

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner have the authority to grant variances to the paving & fence requirements for trucking facilities and to determine the limits of the existing facility as it existed prior to the adoption of Bill 18-76.

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: _____
 Attorney for Petitioner: _____
 Ronald W. Parker, Esquire
 (Type or Print Name) _____
 Signature: _____
 11433 Pulaski Highway
 Address: _____
 White Marsh, Md. 21162
 City and State: _____
 Attorney's Telephone No. 335-3800

Legal Owner(s):
 Albert L. Bierman
 (Type or Print Name) _____
 Signature: _____
 Address: 1130 Hengemihle Road
 City and State: Baltimore, Md. 21221
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
 Albert L. Bierman
 Name: _____
 Address: 1130 Hengemihle Road
 City and State: Baltimore, Md. 21221
 Phone No. 687-1679

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of October, 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 30th day of November, 1982, at 10:00 o'clock A.M.

[Signature]
 Zoning Commissioner of Baltimore County

(over)

ALLEGED ZONING VIOLATION
 HENGEMIHLE AVENUE
 15 Election District
 ALBERT L. BIERMAN and
 ANNA M. BIERMAN
 732 Essex Avenue
 Baltimore, Maryland 21221

Defendants: _____
 BALTIMORE COUNTY
 82-61-V, C 81-639

APPEAL TO BALTIMORE COUNTY BOARD OF ZONING APPEALS

The issues presented in the violation dated July 22, 1983, are the same issues presented to Ms. Jean Jung, Deputy Zoning Commissioner, at a hearing on November 30, 1982.

In spite of many requests, the Deputy Zoning Commissioner has not responded to, answered, or made a decision as a result of the hearing indicating whether or not the requests in that hearing would be granted or denied.

Accordingly, the defendant, Mr. Albert L. Bierman, his wife Anna M. Bierman has predeceased him several years ago, does not know which course of action to pursue.

The County Zoning Commissioners had more than ample time in which to respond to the hearing which was held on November 30, 1982 on the same issues now before the Court, therefore, the defendant asks:

1. That the violation be dismissed with prejudice as the County is guilty of laches and negligence for not timely responding to the zoning hearing.

2. Res judicata. The same issues are pending before the Baltimore County Zoning Office, a hearing having been heard on November 30, 1982 and the Court not having made a decision, specifically, Zoning Petition No. 83-126-SPHA.

3. That the defendant has been in the trucking business at that location since September, 1964, having been legally placed there by special exception and allowed to have a truck terminal.

4. We ask that the Commission find that the defendant should not have to comply with the requirement of the site plan or that they are unconstitutional-ex-post-facto.

PETITION FOR ZONING VARIANCE

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 410A.3.B.6 (IX.A.2 of CDDP) to permit tar & chip paving in lieu of the required bituminous or Portland cement concrete surface over a suitable base and to waive the requirement that the paving, base, & soil for the entire site be certified as sufficient for trucking use. Sect. 410A.3.B.1, to eliminate screening & fence requirements along the front & rear property lines. The undersigned, legal owner(s) of the property situate in Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practice difficulty) see attached

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: _____
 Attorney for Petitioner: _____
 Ronald W. Parker
 (Type or Print Name) _____
 Signature: _____
 11433 Pulaski Highway
 Address: _____
 White Marsh, Md. 21162
 City and State: _____
 Attorney's Telephone No. 335-3800

Legal Owner(s):
 Albert L. Bierman
 (Type or Print Name) _____
 Signature: _____
 Address: _____
 City and State: _____
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
 Albert L. Bierman
 Name: _____
 Address: _____
 City and State: _____
 Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of October, 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 30th day of November, 1982, at 10:00 o'clock A.M.

[Signature]
 Zoning Commissioner of Baltimore County

(over)

5. The fact that the defendant was in business many years before the truck act as we now know it came into existence and the defendant should be given the right of a non-conforming use and exempt from the requirements of the said statute.

6. The defendant has already filed several site plans which have been prepared by Dave Dallas, Professional Engineer and Russell Herbert, a registered land surveyor. They are on file with the Baltimore County Zoning Dept.

7. In response to the alleged violation of Section 102.1, the defendant is in compliance.

Section 253, the defendant has complied, he has submitted a site plan.

The defendant has substantially complied with all the provisions of the act except a couple which are either impracticable or financially infeasible, specifically, the defendant's truck terminal has been there since 1964 having been properly paved with a substantial base thus it would be inequitable for him to be required to submit to paving certifications. The County can inspect the premises to see that they foundation and macadam has held up very well.

The County has asked that additional paving be required whereas, this property lies within the flood plane and the State Natural Resources Dept. which controls the stream directly behind and abuts the defendant's property would not allow additional filling or macadam surface.

The County is requiring fencing which would be totally impracticable as there are trucking companies to both sides, a stream to the rear and a 35 foot hill to the front of the property.

We ask in further defense to the case that the Court take judicial notice to the letter to Mr. Jung dated January 3, 1983 attached hereto.

We ask that the Baltimore County Zoning Appeals Board determine why approximately 10 months later there has been no decision made in the case involving the same issues before the Baltimore County Zoning Board.

Petitioner asks for a variance from the following requirements from the Truck Act for the following reasons:

1. Variance from paving certification as paving has been in existence since 1964 and petitioner has had no sagging, rutting, sinking of macadam, etc. Petitioner believes to undergo the expense of a certification would be inequitable as paving has sustained weights of trucks and equipment for more than 16 years.
2. Petitioner request variance from required paving from front screening as there are no neighbors and the Petitioner's property is not visible to any neighbors, specifically, in front of the Petitioner's property there is an approximate 35-40 foot hill beyond the hill is the Eastern Vocational High School. The Petitioner's property is clearly not visible from the said school as it sits at a much lower elevation. The property does have fencing and natural vegetation screening on both sides. Further more, both sides are improved by commercial trucking companies.
3. Petitioner request variance from curb and gutter as the property does lie in the flood plane and the State will not allow any permanent fixtures to be installed or erected.
4. Petitioner request variance from any fencing and/or wheel stops to the rear of the property as it is contiguous to Stemmers Run River and again is in the flood plane and periodically the stream will overflow at which time the materials floating down the river will destroy the fence.

Respectfully submitted.

[Signature]
 Ronald W. Parker, Esquire
 11433 Pulaski Highway
 White Marsh, Md. 21162
 Attorney for Defendant

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
 W/S of Hengemihle Ave., 282'
 S of the centerline of Stemmers Run Rd.,
 15th District : OF BALTIMORE COUNTY

ALBERT L. BIERMAN, Petitioner : Case No. 83-126-SPHA

ORDER TO ENTER APPEARANCE

W. 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
 Deputy: People's Counsel

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

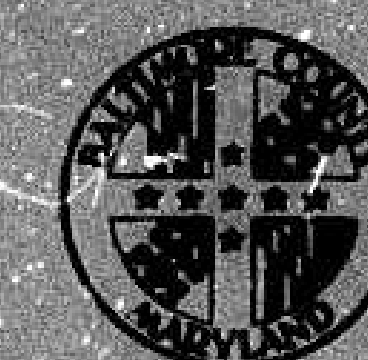
I HEREBY CERTIFY that on this 8th day of November, 1982, a copy of the foregoing Order was mailed to Ronald W. Parker, Esquire, 11433 Pulaski Highway, White Marsh, Maryland 21162, Attorney for Petitioner.

