and Approved:

Carol Ann Beresh 11-21-83
Carol Ann Beresh Date
Court Reporter
County Board of Appeals of Baltimore County

I HEREBY CERTIFY that on this 18th day of October, 1983, a copy of the foregoing Petition for Extension of Time to File Transcript of Proceedings was served on the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, Maryland 21204; and a copy thereof was mailed to Robert J. Romadka, Esquire, and John B. Gontrum, Esquire, 809 Eastern Boulevard, Baltimore, MD 21221.

Peter Max Zimmerman
Peter Max Zimmerman

Received:

Edith T. Eisenhart 11-21-83
Edith T. Eisenhart Date
Administrative Secretary to the
County Board of Appeals of Baltimore County

Acknowledged and Approved:

Carol Ann Beresh 11/21/83
Carol Ann Beresh Date
Court Reporter
County Board of Appeals of Baltimore County

IN THE MATTER OF THE APPLICATION OF CHARLES DENGLE, et al. FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE FROM THE BALTIMORE COUNTY ZONING REGULATIONS SE/S Pulaski Hwy., 2,100' & 2,255' E. of Ebenezer Rd. 15th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. No. 83-M-348

Zoning File No. 83-54-XSPHA

ORDER

Upon the foregoing Petition for Extension of Time to File Transcript of Proceedings, it is hereby ORDERED this _____ day of November, 1983, that the time for filing in Court the transcript of proceedings before the Board of Appeals is hereby extended until January 4, 1984.

JUDGE

CHARLES DENGLE, ET AL - #83-54-XSPHA

principal use of the site, whether the principal use be considered the auto sales area or the service garage area or a combination of both, and is certainly subordinate in extent as evidenced by the use designations on the plat. There is no controversy regarding (c) since the entire operation is contained on the subject site, and (d) - the proposed dismantling operation could well contribute to the convenience of the business conducted on the site.

There are, in addition, several other extenuating circumstances that warrant consideration in this case. The dismantling operation will be conducted entirely on the rear area of the site and will be totally screened from all surrounding properties and Pulaski Highway. The autos being dismantled and the autos awaiting dismantling will be stored in a screen-in separate area.

After consideration of all the testimony and evidence introduced in this case, the Board is of the opinion that, in this specific case under the conditions agreed to by the Petitioner, this proposed dismantling operation should be considered an accessory use to the principal use on the site and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 8th day of September, 1983, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated March 18, 1983, be affirmed, and that the dismantling operation be considered an accessory use to the principal use on the subject property. Therefore, the petition for special hearing is hereby GRANTED, subject to the following restrictions:

1. That the number of autos designated in Restriction #1 of the Order of the Deputy Zoning Commissioner be increased from six (6) to ten (10), as presented in direct testimony.
2. Compliance with all other restrictions contained in the Deputy Zoning Commissioner's Order.

IN THE MATTER OF THE APPLICATION OF CHARLES DENGLE, ET AL FOR SPECIAL EXCEPTION - SPECIAL HEARING and VARIANCE FROM THE BALTIMORE COUNTY ZONING REGULATIONS SE/S PULASKI HWY., 2,100' and 2,255' E. of EBENEZER ROAD 15th DISTRICT

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. Doc. No. 15 Folio No. 382 File No. 83-M-347

JOHN W. HESSIAN, ESQ., PEOPLE'S COUNSEL FOR BALTIMORE COUNTY-APPELLANT

Zoning File No. 83-54-XSPHA

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, Diana K. Vincent, and Patricia Phipps, 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. 83-54-XSPHA

June 29, 1982 Petitions of Charles Dengler, et al, for special exception for used motor vehicle outdoor sales area, separated from sales agency building; for special hearing to approve as an accessory use to service garage dismantling-recycling of cars for parts; and a variance from Section 238.2 for a rear yard setback of 5' in lieu of the required 30', on property located on the southeast side of Pulaski Highway, 2100' and 2255' east of Ebenezer Road, 15th District

June 29, 1982 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for September 9, 1982, at 11 a.m.

August 19, 1982 Certificate of Publication in newspaper - filed

August 22, 1982 Certificate of Posting of property - filed

August 30, 1982 Comments of Baltimore County Zoning Plans Advisory Committee - Filed

DENGLE, ET AL - #83-43-XSPHA

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hockett, Chairman

Diana K. Vincent

Patricia Phipps

Charles Dengler, et al Case No. 83-54-XSPHA

August 16, 1982 Comments of Baltimore County Director of Planning - filed

September 9, 1982 At 11 a.m. hearing held on petition by Deputy Zoning Commissioner

March 18, 1983 Order of Deputy Zoning Commissioner granting the special exception, special hearing, and variance

October 6, 1983 Order for Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner by John W. Hessian, Esq., People's Counsel

July 13, 1983 Hearing on appeal before County Board of Appeals

September 8, 1983 Order of the County Board of Appeals ordering that the Order of the Deputy Zoning Commissioner, dated March 18, 1983, be affirmed, and that the dismantling operation be considered an accessory use to the principal use on the subject property; petition for special hearing is thereby granted subject to restrictions.

