

322
86-114-XA
PETITION FOR SPECIAL-EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 a moving and storage facility under Section 253.2.A.3A.

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.

Legal Owner(s):
Jennie M. Beard
(Type or Print Name)
Signature: *Jennie M. Beard*
(Type or Print Name)
Signature

Contract Purchaser:
Eastern Moving and Storage Co., Inc.
(Type or Print Name)
Signature: *James E. Bishop, Jr.*
(Type or Print Name)
Signature

Address:
Baltimore, Maryland 21220
City and State

Attorney for Petitioner:
Herbert R. O'Connor, III
(Type or Print Name)
Signature: *Herbert R. O'Connor, III*
(Type or Print Name)
Signature

Address:
5711 Hamilton Avenue
Baltimore, Maryland 21237
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Herbert R. O'Connor, III
210 Allegheny Avenue
Towson, Maryland 21204
823-4111

ORDERED BY The Zoning Commissioner of Baltimore County, this 31st day of July, 1985, 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 12th day of September, 1985, at 10:15 o'clock.

Carl John
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
DATE 8/1/85
BY *John P. [illegible]*

322
86-114-XA
PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 255.1 TO PERMIT: a 16 foot rear yard set back in lieu of the required 30 feet, and 409.2.c.(2) (IX.A.2 CDP) to permit crusher run stone compacted paving in lieu of tar and chip paving, etc.

These structures presently exist on the property at this distance from the railroad line; to require the buildings to be moved would be impractical. In light of the few number of automobiles utilizing this area and the cost of tar and chip paving, it would be impossible to require the same.

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.

Legal Owner(s):
Jennie M. Beard
(Type or Print Name)
Signature: *Jennie M. Beard*
(Type or Print Name)
Signature

Contract Purchaser:
Eastern Moving and Storage Co., Inc.
(Type or Print Name)
Signature: *James E. Bishop, Jr.*
(Type or Print Name)
Signature

Address:
Baltimore, Maryland 21220
City and State

Attorney for Petitioner:
Herbert R. O'Connor, III
(Type or Print Name)
Signature: *Herbert R. O'Connor, III*
(Type or Print Name)
Signature

Address:
5711 Hamilton Avenue
Baltimore, Maryland 21237
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Herbert R. O'Connor, III
210 Allegheny Avenue
Towson, Maryland 21204
823-4111

ORDERED BY The Zoning Commissioner of Baltimore County, this 31st day of July, 1985, 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 12th day of September, 1985, at 10:15 o'clock.

Carl John
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
DATE 8/1/85
BY *John P. [illegible]*

IN RE: PETITION FOR SPECIAL EXCEPTION ZONING VARIANCES
NW/S of Pulaski Highway, 1/282' NE of Middle River Road (9716 Pulaski Highway) - 15th Election District
Jennie M. Beard, Petitioner
BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 86-114-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a moving and storage facility and variances to permit a rear yard setback of 16 feet instead of the required 30 feet and a compacted crusher-run stone parking area instead of the required durable and dustless surface, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by James E. Bishop, Jr., President of Eastern Moving and Storage Company, Inc., the Lessee, appeared and testified and was represented by Counsel. Carl Gerhold, a registered land surveyor, also appeared and testified on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, zoned M.L. and located on Pulaski Highway, has been improved for over 20 years with a building used as a moving and storage facility. Such use began at a time when the M.L. Zone permitted it as a matter of right. However, the tenant who previously used the site vacated the property sometime in 1982. The instant Lessee began using the building for a moving and storage facility sometime in 1983. Although the site could claim a nonconforming use for a moving and storage facility, the Lessee could not present sufficient evidence that the use had not been terminated for a year prior to its tenancy, and therefore, is requesting a special exception. The Petitioner is elderly and too ill to appear and testify.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render performance unnecessarily burdensome;
- 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing held and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variances should be granted. Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of September, 1985, that the Petition for Special Exception

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DATE 8/1/85
BY *John P. [illegible]*

The property is surrounded by other industrial and commercial uses and is appropriate for the use requested herein. Since the Lessee needs a special exception in lieu of proving a nonconforming use, it is also necessary for the property to comply with current regulations or have appropriate variances. One such variance is to permit the existing 16-foot rear yard setback. Obviously, since the building has been there for over 20 years, it would be impractical to require it to be physically demolished to satisfy the current rear yard setback requirement. The other variance is for the crusher-run surface. The Lessee stated that the surface, as presently constituted, satisfies the intent of Section 307, BCZR, and would satisfy any requirement of the Department of Health to prevent air pollution.

Mr. Gerhold testified that, in his opinion, all of the requirements of Section 502.1, Baltimore County Zoning Regulations (BCZR), would be satisfied.

The Petitioner seeks relief from Section 253.2.A.3A, BCZR, pursuant to Section 502.1, BCZR, and from Sections 255.1, 238.1, and 409.2.c.(2), BCZR, and Section IX.A.2, Comprehensive Manual of Development Policies (CMDP), pursuant to Section 307, BCZR.

It is clear that the BCZR permits the use requested by the Petitioner in a M.L. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements

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DATE 8/1/85
BY *John P. [illegible]*

set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

The BCZR does not define "durable and dustless". Webster's New Collegiate Dictionary defines "durable" as being able to endure; lasting; enduring; not wearing out. "Dustless" obviously would mean to be dust free—to prevent fine dry pulverized particles of earth or fine powder of any kind; to prevent a cloud of dust. By analogy, reference to the BCZR limiting the parking surfaces of trucking facilities to particular types of paving, specifically in Sections 410.3.B.7 and 410A.3.B.6, can be utilized to clarify the County Council's intent and which conforms to the reasonableness of the use of the term "durable and dustless" as intended by Section 409.2.c.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be construed that all of its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Board of Health, 25 A.2d 466. The intent of the BCZR must be determined by being construed as a whole. Smith v. Hill, 249 Md. 390. The specific language delineating the requirement for a durable and dustless surface in

Section 409.2.c.(2) must be construed in light of all of the provisions concerning the surface area for parking lots so that the various parts of the BCZR are given their intended effect. Moreover, the relationship between these various provisions regulating the surface area for parking lots must be reconciled as a whole. See Smith, supra; Bowie Vol. Fire Dept. & Rescue Squad, Inc. v. Bd. of County Commissioners, 255 Md. 381; Anderson, American Law of Zoning, Section 16.09.

In response to the trucking-facilities legislation, the Baltimore County Planning Board introduced and adopted, by resolution dated February 17, 1983, an amendment to the CMDP, Section IX—Miscellaneous Adopted Design Provisions, pursuant to the authority vested in it by Section 504, BCZR. This amendment promulgates trucking-facility paving standards, which were intended to assure that parking areas are of such design, quality, or character that they will not be likely to deteriorate in such a way that a public nuisance would be created or that the public interest would otherwise be adversely affected. Section IX.A.2 sets out the standards to be applied:

- (1) a bituminous concrete surface over a suitable base;
- (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.

In other words, Section IX.A.2 requires a durable and dustless surface for trucking-facility parking areas. If Section 409.2.c and Section IX.A.2 are construed as a whole, it is evident that the Council intended for the paving standards for trucking facilities to be imposed for all parking areas for more than five vehicles when it used the term "durable and dustless". Certainly, the clear and plain meaning of the term requires application of the standards required by Section IX.A.2. In order to deviate from those standards, a variance is necessary.

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DATE 8/1/85
BY *John P. [illegible]*

for a moving and storage facility and, additionally, the Petition for Zoning Variances to permit a rear yard setback of 16 feet instead of the required 30 feet and a compacted crusher-run stone parking area instead of the required durable and dustless surface be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

The Petitioner shall choose one of the following methods, or a combination thereof, for airborne pollution control on the crusher run surface, pursuant to the Code of Maryland Regulations (COMAR), Health Department Regulations, Section 10.18.06.D b and c, Revision VIII (11/83):

- a. The use of water on the entire parking area at least twice a day, except in inclement weather, at 10:00 a.m. and prior to 4:00 p.m.
- b. The use of water on the entire parking area on an as needed basis should the above prove inadequate for the control of airborne particulate (ABP).
- c. The use of approved chemicals, to include calcium chloride and others (with the exception of oil), on the entire parking area, as required to control dust. Chemical applications must be replenished immediately following moderate to heavy rains.
- d. The use of oil on the entire parking area, appropriately applied as prescribed by the Department of Natural Resources, to control dust and ABP. The use of oil shall not be less than once per quarter and shall not cause a nuisance to the public or a hazard on the parking area.