John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

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:

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 22, 1982

Ronald W. Parker, Esquire
11433 Pulaski Highway
White Marsh, Maryland 21162

RE: Item No. 154 - Case No. 83-126-SPHA
Petitioner - Albert L. Bierman
Special Hearing & Variance Petitions

Dear Mr. Parker:

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, presently improved with your client's trucking facility, is located on the west side of Hengemihle Avenue south of Stemmers Run Road in the 15th Election District. To the south and immediately adjacent to this property is another trucking facility, while a county vocational school exists to the east across Hengemihle Avenue.

In view of your client's request to allow the existing facility to remain without providing the necessary screening, fencing, and paving standards as provided for in Bill #18-76, the variance is required. The special hearing is included to verify the limits of the facility and to determine if the zoning office can grant relief to the applicable requirements of the referenced bill.

At the time of field inspection, it should be noted that materials were stored in the parking area along the south and north property lines and in the paved area along the east property line, while a trailer was stored immediately adjacent to the building.

As you can see, the comments from the Department of Permits and Licenses are outdated. I suggest that you speak with Mr. Charles Burnham at 94-3987 concerning the new building code and be prepared to discuss any revised comments at the hearing.

Item No. 154 - Case No. 83-126-SPHA
Petitioner - Albert L. Bierman
Special Hearing & Variance Petitions
Page 2

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. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: David W. Dallas, Jr. & Sons
7008 Harford Road
Baltimore, Maryland 21234



HARRY J. PISTEL, P.E.
DIRECTOR

March 23, 1982

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

Re: Item #154 (1981-1982)
Property Owner: Albert L. Bierman
W/S Hengemihle Avenue 282' S. from centerline
of Stemmers Run Road
Acres: 0.945 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.

General:

The comments supplied March 20, 1979 in conjunction with the review by the C.T.P.D.O.C. of the Site Plan for this property are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 154 (1981-1982).

Very truly yours,

Robert A. Norton
ROBERT A. NORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWB:sa

cc: Jack Wimbley

Attachment

1-NW Key Sheet
11 & 12 NE 27 Pos. Sheets
NE 3 G Topo
90 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Richard Latini Date: March 20, 1979
FROM: Ellsworth M. Oliver, P.E.
SUBJECT: A. L. Bierman
W/S Hengemihle Avenue
District 15th

The following comments are furnished in regard to the Site Plan, for this existing trucking facility dated May 31, 1977, submitted to this office for review by the C.T.P.D.O.C.:

The submitted plan indicates "Class I Trucking Facility", although it apparently is a "Class II" trucking facility.

As to sub-paragraph 410.3b.1, this site is not within a planned industrial park and the gross area of the lot is indicated as 0.945 acres.

The Location Plan does not indicate all streets labeled as to their class nor the proposed route of trucks with distances to intersecting streets.

Hengemihle Avenue is a County road, which has been improved as a 24-foot open section roadway within a 40-foot right-of-way, which was originally constructed as a 14-foot wide crusher-run roadway as access for the Stemmers Run Sewer Pumping Station. (Drawing 853-1336, File 1).

Hengemihle Avenue is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way. Highway right-of-way widening, or indicated, including any necessary reversible easements for slopes will be required in connection therewith.

The entrance locations are subject to approval by the Department of Traffic Engineering. Entrances shall be constructed with a temporary tie-in to the existing section roadway; however, the entrances must also be designed to be compatible with the future highway improvements. The entrances shall be a minimum of 25 feet in width with 30-foot radius curb returns. All entrance gates shall be set back a minimum distance of 60 feet from the proposed curb so that an entering tractor-trailer unit does not project into the public roadway while awaiting the opening of the gates.

A detail indicating the dimensions and method of anchorage of the proposed truck wheel stops is required to be shown in the site plan. Wheel stops must be placed so that the rear of backing trucks or units will not hit or damage fencing, screening, light posts, etc. Where concrete curb and/or gutter or bituminous concrete curb is to be used as wheel stops, the typical pavement detail may be used to indicate the height and geometry of the curb and the treatment of the earth buttressing behind the curb.

A. L. Bierman
Page 2
March 20, 1979

The site plan does not meet the requirements of sub-paragraph 410.1b.4 for paving of the site. In accordance with Sec. 17 of the Comprehensive Manual of Development Policies, a Paving Certification, signed and sealed by a Registered Professional Engineer of appropriate qualifications is required to be shown on the site plan. The site plan must be revised to indicate both the existing and/or proposed typical pavement cross-section and locations of test borings or other means utilized to determine the existing pavement and soil conditions.

All proposed paving and/or grading must be indicated with proposed finished elevations by solid line contours. All existing pavement, ground, etc. must indicate existing elevations by dashed line contours.

The site plan does not indicate any provisions for accommodating storm water or drainage flows generated by the on-site improvements. Any grading of the site must be accomplished in a manner that does not increase surface water flows upon adjacent properties. On-site surface water flows should remain dispersed; however, concentrated storm water and drainage flows must be conveyed by paved swales (channels) or by closed conduits. All unimproved portions of the property must be completely stabilized in accordance with "Standards and Specifications for Soil Erosion and Sediment Control in Development Areas" (Published by the U. S. Department of Agriculture and available through the Soil Conservation Service).

The site plan must be revised to indicate all existing or proposed on-site drainage facilities, and all existing adjacent off-site drainage facilities that receive storm water and drainage flows from this property, and any side ditches or channels and/or pipe culverts in and along Hengemihle Avenue.

The plan must also be revised to show the extent of all areas that can be expected to become inundated by a high tide flood elevation of 8.676 (Baltimore County datum). No grading, filling or alteration of the existing ground within the limits of the wetlands will be allowed unless a permit is obtained from the Maryland Department of Natural Resources and/or the United States Corps of Engineers.

The subject property is situated along the east bank of Stemmers Run, indicated as within an Environmental Protection Area on the Interim Development Control Map. Based upon the Stemmers Run Flood Plain Study, prepared by Baker-Wilberly and Associates June 1975, (Plats No. 25) approximately 90% of this property lies within the future "uncontrolled" 100-year flood plain, while Plats No. 40 of the study indicates that even more property was inundated in the severe rainfall of August 1971 and would also be inundated under existing conditions by a 100-year storm.

The existing improvements, garage, etc. shown on the site plan, are within the 100-year flood plain; however, no additional buildings or other structures will be permitted within the limits of the 100-year flood plain. The grading and paving of the truck terminal within the 100-year flood plain will be permitted subject to the extent allowed by the Department of Natural Resources. However, the County will not assume any responsibility for any damage or injuries that may be sustained by the terminal, trucks and/or cargo and personnel or loss of life as a result of storm water flows or flooding.

The Applicant 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 Applicant.

A. L. Bierman
Page 3
March 20, 1979

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

Drainage plans and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Since the subject property is subject to inundation (approximately 90% of the total site), and is adjacent to that segment of Stemmers Run subject to tidal action, storm water management requirements may be waived, subject to concurrence by the Soil Conservation District.

This property is within the Baltimore County Metropolitan District and the Urban-Rural Recreation Line, and is an area designated "Existing Service" on Baltimore County Water and Sewerage Plans W and S-17A, as amended.

This property appears to be served with public water supply by service connection from the existing 3-inch water main, which was constructed as a service connection to the Stemmers Run Sewer Pumping Station and as shown on R.C.D.S. Drawing 853-1336 (1). The existing 3-inch main is not considered to be adequate for fire protection purposes and must be replaced with an 8-inch minimum water main, extending from Stemmers Run Road to the southeastmost outline of this property.

There are no fire hydrants within required minimum distance of this property.

The site plan does not indicate the means of providing sewage disposal facilities. Public sanitary sewerage can be made available to serve this property by constructing a public 8-inch sanitary sewer from the existing 8-inch sanitary sewer in Stemmers Run Road, approximately 200 feet northward of this property (Drawing 860-0774, File 1). This property is assumed to be utilizing private onsite sewage disposal.

