s. This is the same area which Petitioner now requests ...ion. Indeed, the "expansion" is larger than the entire ...and thus more than doubles the area.

...s also important to underline that Petitioner owns not ...e 2" but also the neighboring "Site 1". For business ...the Petitioner chooses to lease these sites to separate ...operating trucking facilities.

..."Site 2" has in fact been operated ...ween 1983 and 1987. ...area now sought to be legalized and, from the evidence, ...ven beyond that in close proximity to Beach Road. No ...explanation has been given as to why Petitioner never ...ttempted to comply with the Order of this Board of ...er 20, 1983.

II. QUESTIONS PRESENTED

... Whether the law does intend to allow variances to the ...ed distance from residential zones and dwellings?

... Whether in the absence of a substantial change in ...stances, the prior administrative decisionmaking bars the ...t petitions by operation of res judicata?

C. Whether the doctrine of self-created hardship also bars ...resent petitions?

D. Whether the special exception and variance requests are ...fied generally?

III. Argument

A. The Law Does Not Intend to Allow Variances to the Required Distance from Residential Zones and Dwellings.

On February 19, 1975, the Baltimore County Planning Board issued its report entitled "Proposed Zoning Amendments: Trucking Facilities." The preamble to this report stated, in pertinent part,

"Unfortunately, the facilities that serve and are served by the trucking industry are frequently incompatible with other business and industrial establishments. And, needless to say, they are totally inappropriate in or near residential areas: while most citizens have probably come to accept the noise and fumes of large tractor-trailers driving along major highways, they cannot find it so easy to accept the concentration of these factors at a truck terminal or truck yard operating day and night close to their homes.

"The fact is, however, that a number of trucking facilities have been established too close to the homes of Baltimore County citizens over the years, especially in communities near major industrial areas. And it is not only the on-premise truck operations that have caused problems, for the facilities are frequently so situated that trucks must gain access to them by way of small, residential streets.

"By and large, the trucking facilities causing these problems have been established in accordance with present zoning regulations. It has become apparent that those regulations are inadequate in many respects -- not just in their lack of safeguards for the welfare of residential areas adjacent to trucking-facility sites, but also in their failure to prescribe modern development standards.

"It is the purpose of the regulations proposed here to remedy those deficiencies, both in terms of

control over the development of new facilities and in terms of remedial measures applicable to existing ones."

Upon this recommendation, the County Council enacted Bill 18-76, on April 19, 1976. This included BCZR Section 410A.2. The Court of Special Appeals in Laskey v. Bethlehem Steel Corporation, No. 18, September Term, 1979, underlined the strong legislative intent to protect residential areas. At page 5 of the Opinion, the Court referred to the Planning Board recommendation and said,

"The report concluded that trucking facilities are 'totally inappropriate in or near residential areas .... The fact is ... that a number of trucking facilities have been established too close to the homes of Baltimore County citizens over the years, especially in communities near major industrial areas.'"

To be sure, the Laskey case dealt with the question as to whether the distance requirement applied to residences remaining in manufacturing zones as nonconforming uses. The Petitioner in Laskey did not request a variance. This seems to reinforce the concept that variances were not intended to function as they otherwise might under BCZR Section 307. Otherwise, it would have been a simple thing for Laskey to accompany his request for special exception with a variance request. The bottom line is that the Laskey case, virtually contemporaneous with the enactment of Bill 18-76, is evidence of the construction of the law to preclude variation from the distance requirements. Moreover, we know of no case since 1976 in which a variance has been granted to BCZR Section 410A.2.

For these reasons, and given the absence of any amendment of the law on this point, the appropriate interpretation is that BCZR Section 410A.2 is in the nature of a use restriction and cannot be varied. In the alternative, the legislative language and history indicates an unusually strong presumption against the granting of any variances. On this basis alone, the present petition is not permissible. Any expansion beyond the limits allowed in 1983 would clearly encroach into the prohibited area.

B. In the Absence of a Substantial Change in Circumstances, the Prior Administrative Decisionmaking Bars the Present Petitions By Operation of Res Judicata.

The evidence demonstrated that there was no change in circumstances since the Orders of the Deputy Zoning Commissioner and County Board of Appeals in 1982 and 1983. The operation remains the same. The site remains the same. As noted, there was not even any attempt to comply with the earlier Orders. The prior administrative decisions set the limits to the trucking facility and dealt specifically with the paving question. Moreover, Petitioner had an opportunity at that time to request a special exception for expansion and/or a variance to the distance requirement. Neither was requested.

It is well established that res judicata applies to administrative decisions. In addition, so long as the cause of action is the same claim or transaction, it applies not only to the specific legal matters presented, but also to all matters which might have been presented.

The bottom line is that the present petitions, while framed slightly differently from the earlier petitions, involve the same essential claim. The law is settled in Maryland,

"... that an unreversed final decision by a zoning board, passed in the exercise of its discretion upon issues of fact or upon mixed issues of law and fact are fully binding upon parties to the cause and their privies as to all issues determined thereby. It is only when there has been a substantial change of conditions or it is shown that the decision was the product of fraud, surprise, mistake, or inadvertence, that such an administrative body may reverse its prior decision in litigation between the same parties." Board of County Commissioners v. Racine, 24 Md. App. 435, 450 (1975).

In Racine, Judge Albert Menchine determined that a prior administrative decision involving the same parties and subject matter is binding except where the earlier decision is solely the product of an error of law or a substantial change in conditions. On the latter point, the case of Whittle v. Board of Zoning Appeals, 211 Md. 36 (1956), a Baltimore County case, is in point. There, it was declared at page 45-46:

"The general rule, where the question has arisen, seems to be that after the lapse of such time as may be specified by the ordinance, a zoning appeals board may consider and act upon a new application for a special permit previously denied, but that it may properly grant such a permit only if there has been a substantial change in conditions. This rule seems to rest not strictly on the doctrine of res judicata, but upon the proposition that it would be arbitrary for the board to arrive at opposite conclusions on substantially the same state of facts and the same law."

The Whittle decision also pointed out that the application of res judicata "does not depend upon whether or not the case was as

comprehensively or persuasively presented at the first ... at the second." Quoting Sterling v. Local 438, 207 Md. ... (1955),

".... judgment in the earlier case on the merits was an absolute bar, not only as to all matters which were litigated in the earlier case, but as to all matters which could have been litigated."

It is interesting that the Whittle case involved the ... of the decision of the Baltimore County Board of Zoning ... granting a special permit to use a building in a residential ... for a funeral home. The issue is thus analogous to the ... the present case. It is submitted that Chief Judge ... concluding observation in Whittle can be written into the ... situation:

"The first rezoning case was litigated and all the information which could have been produced should have been produced and the second case cannot be decided on testimony which might have been introduced in the first case.

"Because essentially the same facts appeared in the second case as appeared or as could have been shown in the first case, the appellees are barred by res judicata, and their petition should have been denied." 211 Md. at 49.

The bottom line is that the doctrine of preclusion ... judicata is sufficient ground independently to deny the ... petitions. Its application is particularly appropriate where ... Petitioner has made no good faith undertaking to comply with ... administrative decisions.

Moreover, the resolution of this issue is important ... precedent and reminder for other cases, current and future.

C. The Doctrine of Self-Created Hardship Also Bars the Present Petitions.

...Court of Appeals in Gleason v. Keswick Improvement ..., 197 Md. 46 (1951), denied a special exception for a ... residential district, in the nature of a variance. ... of the petition was to bring commercial use closer to ...spring residential uses to the west along Coldspring ...

...Court pointed to the heavy burden of proof upon the ... and that the profitability of the requested use is not ... ground to grant a variance. In addition, the purchase ...ty with the intention to apply for a variance ...es the property owner from suggesting that the ...le restrictions cause peculiar hardship.

...the present case, analogously, the deliberate decision of ...tioner to divide Site 1 and 2 for business purposes, and, ...ly, highest profits disqualifies Petitioner from ...ing that there is a genuine hardship. It is necessary to ...e that property must be viewed and analyzed in its ...y, and that courts will not tolerate arguments of ...ation and hardship derived from artificial separation and ...ation of parts of property. Keystone Bituminous Coal ...tion v. DeBenedictis, ___ U.S. _____, 94 L.Ed.2nd 472 ...; Penn Central Transportation Company v. City of New York, ... U.S. 104 (1978).

D. The Special Exception and Variance Requests Are Not Justified Generally.

A special exception must be denied if there are adverse effects on the public safety, health, and welfare associated with the particular site. Schultz v. Pritts, 291 Md. 1 (1981). Analogously, a variance must be denied if it serves the personal convenience of the property owner and is not equitable in the neighborhood. McLean v. Soley, 270 Md. 208 (1973), Carney v. City of Baltimore, 201 Md. 130 (1952).

Here, the testimony demonstrates unique problems because of the situation of Beach Road, and the inevitable oppression of the residential neighborhood by the trucks and containers in close proximity. This is not speculation. Unfortunately, the expansion area has been in continuous use without approval, and the adverse effects are manifest through the testimony of neighbors and photographs.

Indeed, the evidence shows the containers and wheel stops to be virtually on top of Beach Road. The indifference of the property owner to all but personal financial benefit is striking. It is further proven by the previous effort to have declared unconstitutional the paving regulations. Corkran v. Zoning Commissioner, No. 1631, September Term, 1979, Court of Special Appeals of Maryland.

As to the paving variance, it raised unanswered questions about water pollution and implementation, particularly in light of the history of the site. Once again, this was for personal

convenience. Another case in which a somewhat similar request for variance was denied is Szyman v. County Board of Appeals, No. 84-M-159 (attached).

The truck terminal legislation was passed over a decade ago to give some means of relief to residents along streets like Beach Road. The legislative decision was made that these neighborhoods shall not be destroyed by the encroachment of trucking facilities.

IV. CONCLUSION

For the foregoing reasons, the petitions should be denied. Indeed, it is the view of this office that the case should be referred to the Zoning Commissiioner for immediate enforcement proceedings.

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

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

I HEREBY CERTIFY that on this 16th day of December, 1987, a copy of the foregoing People's Counsel's Post-Hearing Memorandum was mailed to Robert J. Romadka, Esquire, and John B. Gontrum, Esquire, 809 Eastern Blvd., Baltimore, MD 21221; Ms. Marjorie Hill, Wells-McComas Improvement Assn., 8109 Raymond Ave.,

Baltimore, MD 21222; Mr. David Sheeks, 4056 Beach Rd., Baltimore, MD 21222; and Mr. Michael Northrop, Md. Dept. of State Planning, 301 W. Preston St., Baltimore, MD 21201.

Peter Max Zimmerman
Peter Max Zimmerman

Duplicate

JAMES R. SZYMAN and LORRAINE E. SZYMAN	:	IN THE
Appellants	:	CIRCUIT COURT
vs.	:	FOR
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	:	BALTIMORE COUNTY
	:	Case No. 84-M-159
Appellee	:	Docket 16, Folio 214

:::::::::::::::::

MEMORANDUM OPINION

The Appellants, James R. Szyman and Lorraine E. Szyman, are owners of property located at 6923 Ebenezer Road in Baltimore County. Appellants filed a Petition for Variance from section 409.2.c(2) of the Baltimore County Zoning Regulations (hereinafter "Regulations"), which provides that:

"Any parking or storage space for more than 5 vehicles shall provide a durable and dustless surface, and shall be properly drained."

Appellants sought approval to permit their parking, maneuvering areas and driveways to be paved with crusher run instead of the required macadam, tar and chip, etcetera.

On August 1, 1983, the Deputy Zoning Commissioner (hereinafter "Commissioner") issued a decision denying the Petition for Variance. Appellants filed an appeal from the Commissioner's decision and, on February 2, 1984, the County Board of Appeals for Baltimore County (hereinafter "the Board") conducted a de novo hearing. On April 4, 1984, the Board filed an Order in which it affirmed the Order of the Commissioner and denied the

requested variance. Appellants appealed the Board's decision to this court, which held a hearing on August 27, 1984. Appellants contend that the decision of the Board is invalid, illegal, arbitrary and capricious and should be reversed for these reasons.

One of Appellants' arguments is that the Board failed to comply with the requirements of MD. ANN. CODE art. 25A, sec. 5 (U) (1981 Repl. Vol.) which provides, in part,:

"[I]t shall file an opinion which shall include a statement of the facts found and the grounds for its decision."

The Board's Opinion summarizes the testimony taken at the hearing and recites its conclusions. Although the Board could have been more explicit in expressing its determinations, the court concludes that the facts found and the grounds for decision are sufficiently implied in the Opinion of the Board so that the basis for the decision is clear. Therefore, there is no merit in Appellants' contention that the decision of the Board is procedurally defective.

Appellants also argue that the weight of the evidence supports a grant of the variance rather than a denial. The test to be applied by this court in review of the action of the Board was succintly expressed by the Court of Appeals in Supervisor of Assess. v. Ely, 272 Md. 77, 84 (1974):

"The common denominator for testing judicial review of an act of an administrative agency . . . has been defined as whether a reasoning mind reasonably could have reached the factual conclusion the agency reached; this need not and must not be either judicial fact-finding or a substitution of

judicial judgment for agency judgment."