Carl John
Zoning Commissioner of Baltimore County
cc: Herbert R. O'Connor, III, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
DATE 8/1/85
BY *John P. [illegible]*

PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
15th Election District

LOCATION: Northwest side of Pulaski Highway, 1282' Northeast of Middle River Road (9716 Pulaski Highway)

DATE AND TIME: Thursday, September 12, 1985 at 10:15 a.m.

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

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

Petition for Special Exception for a moving and storage facility under Section 253.2.A.3A; Variance from Section 255.1 and 238.2 to permit a 15' rear yard setback in lieu of the required 30' and 409.2.c.(2) (I.A.A.2.CM2) to permit crusher run stone compacted paving in lieu of tar and chip paving, etc.

Being the property of Jennie M. Beard, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CHARL C. GERHOLD
PHILIP R. CROSS
JAMES C. ETZEL
WILLIAM M. BEARD
ROBERT T. LAWRENCE

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

HERBERT R. O'CONNOR
PHILIP R. CROSS
JAMES C. ETZEL
WILLIAM M. BEARD
ROBERT T. LAWRENCE

April 9, 1985
Zoning Description

All that piece or parcel of land situate, lying and being in the Fifteenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the northwest side of Pulaski Highway at the distance of 1282 feet measured northeasterly along the northwest side of Pulaski Highway from the northeast side of Middle River Road and running thence and binding along the northwest side of Pulaski Highway, North 49 degrees 00 minutes East 287.87 feet, thence leaving said Highway and running North 41 degrees 00 minutes West 308.15 feet to the southeast right of way line of the Baltimore and Ohio Railroad, thence binding on said right of way line, South 49 degrees 00 minutes West 1312.20 feet and thence leaving said railroad and running North 65 degrees 44 minutes 30 seconds East 1069.73 feet to the place of beginning.

Containing 5.66 Acres of land more or less.

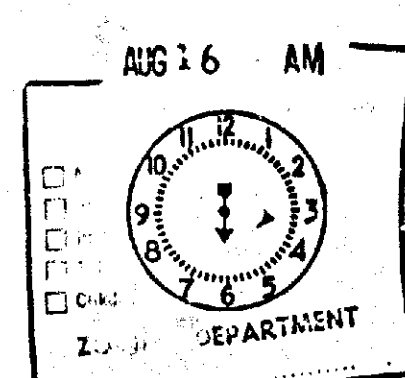


RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
NW/4 Pulaski Hwy., 1282' NE of Middle River Rd. (9716 Pulaski Hwy.), 15th District

JENNIE M. BEARD, Petitioner : Case No. 86-114-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

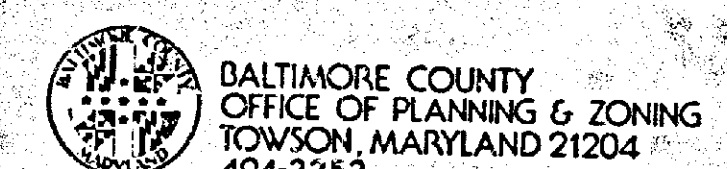


Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 15th day of August, 1985, a copy of the foregoing Entry of Appearance was mailed to Herbert R. O'Connor, III, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner; and James E. Bishop, Jr., President, Eastern Moving and Storage, 912 Pulaski Hwy., Baltimore, MD 21220, Lessee.

Peter Max Zimmerman
Peter Max Zimmerman



ARNOLD JABLON
ZONING COMMISSIONER

September 4, 1985

Herbert R. O'Connor, III, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

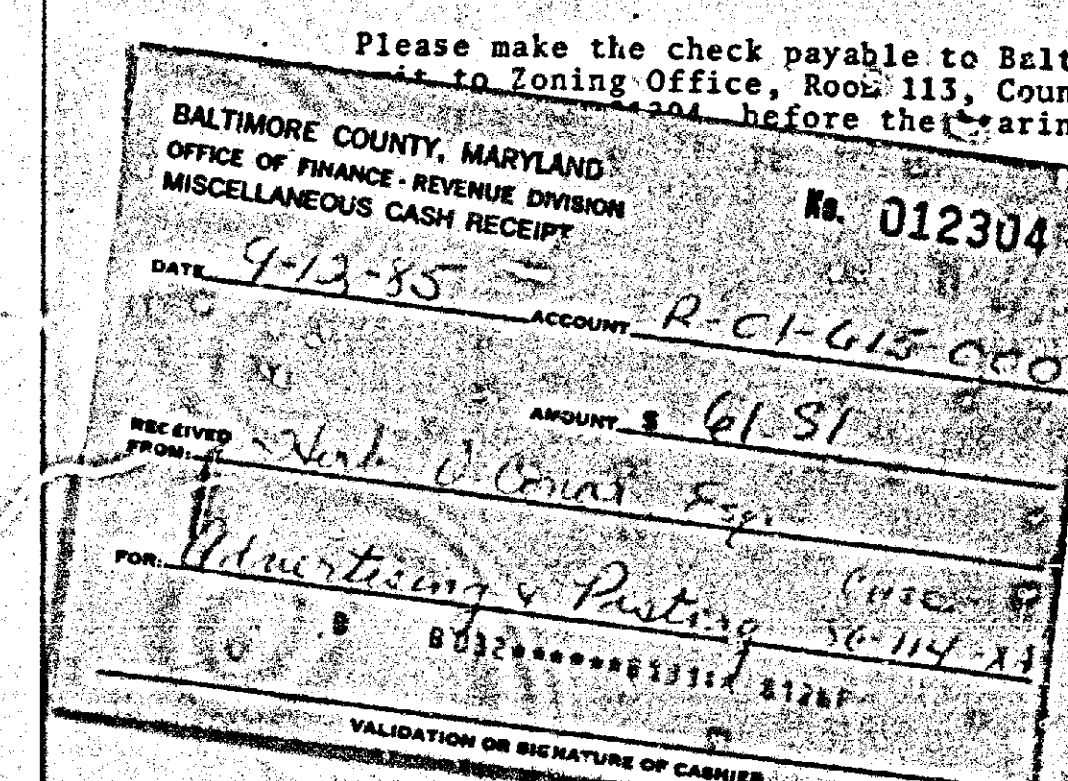
RE: Petitions for Special Exception and Variance
NW/4 Pulaski Highway, 1282' NE of Middle River Road, (9716 Pulaski Hwy.)
15th Election District
Jennie M. Beard - Petitioner
Case No. 86-114-XA

Dear Mr. O'Connor:

This is to advise you that \$61.81 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

Please make the check payable to Baltimore County, Maryland, in the Zoning Office, Room 113, County Office Building, before the hearing.



Arnold Jablon
ARNOLD JABLON
Commissioner

Herbert R. O'Connor, III, Esquire
210 Allegheny Avenue
Towson, Md. 21204
August 10, 1985

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/4 Pulaski Highway, 1282' NE of Middle River Rd. (9716 Pulaski Highway)
15th Election District
Jennie M. Beard - Petitioner
Case No. 86-114-XA

TIME: 10:15 a.m.

DATE: Thursday, September 12, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Case No. 86-114-XA

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 15th day of July, 1985.

Arnold Jablon
Arnold Jablon
Zoning Commissioner

Petitioner: Jennie M. Beard
Petitioner's Attorney: Herbert R. O'Connor, III, Esquire
Received by: James E. Dyer, Chairman
Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 19, 1985

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

Herbert R. O'Connor, III, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

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

RE: Item No. 322 - Case No. 86-114-XA
Petitioner - Jennie M. Beard
Special Exception & Variance Petitions

Dear Mr. O'Connor:

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.