The property owner must provide satisfactory means for the disposal of the wash-rack effluent, industrial waste, storm drainage and sanitary sewage.

A Public Works Agreement must be executed by the owner and Baltimore County for any public highway and/or utility improvements.

The foregoing comments are in no way to be construed as constituting approval of any governmental agencies, local, state or federal, that may have jurisdiction in this matter. It shall be the responsibility of the owner to determine the extent of any laws or regulations that may be applicable to this project and he shall fully comply with all requirements of the Maryland State Department of Natural Resources and the Baltimore County Department of Permits and Licenses.

(SIGNED) EDWARD A. MCDONOUGH

ELLSWORTH M. OLIVER, P.E.
Chief, Bureau of Engineering

cc: B. Grise, J. Seyffert, B. Norton, File
1-NW Key Sheet, 11 & 12 NE 27 Pos. Sheets
NE 3 G Topo, 90 Tax Map

STEPHEN E. COLLINS
DIRECTOR

April 23, 1982

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

Item No. 154 - ZAC - Meeting of March 2, 1982
Property Owner: Albert L. Bierman
Location: W/S Hengemihle Avenue 282' S. from centerline of Stemmers Run Rd.
Existing Zoning: ML-IM
Proposed Zoning: Special hearing to grant variances to the paving and fence requirements for trucking facilities and to determine the limits of the existing facility as it existed prior to the adoption of Bill 18-76.
Variance to permit tar and chip paving in lieu of the required bituminous or Portland cement concrete surface over a suitable base and to waive the requirement that the paving, base and soil for the entire site be certified as sufficient for trucking use. To eliminate screening and fence requirements along the front and rear property lines.
Acres: 0.945
District: 15th

Dear Mr. Hammond:

The access to this site does not and can not meet County standards, but it is acceptable because of the low traffic volumes on Hengemihle Avenue.

Sincerely,

Michael S. Flanagan
Michael S. Flanagan
Engineering Associate II

MSF/r1j

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

April 12, 1982

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

Dear Mr. Hammond:

Comments on Item #154, Zoning Advisory Committee Meeting of March 2, 1982, are as follows:

Property Owner: Albert L. Bierman
Location: W/S Hengemihle Avenue 282' S. from centerline of Stemmers Run Road
Existing Zoning: ML-IM
Proposed Zoning: Special Hearing to grant variances to the paving and fence requirements for trucking facilities and to determine the limits of the existing facility as it existed prior to the adoption of Bill 18-76. Variance to permit tar and chip paving in lieu of the required bituminous or Portland cement concrete surface over a suitable base and to waive the requirement that the paving, base and soil for the entire site be certified as sufficient for trucking use. To eliminate screening and fence requirements along the front and rear property lines.

Acres: 0.945
District: 15th

The existing building is served by a private septic system and metropolitan water. The septic system appears to be functioning properly, therefore no health hazards are anticipated.

Very truly yours,

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

LJF/als

TED JAKSCHI, JR.
DIRECTOR

March 3, 1982

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

Dear Mr. Hammond:

Comments on Item #154, Zoning Advisory Committee Meeting, March 2, 1982

Property Owner: Albert L. Bierman
Location: W/S Hengemihle Avenue 282' S from centerline Stemmers Run Road
Existing Zoning: ML-IM
Proposed Zoning:

Acres: 0.945
District: 15th

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
- A building/ permit shall be required before beginning construction.
- Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required.
- Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- 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 6" masonry firewall is required if construction is on the lot line.
- Requested variance conflicts with the Baltimore County Building Code, Section/ s.
- A change of occupancy shall be applied for, along with an alteration permit application, and three required set s of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- Before this office can comment on the above structure, please have the owner, turn 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 211.
- Comments: Please consult with Public Works to determine if any part of this is in a flood plain. If so, Section 119 of Bill 189-79 will be effective until March 18, 1982 when the new Building Code and a new corresponding section will be applicable, in Bill 18-82 controlling construction in flood plains.

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 #102 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burman
Charles E. Burman, Chief
Plans Review

CEB/rj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 1, 1982

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

Z.A.C. Meeting of: March 2, 1982

RE: Item No: 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164
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

WRP/p

PETITION FOR SPECIAL HEARING AND VARIANCES

15th Election District

ZONING: Petition for Special Hearing and Variances
LOCATION: West side of Hengemihle Avenue, 282 ft. South of the centerline of Stemmers Run Road
DATE & TIME: Tuesday, November 30, 1982 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner has the authority to grant variances to the paving and fence requirements for trucking facilities and to determine the limits of the existing facility as it existed prior to the adoption of Bill 18-76; and Variances to permit tar and chip paving in lieu of the required bituminous or Portland cement concrete surface over a suitable base and to waive the requirement that the paving, base and soil for the entire site be certified as sufficient for trucking use and to eliminate screening and fence requirements along the front and rear property lines

The Zoning Regulation to be excepted as follows:
Section 410A.3.1.6 (IX.A.2 of CMDP) - required paving and sub base for trucking facilities
Section 410A.3.3.B.4 - required screening and fencing for trucking facilities
All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Albert L. Bierman, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, November 30, 1982 at 10:00 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

December 12, 1979

Mr. Ronald W. Parker
Attorney at Law
71444 Pulaski Highway
White Marsh, Maryland 21162

Dear Mr. Parker:

The Administration is in receipt of your letter dated December 3, 1979, regarding Mr. Bierman's property on Hengemihle Avenue. As you indicated, this property is within the 100 year floodplain of Stemmers Run and would require a Maryland waterway construction permit prior to initiating any work.

I cannot give you the assurance that a permit would be issued until a complete review of the project has been made. The Administration has issued permits for paving and parking facilities within the 100 year floodplain. The fence at this location is questionable since it will become an obstruction during periods of high flow and this may not be acceptable.

If you should have any specific questions regarding this matter, please contact Mr. Michael A. Potts, Chief of the Watershed Permits Division, at 263-265.

Sincerely,

Leroy Jones
Leroy Jones
Regional Chief
Enforcement Division

LJ/das

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond, Zoning Commissioner
FROM: Norman Lounstein, Councilman, Fifth District
SUBJECT: Albert L. Bierman - Petitioner
83-126 - SPHA
Item #154

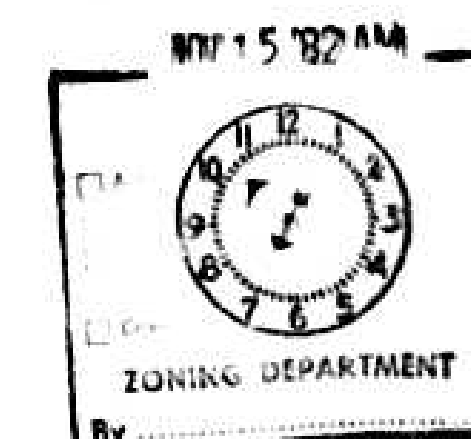
Date: November 12, 1982

If the above mentioned property is the same that can be seen from Route 702, any help you can give in hiding the unsightly view will be appreciated.

It appears that this property is on the verge of becoming a "dump".