Fairchild Hiller v. Supervisor of Assess., 267 Md. 519, 521 (1973); Supervisor of Assess. v. Banks, 252 Md. 600, 610 (1969); Ins. Commn'r v. National Bureau, 248 Md. 292, 309-310 (1967); See also Comptroller v. Diebold, Inc., 279 Md. 401, 407 (1977).

Review of the record in these proceedings leads this court to the conclusion that the decision of the Board is proper and cannot be overturned by the court. The Board obviously considered all the evidence presented to it and found that the use of crusher run versus macadam is not permissible in light of the specific guidelines which govern the granting of variances. Section 307 of the Regulations provides in pertinent part:

"The Zoning Commissioner . . . and the County Board of Appeals, upon appeal, shall have and are hereby given the power to grant variances from . . . offstreet parking regulations . . . only in cases where strict compliance with the . . . Regulations . . . would result in practical difficulty or unreasonable hardship . . . . Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said . . . offstreet parking . . . regulations, and only in such manner as to grant relief without substantial injury to public health, safety and general welfare. They shall have no power to grant any other variances."

Three witnesses testified at the Board's hearing regarding the runoff of water from Appellants' property. Each stated that runoff will exist whether the surface is crusher run or macadam. Although the runoff may be greater with macadam, the Board reasonably concluded that it can be controlled by grading

...se the water to flow into the storm drainage system. ...Board also heard testimony from two witnesses concerning ...dust problem. The Board concluded that "the paving of ...areas in question will alleviate the dust problem considerably." Crusher run obviously causes a dust problem not associated with macadam. Thus, "a reasoning mind reasonably ...have reached the factual conclusion the agency reached." ...thermore, the denial of the variance is appropriate because ...use of crusher run is not in "strict harmony with the spirit and intent" of the regulations, which is to provide a properly drained, durable and dustless surface.

In addition, it is obvious to this court, upon review of ...record, that Appellants have not established that "strict compliance with the . . . Regulations . . . would result in practical difficulty or unreasonable hardship" as required by Section 307 of the Regulations. One of the Appellants testified that an average estimate for paving from three contractors is $85,000. Appellant indicated that the cost of putting down crusher run, three years prior to the hearing, was somewhere between fifteen and eighteen thousand dollars. This testimony is inconclusive because no evidence was submitted to the Board with which to measure the impact of an $85,000 expenditure on the Appellants or on their business. Finally, any hardship of expenditures required to be made in addition to the cost of putting down crusher run has been caused by Appellants themselves. A self-inflicted hardship cannot be the basis for a variance; in fact, it is a bar to relief. Salisbury Board of

Zoning Appeals v. Bounds, 240 Md. 547 (1965)

For all of the above reasons, the decision of the Board is hereby affirmed. Costs are to be paid by Appellants.

J. William Hinkel
J. WILLIAM HINKEL
JUDGE

DATED: 9/25/84

cc: Arvin E. Rosen, Esquire
G. Scott Barhight, Esquire
Peter Max Zimmerman, Esquire
County Board of Appeals of Baltimore County

RE: SPECIAL HEARING TO AMEND THE APPROVED SITE PLAN TO SEPARATE OUT SITE I AND SPECIAL HEARING TO AMEND THE 5TH, 6TH, 7TH AND 8TH RESTRICTIONS OF THE APPROVED SITE PLAN AND SPECIAL EXCEPTION FOR EXPANDING CLASS II TRUCK TERMINAL USE ON PART OF SITE II AND A REQUEST FOR VARIANCE FROM SECTION 410 A.2 TO PERMIT A MINIMUM SETBACK OF 100' FROM A RESIDENTIAL AREA INSTEAD OF THE REQUIRED 300' AND A REQUEST FOR A VARIANCE FROM SECTION 410 A.3.B6 TO PERMIT A PAVING SECTION OF 8" CRUSHED STONE IN THE STORAGE AREA.	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 86-417-XSPHA

*** *** *** *** *** *** * *** *** *** *** *** ***

STATEMENT OF THE CASE

This case originated with the filing by Petitioner Margaret Corkran of a Petition for Special Exception for expansion of an existing Class II trucking facility, of a Petition for Special Hearing to amend a previously approved site plan dated September 29, 1977, in Case No. 78-165 ASPH for a Class II trucking facility to separate Site I and Site II as shown on the site plan filed with the Petitions herein and to remove the 5th, 6th, 7th and 8th restrictions on the previously approved plan to bring that plan into compliance and harmony with the special exception and variance requests, and of a Petition for zoning variance from Section 410A.2 of the Baltimore County Zoning Regulations (hereinafter referred

to as the BCZR) permit a minimum setback of 100 feet from a residential zone in lieu of the required 300 feet and from Section 410A.3B.6 to permit a paving section of 8 inch crushed stone or other pervious material in the storage area as noted on the filed site plan. The variances, and special exception would only apply to Site II of the facility as noted on the site plan filed in this case. Comments of the Zoning Plans Advisory Committee were filed indicating general acceptability of the Plan. The Case came on for hearing before the same Deputy Zoning Commissioner who had granted and approved the previously filed site plan in Case No. 78-165 ASPH. Protestants appeared and testified in opposition to the petitions. After lengthy review of the Petitions the Deputy Zoning Commissioner granted all of the aforegoing petitions subject to certain restrictions in her opinion and order. (See Attached Exhibit A Case #86-417-XSPHA). An appeal was filed by Baltimore County's People's Counsel, and the case was heard by the Baltimore County Board of Appeals on November 19, 1987.

STATEMENT OF FACTS

The subject site is located on the southeast corner of Beach and Fischer Roads in the 15th Election District of Baltimore County. The site is zoned MH-IM. The IM district designation is reserved according to the BCZR for sites containing over 100 acres of contiguous manufacturing zoning.

Indeed, the site is surrounded on three sides by MH zoning, and trucking facilities are located adjacent to the site on the south all the way to Beachwood Road along both sides of Fischer Road. The only residential property adjacent to the site is located across Beach Road along with a tavern and social club.

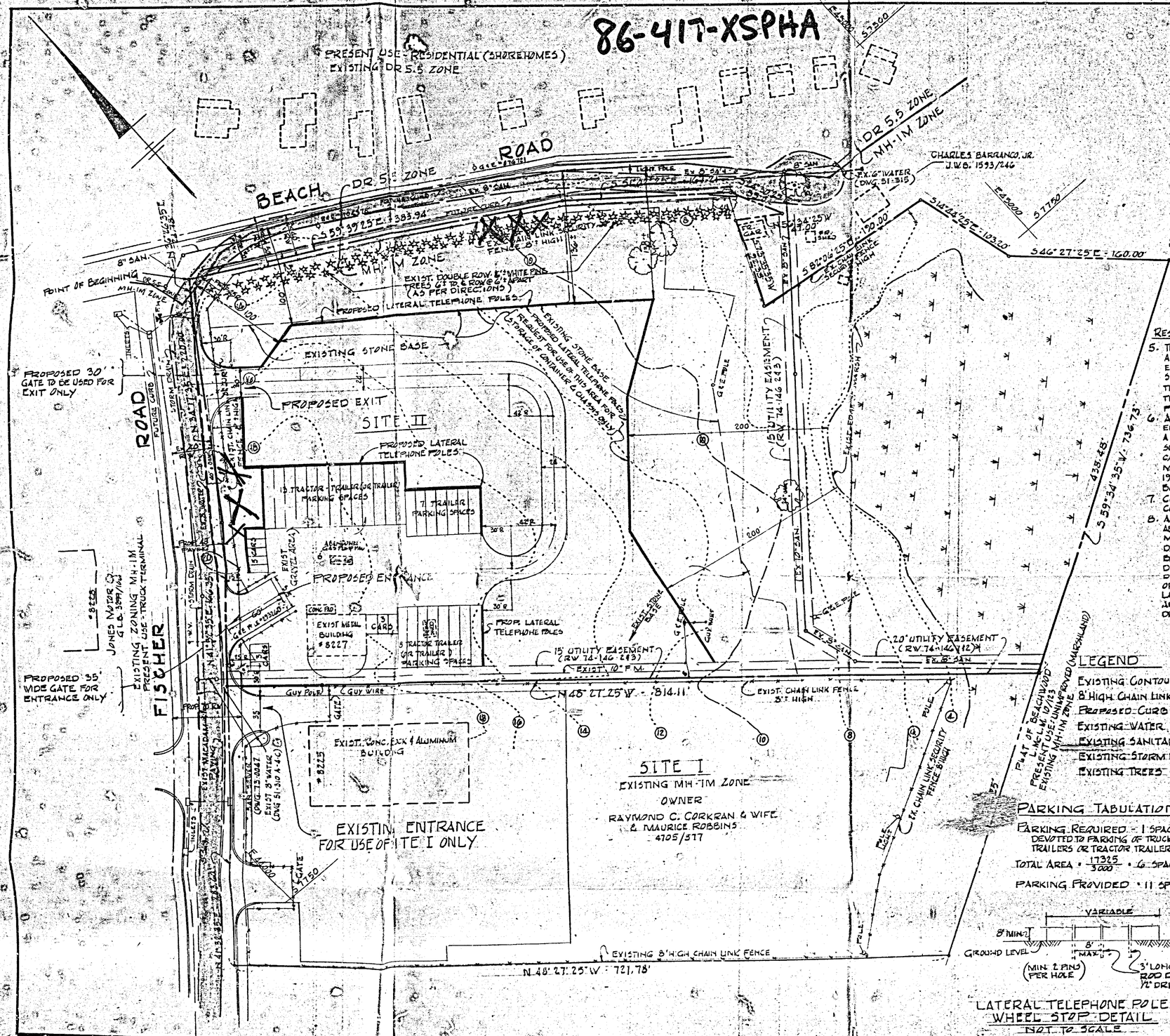
A site plan was prepared and filed in accordance with the trucking facilities legislation in Case No. 78-165 ASPH. The site plan indicated the site as divided into two separate facilities with independent access to Fischer Road. A chain link fence separated the facilities. The plan was initially prepared in February, 1977, and amended in September, 1977, prior to the hearing. The sole purpose of the plan was to present to the Zoning Commissioner what had existed on the site prior to the enactment of the trucking facilities legislation in 1976 and to establish a timetable for compliance. A variance was requested from the paving requirements at that time; they have since been amended. At that time the Deputy Zoning Commissioner was required to determine the limit of the facilities as they existed prior to the enactment of the trucking facilities legislation in 1976, and she limited the development for trucking facility use to what is indicated on the 1977 plan. That plan, however, clearly indicated that additional portions of the facility had been used for storage as it had been paved with slag and crushed stone.

The trucking facilities legislation was the subject ... much litigation and scrutiny in the late 1970's and ... 1980's. From its inception attempts were made to amend it ... to interpret it; all of which attempts delayed its ... implementation by the County, for the County recognized ... confusing and harsh aspects. Eventually, by interpretation ... amendment of the standards the facilities regulation ... clarified.

Petitioner in this case literally inherited ... previously existing situation from her late husband, who ... managed the site until 1985. From that time forward she ... attempted to bring the site plans into conformance with ... has been the actual usage of the site. Site I as designated on the filed plan in this case and as clearly shown on ... 1977 site plan has always been independently leased ... trucking concern under long term lease arrangements ... renewal options. Perhaps, in 1977, it was contemplated ... the sites would be joined, but in fact and in usage they ... not been. No change or amendment to Site I has been pro... in this case, only the recognition of the existence of Site ... as an independent facility.

Site II in actual usage has been defined more cle... over the years by the limits of the stone and slag surfa... shown on the filed plans herein and by the 1977 plan. ... area, however, has always been used for chassis and conta... box storage, rather than actual tractor or trailer parking

86-417-XSPHA

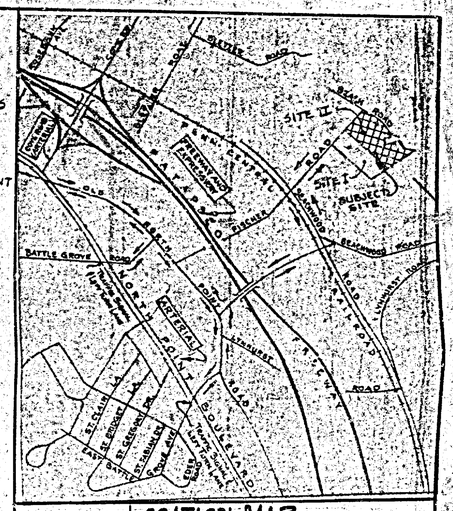


SITE STANDARDS

1. NET AREA IS 9.198 ACRES ±
2. LAYOUT PROVIDES FOR CONVENIENT FORWARD MOVEMENT OF VEHICLES.
3. 75% OF SITE USED FOR TRUCKING OPERATIONS IS DEVOTED TO PARKING OF TRUCK TRACTORS AND TRAILERS. (MAX. NUMBER OF UNITS: 21 PARKING FOR 21).
4. SITE IS SURROUNDED BY 8' HIGH CHAIN LINK FENCE. SCREENING HAS BEEN PROVIDED ADJACENT TO RESIDENTIAL ZONE.
5. WHEEL STOPS WILL BE PROVIDED IN TRUCKING OPERATION AREA.
6. PARKING, LOADING AND MANEUVERING AREAS WILL BE PAVED WITH BITUMINOUS CONCRETE OR CEMENT SURFACE OVER EXISTING BASE AS PER ORIGINAL SITE PLAN REQUIREMENTS.
7. SITE DRAINS NATURALLY TO MARSH AREA IN REAR.
8. EXISTING BUILDING WILL BE UTILIZED FOR TRUCK TERMINAL FACILITIES.
9. ADDITIONAL LANDSCAPING IF REQUIRED WILL BE PROVIDED (PLAN BY LANDSCAPE ARCHITECT).

