

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 should approve continuance of a non-conforming use as to a contractor's

equipment storage yard, including but not necessarily limited to the parking of 2 landscape tractors, 1 rubber tire loader, 4 single-axle dump trucks, and 2 stakebody trucks. 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 to thereafter agree to and 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:

David A. Rogers, Esq.

(Type or Print Name)

Signature

209 E. Fayette St.

Address

Baltimore, Md. 21202

City and State

Attorney's Telephone No.: 685-5100

Legal Owner(s):

Barry Andrews

(Type or Print Name)

Signature

Virginia Andrews

(Type or Print Name)

Signature

1008 Rohe Farm Lane 391-2091

Address Phone No.

Baltimore, Md.

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of November, 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 11th day of December, 1985, at 1:30 o'clock

Cell John
Zoning Commissioner of Baltimore County.

(over)



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

ARNOLD JABLON
ZONING COMMISSIONER

December 15, 1985

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

David A. Rogers, Esquire
209 E. Fayette Street
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
W/S of Rohe Farm Lane, 1106'
S of Bird River Road
(1008 Rohe Farm Lane) -
15th Election District
Barry Andrews, et ux,
Petitioners
Case No. 86-243-SPH

Dear Mr. Rogers:

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

Very truly yours,

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

JMH:jbg

Attachments

cc: People's Counsel

RE: PETITION FOR SPECIAL HEARING
W/S of Rohe Farm Lane, 1106'
S of Bird River Road
(1008 Rohe Farm Lane) -
15th Election District
Barry Andrews, et ux,
Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 86-243-SPH

The Petitioners herein request approval for continuance of a nonconforming use as to a contractor's equipment storage yard, including but not necessarily limited to, parking of two landscape tractors, one rubber tire loader, four single-axle dump trucks, and two stakebody trucks.

Testimony by and on behalf of the Petitioner indicated that from approximately 1938 to 1945/46, sand was being dug and hauled from the farm of which the subject property was a part. In addition to farm trucks stored on the site, the outside contractor stored at least four dump trucks and a loader. From approximately 1945 to 1974, a member of the resident family was involved in sand hauling and/or trucking business. The equipment stored during this period included at least four dump trucks, a loader and a pick-up truck. The operator performed truck maintenance work in and around a garage. From 1974 to 1983, the resident operator had from nine to ten pieces of large equipment such as dump trucks, tractor trailer, roller, grader, loaders, back hoes and service trucks. He tore down the existing garage and built a larger one used for vehicle maintenance. From 1983 to date, the present owner has stored the contractor's equipment used in his landscape and trucking business on the property. The current nine pieces of equipment are enumerated in the instant Petition. There is business use of the property other than the storage and minor maintenance of vehicles. The current owner has added a significant amount of stockade fences, pines, and other plantings to screen the storage area from Rohe Farm Lane and utilizes the stone drive in the rear for all ingress and egress of equipment.

ment, both as indicated in the plan prepared by R. & R. Land Services, revised November 4, 1985 and marked Petitioner's Exhibit 1. There are existing underground gas and above ground oil storage tanks, all unused since 1983. There were no protestants.

In the opinion of the Deputy Zoning Commissioner, the testimony conclusively indicated that the property has been used continuously and without interruption as a contractor's equipment storage yard since 1939 and, therefore, a nonconforming use exists. The extent of the land area utilized and the number of pieces of equipment stored, however, are not as clear. It would appear that the least area was utilized in the 1950's and 1960's and the most in the late 1970's and early 1980's. To recognize and approve the area shown on Petitioner's Exhibit 1, and a total of nine major pieces of equipment such as enumerated on the Petition, would confirm the existence of a legal nonconforming use as already extended to the full 25% allowed by Section 104.1 of the Baltimore County Zoning Regulations.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 15th day of December, 1985, that a nonconforming use for a contractor's equipment storage yard be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, in accordance with the following continued modes of operation:

1. The contractor's equipment shall utilize the rear drive and not the drive to Rohe Farm Road.
2. Screening, both fence and plantings, as indicated on Petitioner's Exhibit 1, shall be maintained and no sign shall be added.
3. Vehicular maintenance shall continue to be minor maintenance only and restricted to the garage, pad and rear parking area.
4. No more than nine major pieces of equipment similar to those enumerated in the Petition shall be stored on-site at any one time.

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PETITION FOR SPECIAL HEARING 15th Election District

LOCATION: Westside Rohe Farm Lane, 1106' South of Bird River Rd.
(1008 Rohe Farm Lane)

DATE AND TIME: Wednesday, December 11, 1985 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 for continuance of a non-conforming use as to a contractor's equipment storage yard, including but not necessarily limited to the parking of 2 landscape tractors, 1 rubber tire loader, 4 single-axle dump trucks and 2 stakebody trucks.