October 6, 1983 Order for Appeal filed in the Circuit Ct. for Baltimore County by John W. Hessian, Esq., People's Counsel

October 6, 1983 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County

October 6, 1983 Certificate of Notice sent to all interested parties.

December 22, 1983 Transcript of testimony filed

People's Counsel's Exhibit No. 1A to E - Microfilm of file of Case No. 78-176

" " " " 2 - Board of Appeals Opinion, 8/8/78

" " " " 3 - A to K - Photos

Petitioners' Exhibit No. 1 - Board of Appeals Opinion, 7/15/80, of Case No. 79-302-V

" " " " 2 - Site plan by Frank Lee, 5/17/82

" " " " 3 - Literature pertaining to recycling of auto parts

December 27, 1983 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, 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 whenever directed to do so by this Court.

Respectfully submitted,

John W. Hessian, III
John Holman, County Board of Appeals

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING : OF BALTIMORE COUNTY
PETITION FOR VARIANCE :
SE/S of Pulaski Hwy., 2,100' & 2,255' E. of Ebenezer Rd., 15th District :
CHARLES DENGLE, et al, Petitioners : Case No. 83-54-XSPHA (Item 271)

ORDER FOR APPEAL

Mr. Commissioners:

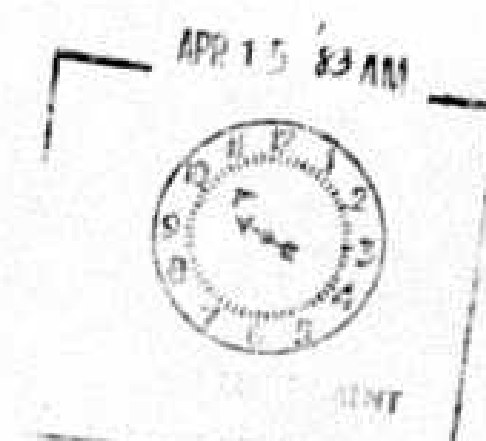
Please note an appeal from the decision of the Deputy Zoning Commissioner in granting the Petitions for Special Exception and Special Hearing in the above-entitled matter, under date of March 18, 1983, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 15th day of April, 1983, a copy of the foregoing Order for Appeal was mailed to Robert J. Romadka, Esquire and John B. Gontrum, Esquire, 809 Eastern Boulevard, Baltimore, MD 21221.

John W. Hessian, III



IN THE MATTER OF THE APPLICATION OF CHARLES DENGLE, ET AL FOR SPECIAL EXCEPTION - SPECIAL HEARING and VARIANCE FROM THE BALTIMORE COUNTY ZONING REGULATIONS SE/S PULASKI HWY., 2,100' and 2,255' E. of EBENEZER ROAD 15th DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 83-54-XSPHA

OPINION

This case comes before the Board of Appeals on appeal from a decision of the Deputy Zoning Commissioner granting a special exception for a motor vehicle outdoor sales area, a special hearing for the dismantling of cars as an accessory use to the service garage and the requested rear yard variance from Section 238.2 (setbacks) of the Baltimore County Zoning Regulations. The subject property is located on the southeast side of Pulaski Highway, 2,100 feet and 2,255 feet east of Ebenezer Road in the Fifteenth Election District of Baltimore County.

It was stipulated by all present that there was no appeal as to the special exception or the variance. The issue to be decided by this Board is whether the dismantling of autos is indeed an accessory use to a service garage or whether it, in fact, constitutes a "Junk Yard" use. The inherent danger of such a blanket ruling is readily apparent to this Board. If the dismantling of autos is permitted as an accessory use to a service garage, all service garages could immediately become junk yards or semi-junk yards regardless of their size, scope, area or other considerations. Section 101 of the Baltimore County Zoning Regulations defines accessory use as follows:

"Accessory use or structure: A use or structure which (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served."

With regard to (a) of the above quoted Section, the dismantling operation proposed herein, and agreed to by Petitioner, involves only the use of one bay of a four bay service garage and could well be viewed as incidental to the repair and sales of autos on the site. With respect to (b), the proposed dismantling operation is certainly subordinate in area to the

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING : OF BALTIMORE COUNTY
PETITION FOR VARIANCE :
SE/S of Pulaski Hwy., 2,100' and 2,255' E. of Ebenezer Rd., 15th District :
CHARLES DENGLE, et al., : Case No. 83-54-XSPHA
Petitioners :

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 16th day of August, 1982, a copy of the foregoing Order was mailed to Robert J. Romadka, Esquire and John B. Gontrum, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorneys for Petitioners.