NEL:mc

Enclosure



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Donald P. Hutchinson
FROM: William E. Hammond
SUBJECT: Zoning Hearings

Date: November 4, 1982

TUESDAY, NOVEMBER 30, 1982

9:30 A.M. North side of Pulaski Hwy., 555 ft. East of Jones Road
11th Election District - 5th Councilmanic District
Petition for Special Exception for one double-faced illuminated outdoor advertising structure (sign)
Donald Ellis - Petitioner

83-125-X
Item #49

10:00 A.M. West side of Hengemihle Ave., 282 ft. South of the centerline of Stemmers Run Road
15th Election District - 5th Councilmanic District
Petition for Special Hearing for the authority to grant variances to the paving and fence requirements for trucking facilities and to determine the limits of the existing facility as it existed prior to the adoption of Bill 18-76; Variances to permit tar and chip paving in lieu of the required bituminous or Portland cement concrete surface over a suitable base and to waive the requirement that the paving, base and soil for the entire site be certified as sufficient for trucking use and to eliminate screening and fence requirements along the front and rear property lines
Albert L. Bierman - Petitioner

83-126-SPHA
Item #154

THURSDAY, DECEMBER 2, 1982

9:30 A.M. Southwest side of Rossville Blvd., 405 ft. South of Race Road
15th Election District - 6th Councilmanic District
Petition for Special Exception for one double-faced (12' x 27") illuminated outdoor advertising structure (sign)
Wayne Sullivan - Petitioner

93-127-X
Item #50



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

ARNOLD JABLON
ZONING COMMISSIONER

January 30, 1984

Ronald W. Parker, Esquire
11433 Pulaski Highway
White Marsh, Maryland 21162

RE: Petitions for Special Hearing and
Variances
W/S of Hengemihle Ave., 282' S of the
center line of Stemmers Run Rd. - 15th
Election District
Albert L. Bierman - Petitioner
NO. 83-126-SPHA (Item No. 154)

Dear Mr. Parker:

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

Very truly yours,

JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: People's Counsel

David W. Dallas, Jr. and Sons

Registered Professional Engineers & Land Surveyors

7008 HANFORD ROAD - BALTIMORE, MARYLAND 21234

PHONE: (301) 254-8228

David W. Dallas, Jr., P.E., R.L.S.

Michael B. Dallas, P.L.S.

CLASS II TRUCKING FACILITY FOR A. L. BIERMAN

BEGINNING for the same on the westernmost side of Hengemihle Avenue
(40 feet wide) at a point distant 282 feet measured in a southerly direction
from the center of Stemmers Run Road thence binding on the westernmost
side of said road south 27 degrees 38 minutes West 150 feet, thence
leaving said road and running the four courses and distances north
58 degrees 23 minutes west 227.18 feet, north 05 degrees 24 minutes
east 140.25 feet, north 48 degrees 09 minutes east 42.89 feet and
south 54 degrees 40 minutes east 267.10 feet to the place of
beginning.

CONTAINING 0.945 acres of land more or less.

RONALD W. PARKER

JOSEPH M. GUIDA

ATTORNEYS AT LAW

11433 Pulaski Highway, White Marsh, Md. 21162

November 20, 1981

Balto. County Zoning Commissioner
County Office Building
Chesapeake Avenue
Towson, Md. 21204

Re: Variance for 1130 Hengemihle
Rd.

Gentlemen:

Enclosed please find my check in the amount of \$25.00
also, with Petition for Zoning Variance, to be accepted on
behalf of my client, Albert L. Bierman.

Very truly yours,

Ronald W. Parker

RWP:bw
Enclosure

RONALD W. PARKER

JOSEPH M. GUIDA

ATTORNEYS AT LAW

11433 Pulaski Highway, White Marsh, Md. 21162

February 3, 1982

Mr. Nick Commodari
Zoning Dept. Balto. County
County Office Building
Towson, Md. 21204

Re: Bierman Trucking, Inc.

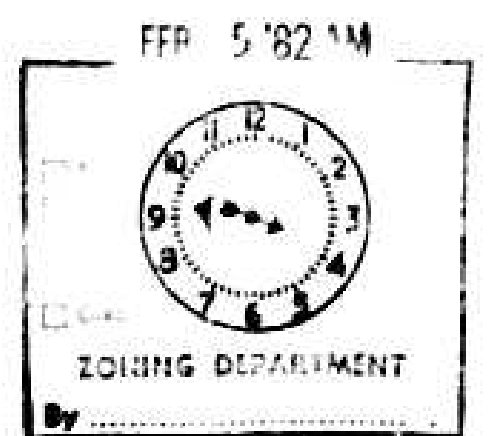
Dear Nick:

Enclosed please find three original Petition for Special
Hearing to be filed with your department. I have previously
forwarded you my check and site plans.

Very truly yours,

Ronald W. Parker

RWP:bw
Enclosure



November 3, 1982

Ronald W. Parker, Esquire
11433 Pulaski Highway
White Marsh, Maryland 21162

NOTICE OF HEARING

Re: Petitions for Special Hearing and Variances
W/S of Hengemihle Ave., 282' S of the c/l of
Stemmers Run Road
Albert L. Bierman - Petitioner
Case #83-126-SPHA Item #154

TIME: 10:00 A.M.

DATE: Tuesday, November 30, 1982

PLACE: Room 106, County Office Building, 111 West

Chesapeake Avenue, Towson, Maryland

[Signature]
ZONING COMMISSIONER OF
BALTIMORE COUNTY



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

November 17, 1982

Ronald W. Parker, Esquire
11433 Pulaski Highway
White Marsh, Maryland 21162

Re: Petition for Special Hearing & Variances
W/S of Hengemihle Ave., 282' S of the
c/l of Stemmers Run Road
Albert L. Bierman - Petitioner
Case #83-126-SPHA

Dear Mr. Parker:

This is to advise you that \$77.97 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,

[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

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

No. 113010

DATE 11-30-82 ACCOUNT R-61-625-000

AMOUNT \$77.97

[Signature]
for Advertising & Posting Case # 83-126-SPHA

6 885-0000779710 5300A

VALIDATION OR SIGNATURE OF CARRIER

RE: PETITIONS FOR SPECIAL HEARING AND
VARIANCES
W/S of Hengemihle Ave., 282' S of the
center line of Stemmers Run Rd.
15th Election District
Albert L. Bierman - Petitioner
NO. 83-126-SPHA (Item No. 154)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

The herein petitioner seeks a determination as to whether the zoning commissioner
has the authority to grant variances to the paving and fence requirements for trucking
facilities, and a determination of the limits of the facility as it existed prior to
the adoption of Bill 18-76. Further, variances are requested to permit tar and chip
paving in lieu of the required bituminous or Portland cement concrete surface over a
suitable base, to waive the requirement that the paving, base, and soil for the entire
site be certified as sufficient for trucking use, and to eliminate screening and fence
requirements along the front and rear property lines as shown on the site plan.

Albert L. Bierman, petitioner, testified that he purchased the property in 1964,
and in 1966 developed a nonconforming trucking facility which has been operated contin-
uously. A site plan revised November 6, 1981, and marked Petitioner's Exhibit 11, was
submitted to indicate the limits of the facility as it existed prior to the adoption of
Bill 18-76. Testimony indicated that the property is located in a flood plain and a
floodplain map shows the site from the residentially zoned property on the east side of Henge-
mihle Avenue, utilized by the Eastern Vocational Technical School. A letter from the
State Resources Administration (Petitioner's Exhibit 10) states:

"The fence at this location is questionable since it will become an
obstruction during periods of high flow and this may not be accept-
able."

No one appeared at the hearing in opposition.