RESTRICTIONS REQUESTED TO BE AMENDED

5. THE PLACEMENT OF LATERAL TELEPHONE POLES AROUND THE PERIMETER OF THE FACILITY AS IT EXISTED AT THE TIME OF THE SEPTEMBER 29, 1977 SITE PLAN WILL BE REQUIRED. FURTHERMORE, THE PARKING OR STORAGE OF TRUCKS, TRUCK CABS, TRAILERS, TRACTOR-TRAILERS, AND CONTAINERS ARE PROHIBITED OUTSIDE OF THIS AREA.
6. A SCHEDULE OF COMPLIANCE FOR PAVING THE ENTIRE PARKING AND MANEUVERING AREAS WITH A BITUMINOUS CONCRETE OR CEMENT SURFACE OVER A SUITABLE BASE SHALL BE INDICATED ON THE SITE PLAN. THE PAVING OF THE SITE MUST BE COMPLETED 60 DAYS FROM SEPT. 20 TH 1983 ACCORDING TO AMENDED ORDER FROM THE BOARD OF APPEALS.
7. COMPLIANCE WITH SECTION 410 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
8. A REVISED SITE PLAN, INCORPORATING THE ABOVE SET FORTH RESTRICTIONS SHALL BE SUBMITTED AND APPROVAL ATTAINED WITHIN 90 DAYS FROM THE DATE OF THIS ORDER BY THE BALTIMORE COUNTY TRUCKING FACILITIES DEVELOPMENT OFFICIALS COMMITTEE, THE DEPARTMENT OF PUBLIC WORKS, AND THE OFFICE OF PLANNING AND ZONING, INCLUDING LANDSCAPING AND SCREENING REQUIRED FOR APPROVAL BY THE CURRENT PLANNING AND DEVELOPMENT DIVISION.



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

1. AREA OF SITE II: 9.198 ACRES ±
2. EXISTING ZONING: MH-IM.
3. PRESENT USE: CLASS II TRUCK TERMINAL.
4. PROPOSED USE: CLASS II TRUCK TERMINAL EXPANSION FOR STORAGE OF CONTAINERS AND CHASSIS. AREA = 2.31 ACRES (ADD)
5. EXISTING BUILDING WILL BE UTILIZED FOR TRUCK TERMINAL FACILITIES.
6. PUBLIC SANITARY SEWER AND WATER ARE AVAILABLE.
7. HOURS OF OPERATION: 24 HOURS - MAXIMUM NUMBER OF TRUCKS (TRACTOR AND TRAILER) = 21
8. REQUIRED SCREENING HAS BEEN PLANTED ON THE NORTH EAST PROPERTY LINE.
9. LATERAL TELEPHONE POLES WILL BE USED AS WHEEL STOPS WHERE INDICATED (SEE DETAIL).
10. NO JUNKED VEHICLES WILL BE STORED ON SITE.
11. ACCESS OR TRAVEL ROUTE TO THIS SITE WILL BE BY FISCHER ROAD TO BEACHWOOD ROAD TO OLD NORTH POINT ROAD TO NORTH POINT BLVD. OR FISCHER ROAD TO BEACHWOOD ROAD TO OLD NORTH POINT ROAD TO BATTLE GROVE OR GROVE ROAD TO NORTH POINT BLVD.
12. NO OUTSIDE STORAGE OF AUTO PARTS IS PERMITTED.

LEGEND

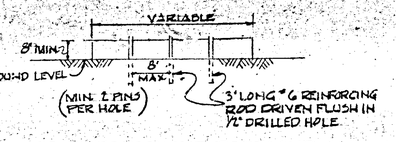
- EXISTING CONTOURS, 2' INTERVAL
- 8' HIGH CHAIN LINK FENCE
- PROPOSED CURB & GUTTER
- EXISTING WATER
- EXISTING SANITARY
- EXISTING STORM DRAIN
- EXISTING TREES — EX. TREE — EX. PINE

PARKING TABULATION

PARKING REQUIRED - 1 SPACE/3000 SQ. FT. OF AREA DEVOTED TO PARKING OF TRUCK TRACTORS, TRUCK TRAILERS OR TRACTOR TRAILERS BILL 18-76 CL II.

TOTAL AREA = $\frac{17325}{3000}$ = 6 SPACES

PARKING PROVIDED = 11 SPACES.



LATERAL TELEPHONE POLE AND WHEEL STOP DETAIL
NOT TO SCALE

PLAT TO ACCOMPANY PETITION FOR

SPECIAL HEARING TO AMEND THE APPROVED SITE PLAN TO SEPARATE OUT SITE I AND SPECIAL HEARING TO AMEND THE 5 TH, 6 TH, 7 TH AND 8 TH RESTRICTIONS OF THE APPROVED SITE PLAN AND SPECIAL EXCEPTION FOR EXPANDING CLASS II TRUCK TERMINAL USE ON PART OF SITE II AND A REQUEST FOR VARIANCE FROM SECTION 410 A-2 TO PERMIT A MINIMUM SETBACK OFF 100 FEET FROM A RESIDENTIAL AREA INSTEAD OF THE REQUIRED 300 FEET AND A REQUEST FOR VARIANCE FROM SECTION 410 A-3 BG TO PERMIT A PAVING SECTION OF 8 INCH CRUSED STONE IN THE STORAGE AREA.

PETITIONER'S EXHIBIT

86-417-XSPHA

REVISED: JAN. 22, 1986
REVISED: JAN. 7, 1986

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120

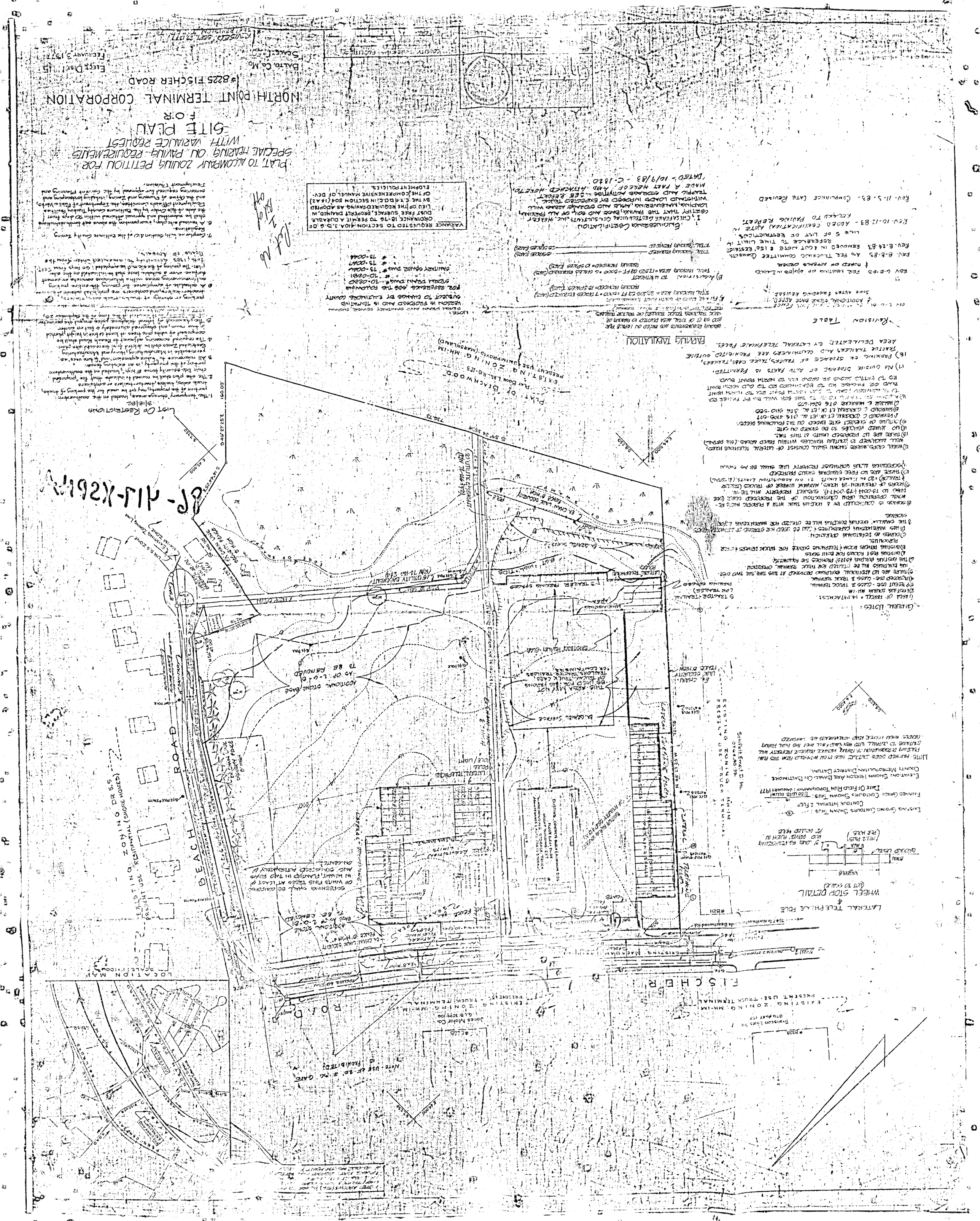
OWNERS
NORTH POINT TERMINAL COMPANY
#8227 FISCHER ROAD
BALTIMORE, MARYLAND
477-1415
(DEED REF. 5867/817)

SITE PLAN

NORTH POINT TERMINAL COMPANY
15 TH ELECTION DISTRICT · BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50'
DATE: OCTOBER 26, 1985

OFFICE COPY #290

PN 3694



FISCHER ROAD
BEACH ROAD
EXISTING ZONING: MH-IM PRESENT USE: TRUCK TERMINAL
EXISTING ZONING: DR 5.5 PRESENT USE: RESIDENTIAL (SHORE HOMES)
Jones Motor Co.
EXISTING MACADAM
Note - USE OF 20' ± GATE IS PROHIBITED
SCREENING SHALL BE COMPOSED OF WHITE PINE TREES AT LEAST 6' IN HEIGHT, PLANTED IN TWO ROWS AND STAGGERED ALTERNATELY 6' ON CENTER
ADDITIONAL STONE BASE AS OF 2-6-81 TO BE REMOVED
THIS AREA MAY NOT BE USED FOR THE PARKING OF TRUCKS, TRUCK CABS, TRAILORS, TRACTOR TRAILORS OR CONTAINERS
EX. GRAVEL SURFACE
EX. CHAIN LINK SECURITY FENCE 8' HIGH
LATERAL TELEPHONE POLES
5 TRACTOR-TRAILER (OR TRAILER) PARKING SPACES
3 TRAILER PARKING SPACES
15' UTILITY EASEMENT
EDGE OF SWAMP
S 59°24'35"W 736.73'
S 46°27'25"E 160.00'
E 45,000
S 7,750
LOCATION MAP SCALE: 1"=1000'

PLAT OF "BEACHWOOD"
PLAT BOOK L.McL.M. 10-123
EXISTING ZONING: MH-IM
PRESENT USE: UNIMPROVED (MARSHLAND)

LATERAL TELEPHONE POLE & WHEEL STOP DETAIL

(NOT TO SCALE)

VARIABLE
8" MIN
GROUND LEVEL
6' MAX
(MIN. 2 PINS PER HOLE)
3' LONG #6 REINFORCING ROD DRIVEN FLUSH IN 1/2" DRILLED HOLE

EXISTING GROUND CONTOURS SHOWN THUS: ---⑧---
CONTOUR INTERVAL 2 FEET
FINISHED GRADE CONTOURS SHOWN THUS: (SEE NOTE BELOW)
DATE OF FIELD RUN TOPOGRAPHY: JANUARY 1977

ELEVATIONS SHOWN HEREON ARE BASED ON BALTIMORE COUNTY METROPOLITAN DISTRICT DATUM.

NOTE - FINISHED GRADE CONTOURS HAVE BEEN WITHHELD FROM THIS PLAN PENDING DETERMINATION OF PAVING VARIANCE REQUEST. PROPERTY WILL CONTINUE TO OUTFALL INTO WETLAND & WILL MEET THE FINAL PAVING GRADES WHEN FISCHER ROAD IMPROVEMENTS ARE COMMENCED.