John W. Hessian, III

IN THE MATTER OF THE
APPLICATION OF
CHARLES DENGLER, et al.
FOR SPECIAL EXCEPTION,
SPECIAL HEARING AND
VARIANCE FROM THE
BALTIMORE COUNTY
ZONING REGULATIONS,
SE/S Pulaski Hwy., 2,100'
& 2,255' E of Ebenezer Rd.,
15th District

Zoning File No. 83-54-XSPHA

* IN THE CIRCUIT COURT
* FOR BALTIMORE COUNTY
* AT LAW
*
* 83 M 348
*
*
*
*

OPINION

The decision of the County Board of Appeals that the proposed dismantling operation on the property located on the southeast side of Pulaski Highway, 2,100 feet and 2,255 feet east of Ebenezer Road in the Fifteenth Election District of Baltimore County be considered an accessory use to the principal use on the site, subject to the restrictions that 1) the number of autos designated in Restriction #1 of the Order of the Deputy Zoning Commissioner be increased from six (6) to ten (10), and 2) compliance be had with all other restrictions contained in the Deputy Zoning Commissioner's Order is AFFIRMED.

The reasons set out in the opinion of the County Board of Appeals are amply supported by evidence in the record before the Board.

Being satisfied the conclusion which was reached was based upon substantial evidence, and that the issue before the Board was fairly debatable, and that reasoning minds could reasonably reach the same conclusion, the Court cannot substitute its judgment for that of the Board and must, therefore, affirm.

Dated April 25, 1984 AUSTIN W. BRIZENDINE, Judge

Copies sent to:

Peter Max Zimmerman, Esquire
Robert J. Romadka, Esquire

FILED APR 25 1984

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING : OF BALTIMORE COUNTY
PETITION FOR VARIANCE :
SE/S of Pulaski Hwy., 2,100' &
2,255' E of Ebenezer Rd.,
15th District :
CHARLES DENGLER, et al, Petitioners : Case No. 83-54-XSPHA (Item 271)

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from the decision of the Deputy Zoning Commissioner in granting the Petitions for Special Exception and Special Hearing in the above-entitled matter, under date of March 18, 1983, 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 15th day of April, 1983, a copy of the foregoing Order for Appeal was mailed to Robert J. Romadka, Esquire and John B. Gontrum, Esquire, 809 Eastern Boulevard, Baltimore, MD 21221.

John W. Hession, III

CIRCUIT COURT FOR BALTIMORE COUNTY

CATEGORY

IN THE MATTER OF THE
APPLICATION OF
CHARLES DENGLER, ET AL.
FOR SPECIAL EXCEPTION,
SPECIAL HEARING AND
VARIANCE FROM THE
BALTIMORE COUNTY ZONING
REGULATIONS,
SE/S Pulaski Hwy., 2,100' &
2,255' E of Ebenezer Rd.,
15th District

Zoning file # 83-54-XSPHA
THE PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
Appellant

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

BEN H. MACK
CHARLES DENGLER
LIMWOOD DANNY
Appellees

ATTORNEYS
John W. Hession, III
Peter Max Zimmerman,
Rm. 223, Court House (4) 494-2188

Robert J. Romadka
John B. Gontrum
Romadka, Gontrum, Henneghan
809 Eastern Blvd. (21) 686-8274

- (1) October 6, 1983 Appellant's Appeal from decision of County Board of Appeals of Baltimore County & Petition fd.
(2) Oct. 6, 1983 - Certificate of Notice fd.
(3) Oct. 18, 1983 - Appellant's Petition for Extension of Time to File Transcript of Proceedings and Order of Court Granting Same until Dec. 5, 1983 fd. (CH)
(4) Oct. 24, 1983 - App. of Robert J. Romadka and John B. Gontrum for Appellees and Same Day Answer and Demurrer to Petition for Appeal fd.
November 15, 1983 Appellee's Demurrer is OVERRULED (WRB)
(5) Nov. 28, 1983 - Appellant's Petition for Extension of Time and Order of Court Granting Same until Jan. 4, 1984 fd. (WRB)
(6) Dec. 27, 1983 Transcript of Record fd.
(7) Dec. 27, 1983 Two notices of filing sent.
(8) Jan. 24, 1984 - People's Counsel's Memorandum fd.
(9) Feb. 23, 1984 - Appellee's Memorandum fd.
March 29, 1984 Hon. Austin W. Brizendine, hearing had in re Appellant's appeal from decision of County Board of Appeals of Baltimore County (per #1) held Sub-Baria.
(10) April 25, 1984 - Opinion and Order of Court Affirming Judgment fd. (AWB)

COSTS
HISC # 83348 #
L-CLERK \$0.00
CHECK \$60.00
809712 0001 802 716:11
10/86/83

COUNTY BOARD OF APPEALS
RECEIVED
APR 27 1984

DOCKET 15 PAGE 383 CASE NO. 83-M-348

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

CHARLES DENGLER, ET AL

83-54-XSPHA

SE/S Pulaski Hwy., 2100' and
2255' E of Ebenezer Rd.

15th District

SE-Motor vehicle outdoor sales area
SPH-Service garage dismantling of cars
Variance-from Section 238.2 for a rear yd. setback
of 5' in lieu of required 30'.