Being the property of Barry Andrews, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is 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

RE: PETITION FOR SPECIAL HEARING
W/S Rohe Farm Lane, 1106' S of
Bird River Rd. (1008 Rohe
Farm Lane), 15th District
Barry Andrews, et ux,
Petitioners

Case No. 86-243-SPH

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 November, 1985, a copy of the foregoing Entry of Appearance was mailed to David A. Rogers, Esquire, 209 E. Fayette St., Baltimore, MD 21202, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

Description to Accompany Andrews Property Plat

Beginning for the same at a point on the south side of Rohe Farm Road 1106.5' distant and southeast from the intersection of the south side of Rohe Farm Road and the east side of Bird River Road, thence continuing along the south side of Rohe Farm Road south 32 degrees 43 minutes east one hundred forty five feet to pipe thence leaving the south side of Rohe Farm Road south 56 degrees 25 minutes west 235 feet to the center line of a 20 foot road north 32 degrees 43 minutes west 145 feet, thence leaving the center line of said 20 foot road north 56 degrees 25 minutes east 235 feet to the place of beginning. Also

Known as 1008 Rohe Farm Lane in the 15th. Election District.

Since the underground gas tanks and above ground oil tank have not been utilized since 1983, any nonconforming use of the property for the storage of gas or oil for vehicular use has terminated and the existing tanks shall be removed or backfilled in accordance with Baltimore County requirements within six (6) months from the date of this Order.

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

JMH:jbg

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

ARNOLD JABLON
ZONING COMMISSIONER

December 4, 1985

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

David A. Rogers
209 E. Fayette Street
Baltimore, Maryland 21202

RE: Petition for Special Hearing
W/S Rohe Farm Lane, 1106' S of Bird
River Rd. (1008 Rohe Farm Lane)
15th Election District
Barry Andrews, et ux - Petitioners
Case No. 86-243-SPH

Dear Mr. Rogers:

This is to advise you that \$ 52.90 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

No. 012460

DATE 12-23-85 ACCOUNT 801-615-000

AMOUNT \$ 52.90

RECEIVED FROM David A. Rogers, Esq.

FOR Advertising & Posting 86-243-SPH

80499*****52201a 6238F

VALIDATION OR SIGNATURE OF CASHIER

David A. Rogers, Esquire
209 E. Fayette St.
Baltimore, Maryland 21202

November 8, 1985

NOTICE OF HEARING

Re: Petition for Special Hearing
W/S Rohe Farm Lane, 1106' S of Bird
River Rd. (1008 Rohe Farm Lane)
15th Election District
Barry Andrews, et ux - Petitioners
Case No. 86-243-SPH

TIME: 1:30 p.m.

DATE: Wednesday, December 11, 1985

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

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

No. 012324

DATE 11/3/85 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM Audious Landscape

FOR SPH #128

8026*****100001a 8038F

VALIDATION OR SIGNATURE OF CASHIER

to whom it may concern,
I, William Schultz personally
know that the property known
as 1008 Rohe Farm Lane, Balto
County 21220, has been continuously
used for storage of equipment
by contractors since at least 1945.

Wm J Schultz
10244 Bird River Rd
Balto 21220

State of Maryland
County of Baltimore
I, _____
do hereby certify that the
above is a true and correct
copy of the original.

Harold J. Ladejian
My Commission Expires July 1, 1986

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: November 21, 1985

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

SUBJECT: Zoning Petition No. 86-243-SPH

In view of the subject of this petition, this office offers
no comment.

Norman E. Gerber, AICP
Director

NEG:JCH:slm

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 21, 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
November 21, 1985

THE JEFFERSONIAN,

Cost of Advertising
24.75

PETITION FOR SPECIAL
HEARING
LOCATION: W/S Rohe Farm Lane, 1106' S of Bird River Rd. (1008 Rohe Farm Lane) 15th Election District
DATE AND TIME: Wednesday, December 11, 1985 at 1:30 p.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Board of Zoning Appeals, has received a petition for a special hearing for a change of zoning from R-1 to R-2 for the property of Barry Andrews, et ux, located at 1008 Rohe Farm Lane, Baltimore County, Maryland. The petition is being heard on the date of the hearing. The Zoning Commissioner of Baltimore County, by authority of the Board of Zoning Appeals, has received a petition for a special hearing for a change of zoning from R-1 to R-2 for the property of Barry Andrews, et ux, located at 1008 Rohe Farm Lane, Baltimore County, Maryland. The petition is being heard on the date of the hearing.

86-243-SPH The Times

Middle River, Md., Nov. 20, 1985

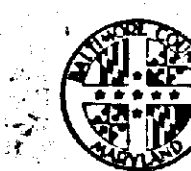
This is to Certify, That the annexed
Petition was
was inserted in The Times, a newspaper printed
and published in Baltimore County, once in each
of two successive
weeks before the 20th day of
Nov. 1985
James P. Jones Publisher.