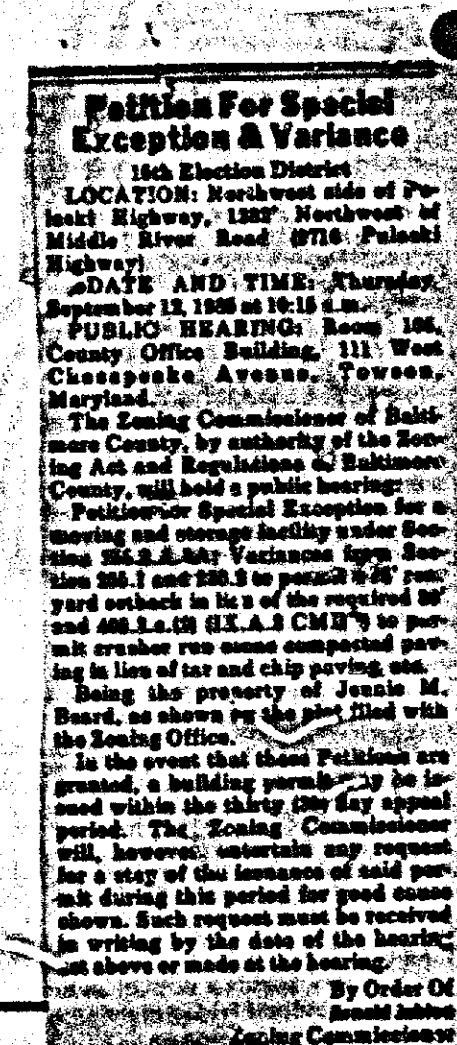
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing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

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr
Enclosures

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

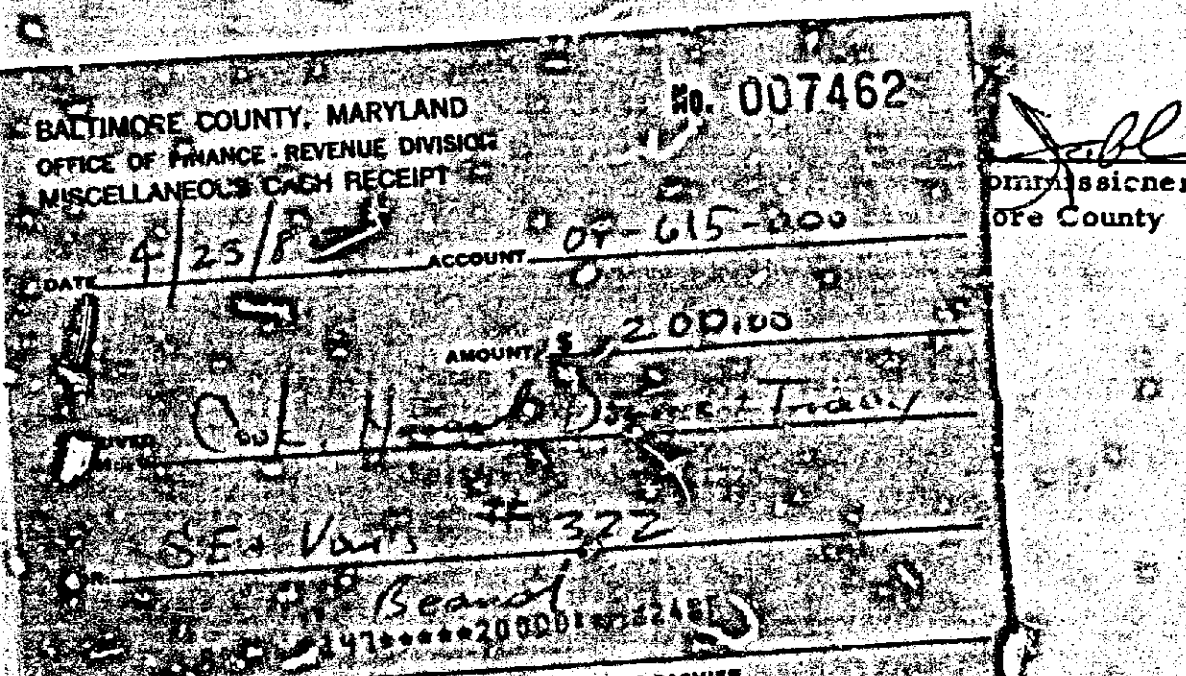


The Times

Middle River, Md., August 19, 1985
This is to certify that the annexed Petition No. 78344 was located in The Times, a newspaper printed and published in Baltimore County, once in each of successive weeks before the 22nd day of August, 1985.
Arnold Jablon
Arnold Jablon
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th
Posted for: Special Exception & Variance
Petitioner: Jennie M. Beard
Location of property: NW/4 Pulaski Hwy, 1282' NE of Middle River Rd.
Location of sign: 9716 Pulaski Hwy
Date of posting: 9/11/85
Date of return: 9/27/85
Number of signs: 2





May 17, 1985

Mr. A. Jablon
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Re: Property Owner:
Jennie M. Beard
Location: Route 40-E
1282' N/E of Middle
River Road
Existing Zoning: M.L.-
C.S. 1
Proposed Zoning: Special
exception for a moving
and storage facility & a
variance to permit a
16' rear yard set-back
in lieu of the required
30' and to permit crusher
run stone in lieu of tar
and chip paving.
Acres: 5.66
District: 15th Election
District

Att: Mr. N. Commodari

Dear Mr. Commodari:

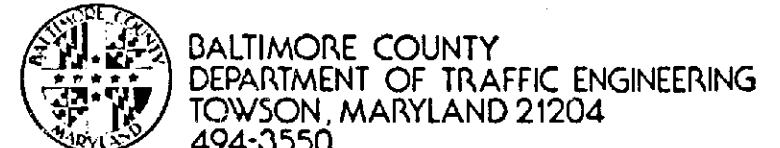
On review of the submittal of 3/29/85 and field
inspection, the State Highway Administration finds the
plan generally acceptable.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits

by: George Wittman

CL-GW:es
cc: J. Ogle

My telephone number is 301-659-1350.
Telephone for Impaired Hearing or Speech:
303-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 1707 North Calvert St., Baltimore, Maryland 21203-0717



May 16, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 315, 316, 317, 318, 320, 322, 324, and 325 Meeting of May 7, 1985
Property Owner:
Locat.:
Existing Zoning:
Proposed Zoning:

Acres:
District:

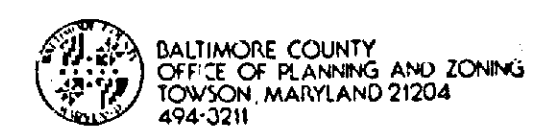
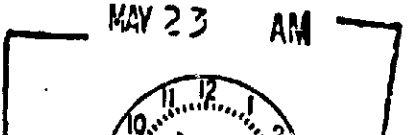
Dear Mr. Jablon:

The Department of Traffic Engineering has no comments
for item numbers 315, 316, 317, 318, 320, 322, 324, and 325.

Michael S. Plantgan
Michael S. Plantgan
Traffic Engineering Assoc. II

MSF/cem

Beard



August 21, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of April 30, 1985
Item # 322
Property Owner: JENNIE M. BEARD
Location: N/W SIDE PULASKI HWY, 1282'
N/E OF MIDDLE RIVER ROAD.

Dear Mr. Jablon:

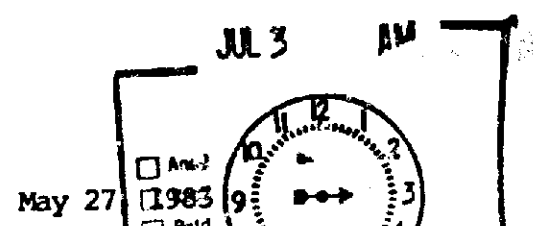
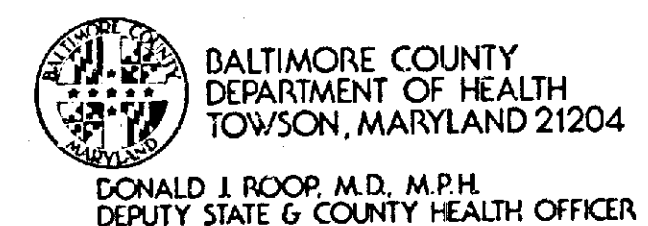
The Division of Current Planning and Development has reviewed the subject
petition and offers the following comments. The items checked below are
applicable.