June 29, 1982 Petitions filed
Sept. 9, 1982 Hearing held before Deputy Zoning Commissioner
March 18, 1983 Order of D.Z.C. granting the special exception,
special hearing, and variance
Oct. 6, 1983 Order for Appeal to C.B. of A.
July 13, " Hearing before the Board
Sept. 8, 1983 Order of the Board of Appeals ordering that the Order
of the D.Z.C. be AFFIRMED
Oct. 6, 1983 Order for Appeal filed in the Cir. Ct. by J. W. Hession,
People's Counsel
Dec. 27, 1983 Record of proceedings filed in the Circuit Ct. for
Balto. County
April 25, 1984 Board AFFIRMED by Judge A. W. Brizendine
5/1/84 cc: A. January
A. Jablon
J. Hoswell

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING : OF BALTIMORE COUNTY
PETITION FOR VARIANCE :
SE/S of Pulaski Hwy., 2,100' and
2,255' E of Ebenezer Rd.,
15th District :
CHARLES DENGLER, et al.,
Petitioners : Case No. 83-54-XSPHA

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

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

I HEREBY CERTIFY that on this 16th day of August, 1982, a copy of the foregoing Order was mailed to Robert J. Romadka, Esquire and John B. Gontrum, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorneys for Petitioners.

John W. Hession, III

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 30, 1982

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

ofo
Nicholas B. Commodity
Chairman

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

Robert J. Romadka, Esquire
John B. Gontrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Item No. 271 - 83-54-XSPHA
Petitioner - Charles Dengler, et al
Special Exception, Special Hearing and
Variance Petitions

Gentlemen:

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.

The subject property was vacant at the time of field inspection and was the former site of an automobile dealership. In view of your clients' proposal to utilize a portion of this site for used automobile sales, the special exception is required. The variance/special hearing is required because of their proposal to construct a service garage building closer to the property line than allowed and to determine whether dismantling and recycling of cars for parts can be permitted as an accessory use to the service garage.

Particular attention should be afforded to the comments of the Health Department.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodity
NICHOLAS B. COMMODITY, Chairman
Zoning Plans Advisory Committee

NBC:lcc
Enclosures
cc: Frank S. Lee
1277 Neighbors Avenue
Baltimore, Md. 21277

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

August 2, 1982

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

Re: Item #271 (1981-1982)
Property Owner: Charles Dengler, et al
S/ES Pulaski Hwy. 2100' & 2250' E. of
Ebenezer Rd.
Acres: 2.64 and 0.42 District: 11th

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:

Pulaski Highway (U.S. 40) is a State Road; therefore, all improvements, intersections, entrances, and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Entrances and locations are also subject to approval by the Baltimore County Department of Traffic Engineering.

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.

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

A tributary to Bird River traverses the southerly estuarine portion of this overall site.

Item #271 (1981-1982)
Property Owner: Charles Dengler, et al
Page 2
August 2, 1982

Storm Drains: (Cont'd)

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

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:

A 12-inch public water main in Pulaski Highway terminates approximately 1,000 feet southeasterly of this property. Public sanitary sewerage is not available to serve this property, which is utilizing private onsite sewage disposal.

This property is within the Baltimore County Metropolitan District and outside of the Urban-Rural Demarcation Line. Baltimore County Water and Sewerage Plans W and S-17B, as amended, indicate respectively, "Existing Service" and "Service Planned in 11 to 30 Years" in the area.

Very truly yours,

Robert A. Morton
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EM:FW:as

cc: Jack Wimbley

M-NE Key Sheet
32 NE 37 Pos. Sheet
NE 8 J Topo
73 Tax Map



Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Caltrider
Administrator

July 2, 1982

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

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting of 6-29-82
ITEM: #271.
Property Owner: Charles Dengler, et al
Location: SE/S Pulaski Highway, Route 40-E, 2100' & 2250' E. of Ebenezer Road
Existing Zoning: BR-CS-1 & ML
Proposed Zoning: Special Exception for used motor vehicle outdoor sales area separated from sales agents building, Special Hearing to establish as an accessory use to service garage dismantling and recycling of cars for parts and Variance to permit a rear yard setback of 5' in lieu of the required 30'.
Acres: 2.64 0.42
District: 11th

Dear Mr. Hammond:

On review of the revised plan of May 17, 1982 and field inspection, the State Highway Administration finds the plan generally acceptable.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

cc: Mr. J. Wimbley

By: George Wittman
My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

August 25, 1982

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

RE: ZAC Meeting of June 29, 1982

Dear Mr. Hammond:

The Department of Traffic Engineering has no comment for items number 265, 266, 267, 268, 270, 271 and 272.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineering Associate II

MSF/rlj



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

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

August 10, 1982

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

Dear Mr. Hammond:

Comments on Item #271, Zoning Advisory Committee Meeting of June 29, 1982, are as follows:

Property Owner:	Charles Dengler, et al
Location:	SE/S Pulaski Highway 2100' & 2250' E. of Ebenezer Road
Existing Zoning:	BR-CS-1 & ML
Proposed Zoning:	Special Exception for used motor vehicle outdoor sales area separated from sales agents building, Special Hearing to establish as an accessory use to service garage dismantling and recycling of cars for parts and Variance to permit a rear yard setback of 5' in lieu of the required 30'.
Acres:	2.64 & 0.42
District:	11th

The property is presently served by an existing drilled well and septic system. Metropolitan water is available to serve the property, therefore, prior to approval of any building permit for the proposed garage, the existing dwelling must be connected to metropolitan water and the well properly backfilled.