GENERAL NOTES:

1) AREA OF PARCEL = 14.197 ACRES ±.
2) EXISTING ZONING MH-IM
3) PRESENT USE - CLASS II TRUCK TERMINAL
4) PROPOSED USE - CLASS II TRUCK TERMINAL
5) THERE ARE NO ADDITIONAL BUILDINGS PROPOSED AT THIS TIME, THE TWO EXISTING BUILDINGS WILL BE UTILIZED FOR TRUCK TERMINAL OPERATION.
6) THE EXISTING BUILDING (8225) PROVIDES THE FOLLOWING:
   A) EXISTING REST ROOMS FOR BOTH SEXES
   B) EXISTING DRIVERS ROOM & TELEPHONE SERVICE FOR TRUCK DRIVERS & OTHER PERSONNEL.
   C) SERVES AS DISPATCHING OPERATION.
   D) HAS WAREHOUSING CAPABILITIES & CAN BE USED FOR STORAGE OF AUTOMOTIVE PARTS
7) THE SMALLER EXISTING BUILDING WILL BE UTILIZED FOR WAREHOUSING AND/OR STORAGE.
8) SEWAGE IS CONTROLLED BY A HOLDING TANK WITH A PERIODIC WASTE REMOVAL OPERATION. UPON CONSTRUCTION OF THE PROPOSED SEWER (SEE DWGS NO 73-0044 & 73-0047-1), SUBJECT PROPERTY WILL TIE-IN.
9) HOURS OF OPERATION - 24 HOURS, MAXIMUM NUMBER OF TRUCKS (TRACTOR & TRAILOR) = 20 ON FORMER LIMITS 21 ON ACQUISITION LIMITS. (41 TOTAL)
10) THERE ARE NO FREE STANDING SIGNS PROPOSED
11) SCREENING ALONG NORTHEAST PROPERTY LINE SHALL BE AS SHOWN
12) WHEEL STOPS, WHERE SHOWN SHALL CONSIST OF LATERAL TELEPHONE POLES, WELL ANCHORED TO CONTAIN VEHICLES WITHIN PAVED AREAS. (SEE DETAIL)
13) THERE ARE NO PROPOSED LIGHTS AT THIS TIME.
14) NO JUNKED VEHICLES TO BE STORED ON SITE.
15) OUTLINE OF SUBJECT SITE BASED ON THE FOLLOWING DEEDS:
   A) RAYMOND C. CORCORAN, ET UX, ET AL. OTG 4706-577
   B) RAYMOND C. CORCORAN, ET UX, ET AL. OTG 5110-580
   C) WALTER E. HEINECKE OTG 5261-699
16) A [illegible] TO THIS SITE WILL BE BY FISCHER RD. TO BEACHWOOD ROAD TO OLD NORTH POINT RD. TO NORTH POINT BLVD OR FISCHER RD TO BEACHWOOD RD TO OLD NORTH POINT RD TO BATTLE GROVE OR GROVE RD. TO NORTH POINT BLVD.
17) NO OUTSIDE STORAGE OF AUTO PARTS IS PERMITTED.
18) PARKING OR STORAGE OF TRUCKS, TRUCK CABS, TRAILERS, TRACTOR TRAILERS AND CONTAINERS ARE PROHIBITED OUTSIDE AREA DELINEATED BY LATERAL TELEPHONE POLES.

REVISION TABLE

REV 2-6-81, EX. [illegible] CHAIN LINK FENCE & ADDITIONAL STONE BASE ADDED. SOME NOTES & WORDING REVISED.

REV 6-8-83 PER MEETING OF 6/6/83 IN ZONING & BOARD OF APPEALS ORDER

REV. 8-8-83 AS PER TRUCKING COMMITTEE COMMENTS.

REV. 8-24-83 REMOVED IN & OUT NOTE & 150' RESTRICT. REFERENCE TO TIME LIMIT IN LINE 5 OF LIST OF RESTRICTIONS.

REV. 10-12-83 - ADDED CERTIFICATION NOTE IN REGARD TO PAVING REPORT.

REV. 11-3-83 - COMPLIANCE DATE REVISED

PARKING TABULATION

PARKING REQUIREMENTS ARE BASED ON 1 SPACE PER 3000 SQ FT OF TOTAL AREA DEVOTED TO PARKING OF TRUCK TRACTORS, TRUCK TRAILERS OR TRACTOR TRAILERS PER BILL [illegible] 18-76 (CLASS II TRUCK TERMINAL)

A) FORMER LIMITS OF NORTH POINT TERMINAL CORP.
TOTAL PARKING AREA = 20,405 SQ FT ÷ 3000 = 7 SPACES REQUIRED (CARS)
PARKING PROVIDED = 13 SPACES (CARS)

B) ACQUISITION TO NORTHEAST
TOTAL PARKING AREA = 17,325 SQ FT ÷ 3000 = 6 SPACES REQUIRED (CARS)
PARKING PROVIDED = 10 SPACES (CARS)

TOTAL PARKING REQUIRED — 13 SPACES (CARS)
TOTAL PARKING PROVIDED — 23 SPACES (CARS)

ENGINEERING CERTIFICATION

I, CHESAPEAKE GEOTECHNICAL CONSULTANTS, INC. HEREBY 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 - SEE REPORT MADE A PART HEREOF, AND ATTACHED HERETO, DATED - 10/9/83 - C-1320

NOTE:
STORM DRAIN AND SANITARY SEWER SHOWN HEREON IS PROPOSED AND IS TENTATIVE SUBJECT TO CHANGE BY BALTIMORE COUNTY

FOR REFERENCE SEE THE FOLLOWING
STORM DRAIN DWG # 70-0880
" " " # 70-0881
SANITARY SEWER DWG # 73-0046
" " " # 73-0047
" " " # 73-0044

VARIANCE REQUESTED TO SECTION 410A.3.B.6 OF ORDINANCE 18-76 TO PERMIT A DURABLE DUST FREE SURFACE, PROPERLY DRAINED, IN LIEU OF THE REQUIRED PAVING AS ADOPTED BY THE C.T.F.D.O.C. IN SECTION 504 (1)(A2) OF THE COMPREHENSIVE MANUEL OF DEVELOPMENT POLICIES.

Pet No 2
Bd of App

LIST OF RESTRICTIONS

3/18/82

1. The "temporary" storage areas, located on the southwestern portion of the property, may not be used for the parking of trucks, truck cabs, trailers, tractor-trailers or containers
2. The site plan shall be revised to indicate that the "proposed chain link security fence 8' high", located on the southwestern portion of the property, is an existing fence.
3. All references to "future expansion" and "future uses" as permissable in Manufacturing, Heavy and Manufacturing Restricted Zones shall be deleted from the revised site plan.
4. The required screening adjacent to Beach Road shall be composed of white pine trees at least 6 feet in height, planted in two rows, and staggered alternately 6 feet on center.
5. The placement of lateral telephone poles around the perimeter of the facility as it existed at the time of the September 29, 1977 site plan will be required. [illegible] parking or storage of trucks, truck cabs, trailers, tractor-trailers, and containers are prohibited outside of this area.
6. A schedule of compliance for paving the entire parking and/maneuvering areas with a bituminous concrete or cement surface over a suitable base shall be indicated on the site plan. The paving of the site must be completed: 60 Days from SEPT. 20th, 1983 According to amended order from the Board of Appeals.
7. Compliance with Section 410 of the Baltimore County Zoning Regulations.
8. A revised site plan, incorporating the above set forth restrictions shall be submitted and approval attained within 90 days from the date of this Order by the Baltimore County Trucking Facilities Development Officials Committee, the Department of Public Works, and the Office of Planning and Zoning, including landscaping and screening required for approval by the Current Planning and Development Division.

PLAT, TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING ON PAVING REQUIREMENTS WITH VARIANCE REQUEST

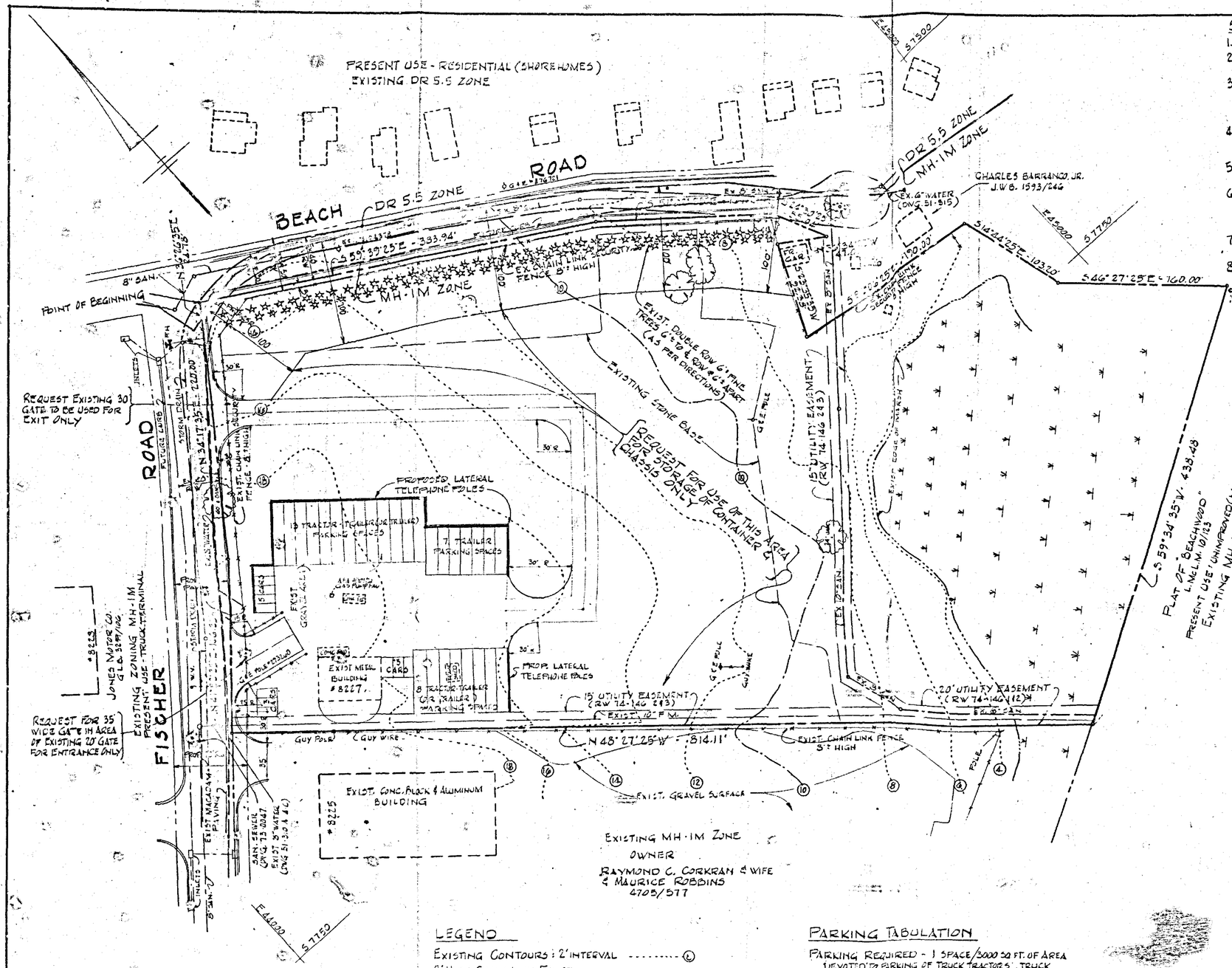
SITE PLAN FOR NORTH POINT TERMINAL CORPORATION

#8225 FISCHER ROAD

BALTO. CO., MD.
SCALE: 1"=50'

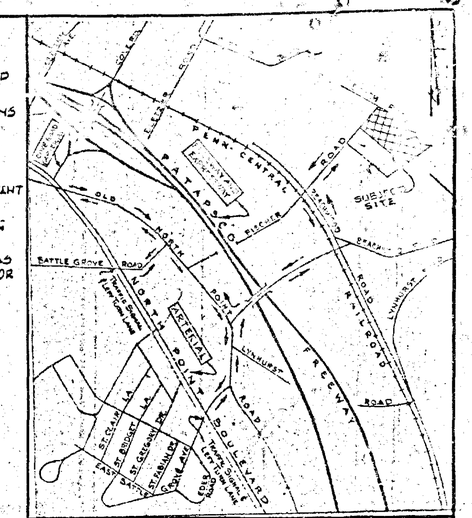
ELECT. DIST. 15
FEBRUARY 3, 1977

REVISED: SEPT. 29, 1977
SEE REVISION TABLE



SITE STANDARDS

1. NET AREA IS 9.198 ACRES ±
2. LAYOUT PROVIDES FOR CONVENIENT FORWARD MOVEMENT OF VEHICLES.
3. 75% OF SITE USED FOR TRUCKING OPERATIONS IS DEVOTED TO PARKING OF TRUCK TRACTORS AND TRAILERS. (MAX. NUMBER OF UNITS = 21 PARKING FOR 21).
4. SITE IS SURROUNDED BY 8' HIGH CHAIN LINK FENCE. SCREENING HAS BEEN PROVIDED ADJACENT TO RESIDENTIAL ZONE.
5. WHEEL STOPS WILL BE PROVIDED IN TRUCKING OPERATION AREA.
6. PARKING, LOADING AND MANEUVERING AREAS WILL BE PAVED WITH A BITUMINOUS CONCRETE OR CEMENT SURFACE OVER A SUITABLE BASE AS PER ORIGINAL SITE PLAN REQUIREMENTS.
7. SITE DRAINS NATURALLY TO MARSH AREA IN REAR.
8. EXISTING BUILDING WILL BE UTILIZED FOR TRUCK TERMINAL FACILITIES.
9. ADDITIONAL LANDSCAPING IF REQUIRED WILL BE PROVIDED (PLAN BY LANDSCAPE ARCHITECT).