The Baltimore County Zoning Regulations state that the purpose of the Trucking
Facilities legislation is:

"To ensure that the improvements on the sites of existing
and future Class II Trucking Facilities are of such design,
quality, or character that they will not be likely to de-
teriorate in such a way that a public nuisance would be
created or that the public interest would otherwise be
adversely affected. . . . While aiming at the impact of ex-
isting and future Class II trucking facilities on the en-
vironment and achieving an optimum level of compatibility
between such facilities and nearby uses, especially dwellings
and institutional uses." (410A.4.B)

In addition, the Regulations provide "All parking, loading, and maneuvering areas
must be paved in accordance with adopted design provisions. . . ." (410A.3.B.6)

The Comprehensive Manual of Development Policies, revised February 17, 1983
specifies:

"IX.A.2. Standards.

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

IX.A.3. . . .

IX.A.4. Engineering Certification.

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

There is a question as to whether or not a variance can be granted to the paving
requirements for trucking facilities. Section 307 of the zoning regulations vests in

the zoning commissioner "...the power to grant variances from height and area regulations, from off-street parking regulations...only in cases where strict compliance with the zoning regulations...would result in practical difficulty or unreasonable hardship...only if in strict harmony with the spirit and intent...and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare."

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

In the opinion of the Deputy Zoning Commissioner, the February 17, 1983 revision of C.M.D.P. "Two (2) or more applications of bituminous surface treatment over a suitable base," allows tar and chip paving so long as it is installed in accordance with Baltimore County specifications, i.e., State of Maryland, State Road Commission, Specifications for Materials, Highways, Bridges and Incidental Structures, March 1968, and is certified sufficient to withstand loads imposed by expected truck traffic and storage activities; however, this standard is not subject to variance.

Section 410.A.3.B.4 of the Baltimore County Zoning Regulations specify "...that part of the site devoted to trucking operations (not including the automobile-parking

area) must be surrounded by security fencing at least 6 feet high. In any zone, except for approved access points, the site as a whole must be enclosed or partially enclosed by opaque fencing, walls, or living screen planting to visually screen the use and its accessory uses from residential zones, from residential premises or from churches, schools, hospitals, or other, similar institutional uses, and to prevent extension of uses beyond the site boundaries ..."

In the opinion of the Deputy Zoning Commissioner, she has the authority to grant variances to fencing and screening on trucking facility sites under the provisions of Sections 307 Variances, 410A.3 Site and development standards, and 410A.4.A Consistency of actions with purposes. It should be noted, that there are no adopted design provisions for fencing and screening.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 30th day of January, 1984, that the Petition for Special Hearing is GRANTED, in part, and DENIED, in part, as follows:

1. that the limits of the nonconforming trucking facility as it existed prior to the adoption of Bill 18-76 are accurately reflected on Petitioner's Exhibit 11,
2. that the Zoning Commissioner does have the authority to grant variances to fence requirements for trucking facilities as specified in Section 410A of the Baltimore County Zoning Regulations, and, as such, the Petition for Special Hearing is hereby GRANTED, in part; further,
3. that the Zoning Commissioner does not have the authority to grant variances to the paving requirements for trucking facilities under C.M.D.P. IX.A.2, and, as such, the Petition for Special Hearing is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Variances is GRANTED, in part, DENIED, in part, and DISMISSED, in part, as follows:

1. that to eliminate the fence along the rear property line is GRANTED,
2. that to waive the requirement that the paving, base, and soil for the entire site be certified as sufficient for trucking

use and to eliminate screening along the front property line are hereby DENIED; and,

3. that to permit tar and chip paving in lieu of the required bituminous or Portland cement concrete surface over a suitable base is DISMISSED as MOOT, tar and chip paving being now permitted, subject to certification pursuant to C.M.D.P. IX.A.2.

Jean Marie Jung
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE January 30, 1984
BY May Langner (Clerk)

RONALD W. PARKER
JOSEPH M. GUIDA
ATTORNEYS AT LAW

1433 Pulaski Highway, White Marsh, Md. 21242
January 3, 1983

Ms. Jean Marie Jung
Zoning Office
County Office Building
Baltimore County
Towson, Maryland 21204

Re: Zoning Petition No. 83-126 SpHA
ALBERT L. BICKMAN

Dear Ms. Jung:

As a result of the hearing on November 30, 1982, whereby the Petitioner requested variances to the County's request to have the Respondent comply with Truck Terminal Act, Bill 18-76:

1. The first issue was whether or not the Zoning Commissioner had the authority to grant a variance for the relief requested. Section 307 of the Baltimore County Zoning Manual, page 146 states "the Zoning Commissioner of Baltimore County shall have and hereby is given the power to grant variances etc.", thus, the Commissioner is vested with the authority to grant the Petitioner's request.

2. The respondent requested a variance from the required paving certification. Said property has been in existence since 1964 with a substantial foundation which has resulted in no sagging, running, sinking, etc to the truck paving, building, terminal etc. prior to the enactment of the Truck Terminal Act Bill. Therefore, it would be inequitable and ex post facto to require the Petitioner to submit to the paving certification. We ask that the Zoning Commissioner's Office personally inspect the terminal and examine the adequate paving surface.

3. Testimony at the hearing showed that the property is surrounded in the back by the respondent's property, to both sides are trucking companies and to the front by a steep hill concealing the subject property from other's visibility. Therefore, it would be useless and impracticable to require any type of fencing and/or screening. Furthermore, the property is fenced on both sides and the front. Gates would not be allowed as they require 60 feet set backs and there is not sufficient room to allow them. Again, the respondent asks that the Zoning Office personally view the premises and, if possible, calling the respondent and attorneys so they could be present when the premises are inspected.

Page 2

Re: Zoning Petition No. 83-126 SpHA

4. The respondent asks for variance for curbing and guttering as said property does comply with the requirements of road stops as there has been railroad ties permanently imbedded with stakes into the ground. Additional fencing and curbs would not be allowed as it lies in the flood plane which has been evidenced by a letter from the State Department of Natural Resources, Mr. Leroy Jonas.

5. The Commissioner asked the respondent to comment concerning the comments by the Baltimore County Plans Advisory Committee dated November 26, 1982 - which was received the day before the respondent's hearing. The trailer mentioned in the Advisory's comments has been removed. Comments from Mr. Diver, Chief of the Bureau of Engineering are not applicable as the respondent's property was in existence, properly zoned by a special exception for a truck terminal in September 2, 1964. The respondent is not asking for any additional building permits, alterations or changes, just to be allowed to continue the operation he has had for the last 18 years.

6. The letter from Steve Collins, Director of Engineering, indicated the site is acceptable because of the low traffic volume.

7. The letter from Dr. Roop, Health Department, indicated that the property was in compliance.

8. Charles E. Burnham, Chief of Plans Review, asks the respondent to consult with the Public Works concerning flood plane Section 319 of Bill 199-79. The respondent was finally able to locate said bill. This bill is not applicable as it was effective to March 18, 1982. Furthermore, the act applies to construction, alterations, permits whereas, the subject property was and is existing and was put there prior to the enactment of the flood plane act. Additionally, the respondent complied with all building regulations, permits variances in 1964 when the said property was constructed.

To summarize, the respondent concedes that if he was constructing a new terminal, he would have to comply with the applicable provisions of Bill 18-76. However, as the respondent has been in existence for approximately 18 years, he is not asking for additions, alterations, but only that he be allowed to continue to operate his business as he has for the last several years. All of the variances requested are reasonable and the denial thereof would be a financial hardship or a total impracticability on the part of the respondent.