Soil percolation tests have been conducted for the proposed garage with unfavorable results. In speaking with the tenant, it is understood that the maximum number of employees to utilize the proposed garage and sales trailer will be two people with the days of operation being 5 days per week. In view of the limited number of employees, this office will approve a building permit to construct the garage and occupy the trailer with the explicit understanding that the employees have the right and be allowed to utilize the sanitary facilities located in the rear of the dwelling during hours of operation. This office must receive a written reply from the owner, tenant of the dwelling and manager of the used motor vehicle sales acknowledging acceptance of the above.

Mr. William E. Hammond
Page Two
August 10, 1982

It must also be understood that no sanitary facilities of any type will be permitted, either in the sales trailer or the garage.

All components of the septic system serving the existing dwelling must be located, whether they be tile lines or seepage pits, so as to assure that the proposed garage will not interfere with their location.

Should you have any questions regarding this matter, contact this office at 494-2762.

Very truly yours,

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

IJF/als

cc: Charles E. Dengler
White Marsh Motors, Inc.

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: June 28, 1982

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

Z.A.C. Meeting of: June 29, 1982

RE: Item No: 265, 266, 267, 268, 270, 271 and 272
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

Items 265, 266, 267, 268, 271 and 272 have no bearing on student population. Item 270 would only result in a loss of two or three pupils.

Very truly yours,

Nick Petrovich
Nick Petrovich, Assistant
Department of Planning

WNP/bp



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

August 27, 1982

Robert J. Romacka, Esquire
John B. Contrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petitions for Special Exception, Special Hearing and Variance
SE/S of Pulaski Hwy., 2100' and 2255' E of Ebenezer Rd.
Charles Dengler, et al - Petitioners
Case #83-54-XSPHA Item #271

Dear Sirs:

This is to advise you that \$102.01 is due for advertising and posting of the above property.

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Commissioner

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

No. 108984

DATE 9/23/82 ACCOUNT R-01-611-000

AMOUNT \$102.01

RECEIVED FROM White Marsh Motors c/o John Contrum, Esq.
FOR Advertising & Posting Case #83-54-XSPHA
(Charles Dengler, et al)

6 012*****102010 6230A

VALIDATION OR SIGNATURE OF CASHIER

November 21, 1983

John W. Hessian, Esq.
People's Counsel
Towson, Maryland 21204

Re: Charles Dengler
No. 83-54-XSPHA

Dear Mr. Hessian,

Please be advised that I will need an additional 30 days in order to prepare the transcript in the above mentioned case due to an overload in my work schedule.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely yours,

Carol A. Beresh
Carol A. Beresh
Court Reporter
Board of Appeals

cc: file

WILLIAM E. HAMMOND
ZONING COMMISSIONER

March 18, 1983

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petitions for Special Exception,
Special Hearing, and Variance
SE/S of Pulaski Highway, 2,100'
and 2,255' E of Ebenezer Rd.-
15th Election District
Charles Dengler, et al - Petitioners
NO. 83-54-XSPHA (Item No. 271)

Dear Mr. Romadka:

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

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

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

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
TOWSON, MARYLAND 21221

ASSOCIATES
CHARLES E. FOOS, III
JOHN B. GONTRUM
JOHN D. HENNEBACH
ALFRED W. WALPERT

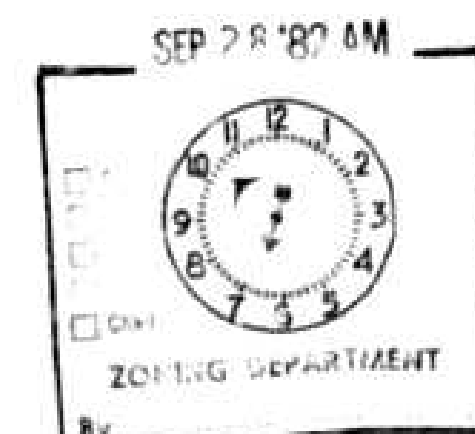
September 24, 1982

Office of Planning and Zoning
ATTENTION: Ms. Jean M.H. Jung
Deputy Zoning Commissioner
Zoning Commissioner's Office
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Petition for Special Exception, Special
Hearing and Variance
SE/S of Pulaski Highway, 2100' and 2255' E
of Ebenezer Road
Charles Dengler, et al - Petitioners
Case No.: 83-54-XSPHA Item #271

Dear Ms. Jung:

At the time of the hearing on the above-referenced
matter on September 9, 1982, you asked us to check with
our client with respect to possible restrictions which
he would be willing to place on the site plan. We have
discussed the matter with our client and he is willing
to agree to the following: Eight feet high slatted fencing
in addition to perimeter fencing to be placed around the
area utilized by recycled vehicles and vehicles worked on
in the service garage; one service bay in the service garage
to be licensed for vehicles and specially equipped for
recycling purposes; no more than five (5) cars to be placed
within the fenced-in area for service work; no recycled
vehicle to remain on the premises after disassembly for
more than 48 hours; no recycled vehicle to remain on the
premises for more than thirty (30) days.