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

1. AREA OF PARCEL: 9.198 ACRES ±
2. EXISTING ZONING: MA-IM.
3. PRESENT USE: CLASS II TRUCK TERMINAL
4. PROPOSED USE: CLASS II TRUCK TERMINAL AND STORAGE OF CONTAINERS AND CHASSIS.
5. EXISTING BUILDING WILL BE UTILIZED FOR TRUCK TERMINAL FACILITIES.
6. PUBLIC SANITARY SEWER AND WATER ARE AVAILABLE.
7. HOURS OF OPERATION: 24 HOURS - MAXIMUM NUMBER OF TRUCKS (TRACTOR AND TRAILER) = 21
8. REQUIRED SCREENING HAS BEEN PLANTED ON THE NORTH-EAST PROPERTY LINE.
9. LATERAL TELEPHONE POLES WILL BE USED AS WHEEL STOPS WHERE INDICATED (SEE DETAIL).
10. NO JUNKED VEHICLES WILL BE STORED ON SITE.
11. ACCESS OR TRAVEL ROUTE TO THIS SITE WILL BE BY FISCHER ROAD TO BEACHWOOD ROAD TO OLD NORTH POINT ROAD TO NORTH POINT BLVD. OR FISCHER ROAD TO BEACHWOOD ROAD TO OLD NORTH POINT ROAD TO BATTLE GROVE OR GROVE ROAD TO NORTH POINT BLVD..
12. NO OUTSIDE STORAGE OF AUTO PARTS IS PERMITTED.

86-417-XSPHA

LEGEND

- EXISTING CONTOURS: 2' INTERVAL
- 8' HIGH CHAIN LINK FENCE
- PROPOSED CURB & GUTTER
- EXISTING WATER
- EXISTING SANITARY
- EXISTING STORM DRAIN
- EXISTING TREES (EX. TREE, EX. PINE)

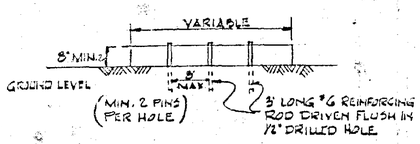
PARKING TABULATION

PARKING REQUIRED - 1 SPACE/3000 SQ. FT. OF AREA DEVOTED TO PARKING OF TRUCK TRACTORS, TRUCK TRAILERS OR TRACTOR TRAILERS BILL 18-76 CL II.

TOTAL AREA = $\frac{17225}{3000}$ = 6 SPACES

PARKING PROVIDED = 11 SPACES

Pet No 3 Bal of off



LATERAL TELEPHONE POLE AND WHEEL STOP DETAIL
NOT TO SCALE

PLAT TO ACCOMPANY PETITION FOR

SPECIAL HEARING TO AMEND THE APPROVED SITE PLAN FOR THE PURPOSE OF SHOWING SEPARATE BUSINESS ENTITIES ON SEPARATE PARCELS AND TO ALLOW ADDITIONAL USE OF THE LARGER OF SAID ENTITIES FOR THE STORAGE OF CONTAINERS AND CHASSIS AND A REQUEST FOR VARIANCE FROM SECTION 410 A.2 TO PERMIT A SETBACK OF 100 FEET FROM A RESIDENTIAL AREA INSTEAD OF THE REQUIRED 300 FEET AND A REQUEST FOR VARIANCE FROM SECTION 410 A.3 B6 TO PERMIT A PAVING SECTION OF 8" CRUSHED STONE.

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-6120

STATE OF MARYLAND

OWNERS
NORTH POINT TERMINAL COMPANY
#8227 FISCHER ROAD
BALTIMORE, MARYLAND
477-1415
(LIBER 5867/817)

SITE PLAN
NORTH POINT TERMINAL COMPANY
15TH ELECTION DISTRICT · BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50'
DATE: OCTOBER 16, 1985

FN 3694

NOTE: ARROWS (←) INDICATED ON LOCATION MAP SHOW TRUCK ROUTES CURRENTLY BEING UTILIZED BY SUBJECT SITE FOR ALLMANDING & OUTGOING TRUCKS. BATTLEGROVE RD., BATTLE GROVE AVE., AND OLD NORTH POINT RD. TO NORTH POINT BLVD.

NOTE: USE OF 20' & 30' GATE IS PROHIBITED

Transcon Lines, Inc.
OTA #647-158

Jones Motor Co.
G.L.S. 3271-106

EXISTING ZONING MH-IM
PRESENT USE - TRUCK TERMINAL

EXISTING ZONING MH-IM
PRESENT USE - TRUCK TERMINAL

FISCHER ROAD

EXISTING MACADAM PAVING
2 FORCED 60' R/W

Existing 8" Water
See Dwg. #5-310/4-C

754'± To Northeasterly ⅀ of Beachwood Rd.

LATERAL TELEPHONE POLE

WHEEL STOP DETAIL
(NOT TO SCALE)

GROUND LEVEL

(MIN. 2 PILES PER HOLE)

BUILDING WS REINFORCING ROD, DRIVEN FLUSH IN 1/2" DRILLED HOLE

Existing Ground Contours Shown Thus:
Contour Interval 2 Feet
Finished Grade Contours Shown Thus: (SEE NOTE BELOW)
Date Of Field Run Topography: January 1977

Elevations Shown Hereon Are Based On Baltimore County Metropolitan District Datum.

NOTE: FINISHED GRADE CONTOURS HAVE BEEN WITHHELD FROM THIS PLAN PENDING DETERMINATION OF FINAL VEHICLE REQUIRED. PROPERTY WILL BE DRAINED TO OUTFALL ALTO WEST LAKE & WILL MEET THE FINAL FINISH GRADED WHEN FISCHER ROAD IMPROVEMENTS ARE COMMENCED.

EXISTING ZONING MH-IM
PRESENT USE - TRUCK TERMINAL

EX. CHAIN LINK SECURITY FENCE 8' HIGH

EX. GRAVEL SURFACE

THIS AREA MAY NOT BE USED FOR THE PARKING OF TRUCKS, TRUCK CABS, TRAILERS, TRACTOR TRAILERS OR CONTAINERS.

EXISTING FACILITY BLDG.

5' TRACTOR-TRAILER (OR TRAILER) PARKING SPACES

5' TRAILER PARKING SPACES

LATERAL TELEPHONE POLES

15' UTILITY EASEMENT (R/W 74-142-274)

EX. GRAVEL SURFACE

EX. CHAIN LINK SECURITY FENCE 8' HIGH

ADDITIONAL STONE BASE AS OF 2-6-81 TO BE REMOVED

SCREENING SHALL BE COMPOSED OF WHITE PINE TREES AT LEAST 6' IN HEIGHT, PLANTED IN TWO ROWS AND STAGGERED ALTERNATELY ON CENTER.

LOCATION MAP
SCALE: 1" = 1000'

EXISTING NON-ZONING (SHORE HOMES)

BEACH ROAD

DR 5.5 ZONE

EXISTING ZONING LINE

MH-IM ZONE

General Notes:

1) AREA OF PARCEL = 14.197 ACRES±
2) OWNER: JONES MH-IM
3) PRESENT USE - CLASS 2 TRUCK TERMINAL
4) PROPOSED USE - CLASS 2 TRUCK TERMINAL
5) THERE ARE NO ADDITIONAL BUILDINGS PROPOSED AT THIS TIME. THE TWO EXISTING BUILDINGS WILL BE UTILIZED FOR TRUCK TERMINAL OPERATION.
6) THE EXISTING BUILDING (#3113) PROVIDES THE FOLLOWING:
a) REST ROOMS FOR BOTH SEXES
b) TRUCK DRIVERS ROOM & TELEPHONE SERVICE FOR TRUCK DRIVERS & OTHER PERSONNEL.
c) USED AS DISPATCHING OPERATION
7) THE WAREHOUSE CAPABILITIES & CAN BE USED FOR STORAGE OF AUTOMOTIVE PARTS.
8) THE SMALLER EXISTING BUILDING WILL BE UTILIZED FOR WAREHOUSING AND/OR STORAGE.
9) SERVICE IS CONTROLLED BY A HOLDING TANK WITH A PERIODIC WASTE REMOVAL OPERATION. UPON CONSTRUCTION OF THE PROPOSED FISHER ROAD (SEE PROJ. NO. 73-0044 & 73-0047-1), SUBJECT PROPERTY WILL TIE IN.
10) HOURS OF OPERATION: 24 HOURS, MAXIMUM NUMBER OF TRUCKS (TRACTOR & TRAILOR) = 20 IN FORMER LIMITS - 21 IN ACQUISITION LIMITS, (41 TOTAL)
11) THERE ARE NO FREE STANDING SIGNS PROPOSED
12) SCREENING ALONG NORTHEAST PROPERTY LINE SHALL BE AS SHOWN
13) WHEEL STOPS WHERE SHOWN SHALL CONSIST OF LATERAL TELEPHONE POLES, WELL ANCHORED TO CONTAIN VEHICLES WITHIN PAVED AREAS. (SEE DETAIL)
13) THERE ARE NO PROPOSED LIGHTS AT THIS TIME.
14) NO WRECKED VEHICLES, TO BE STORED ON SITE
15) OUTLINE OF SUBJECT SITE BASED ON THE FOLLOWING DEEDS:
A) RAYMOND C. GOODMAN, ET. UX, ET. AL. G.L.S. 4705-511
B) RAYMOND C. GOODMAN, ET UX, ET. AL. G.L.S. 4110-600
C) [illegible] & HERBERT, G.L.S. 3261-600
16) ACCESS OR TRAVEL ROUTE TO THIS SITE WILL BE BY FISCHER RD. TO BEACHWOOD ROAD, TO OLD NORTH POINT RD. TO NORTH POINT BLVD. OR FISCHER RD. TO BEACHWOOD RD. TO OLD NORTH POINT RD. TO BATTLE GROVE OR GROVE RD. TO NORTH POINT BLVD.
17) NO OUTSIDE STORAGE OF AUTO PARTS IS PERMITTED.
18) PARKING OR STORAGE OF TRUCKS, TRUCK CABS, TRAILERS, TRACTOR TRAILERS AND CONTAINERS ARE PROHIBITED OUTSIDE AREA DELINEATED BY LATERAL TELEPHONE POLES.

Revision Table

2-6-81	EX. 8' CHAIN LINK FENCE & ADDITIONAL STONE BASE ADDED.
	SAME NOTES AS REVISED
REV. 6-8-83	PER MEETING OF 6/6/83 IN ZONING
	NOTED ON APPEAL ORDER
REV. 8-8-83	ALL PER TECHNICAL COMMITTEE COMMENTS
REV. 8-24-83	REMOVED IN ACCOMPLISHMENT #150 RESTRICTIONS REFERENCE TO TIME LIMIT IN LIEU OF LIST OF RESTRICTIONS
REV. 10-4-83	ADDED CERTIFICATION NOTE IN REGARD TO PAVING REPORT.
REV. 11-2-83	COMPLIANCE DATE REVISED

Parking Tabulation

PARKING REQUIREMENTS ARE BASED ON TABLE 409 1000 SQ. FT. OF TOTAL AREA DEVOTED TO PARKING OF TRUCK TRACTORS, TRUCK TRAILERS OR TRACTOR TRAILERS PER DWL 101, 1-2 (CLASS 2 TRUCK TERMINAL)

A) TOTAL PARKING AREA = 20,400 SQ. FT. ÷ 1000 = 17 SPACES REQUIRED (CARS)
PARKING PROVIDED = 18 SPACES (CARS)

B) ACQUISITION TO NORTHEAST
TOTAL PARKING AREA = 17,870 SQ. FT. ÷ 1000 = 16 SPACES REQUIRED (CARS)
PARKING PROVIDED = 10 SPACES (CARS)

TOTAL PARKING REQUIRED = 33 SPACES (CARS)
TOTAL PARKING PROVIDED = 28 SPACES (CARS)

NOTE: STORM DRAIN AND SANITARY SEWER SHOWN HEREON ARE FOR REFERENCE ONLY AND ARE SUBJECT TO CHANGE BY BALTIMORE COUNTY.
FOR REFERENCE, SEE THE FOLLOWING:
STORM DRAIN DWG. # 70-0860 (#73-040-051)
SANITARY SEWER DWG. # 73-0044
73-0047
73-0044

Engineering Certification

I, CHESAPEAKE GEOTECHNICAL CONSULTANTS INC. HEREBY CERTIFY THAT THE PAVING, PAGE AND GRADE OF ALL PARKING, LOADING, MANEUVERING, AISLE AND STORAGE AREAS WILL WITHSTAND LOADS IMPOSED BY EXPECTED TRUCK TRAFFIC AND STORAGE ACTIVITIES - SEE REPORT MADE A PART HEREOF AND ATTACHED HERETO.
DATED: 10/9/83 - C-1820

VARIANCE REQUESTED TO SECTION 409.3.B.6 OF ORDINANCE 18-76, TO PERMIT A DURABLE DUST FREE SURFACE, PROPERLY DRAINED, IN LIEU OF THE REQUIRED PAVING AS ADOPTED BY THE C.R.D.O.C. IN SECTION 504 (1.A.2) OF THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES.