Respectfully submitted
Ronald W. Parker
Ronald W. Parker

RONALD W. PARKER
JOSEPH M. GUIDA
ATTORNEYS AT LAW

1433 Pulaski Highway, White Marsh, Md. 21242
January 3, 1983

Ms. Jean Marie Jung
Zoning Office
County Office Building
Baltimore County
Towson, Maryland 21204

Re: Zoning Petition No. 83-126 SpHA

Dear Ms. Jung:

As a result of the hearing on November 30, 1982, whereby the Petitioner requested variances to the County's request to have the Respondent comply with Truck Terminal Act, Bill 18-76:

1. The first issue was whether or not the Zoning Commissioner had the authority to grant a variance for the relief requested. Section 307 of the Baltimore County Zoning Manual, page 146 states "the Zoning Commissioner of Baltimore County shall have and hereby is given the power to grant variances etc.", thus, the Commissioner is vested with the authority to grant the Petitioner's request.
2. The respondent requested a variance from the required paving certification. Said property has been in existence since 1964 with a substantial foundation which has resulted in no sagging, running, sinking, etc to the truck paving, building, terminal etc. prior to the enactment of the Truck Terminal Act Bill. Therefore, it would be inequitable and ex post facto to require the Petitioner to submit to the paving certification. We ask that the Zoning Commissioner's Office personally inspect the terminal and examine the adequate paving surface.

3. Testimony at the hearing showed that the property is surrounded in the back by the respondent's property, to both sides are trucking companies and to the front by a steep hill concealing the subject property from other's visibility. Therefore, it would be useless and impracticable to require any type of fencing and/or screening. Furthermore, the property is fenced on both sides and the front. Gates would not be allowed as they require 60 feet set backs and there is not sufficient room to allow them. Again, the respondent asks that the Zoning Office personally view the premises and, if possible, calling the respondent and attorneys so they could be present when the premises are inspected.

Page 2

Re: Zoning Petition No. 83-126 SpHA

4. The respondent asks for variance for curbing and guttering as said property does comply with the requirements of road stops as there has been railroad ties permanently imbedded with stakes into the ground. Additional fencing and curbs would not be allowed as it lies in the flood plane which has been evidenced by a letter from the State Department of Natural Resources, Mr. Leroy Jonas.

5. The Commissioner asked the respondent to comment concerning the comments by the Baltimore County Plans Advisory Committee dated November 26, 1982 - which was received the day before the respondent's hearing. The trailer mentioned in the Advisory's comments has been removed. Comments from Mr. Diver, Chief of the Bureau of Engineering are not applicable as the respondent's property was in existence, properly zoned by a special exception for a truck terminal in September 2, 1964. The respondent is not asking for any additional building permits, alterations or changes, just to be allowed to continue the operation he has had for the last 18 years.

6. The letter from Steve Collins, Director of Engineering, indicated the site is acceptable because of the low traffic volume.

7. The letter from Dr. Roop, Health Department, indicated that the property was in compliance.

8. Charles E. Burnham, Chief of Plans Review, asks the respondent to consult with the Public Works concerning flood plane Section 319 of Bill 199-79. The respondent was finally able to locate said bill. This bill is not applicable as it was effective to March 18, 1982. Furthermore, the act applies to construction, alterations, permits whereas, the subject property was and is existing and was put there prior to the enactment of the flood plane act. Additionally, the respondent complied with all building regulations, permits variances in 1964 when the said property was constructed.

To summarize, the respondent concedes that if he was constructing a new terminal, he would have to comply with the applicable provisions of Bill 18-76. However, as the respondent has been in existence for approximately 18 years, he is not asking for additions, alterations, but only that he be allowed to continue to operate his business as he has for the last several years. All of the variances requested are reasonable and the denial thereof would be a financial hardship or a total impracticability on the part of the respondent.

Respectfully submitted

Ronald W. Parker

BALTIMORE COUNTY, MARYLAND

INT. OFFICE CORRESPONDENCE

William E. Hammond
TO: Zoning Commissioner
Norman E. Gerber
FROM: Director of Planning and Zoning
SUBJECT: Zoning Petition No. 83-126 SpHA
ATTN: L. Wierman

This office is of the opinion that the requested variance to the paving requirements cannot be granted.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:dme

Ronald W. Parker, Recorder
11425 Pulaski Highway
White Marsh, Md. 21162

David W. Collins, Jr. & Sons
7900 Harford Road
Baltimore, Md. 21234

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 29th day of October, 19 82.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Albert L. Bierman

Petitioner's Attorney Ronald W. Parker, Esq. Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

The Times

Middle River, Md., Nov. 11 19 82

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 11th day of Nov, 19 82.

Charles H. Hest Publisher.

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 11th, 19 82.

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 of one time successive weeks before the 30th day of November, 19 82, the last publication appearing on the 11th day of November, 19 82.

THE JEFFERSONIAN

R. L. Smith
Manager.

Cost of Advertisement, \$ _____

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 5 Date of Posting 11/2/82
Posted for: Albert L. Bierman
Petitioner: Albert L. Bierman
Location of property: 2815 Kensington Ave., 2815 S. of the
Chesapeake River Rd.
Location of Signs: East of property facing Highway
Kensington Rd.
Remarks: _____
Posted by: Mar. 2. Collins Date of return: 11/19/82
Number of Signs: 2

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this 16 day of Feb, 19 82.

Filing Fee \$ 25 Received: 25 Check 25 Cash 25 Other 25

#154 No. 105703

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

DATE 2-23-82 ACCOUNT 01-662 RECEIVED BY R. Parker
AMOUNT \$25.00 RECEIVED BY MB

RECEIVED Ronald Parker
FROM filing fee for Item #154
FOR (Bierman)

89 3 4 8 23 25.00 NC

VALIDATION OR SIGNATURE OF CASHIER



David W. Davies, Jr. & Sons
7008 Harford Road
Baltimore, Md. 21234

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


WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner's Attorney Ronald W. Parker, Esq. viewed by: Nicholas B. Commodari
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

18th Election District
ZONING Ordinance
Special Housing and Va

LOCATION West
of Hengemile Ave
133 ft South of the
terline of Stemmers
Road
DATE & TIME
day, November 30, 1961
10:00 A.M.
PUBLIC HEAR
Room 106, County
Building, 111 W
peske Avenue, T
Maryland
Training C

The
alones of Baltimore
by authority
Zoning Act
of Baltimore
shall have a public
Petition for
Hearing under
§ 60-17
County Zoning
law to deter-
mine if or not
Commerce will
Deputy Zoning
alones has the
rent valuations
ing and
ment is for
terial and
the labor
facility as
to the adop-
tion and Va-
mit tax and
tion of the
source or in-
crease
suitable
the requir-
giving.
the entire
as suffi-
use as
screen-
quorum
and re-
The
to be
Section
of CM

Se
qu
ing
A
the
Ba
ch
w
en
w
fe
i
s
f

Middle River, Md.

This is to Certify, That the annexed

was inserted in the Times, a newspaper printed
and published in Baltimore County, once in each
of _____ successive
weeks before the _____ day of _____
_____ 19 ____

Publisher _____

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
441 W. Cassape's Avenue
Lawrence, Kansas 66044

Your Petition has been received this _____ day of _____ 19____.

Filing Fee \$ 21 _____

No. 105703

BALTIMORE COUNTY MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Condition	Control (%)	MCI (%)	AD (%)
A	~95	~85	~75
B	~90	~80	~70
C	~85	~75	~65
D	~80	~75	~70

LOWSON, M. J., and GREGORY, L. C. 1978.

THIS IS A TRUE COPY of the unredacted advertisement, as published in the 22 OCTOBER 1991 edition of newspaper printed and published by the Singapore Free Press and Mornng Free Press of Singapore, ~~XXXXXXXXXXXX~~ before the 31st day of November 1991, the date of publication appearing on the 1st day of November 1991.