- There are no site planning factors requiring comment.
- A County Review Group Meeting is required.
- The parking arrangement is not satisfactory.
- The site is part of a larger tract; therefore it is defined as a
subdivision. The plan must show the entire tract.
- A record plat will be required and must be recorded prior
to issuance of a building permit.
- The access is not satisfactory.
- The circulation on this site is not satisfactory.
- The parking arrangement is not satisfactory.
- Parking calculations must be shown on the plan.
- This property contains soils which are defined as wetlands, and
development on these soils is prohibited.
- Construction in or alteration of the floodplain is prohibited under
the provisions of Section 22-98 of the Development
Regulations.
- Development of this site may constitute a potential conflict with
the Baltimore County Master Plan.
- The amended Development Plan was approved by the Planning Board
on _____.
- Landscaping: Must comply with Baltimore County Landscape Manual.
- The property is located in a deficient service area as defined by
Bill 178-79. No building permit may be issued until a Reserve
Capacity Use Certificate has been issued. The deficient service
is _____.
- The property is located in a traffic area controlled by a "D" level
intersection as defined by Bill 178-79, and as conditions change
traffic capacity may become more limited. The Basic Services Areas
are re-evaluated annually by the County Council.
- Additional comments:

Eugene A. Roher
Chief, Current Planning and Development

cc: James Howell

9/20 86-114-7A



Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:
Comments on Item #322, Zoning Advisory Committee Meeting of
May 30, 1985, are as follows:

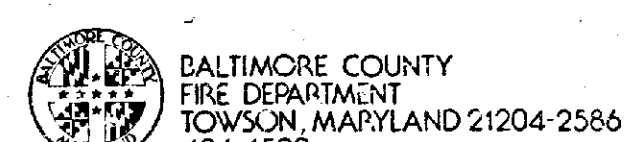
Property Owner: Jennie M. Beard
Location: N/W side Pulaski Highway, 1282' N/E of Middle
River Road
Existing Zoning: M.L.-C.S. 1
Proposed Zoning: Special Exception of a moving and storage facility and a variance to permit a 16' rear yard setback in lieu of the required 30' and to permit crusher run stone in lieu of tar and chip paving.
Acres: 5.66 acres ±
District: 15th Election District

An inspection performed at the site indicated the condition of
the crusher run compacted surface to be in poor condition. Areas in front
of Bob's Transport & Storage Warehouse and along the line known as N 65'
44-30" and 1069.73' eastward consisted of limited crusher run
depressions mixed with fines and dirt. Such a condition of crusher run
paving is a potential for airborne particulate and should be replenished
and brought up to the level of paving consistent with Baltimore County
standards.

The Division of Air Pollution, Bureau of Environmental Services,
requires all paving, road, parking and other surfaces to be used in such a
manner as not to create airborne particulate. Such control substances are
not limited to sweeping, dust suppressants, i.e. oil, water, adsorbents and
others or a combination of any one or more.

Very truly yours,
Ian A. Forrest
Ian A. Forrest, Director
Bureau of Environmental Services

LJF/als



PAUL H. RENCKE
CHIEF

May 15, 1985

Mr. Arnold Jablon
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: Jennie M. Beard

Location: N/W side Pulaski Highway, 1282' N/E of Middle River Road
Item No.: 322 Zoning Agenda: Meeting of 5-7-85

Comments:

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.

(X) 1. Fire hydrants for the referenced property are required and shall be
located at intervals of 300 feet along an approved road in
accordance with Baltimore County Standards as published by the
Department of Public Works. * along Pulaski Highway

() 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.

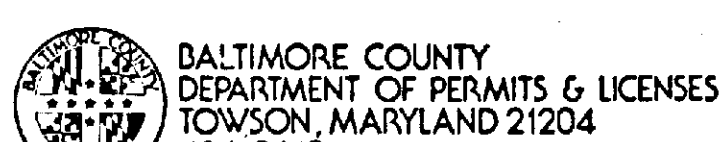
(X) 5. The buildings and structures existing or proposed on the site shall
comply with all applicable requirements of the National Fire Protection
Association Standard No. 101 "Life Safety Code", 1976 edition prior
to occupancy.

() 6. Site plans are approved, as drawn.

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

REVIEWER: *Carol M. Markowitz* Noted and Approved: *Carol M. Markowitz*
Planning Division Fire Prevention Bureau
Special Inspection Division

/s/ab



May 22, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 322 Zoning Advisory Committee Meeting are as follows:
Property Owner: Jennie M. Beard
Location: N/S side Pulaski Highway, 1282' N/E of Middle River Road
District: 15th.

APPLICABLE ITEMS ARE CIRCLED:

- (A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 617-85,
the Maryland Code for the Handicapped and Age (A.M.D.I. Bill 1-1-1980) and other applicable Codes and Standards.
- (D) A building and other miscellaneous permits shall be required before the start of any construction.
- (C) Residential: Two sets of construction drawings are required to file a permit application. The seal of a
registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- (D) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect
or Engineer shall be required to file with a permit application. Reprinted seals are not acceptable.
- (E) All the Group except B-1 Single Family Detached Dwelling require a minimum of 1 hour fire rating for
exterior walls closer than 6'-0" to an interior lot line. B-1 The Group require a one hour wall if closer
than 3'-0" to an interior lot line. Any wall built up an interior lot line shall require a fire or party
wall. See Table 101, Section 107, Section 106.2 and Table 102. No openings are permitted in an
exterior wall within 3'-0" of an interior lot line.
- (F) The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested
variance by this office cannot be considered until the necessary data pertaining to height/area and
construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- (G) The requested variance appears to conflict with Section(s) _____ of the Baltimore
County Building Code.
- (H) When filing for a required Access of Easement/Conveyance Permit, an alternate permit application shall also
be filed along with three sets of acceptable construction plans indicating how the existing structure is
to be altered in order to comply with the Code requirements for the use. Maryland Architectural or
Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or
to Mixed Use _____ See Section 317 of the Building Code.

(I) The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached
copy of Section 314(a) of the Building Code as adopted by Bill 617-85. Site plans shall show the correct
elevations above sea level for the lot and the finished floor levels including basement.

(D) Comments: Provide one marked handicapped space. Use approved sign. The Building
Code requires any "B-1" Use Group that exceeds 12,000 square feet to be
sprinklered. A three hour fire wall from footing to roof may be used to
sub-divide areas into less than 12,000 square foot areas.

(K) These abbreviated comments reflect only on the information provided by the applicant submitted to the Office
of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired
the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111
N. Chesapeake Avenue, Towson, Maryland 21204.

Walter S. Schuman
Walter S. Schuman, Chief
Building Plans Review

LJF/75

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: August 26, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-114-XA

This office does not support the request to permit
crusher run to be utilized here.

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

NEG:JGH:slm

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 22, 1985
THIS IS TO CERTIFY that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
August 22, 1985.