List Of Restrictions
3/16/82

1. The "temporary" storage areas, located on the southwest portion of the property may not be used for the parking of trucks, truck cabs, trailers, tractor-trailers or containers.
2. The site plan shall be revised to indicate that the "proposed chain link security fence 8' high", located on the southwestern portion of the property, is an existing fence.
3. All references to "future expansion" and "future uses" as permissable in Manufacturing, Heavy and Manufacturing Restricted Zones shall be deleted from the site plan.
4. The required screening adjacent to Beach Road shall be composed of white pine trees at least 6' feet in height, planted in two rows, and staggered alternately on first and second rows.
5. The placement of lateral telephone poles as shown on the site plan, for facilities that it existed at the time of the September 20, 1977 [illegible] shall be required. Furthermore, the parking or storage of trucks, truck cabs, trailers, tractor trailers, and containers are prohibited outside of the areas delineated by lateral telephone poles.
6. A schedule of compliance for paving the entire parking and maneuvering areas with a bituminous or asphalt surface over a suitable base shall be included on the site plan. The paving of the site must be completed [illegible] from the date of this Order, according to a mutually agreed upon schedule of compliance.
7. Compliance with Section 410 of the Baltimore County Zoning Regulations.
8. A revised site plan, incorporating the above restrictions, shall be submitted and approval attained within 90 days from the date of this Order by the Baltimore County Traffic Facilities Development Officials Committee, the Department of Public Works, and the Office of Planning and Zoning; including landscaping and screening required for approval by the Current Planning and Development Division.

Bonnie of Appeals

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING ON PARKING REQUIREMENTS WITH A VARIANCE REQUEST

SITE PLAN FOR NORTH POINT TERMINAL CORPORATION

2325 FISCHER ROAD

Baltimore Co., Md.

Scale 1" = 50'

FELIX B. KOWALEWSKI
ELECTRONIC
PROPERTY

86-117-XSPHA

EXHIBIT

THE : BEFORE
TION, SPECIAL : COUNTY BOARD OF APPEALS
NG VARIANCE ON : OF
ON THE SOUTHEAST : BALTIMORE COUNTY
AND FISCHER ROADS : CASE NO. 86-417-XSPHA
STRICT :
DISTRICT :

: :

OPINION

matter comes before the Board on numerous issues regarding use property as a Class II trucking facility. Specifically, the ed to consider Petitions for Special Exception, Special Hearing, ances.

to the Petition for Special Hearing, the Board is requested to amendments to a special exception which was previously granted by this Board in 1983. Essentially, the Petitioner now asks vide the subject property into two parcels to be known as Site I urther, the Petitioner requests that certain restrictions imposed pecial exception, numbered 5, 6, 7 and 8, be removed from the lies to Site I.

Petitioner also requests a Petition for Special Exception seeking the 1983 Order permitting a Class II trucking terminal on a II.

tly, the Petitioner seeks variances from Section 410A.2 of the ty Zoning Regulations (B.C.Z.R.) to permit a minimum setback of the trucking facility to a residential area instead of the eet, and also, from Section 410A.3B.6 of the B.C.Z.R. to permit a of 8-inch crushed stone in the storage area of the site.

MICROFILMED

Case No. 86-417-XSPHA
Margaret Corkran 2.

Testimony and evidence received by the Board elicited certain information about the history and proposed use of the property. The site of approximately 15.2 acres is located on the southeast corner of Beach and Fischer Roads in eastern Baltimore County. It is zoned M.H.-I.M. and for business reasons has been divided by the property owner into two parcels known as Site I and Site II. Site I is not actively operated by the Petitioner personally but is the subject of a long-term lease to another trucking company. By and large, the relief requested herein by the Petitioner affects only Site II as indicated above. However, the property owner requests through her petitions a recognition of the existence of Site II as an independent facility as when compared with Site I.

The Board heard from a number of witnesses, both in support of and opposed to the petitions. In support, the Board heard from Charles Stark, a project manager and land surveyor with the George W. Stephens Company. Mr. Stark prepared the site plan received in evidence by the Board as Petitioner's Exhibit No. 2 which fully delineates the proposed use. Mr. Stark further testified about the industrial character of the neighborhood and that the proposed site plan is in conformance with the Zoning Advisory comments prepared by the various County agencies for this plan. He further discussed the need for the petitioned variances and the proposed use of the property.

Freeman Corkran, a relative of the Petitioner, also testified in favor of the petitions. He indicated that the property was purchased in 1978 and as indicated above, Site I has been rented to another trucking facility on a long-term basis. He stated his desire to obtain the petitioned variances to increase the site's capacity for storage. He testified that the crusher run paving on Site II has existed there since 1978 and about the commercial and

MICROFILMED

Case No. 86-417-XSPHA
Margaret Corkran 3.

business nature of the majority of the neighborhood. He addressed the requirements for a special exception under Section 502.1 of the B.C.Z.R. and opined that the petitioned special exception in this case should be granted.

Howard Lynch, an environmentalist, also testified. His testimony centered on the petitioned variance to permit a section of 8-inch crushed stone in the storage area as opposed to paving. He offered alternatives, such as a light oil coating, which would make the surface dust-free and allay air quality concerns.

In opposition to the petitioned variances, David Sheeks, a 9-year resident and adjoining property owner, testified. He described the present activities on site and voiced concerns as to the overcrowding of the site, the encroachment of industrial use in neighboring residential areas and concerns about the air quality. Specifically, he fears an aggravated air quality problem with dust if an expansion of the site and petitioned variances are granted.

Steven Nowicki, another long-term resident, also testified. He agreed with Mr. Sheeks and voiced concerns about the proximity of an existing truck terminal to residential development, as well as an inordinate amount of dust which could be generated by the site.

Lastly, Majorie Hill, of the Wells-McComas Improvement Association, testified in opposition to the project. Her concerns were similar to those expressed by the other protestants.

In order to determine whether the petitions can be granted, the Board must decide several issues, as presented by both the Petitioner and the Office of People's Counsel in their Memorandums. These are:

MICROFILMED

Case No. 86-417-XSPHA
Margaret Corkran

1) Whether this Board has the requisite authority to grant a variance of 100 feet for a trucking facility from a residential zone;

As indicated herein, the Petitioner seeks a variance from Section 410A.2 of the B.C.Z.R. Within that section, minimum setbacks for trucking facilities are provided from dwellings or other residential zones. Specifically, Section 401.2 provides that no trucking facility can be established or exist within 300 feet of a residential use.

The Office of the People's Counsel argues that this section of the B.C.Z.R. is not subject to variance in that it is akin to a use restriction. On the contrary, the Petitioner argues that the Zoning Commissioner, and this Board, has the authority to grant a variance generally except where specifically prohibited by the clear language of the regulations. Further, the Petitioner suggests that the subject regulation is of a height and area variety and not a use restriction. Section 307 of the B.C.Z.R. clearly provides the zoning authority to "grant a variance from height and area regulations." In our view, the petitioned variance falls within that classification. The regulation specifically prescribes certain distances and cannot be construed to prohibit or govern a use, only the location of that use within a certain site. Therefore, as to this first question, our answer must be "yes," that the Board does have the authority to consider such a variance.

2) Does this Board have the authority to alter and/or modify the special exception previously granted in this case?

The Office of the People's Counsel argues that such consideration of the proposed special exception is barred by the doctrine of res judicata. People's Counsel relies upon Board of County Commissioners v. Racine, 24 Md. App. 435 (1975) and Whittle v. Board of Zoning Appeals, 211 Md. 36 (1956) as authority for the

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Case No. 86-417-XSPHA
Margaret Corkran 5.

proposition that this Board may not consider the property owner's Petition to modify its special exception. With this view we disagree. The law is clear that the doctrine of res judicata, although applicable to administrative hearings, will be applied only in circumstances where the issues are identical. In the subject case, we find that circumstances have changed. Although the general descriptive use on this site has remained continuous over the years, the evidence presented convinces us that the petitions presented frame significantly different issues. Thus, the Board is persuaded that it may consider the petitions before us.

3) Does the doctrine of self-created hardship bar the present petitions?

People's Counsel argues that by its division of the property into two sites, the Petitioner has created a self-imposed hardship which bars consideration of its petitions. Although business and financial considerations were no doubt primarily behind this decision, we do not believe, particularly in view of the history of this site, that the Petitioner has created a self-imposed hardship of that magnitude required by the law to prohibit consideration of his petitions.

4) Consideration of the petitioned Special Hearing, Special Exception and Zoning Variances:

As is well settled, this Board must consider the Petition for Special Exception in view of the requirements set forth in Section 502.1 of the B.C.Z.R., as well as the mandate contained within Schultz v. Pritts, 291 Md. 1, 432 A.2d 1321 (1981). After due consideration of the evidence and testimony before us, we are convinced that the Petitioner has met his burden. The existing area is heavily commercialized and in our view the special exception must be granted in that there are no adverse effects on public safety, health and welfare particularly associated with this site as compared with other sites within the

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Case No. 86-417-XSPHA
Margaret Corkran

zone. On balance, the testimony and evidence presented in this case us that there are no inherently detrimental effects on this particul and that the special exception must be granted under the doctrine of Schultz v. Pritts, (supra).

As to the special hearing, we are likewise persuaded that should be granted, particularly in view of our decision regarding the exception and variances herein.

As to the variances, we are persuaded that they should Specifically, the evidence before us compels us to find that mandate 307 of the B.C.Z.R. and the cases which have construed that Section Particularly, the evidence convinces us that the variance requesting run surface as opposed to paving is more environmentally acceptable. distance variance regarding use of the site as it relates to the adjo residential property, we believe that the Petitioner has met his burd withstanding our decision in this regard, however, we are not unmindf the neighbors/protestants' concern. The restrictions imposed within Zoning Commissioner's decision of June 3, 1987 seem appropriate and to reduce as far as practical any adverse impact of the site on adj property. We shall therefore adopt them herein.

ORDER

It is therefore this 12th day of September, 1989 by t Board of Appeals of Baltimore County ORDERED that a special exception the expansion of an existing Class II truck terminal on part of Site special hearing to approve an amendment to the previously approved si in Case No. 78-165-ASPH to separate Site I from Site II and to remove restrictions 5, 6, 7 and 8 of said plan; and variances for Site II to

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PHA 7.

100 feet from a residential area and a paving section of ne in the storage area, be and the same are hereby GRANTED, lowing restrictions:

e easternmost access (proposed exit) on Fischer Road all not be moved closer to Beach Road than indicated Petitioner's Exhibit No. 1. Other than that exit d roadway within 100 feet from the property at that it, no part of the expansion and storage area use all be within 140 feet of a residential area. teral telephone poles shall establish that distance d its measurement shall be demonstrated to an spector from the Baltimore County Zoning Office thin 120 days from the date of the final Order in is case.

he 24-foot roadway from entrance to exit shall be ved in accordance with standards established in ection 401A.3B.6 of the B.C.Z.R.

he storage yard shall be utilized only for ontainer and/or trailer storage.

Hours of operation shall not exceed 7:00 a.m. to 7:00 p.m. six days a week.

In the area outside the lateral telephone poles noted above, the stone shall be removed and the area renaturalized.

Container stacking shall not exceed three high.

Compliance with Baltimore County Health Department comments of February 24, 1986.

Compliance with the Baltimore County Landscape Manual to include plantings along the Fischer Road frontage. A minimum width strip of 32 feet of trees and shrubs, deciduous and non-deciduous, as approved by the Baltimore County Office of Planning, sahll be planted and maintained along Beach Road. A substantial number of these plantings, as determined by the Office of Planning, shall be a minimum of 10 feet high.

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Case No. 86-417-XSPHA
Margaret Corkran 8.

9. A revised plan shall be submitted for approval by the Office of Planning for compliance with the requirements of the Chesapeake Bay Critical Area legislation.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Lawrence E. Schmidt

Arnold G. Foreman

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IN RE: PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING & ZONING VARIANCE SE/cor. Beach & Fischer Roads 15th Election District 7th Councilmanic District Margaret Corkran Petitioner	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-417-XSPHA

* * * * * * * * * * * *

The Petitioner herein requests a special exception for the expansion of an existing Class II truck terminal on part of Site II of the property described herein; a special hearing to approve an amendment to the site plan previously approved in Case #78-165-ASPH to separate Site I from Site II and to remove Restrictions 5, 6, 7 and 8 from said plan; and variances for Site II to permit a minimum setback of 100 feet from a residential area in lieu of the required 300 feet and a paving section of 8 inch crushed stone in the storage area in lieu of the required paving, all as more particularly described on the plan submitted, prepared by George William Stephens, Jr. & Associates, Inc., revised January 22, 1986 and identified as Petitioner's Exhibit 1.