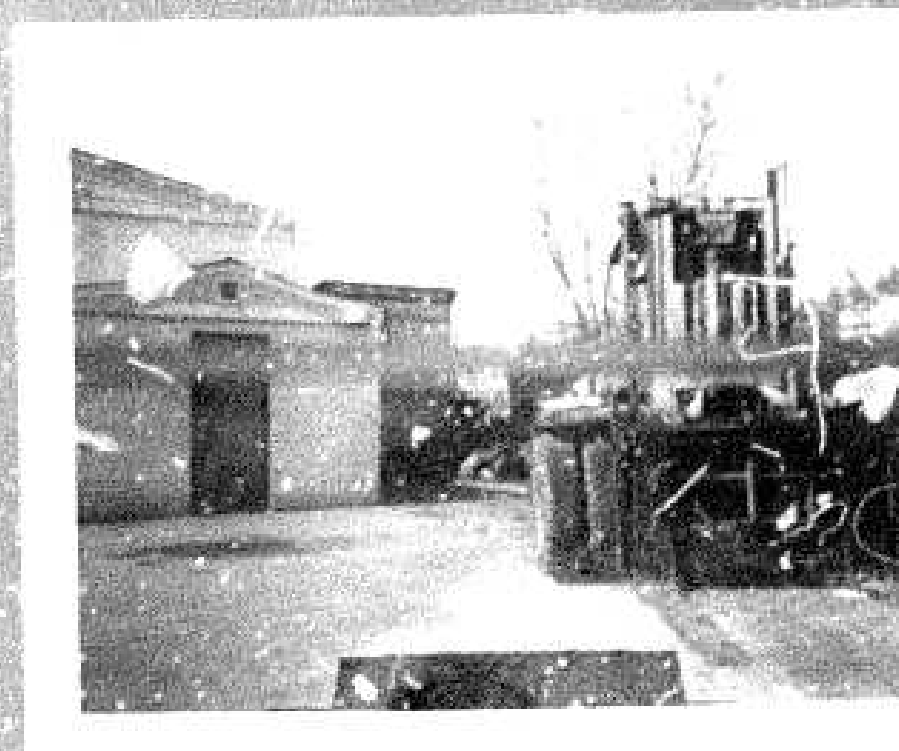
THE JEFFERSONIAN

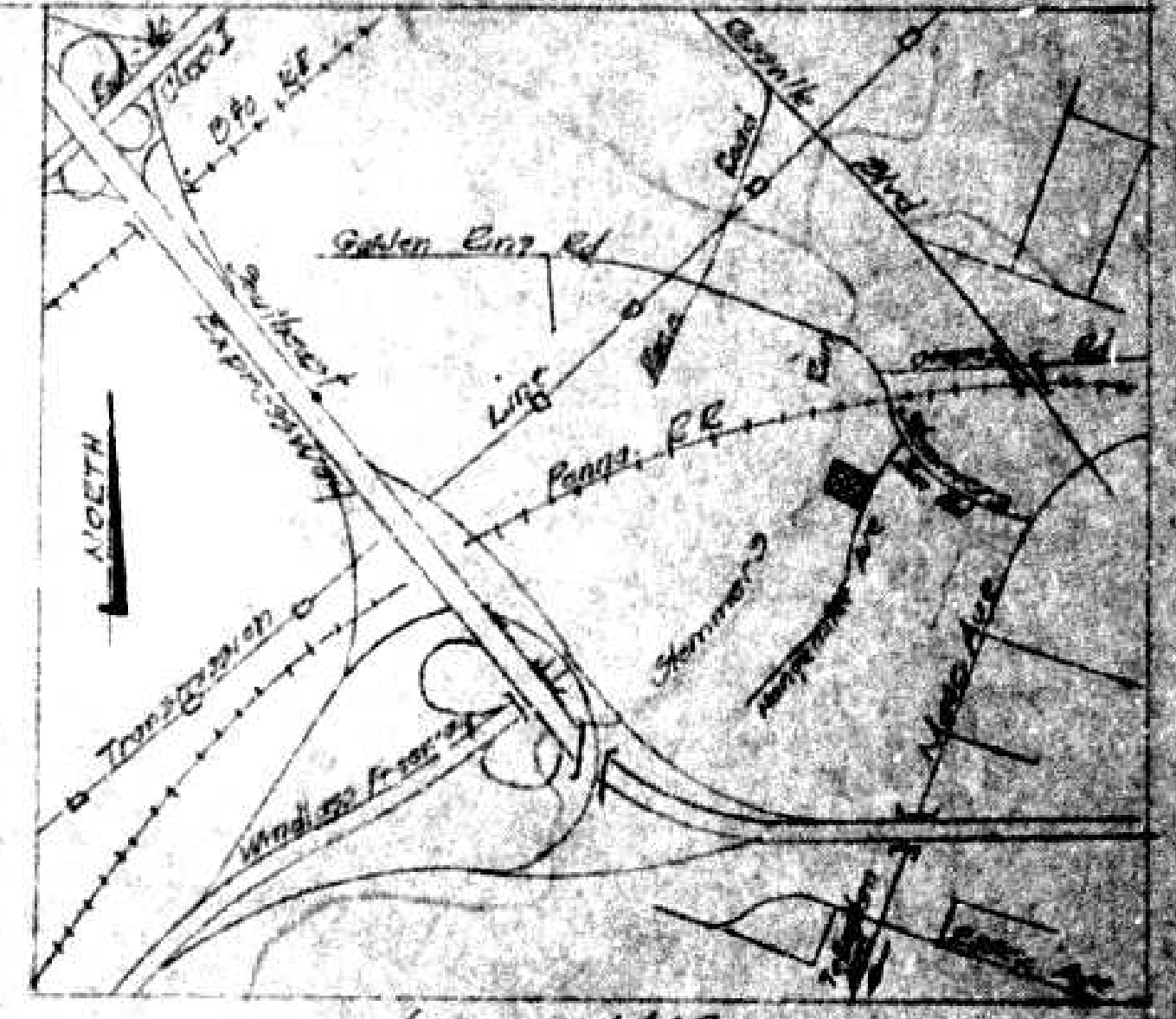
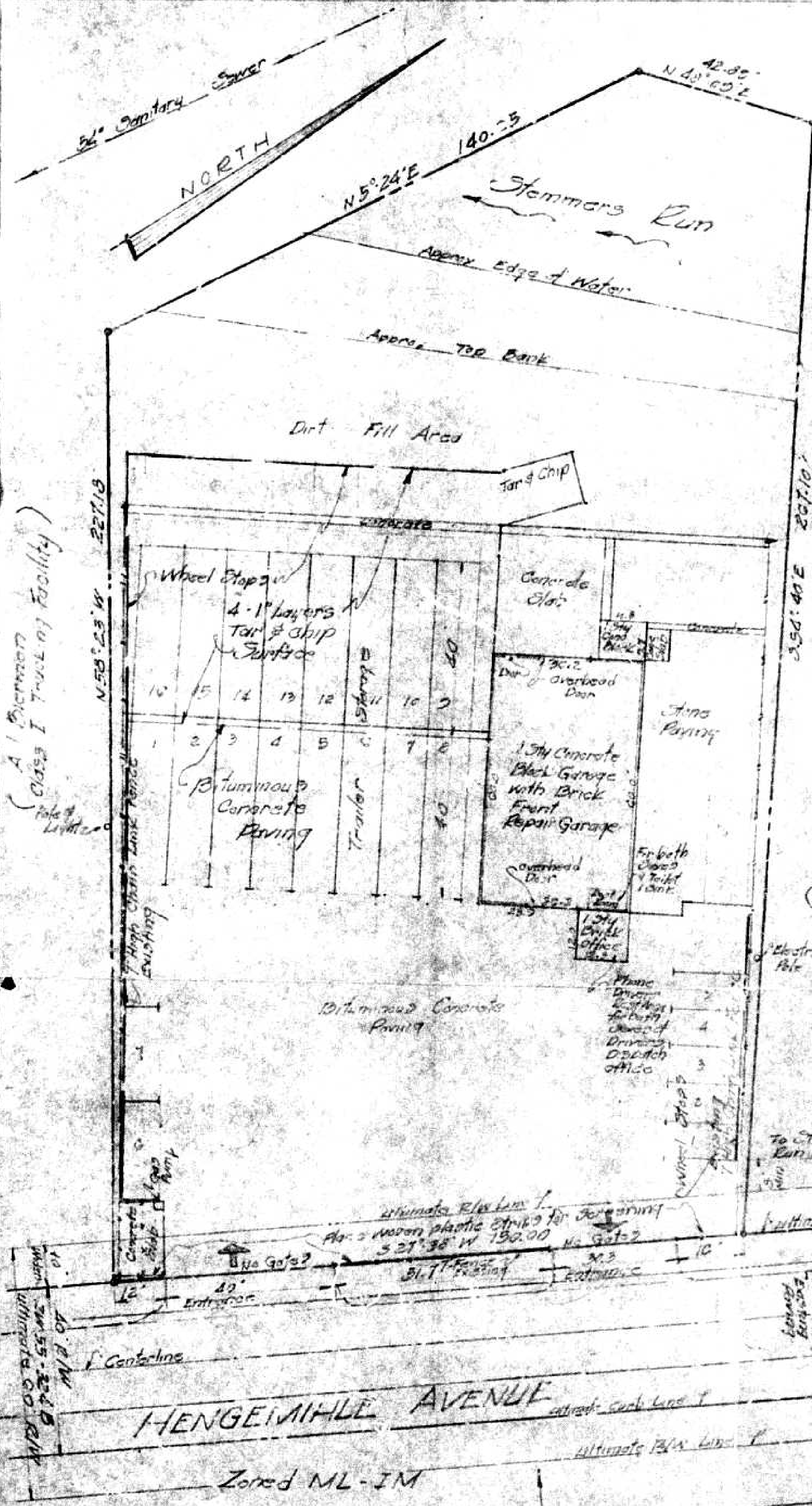
7. <http://www.fishbase.org>