THE JEFFERSONIAN,

JB Ventral
Publisher

Cost of Advertising
27.50

PETITIONS FOR SPECIAL
EXEMPTION & VARIANCE
FOR THE ZONING DEPARTMENT
LOCATION: Northeast side of Pulaski Highway, 1282' N/E of Middle River Road (1914 Pulaski Highway)
DATE & TIME: Thursday, August 22, 1985 at 10:15 a.m.
FILED: HARRISON Room 104, County Office Building, 111 N. Chesapeake Avenue, Towson, Maryland
The Zoning Commission of Baltimore County, by resolution of the Board of the Air and Department of Baltimore County, will hold a public hearing on the proposed Special Exception for a moving and storage facility and a variance to permit a 16' rear yard setback in lieu of the required 30' and to permit crusher run stone in lieu of tar and chip paving. The proposed project is located on the Northeast side of Pulaski Highway, 1282' N/E of Middle River Road (1914 Pulaski Highway) in the 15th Election District. The proposed project is a moving and storage facility and a variance to permit a 16' rear yard setback in lieu of the required 30' and to permit crusher run stone in lieu of tar and chip paving. The proposed project is located on the Northeast side of Pulaski Highway, 1282' N/E of Middle River Road (1914 Pulaski Highway) in the 15th Election District. 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BALTIMORE AND OHIO RAILROAD

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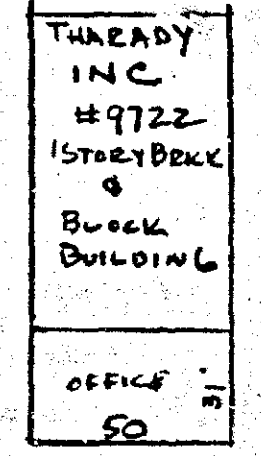
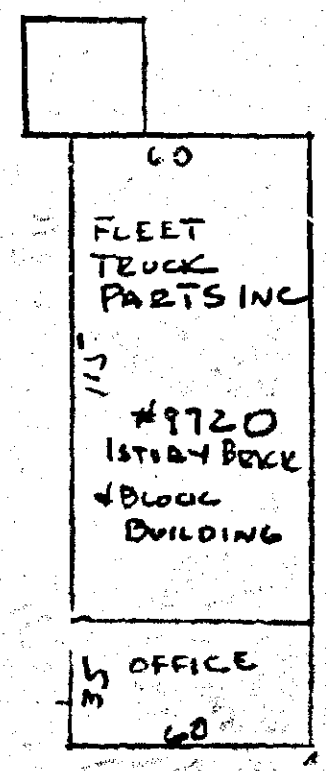
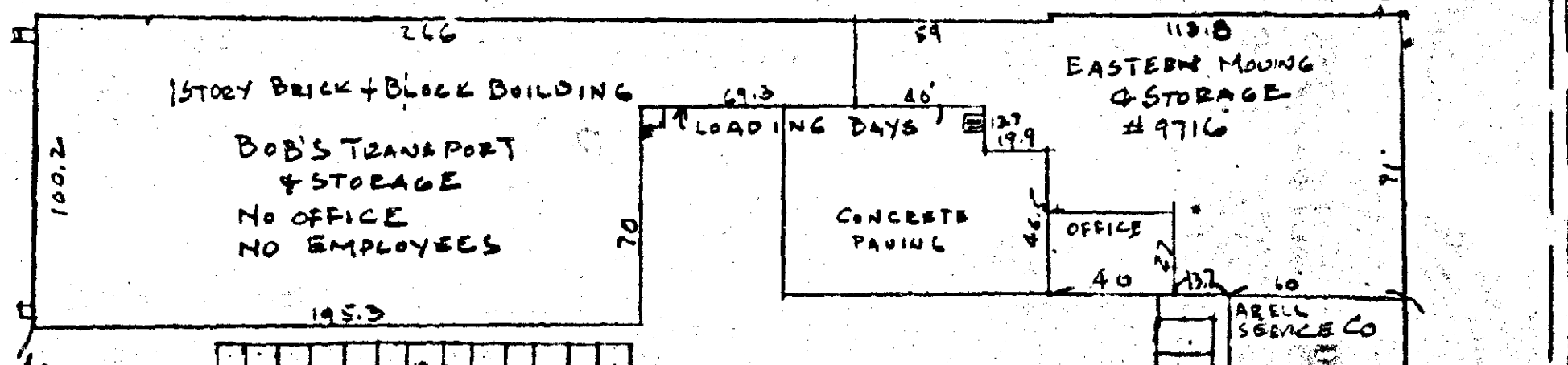
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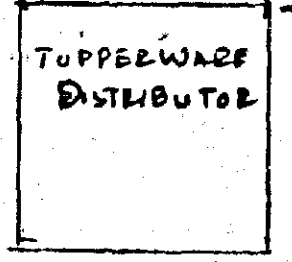
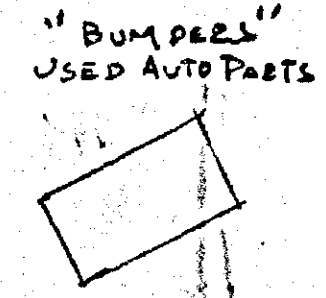
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M-1M

N 65° 44' 30" E 1069.73



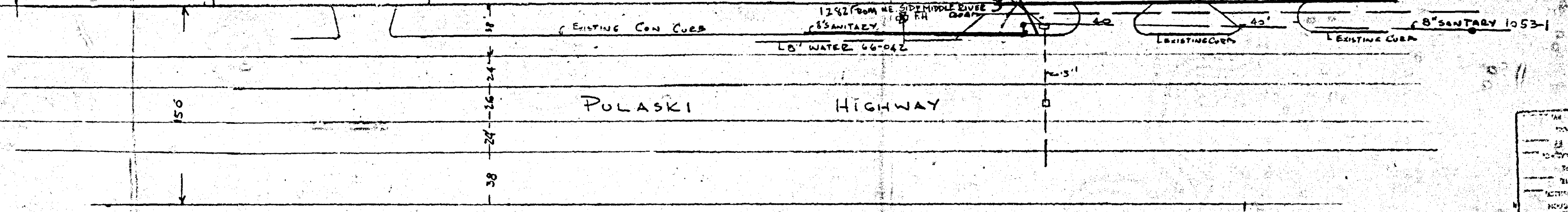
ML-CS-1
CASE 81-1004
SERVICE GARAGE



ML-CS-1
GRASS UNIMPROVED

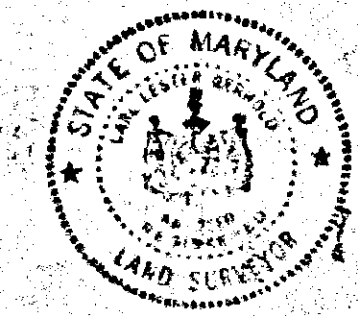
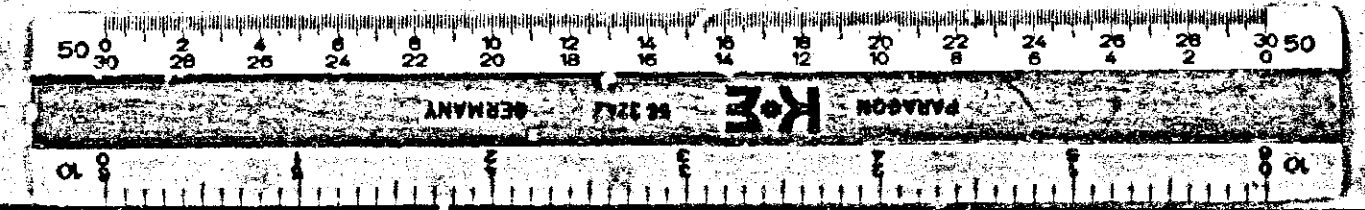
PARKING #9716
WAREHOUSE
NO OF EMPLOYEES = 15 + 3 = 5 SPACES REQUIRED
OFFICE
1080 ÷ 300 = 4 SPACES REQUIRED
9 SPACES PROVIDED

9718
WAREHOUSE
NO OF EMPLOYEES = 12 + 3 = 4 SPACES REQUIRED
OFFICE
1800 ÷ 300 = 6 SPACES REQUIRED
10 SPACES REQUIRED
12 SPACES PROVIDED



EXISTING ZONING ML-CS-1
PROPOSED ZONING: SPECIAL EXCEPTION
FOR A MOVING AND STORAGE FACILITY
IN A M.L. ZONE AT 9716 PULASKI HIGHWAY
REAR YARD SETBACK OF 16' INSTEAD OF THE
REQUIRED 30'

ZONING PLAN
PROPERTY LOCATED
IN
15TH ELECTION DIST BALTO. CO. MD
S. G. ACRES ±



PETITIONER'S
EXHIBIT 1

SCALE: 1" = 50' MARCH 29 1985
GERHOLD, CROSS & ETZEL
REGISTERED LAND SURVEYORS
412 DELAWARE AVENUE
TOWSON, MD.

DATE	15
BY	ML
REVISION	
NO.	
DATE	
BY	
REVISION	
NO.	