Testimony by and on behalf of the Petitioner indicated that the subject property is the site of two separate Class II truck terminals, as shown on Petitioner's Exhibit 1, with Site I having a long-term lease and Site II having a month-to-month lease by EMARCO as "Container Depot Industries." In fact, Sites I and II were treated as one property only in Case #78-165-ASPH. There has never been compliance with the plans previously approved in that case. The Petitioner proposes to expand the allowed useable area of Site II solely for the purpose of providing a storage yard for containers and trailers and a 24-foot wide roadway. Two accesses onto Fischer Road, in existence since 1977, will be used. The Petitioner also proposes utilizing the existing crushed stone paving in the storage area and paving only the roadway in the expanded area. She further proposes to remove the stone and renaturalize the area outside the proposed

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By [signature]

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lateral telephone poles, and/or within 200 feet of the marsh/ wetlands area as shown on Petitioner's Exhibit 1. She will comply with the requirements of the Critical Area review. The Petitioner has planted pine trees along the Beach Road property line. Stacking of containers/trailers will be a maximum of three high. The hours of operation will be from 7:00 AM to 7:00 PM. The variance is required in order to use a portion of Site II for either storage or as a full-fledged trucking facility.

Protestants included Beach Road residents and the president of the local improvement association. Testimony by one of the Protestants indicated he opposed the expansion because of problems it would create with dust, noise, water runoff and the obstruction of air flow. Dust is visible coming from the crushed stone paved area and container stacking has been noisy from 7:00 AM to 7:00 PM six days a week. He believes that three-high stacking will cause a tunnelling effect. In addition, traffic is difficult, especially in mid-day, and when the property was graded, water runoff was directed to Beach Road. In his opinion, if expansion is allowed, proper paving should be required and trees, a minimum of 10' high, should be planted and maintained in a strip 32 feet wide along Beach Road to provide privacy for the residents in the area. There should be no flow-through road and no storage or other use closer than 300' to a residential area or closer than 200' to any wetlands. The president of the improvement association opposed the expansion and the requested paving variance. Both the requirement of a 300-foot setback from a residential area and paving for trucking facilities are basic components of the Truck Legislation which was developed to mitigate some of the noise and dust created by trucking facilities and to make residential areas and trucking facilities more compatible.

Pursuant to the advertisement, posting of property and public hearing held on this case, in the opinion of the Deputy Zoning Commissioner, strict com-

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pliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty or unreasonable hardship upon the Petitioner. Baltimore County has reviewed the application involving property located in the Maryland Chesapeake Bay Critical Areas and has ascertained that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat, so long as there is compliance with the recommendations of the April 11, 1986 file memo from the Baltimore County Director of Planning and Zoning. The requirements of Section 502.1 and Section 307 of the BCZR have been met, and the health, safety and general welfare of the community will not be adversely affected so long as there is compliance with the restrictions listed below.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 3rd day of June, 1987, that a special exception to permit the expansion of an existing Class II truck terminal on part of Site II; a special hearing to approve an amendment to the previously approved site plan in Case No. 78-165-ASPH to separate Site I from Site II and to remove Restrictions 5, 6, 7 and 8 of said plan; and variances for Site II to permit a minimum setback of 100 feet from a residential area and a paving section of 8 inch crushed stone in the storage area, be and are hereby GRANTED, subject, however, to the following restrictions:

1) The easternmost access (proposed exit) on Fischer Road shall not be moved closer to Beach Road than indicated on Petitioner's Exhibit 1. Other than that exit and roadway within 100 feet from the property line at that exit, no part of the expansion and storage area use shall be within 140 feet of a residential area. Lateral telephone poles shall establish that distance and its measurement shall be demonstrated to an Inspector from the Baltimore County Zoning Office within 120 days from the date of the final Order in this case.

2) The 24-foot roadway from entrance to exit shall be paved in accordance with standards established in Section 410A.3.B.6 of the BCZR.

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-3-

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3) The storage yard shall be utilized only for container and/or trailer storage.

4) Hours of operation shall not exceed 7:00 AM to 7:00 PM, six days a week.

5) In the area outside the lateral telephone poles noted above, the stone shall be removed and the area renaturalized.

6) Container stacking shall not exceed three high.

7) Compliance with Baltimore County Health Department comments of February 24, 1986.

8) Compliance with the Baltimore County Landscape Manual to include plantings along the Fischer Road frontage. A minimum width strip of 32 feet of trees and shrubs, deciduous and non-deciduous, as approved by the Baltimore County Office of Planning, shall be planted and maintained along Beach Road. A substantial number of these plantings, as determined by the Office of Planning, shall be a minimum of 10 feet high.

9) A revised plan shall be submitted for approval by the Office of Planning for compliance with the requirements of the Chesapeake Bay Critical Area legislation and for approval by the Deputy Zoning Commissioner.

[signature]
Deputy Zoning Commissioner
of Baltimore County

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By [signature]

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County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

July 15, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 86-417-XSPHA — MARGARET CORKRAN
SE/cor. Beach and Fischer Rds.
15th Election District
SE-Truck Terminal
SPH-To approve amendment to site plan
Var.-Setbacks
6/3/87 - D.Z.C. Granted the special exception special hearing and variances.

ASSIGNED FOR: THURSDAY, NOVEMBER 19, 1987, at 10:00 a.m.

cc: Phyllis C. Friedman — People's Counsel
Robert Romadka, Esq. — Counsel for Petitioner
John Gontrum, Esq.
Ms. Marjorie Hill — Protestant
Mr. David Sheeks
Mr. Michael Northop
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer
Margaret duBois

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JUL 16 1987
ZONING OFFICE

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June Holmen, Secretary

I 290
86-417XSPHA

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 410 A-2 to permit a minimum setback of 100 feet from a residential area instead of the required 300 feet and from ~~Section 410-A-3-B6 to permit a paving section of 8 inch crushed~~ stone in the storage area.

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

Site configuration is such that without the requested variance being granted operation of the existing terminal would be infeasible; paving as required by Section 410 is not advisable due to location of property, nor is it necessary to provide a durable and dustfree surface.

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.

MAP SE 2H / 4A / E.D. 15th / DATE 7/10/90 / 200 BF / 1000 BF / DP

Contract Purchaser: (Type or Print Name) / Signature / Address / City and State

Legal Owner(s): Margaret Corkran (Type or Print Name)
Margaret Corkran (Signature)

MAP SE 2-3H / 4A / E.D. 15 / DATE 7/27/87

Attorney for Petitioner:
Robert Romadka/John Gontrum (Type or Print Name)
[signature] (Signature)
809 Eastern Blvd. (Address)
Baltimore, Md. 21221 (City and State)
Attorney's Telephone No.: 686-8274

8225 Fischer Road 477-4545 (Address, Phone No.) S-7,235 E-44,340
Baltimore, Md. 21222 (City and State)

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Robert J. Romadka/John Gontrum (Name)
809 Eastern Blvd. 686-8274 (Address, Phone No.)

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of April, 19 86, 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 16th day of April, 19 86, at 10:45 o'clock A. M.

ORDER RECEIVED FOR FILING

290
86-417-XSPHA

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 an amendment to the approved site plan to separate out Site I and to remove the 5th, 6th, 7th and 8th restrictions of the approved plan. (See Case # 78-165ASPH) 85-6047-SPE

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

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

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

Contract Purchaser: (Type or Print Name) / Signature / Address / City and State

Legal Owner(s): Margaret Corkran (Type or Print Name)
Margaret Corkran (Signature)

MAP SE 2-3H / 4A / E.D. 15 / DATE 7/27/87 / 200 / 1000 / DP

Attorney for Petitioner:
Robert J. Romadka/John Gontrum (Type or Print Name)
[signature] (Signature)
809 Eastern Blvd. (Address)
Baltimore, Md. 21221 (City and State)
Attorney's Telephone No.: 686-8274

8225 Fischer Rd. 477-4545 (Address, Phone No.) S 7,235 E44,340
Baltimore, Md. 21222 (City and State)

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Robert Romadka/John Gontrum (Name)
809 Eastern Blvd. 686-8274 (Address, Phone No.)

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of March, 19 86, 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 16th day of April, 19 86, at 10:45 o'clock A. M.

[signature]
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING

290
86-417-XSPHA

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for expansion of ~~Class II truck terminal~~ on part of Site II.

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

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

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

Contract Purchaser: (Type or Print Name) / Signature / Address / City and State

Legal Owner(s): Margaret Corkran (Type or Print Name)
Margaret Corkran (Signature)

MAP SE 2-3H / 4A / E.D. 15 / DATE 7/27/87 / 200 / 1000 / DP

Attorney for Petitioner:
Robert Romadka/John Gontrum (Type or Print Name)
[signature] (Signature)
809 Eastern Blvd. (Address)
Baltimore, Maryland 21221 (City and State)
Attorney's Telephone No.: 686-8274

8225 Fischer Rd. 477-4545 (Address, Phone No.) S-7,235 E44,340
Baltimore, Md. 21222 (City and State)

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John Gontrum (Name)
809 Eastern Blvd. 686-8274 (Address, Phone No.)

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of March, 19 86, 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 16th day of April, 19 86, at 10:45 o'clock A. M.

[signature]
Zoning Commissioner of Baltimore County.

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FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204 823 8120

Description to Accompany Special Hearing and Variance *October 28, 1985.*

Beginning for the same at the corner formed by the southeast right of way line of Fischer Road, 40 feet wide, with the southwest right of way line of Beach Road, 40 feet wide, and running thence binding on the southwest right of way line of Beach Road the three following courses and distances:

1 - S 59° 39' 25" E 383.94 feet
2 - S 51° 02' 25" E 167.21 feet and
3 - S 24° 30' 25" E 55.04 feet thence
4 - N 56° 34' 25" W 47.00 feet thence
5 - S 23° 35' 35" W 92.38 feet thence
6 - S 82° 06' 25" E 190.00 feet thence
7 - S 14° 44' 25" E 103.20 feet thence
8 - S 46° 27' 25" E 160.00 feet thence
9 - S 59° 34' 35" W 438.48 feet thence
10 - N 48° 27' 25" W 814.11 feet to the said southeast right of way line of Fischer Road thence binding on said right of way the three following courses and distances
11 - N 41° 52' 35" E 166.35 feet
12 - N 34° 17' 35" E 220.00 feet and
13 - N 36° 26' 35" E 24.78 feet to the place of beginning.

Containing 9.198 acres of land more or less.

STATE OF MARYLAND — CHARLES KIRKLAND STARK — No. 3028 — LAND SURVEYOR

[signature]

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rcvd 12/16/87 C.B.A.

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Appellant v. MARGARET CORKRAN, Appellee	: : : : :	BEFORE THE COUN APPEALS OF BALTIMOR Zoning Case No. 86-

: : : : : :

PEOPLE'S COUNSEL'S POST-HEARING MEMORANDUM

I. Background

Petitioner requests approval for expansion of a Truck Terminal at the SE Corner of Beach and Fischer Ro southeastern section of Baltimore County. This requires a special exception under Baltimore Coun Regulations (BCZR) Section 410.A.1.E-F. In addition, are requested from the regulatory provisions requiring a distance or buffer from any dwelling or residential 410A.2) and from the requirements for a durable, dustles under the Comprehensive Manual of Development Poli 410A.3B6).

Prior litigation concerning the property is impor March 18, 1982, the Deputy Zoning Commissioner deter appropriate limits of the boundary of the truck terminal at the existing boundary not to include the expans addition, a variance to allow deviation from the bituminous surface was denied. The Deputy Zoning Commi decision was affirmed by the County Board of Appeals on 1983, involving a revised site plan and removal of the s which had been placed on the area outside the pe

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usage. A much less intense use of the facility has occurred than on Site I. However, that area originally granted under the 1977 plan remains a Class II Trucking Terminal Facility. Petitioner agrees to restrict use of the expansion area solely to storage of chassis and container units and access road. It should be noted that such trailer assembly is permitted as of right in the zoning regulations. It is the movement of the trucks as well as storage of containers, however, which zoning indicated as well as the non-conformance to the old site plans gave rise to the these proceedings. As the photos indicate, the proposed site plan calls for less usage of the site outside of the perimeter of the 1977 plan for whatever purpose that had been the case prior to 1977 and over the years since that time.

The site plan indicates that certain screening of the facility has occurred over the years in consideration of the residents along Beach Road. As the photographs indicate, the site is well-maintained and clean. Because of the restrictions on the use and the distance of the storage from the houses along Beach Road there is adequate provision for light and air. The Deputy Zoning Commissioner called for even tighter restrictions,however, and Petitioner has indicated her willingness to comply with the restrictions as to usage and landscaping. In addition, Petitioner has proposed a program of site maintenance in conjunction with the air quality division of the Department of Environmental Protection and

Resource Management to make it unique among the facilities along Fischer Road to insure the dust-free nature of the surface.