CERTIFICATE OF POSTING

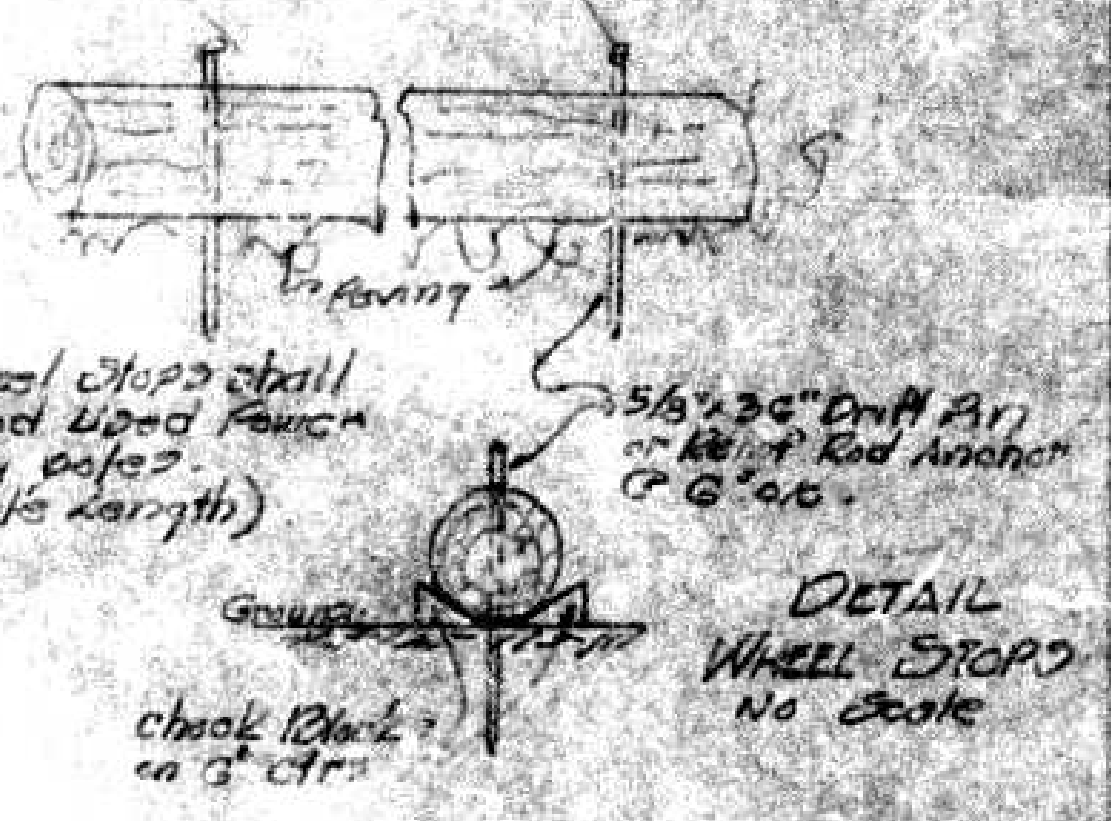
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District	Date of Posting
Posted for	
Petitioner	
Location of property	
Description of Signs	
Remarks	
Posted by	Date of Return
Number of Copies	





- ZONING DATA** (Data based on GB-03 EX)
- Existing zoning ML-IM with Special Exception for Truck Terminal.
 - Gross Acreage of Tract 0.2451 acres
 - Hours of Operation 7 Days/Week 24 Hr/Day
 - No Junked vehicles or automotive parts shall be stored on site.
 - Maximum number of vehicles to be on site 40 long x 10 wide 10 Vehicles
 - Required Parking for Passenger Cars 4 spaces / 2 + 2 + 2 = 7 Spaces
 - Proposed Parking 23 Spaces for 10 vehicles 7 cars
 - FAR office 141.0 SF, Terminal 312 SF, 2424.5 SF / 0.2451 Ac = 43500 SF/Ac = 0.009
 - Truck Route: Northwest on Hengeimhle to Southeast on Stammers Run Road to either Southwest on Maca Ave to Eastern Ave or Northeast on Maca Ave to Northwest on Edzsville Blvd.
 - All truck parts will be stored inside the building and not be stored outdoors.
 - There are no existing or proposed signs.



HENGEIMHLE AVENUE

Zoned ML-IM
 Zoned Divided Line
 Board of Education of Baltimore County
 Pay Fees for Eastern Vt. Tech School
 Zoned DR 5.5

PETITIONER'S EXHIBIT II

CLASS II TRUCKING FACILITY FOR A.L. BIERMAN

782 L. 2300 Ave. Baltimore Mid 21221 Phone 687-4000 (Home) 687-1070
 Office Phone 687-1070
 15th Electric District Baltimore Co. Md
 Date 1-20 May 31, 1977
 Address: Renato W. Bierman
 1244 Rutaski Hwy.
 White Marsh Md 21102
 Phone 336-8000
 Computed from Plot, Grade & Survey

DAVID W. SALLAS, P.E. CIVIL ENGINEER
 2544 N. 21ST ST. BALTO, MD. 21218
 254-4105

APPROVED
 Zoning Comm. 3210051 Date
 COUNTY TRUCKING FACILITIES DEVELOPMENT OFFICIALS
 APPROVED
 Chairman Date

APPROVED
 DATE 5/31/77
 400/70
 SWH
 11/12
 11/12