Petition for
Special Hearing
LOCATION: W/S Rohe Farm Lane, 1106' S of Bird River Rd. (1008 Rohe Farm Lane) 15th Election District
DATE AND TIME: Wednesday, December 11, 1985 at 1:30 p.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Board of Zoning Appeals, has received a petition for a special hearing for a change of zoning from R-1 to R-2 for the property of Barry Andrews, et ux, located at 1008 Rohe Farm Lane, Baltimore County, Maryland. The petition is being heard on the date of the hearing.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 86-243-SPH
Towson, Maryland

District 15th Date of Posting 11/15/85
Posted for: Special Hearing
Petitioner: Barry Andrews, et ux
Location of property: W/S Rohe Farm Lane, 1106' S of Bird River Rd.
1008 Rohe Farm Lane
Location of Sign: Petitioners' Home, Approx 10' Ea.
West Way, on property of Petitioner
Remarks: None
Posted by: M. Ladejian Date of return: 11/15/85
Number of Signs: 1



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

STEPHEN E. COLLINS
DIRECTOR

November 18, 1985

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

Item No. -ZAC-
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Meeting of October 15, 1985

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbered
127, 128, & 129.

Michael S. Flanagan
Traffic Engineer Associate II

HSP/bld

86-243-SPH
12/11

Case No. 86-243-SPH

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
5th day of November, 1985.

Petitioner: Barry Andrews, et ux
Petitioners' Attorney: David A. Rogers, Esquire

ARNOLD JABLON
Zoning Commissioner

Received by: James E. Flanagan

Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 12, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204David A. Rogers, Esquire
209 East Fayette Street
Baltimore, Maryland 21202RE: Item No. 128 - Case No. 86-243-SPH
Petitioner - Barry Andrews, et ux
Special Hearing Petition

Dear Mr. Rogers:

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.

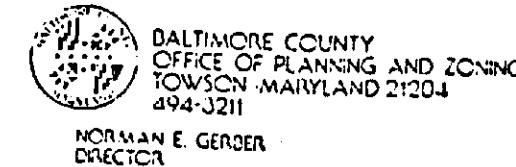
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing 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:nr

Enclosures

cc: R & R Land Services
P. O. Box 10824
Baltimore, Maryland 21234Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

NOVEMBER 15, 1985

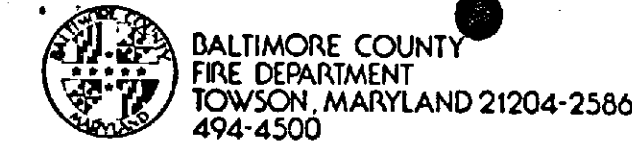
Re: Zoning Advisory Meeting of OCTOBER 15, 1985
Item # 128
Property Owner: BARRY ANDREWS, et ux
Location: S/S ROHE FARM RD. 1106' SE
OF THE SE/S OF BIRD RIVER RD.

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.

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This 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 its conditions change are re-evaluated annually by the County Council.
- (X) Additional comments:
① 12' ALLEY SHOULD NOT BE USED FOR INGRESS
OF HEAVY EQUIPMENT
② ANY FUTURE EXPANSION OF SITE MUST COMPLY
TO ALL APPLICABLE COUNTY REGULATIONS AND
STANDARDS.

cc: James Hoswell

Eugene A. Sober
Chief, Current Planning and DevelopmentPAUL H. REINCKE
CHIEF

October 14, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Barry Andrews, et ux

Location: S/S Rohe Farm Road, 1106' SE of the SE/S of Bird River Road

Item No.: 128

Zoning Agenda: Meeting of October 15, 1985

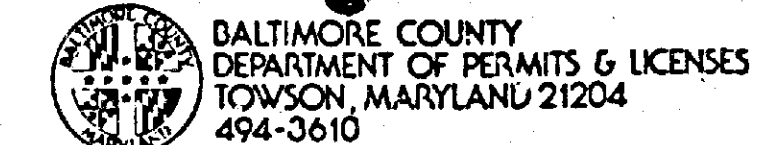
Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: _____
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



November 22, 1985

TED ZALESKI, JR.
DIRECTORMr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 128 Zoning Advisory Committee Meeting are as follows:

Property Owner: Barry Andrews, et ux
Location: S/S Rohe Farm Road, 1106' SE of the SE/S of Bird River Road
District: 15th.

APPLICABLE ITEMS ARE CIRCLED:

- (A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.S.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- (B) 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. Reproduced seals are not acceptable.
- E. All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-1 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1107, Section 1106.2 and Table 1102. 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 401 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 Change of Use/Occupancy Permit, an alteration 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 new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Uses _____. See Section 112 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments _____
- K. These abbreviated comments reflect only on the information provided by the drawings 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 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles S. Burnham
BY: C. S. Burnham, Chief
Building Plans Review

L/22/85