DATE 15
BY ML
REVISION
NO.
DATE
BY
REVISION
NO.

322

322
86-114-XA
PETITION FOR SPECIAL-EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 a moving and storage facility under Section 253.2.A.3A.

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.

Legal Owner(s):
Jennie M. Beard
(Type or Print Name)
Signature: *Jennie M. Beard*
(Type or Print Name)
Signature

Contract Purchaser:
Eastern Moving and Storage Co., Inc.
(Type or Print Name)
Signature: *James E. Bishop, Jr.*
(Type or Print Name)
Signature

Address:
Baltimore, Maryland 21220
City and State

Attorney for Petitioner:
Herbert R. O'Connor, III
(Type or Print Name)
Signature: *Herbert R. O'Connor, III*
(Type or Print Name)
Signature

Address:
5711 Hamilton Avenue
Baltimore, Maryland 21237
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Herbert R. O'Connor, III
210 Allegheny Avenue
Towson, Maryland 21204 823-4111

ORDERED BY The Zoning Commissioner of Baltimore County, this 31st day of July, 1985, 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 12th day of September, 1985, at 10:15 o'clock.

Carl John
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
DATE 8/27/85
BY *John P. [unclear]*

322
86-114-XA
PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 255.1 TO PERMIT: a 16 foot rear yard set back in lieu of the required 30 feet, and 409.2.c.(2) (IX.A.2 CDP) to permit crusher run stone compacted paving in lieu of tar and chip paving, etc.

These structures presently exist on the property at this distance from the railroad line; to require the buildings to be moved would be impractical. In light of the few number of automobiles utilizing this area and the cost of tar and chip paving, it would be impossible to require the same.

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.

Legal Owner(s):
Jennie M. Beard
(Type or Print Name)
Signature: *Jennie M. Beard*
(Type or Print Name)
Signature

Contract Purchaser:
Eastern Moving and Storage Co., Inc.
(Type or Print Name)
Signature: *James E. Bishop, Jr.*
(Type or Print Name)
Signature

Address:
Baltimore, Maryland 21220
City and State

Attorney for Petitioner:
Herbert R. O'Connor, III
(Type or Print Name)
Signature: *Herbert R. O'Connor, III*
(Type or Print Name)
Signature

Address:
5711 Hamilton Avenue
Baltimore, Maryland 21237
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Herbert R. O'Connor, III
210 Allegheny Avenue
Towson, Maryland 21204 823-4111

ORDERED BY The Zoning Commissioner of Baltimore County, this 31st day of July, 1985, 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 12th day of September, 1985, at 10:15 o'clock.

Carl John
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
DATE 8/27/85
BY *John P. [unclear]*

IN RE: PETITION FOR SPECIAL EXCEPTION ZONING VARIANCES
NW/S of Pulaski Highway, 1/282' NE of Middle River Road (9716 Pulaski Highway) - 15th Election District
Jennie M. Beard,
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW
The Petitioner herein requests a special exception for a moving and storage facility and variances to permit a rear yard setback of 16 feet instead of the required 30 feet and a compacted crusher-run stone parking area instead of the required durable and dustless surface, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by James E. Bishop, Jr., President of Eastern Moving and Storage Company, Inc., the Lessee, appeared and testified and was represented by Counsel. Carl Gerhold, a registered land surveyor, also appeared and testified on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, zoned M.L. and located on Pulaski Highway, has been improved for over 20 years with a building used as a moving and storage facility. Such use began at a time when the M.L. Zone permitted it as a matter of right. However, the tenant who previously used the

site vacated the property sometime in 1982. The instant Lessee began using the building for a moving and storage facility sometime in 1983. Although the site could claim a nonconforming use for a moving and storage facility, the Lessee could not present sufficient evidence that the use had not been terminated for a year prior to its tenancy, and therefore, is requesting a special exception.

The Petitioner is elderly and too ill to appear and testify.

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DATE 8/27/85
BY *John P. [unclear]*

The property is surrounded by other industrial and commercial uses and is appropriate for the use requested herein. Since the Lessee needs a special exception in lieu of proving a nonconforming use, it is also necessary for the property to comply with current regulations or have appropriate variances. One such variance is to permit the existing 16-foot rear yard setback. Obviously, since the building has been there for over 20 years, it would be impractical to require it to be physically demolished to satisfy the current rear yard setback requirement. The other variance is for the crusher-run surface. The Lessee stated that the surface, as presently constituted, satisfies the intent of Section 307, BCZR, and would satisfy any requirement of the Department of Health to prevent air pollution.

Mr. Gerhold testified that, in his opinion, all of the requirements of Section 502.1, Baltimore County Zoning Regulations (BCZR), would be satisfied.

The Petitioner seeks relief from Section 253.2.A.3A, BCZR, pursuant to Section 502.1, BCZR, and from Sections 255.1, 238.1, and 409.2.c.(2), BCZR, and Section IX.A.2, Comprehensive Manual of Development Policies (CMDP), pursuant to Section 307, BCZR.

It is clear that the BCZR permits the use requested by the Petitioner in a M.L. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements

for a moving and storage facility and, additionally, the Petition for Zoning Variances to permit a rear yard setback of 16 feet instead of the required 30 feet and a compacted crusher-run stone parking area instead of the required durable and dustless surface be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- a. The use of water on the entire parking area at least twice a day, except in inclement weather, at 10:00 a.m. and prior to 4:00 p.m.
- b. The use of water on the entire parking area on an as needed basis should the above prove inadequate for the control of airborne particulate (ABP).
- c. The use of approved chemicals, to include calcium chloride and others (with the exception of oil), on the entire parking area, as required to control dust. Chemical applications must be replenished immediately following moderate to heavy rains.
- d. The use of oil on the entire parking area, appropriately applied as prescribed by the Department of Natural Resources, to control dust and ABP. The use of oil shall not be less than once per quarter and shall not cause a nuisance to the public or a hazard on the parking area.

Carl John
Zoning Commissioner of Baltimore County
cc: Herbert R. O'Connor, III, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
DATE 8/27/85
BY *John P. [unclear]*

set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

The BCZR does not define "durable and dustless". Webster's New Collegiate Dictionary defines "durable" as being able to endure; lasting; enduring; not wearing out. "Dustless" obviously would mean to be dust free—to prevent fine dry pulverized particles of earth or fine powder of any kind; to prevent a cloud of dust. By analogy, reference to the BCZR limiting the parking surfaces of trucking facilities to particular types of paving, specifically in Sections 410.3.B.7 and 410A.3.B.6, can be utilized to clarify the County Council's intent and which conforms to the reasonableness of the use of the term "durable and dustless" as intended by Section 409.2.c.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be construed that all of its parts harmonize with each other and render them consistent with its general object and scope. *Pittman v. Board of Health*, 25 A.2d 466. The intent of the BCZR must be determined by being construed as a whole. *Smith v. Hill*, 249 Md. 390. The specific language delineating the requirement for a durable and dustless surface in

ORDER RECEIVED FOR FILING
DATE 8/27/85
BY *John P. [unclear]*

Section 409.2.c.(2) must be construed in light of all of the provisions concerning the surface area for parking lots so that the various parts of the BCZR are given their intended effect. Moreover, the relationship between these various provisions regulating the surface area for parking lots must be reconciled as a whole. See *Smith*, supra; *Bowie Vol. Fire Dept. & Rescue Squad, Inc. v. Bd. of County Commissioners*, 255 Md. 381; *Anderson, American Law of Zoning*, Section 16.09.

In response to the trucking-facilities legislation, the Baltimore County Planning Board introduced and adopted, by resolution dated February 17, 1983, an amendment to the CMDP, Section IX—Miscellaneous Adopted Design Provisions, pursuant to the authority vested in it by Section 504, BCZR. This amendment promulgates trucking-facility paving standards, which were intended to assure that parking areas are of such design, quality, or character that they will not be likely to deteriorate in such a way that a public nuisance would be created or that the public interest would otherwise be adversely affected. Section IX.A.2 sets out the standards to be applied:

- (1) a bituminous concrete surface over a suitable base;
- (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.