Page Two
Ms. Jung
September 23, 1982

Also enclosed are photographs of the premises which we
thought might be helpful to you in describing the current
improvements on the site.

Very truly yours,

John B. Gontrum

John B. Gontrum

JBG/meh

Enclosure

cc: Mr. Charles Dengler
Mr. Linwood Dandy

September 1, 1982

PAUL H. REINCKE
CHIEF

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: Charles Dengler, et al

Location: SE/S Pulaski Highway 2100' and 2250' E. of Ebenezer Road

Item No.: 271

Zoning Agenda: Meeting of June 29, 1982

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 operation.

(X) 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.

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

REVIEWED BY: *Paul H. Reincke* 9/10/82 Noted and Approved: *George M. Hession III*
Planning Group Fire Prevention Bureau
Special Inspection Division

JR/mc 9/9 83-54-XSPHA

6/17/83 - Notified of appeal hearing scheduled for WEDNESDAY, JULY 13, 1983 at 10 a.m.

Robert J. Romadka, Esq.
John B. Gontrum, Esq.
John W. Hession, III, Esq.
Charles Dengler
Benjamin Macks

494-3180

County Board of Appeals
Room 200, Court House
Towson, Maryland 21204
June 17, 1983

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

CASE NO. 83-54-XSPHA

CHARLES DENGLER, ET AL

for SE - Motor vehicle outdoor sales area
" SPH - Service garage dismantling of cars
" Variance - from Section 238.2 (setbacks)

SE/S Pulaski Hwy. 2100' and 2255'
E. of Ebenezer Rd.

15th District
3/18/83 - D.Z.C. GRANTED PETITION w/restrictions
WEDNESDAY, JULY 13, 1983 at 10 a.m.

ASSIGNED FOR:

cc: Robert J. Romadka, Esq.

Counsel for Petitioners

John B. Gontrum, Esq.

" "

John W. Hession, III, Esq.

People's Counsel

Charles Dengler

Petitioner

Benjamin Macks

"

Mr. W. E. Hammond

Mr. J. E. Dyer

Ms. Jean M. H. Jung

Mr. N. E. Gerber

Mr. J. G. Hoswell

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
SPECIAL HEARING AND VARIANCE
SE/S of Pulaski Hwy., 2,100' and : OF BALTIMORE COUNTY
2,255' E of Ebenezer Rd., :
15th District :

CHARLES DENGLER, et al, : Case No. 83-54-XSPHA
Petitioners :

STIPULATION OF COUNSEL

The People's Counsel for Baltimore County has filed an appeal of the grant of
the Special Exception and Special Hearing by the Deputy Zoning Commissioner of
Baltimore County. Although the appeal will concentrate on the Deputy Commissioner's
decision to permit the dismantling of vehicles as an accessory use to a service garage,
the safest course for Appellant to follow has been to appeal the Special Exception,
eliminating any question as to the appropriateness of appealing the accessory use alone.

Since the requested outdoor sales (in the absence of the planned accessory
use for dismantling, recycling, or other storage, however described) is not substantially
objectionable to the Appellant, we are satisfied that the Appellee ought to be able to
proceed with his plans for the outdoor sales so long as he does not commence the
accessory use.

In this connection, therefore, Petitioner agrees not to conduct any dismantling,
recycling, or storage of vehicles and, in addition, agrees not to raise any procedural
objection to the appeal of the Special Exception and Special Hearing.

To accommodate the Petitioner, and to effect the true intent of the Appellant
herein, counsel for Petitioner and Appellant stipulate that the form of the appeal is in
their opinion correct and legally sufficient, and, therefore, no objection or motion
with regard thereto shall be hereafter interposed.

Date: May 13, 1983

Robert J. Romadka
Robert J. Romadka

Date: May 13, 1983

Peter Max Zimmerman
Peter Max Zimmerman

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
September 8, 1983

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

Re: Case No. 83-54-XSPHA
Charles Dengler, et al

Dear Mr. Hessian:

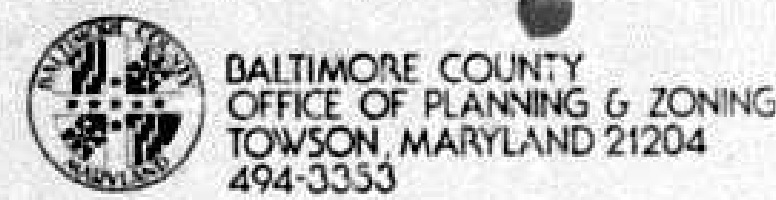
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

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

Encl.