In other words, Section IX.A.2 requires a durable and dustless surface for trucking-facility parking areas. If Section 409.2.c and Section IX.A.2 are construed as a whole, it is evident that the Council intended for the paving standards for trucking facilities to be imposed for all parking areas for more than five vehicles when it used the term "durable and dustless". Certainly, the clear and plain meaning of the term requires application of the standards required by Section IX.A.2. In order to deviate from those standards, a variance is necessary.

ORDER RECEIVED FOR FILING
DATE 8/27/85
BY *John P. [unclear]*

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render performance unnecessarily burdensome;
- 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing held and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variances should be granted. Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of September, 1985, that the Petition for Special Exception

ORDER RECEIVED FOR FILING
DATE 8/27/85
BY *John P. [unclear]*

PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
15th Election District

LOCATION: Northwest side of Pulaski Highway, 1282' Northeast of Middle River Road (9716 Pulaski Highway)
DATE AND TIME: Thursday, September 12, 1985 at 10:15 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Special Exception for a moving and storage facility under Section 253.2.A.3A; Variance from Section 255.1 and 238.2 to permit a 15' rear yard setback in lieu of the required 30' and 409.2.c.(2) (I.A.A.2.CM2) to permit crusher run stone compacted paving in lieu of tar and chip paving, etc.

Being the property of Jennie M. Beard, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CHARL C. GERHOLD
PHILIP R. CROSS
JAMES C. ETZEL
WILLIAM M. BEARD
ROBERT T. LAWRENCE

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

HERBERT R. O'CONNOR
PHILIP R. CROSS
WILLIAM M. BEARD
ROBERT T. LAWRENCE

Zoning Description

All that piece or parcel of land situate, lying and being in the Fifteenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the northwest side of Pulaski Highway at the distance of 1282 feet measured northeasterly along the northwest side of Pulaski Highway from the northeast side of Middle River Road and running thence and binding along the northwest side of Pulaski Highway, North 49 degrees 00 minutes East 287.87 feet, thence leaving said Highway and running North 41 degrees 00 minutes West 308.15 feet to the southeast right of way line of the Baltimore and Ohio Railroad, thence binding on said right of way line, South 49 degrees 00 minutes West 1312.20 feet and thence leaving said railroad and running North 65 degrees 44 minutes 30 seconds East 1069.73 feet to the place of beginning.

Containing 5.66 Acres of land more or less.

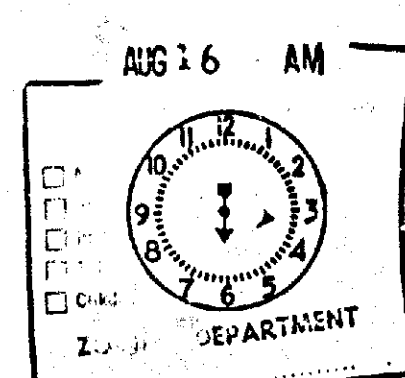


RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
NW/4 Pulaski Hwy., 1282' NE of Middle River Rd. (9716 Pulaski Hwy.), 15th District
OF BALTIMORE COUNTY

JENNIE M. BEARD, Petitioner : Case No. 86-114-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

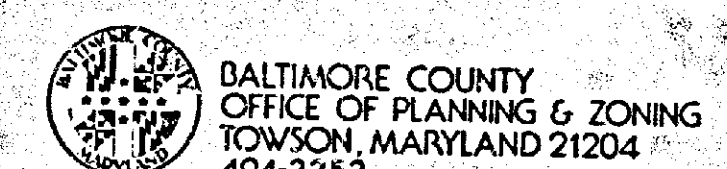


Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 15th day of August, 1985, a copy of the foregoing Entry of Appearance was mailed to Herbert R. O'Connor, III, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner; and James E. Bishop, Jr., President, Eastern Moving and Storage, 912 Pulaski Hwy., Baltimore, MD 21220, Lessee.

Peter Max Zimmerman
Peter Max Zimmerman



ARNOLD JABLON
ZONING COMMISSIONER

September 4, 1985

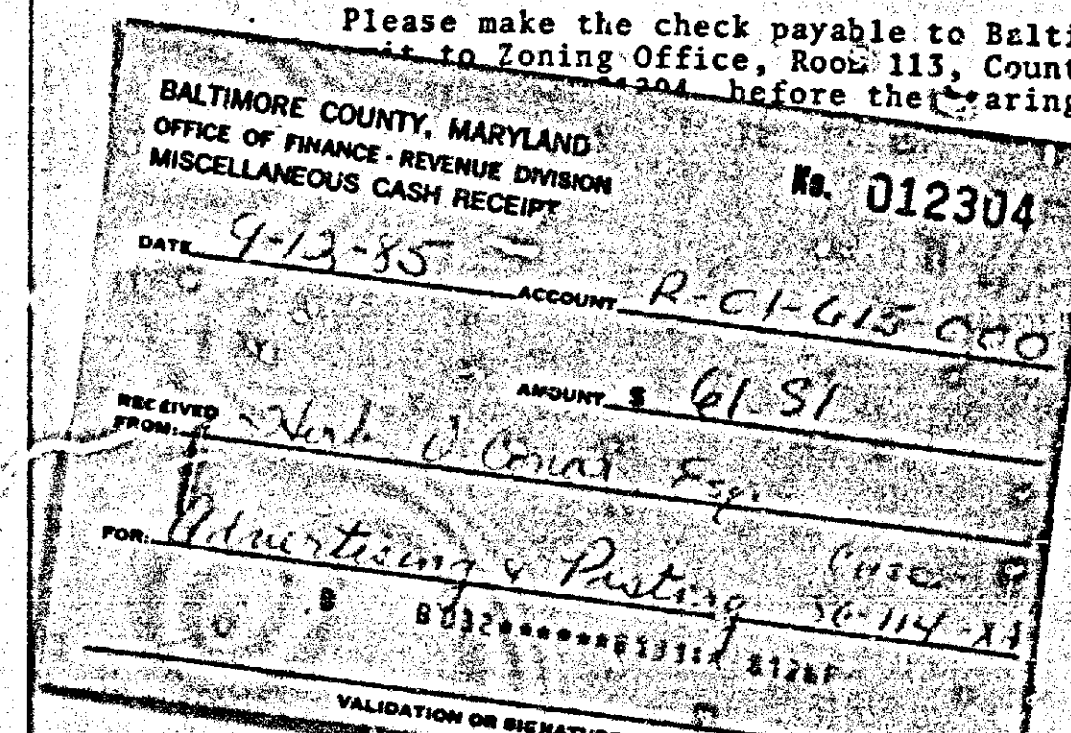
Herbert R. O'Connor, III, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Variance
NW/4 Pulaski Highway, 1282' NE of Middle River Road, (9716 Pulaski Hwy.)
15th Election District
Jennie M. Beard - Petitioner
Case No. 86-114-XA

Dear Mr. O'Connor:
This is to advise you that \$61.81 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

Please make the check payable to Baltimore County, Maryland, in the Zoning Office, Room 113, County Office Building, before the hearing.



Arnold Jablon
Commissioner

Herbert R. O'Connor, III, Esquire
210 Allegheny Avenue
Towson, Md. 21204
August 10, 1985

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/4 Pulaski Highway, 1282' NE of Middle River Rd. (9716 Pulaski Highway)
15th Election District
Jennie M. Beard - Petitioner
Case No. 86-114-XA

TIME: 10:15 a.m.
DATE: Thursday, September 12, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Case No. 86-114-XA
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 15th day of July, 1985.

Arnold Jablon
Zoning Commissioner
Petitioner: Jennie M. Beard
Petitioner's Attorney: Herbert R. O'Connor, III, Esquire
Received by: James E. Dyer, Chairman
Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
August 19, 1985

Herbert R. O'Connor, III, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

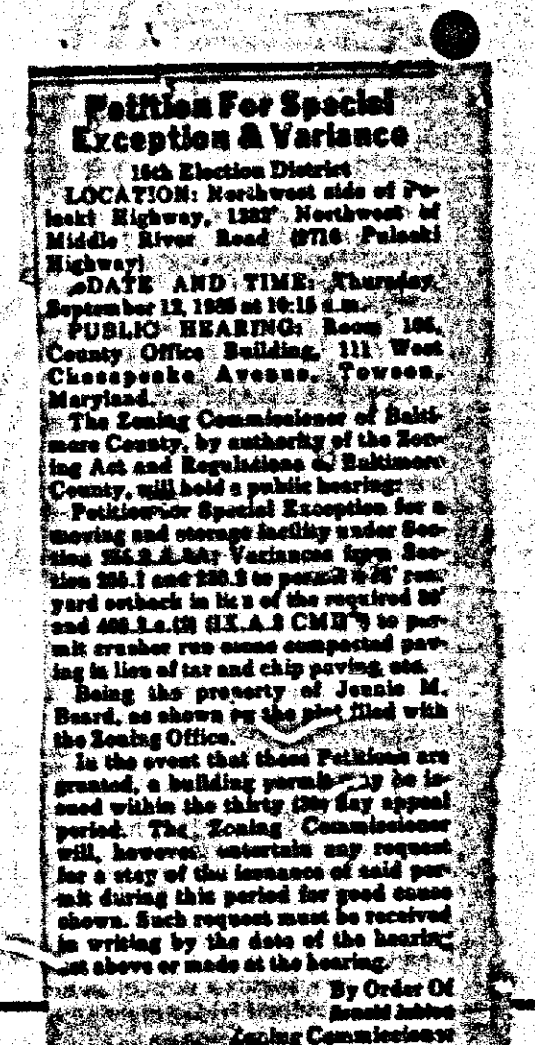
RE: Item No. 322 - Case No. 86-114-XA
Petitioner - Jennie M. Beard
Special Exception & Variance Petitions

Dear Mr. O'Connor:
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.

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.

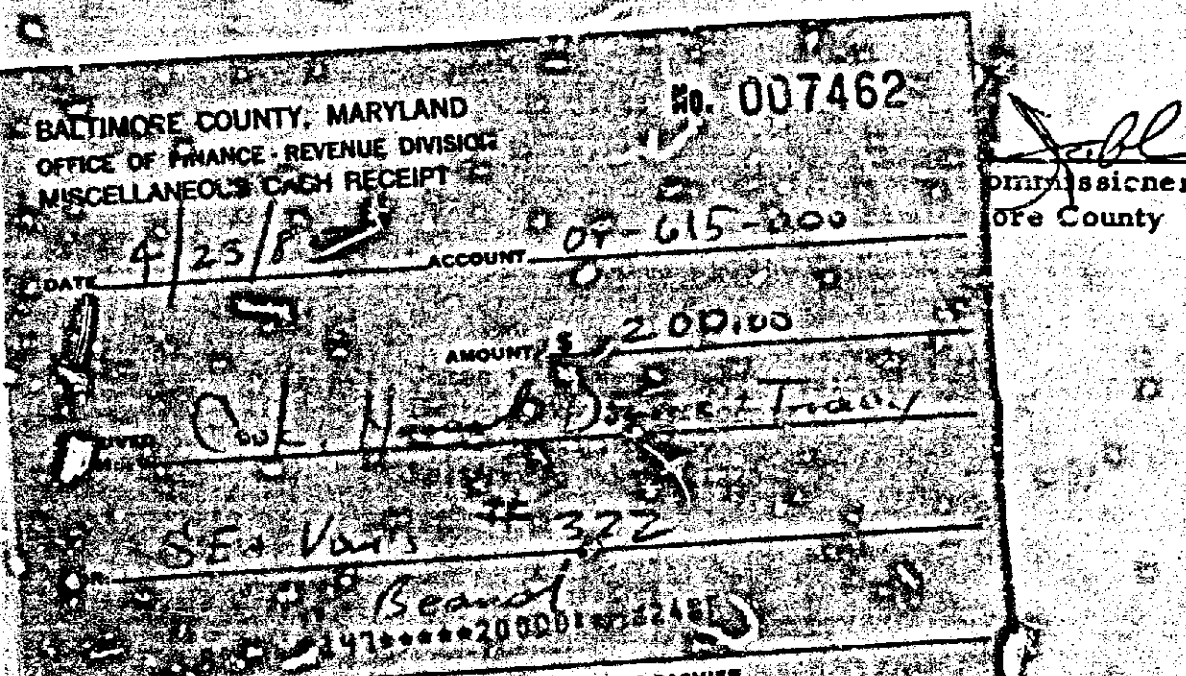
Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:mr
Enclosures
cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204



The Times
Middle River, Md.
This is to certify that the annexed copy of the petition was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of 22 successive weeks before the 22nd day of August, 1985.
Arnold Jablon
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
District: 15th
Posted for: Special Exception & Variance
Petitioner: Jennie M. Beard
Location of property: NW/4 Pulaski Hwy, 1282' NE of Middle River Rd.
Location of sign: 9716 Pulaski Hwy
Date of posting: 8/19/85
Date of return: 8/27/85
Number of signs: 2



BALTIMORE AND OHIO RAILROAD

S 49° 00' W 1312.20

ML-CS-1

ML-1M

ML-CS-1

M-1M

N 65° 44' 30" E 1069.73'

1STORY BRICK & BLOCK BUILDING
BOB'S TRANSPORT & STORAGE
NO OFFICE
NO EMPLOYEES

EASTERN MOVING & STORAGE #9716
LOADING DOCKS
CONCRETE PAVING
OFFICE

ARELL SERVICE CO
1STORY BRICK & BLOCK BUILDING #9718
OFFICE

FLEET TRUCK PARTS INC
#9720
1STORY BRICK & BLOCK BUILDING
OFFICE

THREADY INC #9722
1STORY BRICK & BLOCK BUILDING
OFFICE

ML-CS-1
CASE 81-1004
SERVICE GARAGE

"BUMPER" USED AUTO PARTS

TUPPERWARE DISTRIBUTOR

ML-CS-1
GRASS UNIMPROVED

BITUMINIOUS PAVING

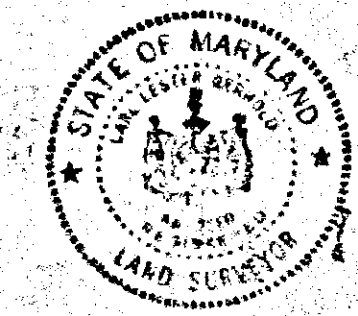
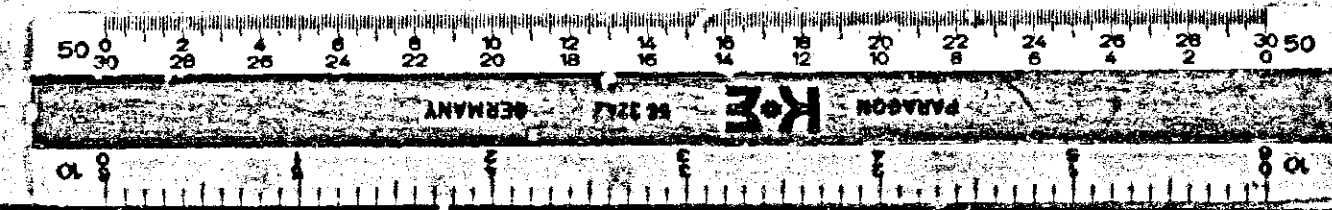
BITUMINIOUS PAVING

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EXISTING ZONING ML-CS-1
PROPOSED ZONING: SPECIAL EXCEPTION
FOR A MOVING AND STORAGE FACILITY
IN A M.L. ZONE AT 9716 PULASKI HIGHWAY
REAR YARD SETBACK OF 16' INSTEAD OF THE
REQUIRED 30'

ZONING PLAT
PROPERTY LOCATED
IN
15TH ELECTION DIST BALTO. CO. MD
S. C. ACRES ±



PETITIONER'S
EXHIBIT 1

SCALE: 1" = 50' MARCH 29 1985
GERHOLD, CROSS & ETZEL
REGISTERED LAND SURVEYORS
412 DELAWARE AVENUE
TOWSON, MD.

DATE	3/29/85
BY	MB
FOR	ML
PROJECT	9716
REVISION	
NO.	
DATE	
BY	
FOR	

322