cc: Robert J. Romadka, Esq.
John B. Contrum, Esq.
Charles Dengler, et al
Mr. J. E. Dyer
Mr. A. E. Jablon
Mrs. Jean M.H. Jung
Mr. N. E. Gerber
Mr. J. G. Hoswell



WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 18, 1983

Robert J. Romadka, Esquire
John B. Contrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petitions for Special Exception, Special Hearing and Variance
SE/S of Pulaski Hwy., 2,100' and 2,255' E of Ebenezer Rd.
Charles Dengler, et al - Petitioners
Case No. 83-54-XSPHA

Gentlemen:

Please be advised that an appeal has been filed by John W. Hessian, III, People's Counsel for Baltimore County, from the decision rendered by the Deputy 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
William E. Hammond
Zoning Commissioner

WEH:nj

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

August 9, 1982

Robert J. Romadka, Esquire
John B. Contrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

NOTICE OF HEARING

Re: Petitions for Special Exception, Special Hearing & Variance
SE/S of Pulaski Hwy., 2,100' and 2,255' E of Ebenezer Rd.
Charles Dengler, et al - Petitioners
Case #83-54-XSPHA Item #271

TIME: 11:00 A.M.

DATE: Thursday, September 9, 1982

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

TOWSON, MARYLAND

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

No. 107936

DATE: 8-19-82 ACCOUNT: 01-662

AMOUNT: \$0.00

RECEIVED FROM: John B. Contrum

FOR: City of Baltimore

552*****509010 5212A

VALIDATION OR SIGNATURE OF CASHIER

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

Phone: 667-6922

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

May 17, 1982

Variance and Special Hearing
No. 11021 Pulaski Highway
11th District Baltimore County, Maryland

Beginning for the same on the southeast side of Pulaski Highway at the distance of 2255 feet more or less measured along the southeast side of Pulaski Highway from the east side of Ebenezer Road, thence running and binding on the southeast side of Pulaski Highway North 45 degrees 24 minutes 30 seconds East 107 feet, thence running for lines of division as follows: South 34 degrees 29 minutes 30 seconds East 494.56 feet, South 36 degrees 20 minutes 10 seconds West 273.09 feet, North 34 degrees 29 minutes 30 seconds East 424.54 feet, North 45 degrees 24 minutes 30 seconds East 174.95 feet and North 44 degrees 35 minutes 30 seconds West 112 feet to the place of beginning.

Containing 2.64 acres of land more or less.
Saving and Excepting that portion zoned ML



Phone: 667-6922

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

May 17, 1982

Special Exception for Used Car Lot
No. 11021 Pulaski Highway
11th District Baltimore County, Maryland

Beginning for the same on the southeast side of Pulaski Highway at the distance of 2100 feet more or less measured along the southeast side of Pulaski Highway from the east side of Ebenezer Road, thence running and binding on the southeast side of Pulaski Highway North 45 degrees 24 minutes 30 seconds East 155 feet, thence running for three lines of division as follows: South 44 degrees 35 minutes 30 seconds East 112 feet, South 45 degrees 24 minutes 30 seconds West 174.95 feet and North 34 degrees 29 minutes 30 seconds West 113.76 feet to the place of beginning.

Containing 0.42 acres of land more or less.

PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE

15th Election District

ZONING: Petition for Special Exception, Special Hearing and Variance

LOCATION: Southeast side of Pulaski Highway, 2,100 ft. and 2,255 ft. East of Ebenezer Road

DATE & TIME: Thursday, September 9, 1982 at 11:00 A.M.

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

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

Petition for Special Exception for used motor vehicle outdoor sales area, separated from sales agency building; Special Hearing under Section 102.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve as an accessory use to service garage dismantling, recycling of cars for parts; and Variance to permit a rear yard setback of 5 ft. in lieu of the required 30 ft.

The Zoning Regulation to be excepted as follows:
Section 238.2 - rear yard setback in a B. R. zone

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

Being the property of Charles Dengler, et al, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, September 9, 1982 at 11:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
Zoning Commissioner

TO: Norman E. Gerber, Director
Office of Planning and Zoning

FROM: Zoning Petition No. 83-54-XSPHA
Charles Dengler, et al

SUBJECT:

Date: August 16, 1982

A service garage would be an appropriate use in this area. As to the other two issues that are the subject of this petition, this office has no comment to offer. Please note that if this petition is granted, details of landscaping should be required for submittal and approval by the Division of Current Planning and Development.

Norman E. Gerber per J. Howell
Norman E. Gerber
Director of Planning and Zoning

NEGJGH:dme

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
October 6, 1983

John W. Hessian, Esq.
People's Counsel
Court House
Towson, Md. 21204

Dear Mr. Hessian:

Case No. 83-54-XSPHA
Charles Dengler, 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.



County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

October 6, 1983

Robert J. Romadka, Esq.
John B. Gantum, Esq.
809 Eastern Blvd.
Baltimore, Md. 21221

Gentlemen:

Re: Case No. 83-54-XSPHA
Charles Dengler, 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, Secretary

Encl.
cc: Charles Dengler, et al
J. E. Dyer
N. E. Gerber
J. Jung
J. Haswell
A. E. Jablon

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11 Date of Posting 8/22/82
Posted for: Petition for Variance, Special Hearing & Special Hearing
Petitioner: Charles Dengler, et al
Location of property: SE/15 Pulaski Hwy., 2100' & 2255' E of
Ebenezer Rd
Location of Signs: along Pulaski Hwy.
Remarks: None
Posted by: W. E. Hammond Date of return: 8/27/82
Number of Signs: 3

Robert J. Romadka, Esq.
John B. Gantum, Esq.
809 Eastern Blvd.
Baltimore, Md. 21221Frank E. Lee
2077 Highland Ave.
Baltimore, Md. 21207

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204Your Petition has been received and accepted for filing this 29th day
of Aug 1982WILLIAM E. HAMMOND
Zoning CommissionerPetitioner: Charles Dengler, et alPetitioner's Attorney: Robert J. Romadka, Esq.Reviewed by: Nicholas B. Commodari
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

**Petition For
Special
Exception,
Special Hearing
And Variance**

11th Election District
ZONING: Petition for Special
Exception, Special Hearing and VarianceLOCATION: Southeast
side of Pulaski Highway,
2,100 ft. and 2,255 ft. East
of Ebenezer RoadDATE & TIME: Thurs-
day, September 9, 1982 at
11:00 A.M.PUBLIC HEARING:
Room 106, County Office
Building, 111 W. Ches-
apeake Avenue, Towson,
MarylandThe Zoning Commis-
sioner of Baltimore Coun-
ty, by authority of the
Zoning Act and Regula-
tions of Baltimore County
will hold a public hearing.Petition for Special Ex-
ception for used motor ve-
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separated from sales agen-
cy building; Special Hear-
ing under Section 600.7 of
the Baltimore County Zon-
ing Regulations, to deter-
mine whether or not the
Zoning Commissioner and/or
Deputy Zoning Commis-
sioner should approve as
an accessory use to service
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of cars for parts, and Variance
to permit a rear yard setback
of 5 ft. in lieu of the required
30 ft.The Zoning Regulation to
be excepted as follows:
Section 600.7 - rear yard
setback in a R.R. zoneAll that parcel of land in
the Fifteenth District of
Baltimore County, Special
Exception for Used Car Lot,
No. 11021 Pulaski
Highway, 11th District
Baltimore County,
MarylandBEGINNING FOR THE
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feet, thence running for three
lines of division as fol-
lows: South 44 degrees 35
minutes 30 seconds East 112
feet, South 45 degrees 24
minutes 30 seconds East 174.95
feet and North 34 degrees 29
minutes 30 seconds West 112
feet to the place of begin-
ning.Containing 0.42 acres of
land more or less.Variance and Special
Hearing
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45 degrees 24 minutes 30 seconds
East 155 feet, thence running for
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degrees 24 minutes 30 seconds
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degrees 29 minutes 30 seconds
West 112 feet to the place of
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beginning.Containing 0.42 acres of land
more or less.Variance and Special Hearing
No. 11021 Pulaski Highway,
11th District Baltimore County,
Maryland.

The Times

Middle River, Md., Aug 18 1982

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed
and published in Baltimore County, once in each
of one successive
weeks before the 18th day of
August, 1982

Publisher.

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 19, 1982

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 in each
~~one time~~ one time successive weeks before the 19th
day of September, 1982, the first publication
appearing on the 19th day of August
1982.

THE JEFFERSONIAN

L. Frank Strubbe
ManagerCost of Advertisement: \$ 385.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 5/16/83
Posted for: Board of Appeals
Petitioner: Charles Dengler, et al
Location of property: SE/15 Pulaski Highway, 2100' &
2255' E of Ebenezer Rd
Location of Signs: along Pulaski Hwy.
Remarks: 1 sign posted since original 3 signs were for
Posted by: W. E. Hammond Date of return: 5/17/83
Number of Signs: 1 3 different petitions

83-54-XSP

15th District

SE/15 Pulaski Hwy., 2100' & 2255' E
of Ebenezer Rd.

Charles Dengler, et al

3 SIGNS

Case No. 83-54-XSPHA
CASE NO. 15/382/83-M-347 AT LAW

Charles Dengler, et al vs. J. W. Hession, Esq.,
People's CounselRECEIVED FROM THE COUNTY BOARD OF APPEALS
CERTIFIED DOCUMENTS, EXHIBITS, AND BOARD'S
ANSWER FILED IN THE ABOVE ENTITLED CASE,
AND TRANSCRIPT.J. W. Hession
Clerk's OfficeDate: Dec. 27, 1983BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 117346

DATE 4/15/83 ACCOUNT R-01-615-000AMOUNT \$180.00

RECEIVED People's Counsel

FOR: Appeal Fee of Case No. 83-54-XSPHA
(Charles Dengler, et al)

6 059*****1800010 8180A

VALIDATION OR SIGNATURE OF CASHIER