I. WHETHER AN EXPANSION OF A TRUCK TERMINAL IS PERMITTED UNDER THE BALTIMORE COUNTY ZONING REGULATIONS?

The expansion of a truck terminal is clearly allowed under the Baltimore County Zoning Regulations. A truck terminal is permitted as a matter of right in an MH-IM zone. BCZR Section 256.2 and Section 270. The Class II truck terminal facility on Site II has existed since 1977 when the site plan was approved by the Deputy Zoning Commissioner. Petitioner properly requested pursuant to BCZR Section 410 A.1.E, Section 502 and Section 270, a special exception to extend beyond the area of the existing Class II truck terminal facility for the limited purposes of storing chassis and trailers.

It is Petitioner's contention that she has met all the requirements of BCZR Section 502, Section 270, pertinent Sections of the Trucking Facilities legislation (Bill 18-76) and case law.

In Schultz v. Pritts, 291 Md 1, 432 A2d 1319 (1981), the Court of Appsals established standards which would justify a denial of the special exception: "Thus, these cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an

adverse effect and, therefore, should be denied is whether there are facts and circumstances that show the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." 291 Md at 15, 432 A2d at 1327.

The facts as provided herein and at the hearing support the conclusion beyond any question that an expansion of a truck terminal causes no real detriment to the residents and would not adversely effect the public interest. Site II has been used for trucking operations for the past ten years. The proposed site plan calls for a less intense use of the expanded site since it would be used exclusively for the storage and assembly of chassis and trailers and the maneuvering of the trucks. Additionally, with the approval of the Special Exception of the expanded site may come certain restrictions on mode of operations as enumerated in the 1987 Order of the Deputy Zoning Commissioner and agreed to by Petitioner. Consequently, greater control can be exerted over the uses of the site for the protection of the residents. Photographs showed that screening and landscaping of the facility acts as a buffer for the residents in addition to the 100' minimum set back. The site is well-maintained and clean as evidenced by the photographs submitted into evidence.

Likewise, all requirements of Section 502 have been satisfied. Testimony plainly demonstrated that the proposed

storage facility on the expanded Site II would not be detrimental to the health, safety or general welfare of the public. Indeed, a storage facility would not promote congestion on the streets. The access planned for in the site plan for ingress and egress on Fischer Road for maneuvering of trucks would tend to lessen traffic congestion. A storage facility would not tend to create a fire hazard or overcrowd land or interfere with public services as confirmed by the Zoning Plans Advisory Committee. The restrictions imposed by the Zoning Commissioner whereby trailers are not to be stacked more than three high promotes adequate light and air. Testimony indicated that the residents were adverse to the truck terminals generally rather than to this particular one. All facts and circumstances strongly show that the expansion beyond the 1977 plan should be approved as a Special Exception.

II. WHETHER A VARIANCE OF 100 FEET FROM A DWELLING OR OR RESIDENTIAL DISTRICT CAN BE PROPERLY GRANTED?

At issue is whether the Zoning Commissioner has the authority to grant a variance under Section 410 A.2. It is Petitioner's contention that the Zoning Commissioner does have the authority to grant a variance generally except where specifically prohibited by the clear language of the regulations. Plenary authority supports this conclusion.

The Zoning Commissioner has the general power to grant variances from area and height regulations in harmony with their general purpose and intent and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare. Baltimore County Zoning Regulations Section 307; 22-26 Baltimore County Code 1978 (Cumm. Supp. 1986).

In BCZR Section 410.4A, the Zoning Commissioner can take action with respect to Class II trucking facilities and that action must be consistent with the purposes of this section as well as with the purposes of the regulations and Title 22 of the Baltimore County Code. The general purpose of Section 410.4B is to "accommodate trucking facilities, in recognition of their importance to the economy of the County and the nation, while minimizing the impact...on the environment and achieving an optimum level of compatibility between such facilities and nearby uses, especially dwellings and institutional uses". Plainly, the Zoning Commissioner must have the power to grant variances generally in order to accommodate trucking facilities and nearby residential uses.

Moreover, certain regulations of the Baltimore County Zoning Regulations bolster the general proposition that the Zoning Commissioner has general power to grant a variance except where expressly prohibited. By example, Baltimore County Zoning Regulations Section 1B01.B.1b3(b) specifically provide for a buffer area in a Residential Transition Area of

certain dimensions and certain uses. (See sub-subsection 5(b) of the same section.) Further, subsection b7 expressly prohibits the grant of variances under Section 307. It reads: "The provisions of Section 307 of these regulations are not applicable to the requirements of this sub-sub paragraph."

By implication, Baltimore County Zoning Regulations Section 307 applies and works in conjunction with Baltimore County Zoning Regulations unless it is expressly stated that it does not. This express prohibition of the application of Section 307 for Residential Transition Area is powerful evidence that the Zoning Commissioner's power to grant variances is a broad one. To argue otherwise would unilaterally restrict the Zoning Commissioner's general grant of power and contravene the purposes of Section 410A.1 et seq.

The Zoning Commissioner's approval of a minimum setback of 100' from the residential district in lieu of the 300' setback of Section 410A.2 is proper and complies with Baltimore County Zoning Regulations Section 307. The Zoning Commissioner has authority to:

"grant a variance for height and area regulations, from off street parking regulations and from sign regulations only in cases where strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty or unreasonable hardship .... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off street parking, or sign

regulations, and only in such manner as to grant relief without substantial injury to the public heath, safety and general welfare..."

The facts and circumstances of this case show that the standards for granting a variance have been met. The standard is whether strict compliance with the zoning ordinance regulations (here, a 300' minimum setback) would result in "practical difficulty or unreasonable hardship". Where the governing ordinance phrases the criteria for variances in the disjunctive - "practical difficulty or unreasonable hardship" - a lesser burden of proof for an area variance is required, namely, "practical difficulty". (Here, the minimum setback requirements have been modified. Setback requirements are "classic" area variances). Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md App. 28, 332 A2d 220 (1974).

The facts and circumstances surrounding the grant of a variance meets the "practical difficulty" test. Strict compliance with the setback requirements of 300 feet would unreasonably prevent the use of property for its permitted use, i.e. an expansion for storage of an existing truck terminal storage facility. The site would be so reduced in conjunction with the 200' setbacks for wetlands, that it could not be used for the less intensive use of storage and even though this use is permitted in an MH zone and IM district.

The grant of a variance with restrictions strikes a fair and just balance between the use of the property and the

residents. The 100 foot setback allows maneuverability of trucks within the site hence cutting down dust, noise and traffic. The expansion of the existing truck terminal would be restricted to use only for storage thus promoting the health, safety and general welfare of the area. The setback of 100 feet acts as a buffer and is measured not from the dwellings but from the residential zone. Screening and landscaping act as an additional buffer to residents.

Finally, the purpose of BCZR and Section 410 A.1 et seq have been promoted wherein the 100' setbacks allow both optimum level of compatibility for the residents with expansion of a truck storage facility in an MH-IM zone.

Even if the argument was propounded that this was a use variance, and we argue that it is not, unnecessary hardship would result. The Petitioner would be unable to make a reasonable use of her property because the hardship is peculiar to the property and was not self-created. Anderson, supra.

Finally the argument that a variance cannot be granted because of self-created hardship is not applicable here. The instant case can be distinguished from Wilson v. Mayor and Commissioners of Town of Elkton, 35 Md App. 417, 371 A.2d 443 (1977) wherein the petitioner was denied variance relief because the hardship he complained of was essentially self-created.

First, at issue here is a variance for a change in minimum setback requirements. The Doctrine of Self-Created Hardship is applicable more so in the case of a use variance than an area variance and may be inapplicable for an area variance. Zengerle v. Board of County Commissioners for Frederick County, 262 Md. 1, 276 A.2d 646 (1971).

Secondly, the hardships the Petitioner complains of for variance relief are for hardships peculiar to her. Back in 1977, a site plan was approved by order of the Deputy Zoning Commissioner for a Class II Truck Terminal Facility for Site II. In reliance on the approved site plan, the Petitioner operated a limited trucking facility and applied for a Special Exception to expand for permitted storage uses. Site II is bounded by wetlands or extraordinary topographic conditions which restrict its use further. Luis de Ascarate v. Deputy Zoning Commissioner Board of Appeals, 388 A.2d 1233 (D.C. 1978). The Petitioner inherited the property in 1985 from her late husband and has complied with the amended site plan. Under these circumstances it is clear a variance for 100 foot minimum setbacks from a residential district should be granted.

III. WHETHER A VARIANCE MAY PROPERLY BE GRANTED FOR PAVING REQUIREMENTS.

The Zoning Commissioner may properly grant a variance for paving requirements. In addition to the arguments previously mentioned in Issue II, BCZR Section 410 A et seq

bestows explicit authority on the Zoning Commissioner to issue rulings in regard to paving and curbing requirements and provide for hearings Section 410 A.3.B.6. Under Section 410 A.1.C(2) variance relief may be granted so long as the

"petitioner shows that conformance with the provision would cause undue hardship and would not be in the interest of the general welfare of the community, with particular consideration to any dwellings within 300 feet of the facility...Such relief may be granted to the extent necessary to eliminate undue hardship, and only to that extent, and only in keeping with the intent of these Zoning Regulations in general and this section in particular, relief may not be granted to an extent detrimental to the general welfare of the community".

Facts and circumstances support the proposition that not only does undue hardship exist, but it is also environmentally more sound and thus more beneficial to the community to vary the requirement of a bituminous concrete, Portland cement or dual application of tar and chip. Testimony by the Petitioner and her engineer showed that the standard of durable and dust free surface has been met by the existing surface so long as it is properly treated. Petitioner's engineer submitted the tests indicating that the County's load bearing requirements had been met and exceeded by the existing surface. If the object of the standards is to promote a durable surface, the requested crushed stone surface will meet the durability test. Because of the unique use of the area solely for storage, paving of the storage area would also require more maintenance than the porous paving. In hot weather the paved area would tend to sink and rut under the weight of the storage containeers and chassis wheels much like roadways do in the

County due to the constant pressure of wheels. It was also shown that it was more environmentally sound to pave with a porous surface because it would lessen runoff in an environmentally sensitive area. The substitution of a porous material under these circumstances would have positive impact for any dwellings within 300 feet as well as for the marshes to the south and east of the site. The programs recently presented to improve water quality in the state have emphasized the need for infiltration of water as opposed to allowing it to run-off into tidal waters as used to be the County policy. The proposed plan respects the requisite buffers and attempts to promote the infiltration of water on-site. Paving the site would fly into the face of best management practices.

Petitioner has not ignored the importance of dust-free surfaces on the community. All road areas as noted on the amended plan would be paved. Petitioner has also volunteered to design a program with the Air Quality Division of the Department of Environmental Protection for site maintenance and inspection to insure that storage areas of the expanded site are durable and dust free. This would be a unique program among the trucking community in the area and could serve as a model program of maintenance and inspection. In this case it would truly be undue hardship to require the Petitioner to pave the storage areas of the facility, and this was recognized by the Deputy Zoning Commissioner.

CONCLUSION

In conclusion, Petitioner respectfully requests that her Petitions for special exception, special hearing and variance be granted.

John B. Gontrum

Jean K. Tullius
ROMADKA, GONTRUM & HENNEGAN
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274

I HEREBY CERTIFY, that a copy of the Petitioner's Post-Hearing Memorandum was mailed on 17th day of December, 1987 to Phyllis Cole Friedman, Esquire, and Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland 21204.

Jean K. Tullius

RECEIVED
COUNTY BOARD OF APPEALS
1987 DEC 17 P 4: 26

Nowhere has there been more conflict with the trucking facilities regulations than over the paving requirements. Substantive amendments took place only a few years ago which would permit the variance. Prior to that time no facility in the County came into compliance until clarification was made of the paving requirements. Obviously, Petitioner's predecessor in title like other facility owners in the County awaited compliance until clarification occurred. With all of the environmental considerations now impacting these properties in mind Petitioner filed for these variances shortly after taking title. Her good faith in compliance can not be questioned as she has in other respects than for the variances pending the last two (2) years brought her site into compliance and more with the 1977 site plan.

In conclusion, testimony showed that the variance for paving requirements was in sum less detrimental to the community and its special needs thus promoting harmony with pertinent regulations. At the same time the proposed variance of paving requirements meets the county standards of a durable and dust free surface. Therefore the variance should be granted.

RE: PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING & ZONING VARIANCE SE/Corner Beach & Fischer Roads, 15th Election District 7th Councilmanic District : BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

MARGARET CORKRAN, Petitioner : Case No. 86-417-XSPHA

: : : : : : :

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner, under date of June 3, 1987, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 25th day of June, 1987, a copy of the foregoing Notice of Appeal was mailed to Robert Romadka, Esquire, and John Gontrum, Esquire, 809 Eastern Blvd., Baltimore, MD 21221, Attorneys for Petitioner.

Peter Max Zimmerman

RECEIVED
JUN 25 1987
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

Dennis F. Rasmussen
County Executive

June 26, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petitions for Special Exception, Special Hearing and Zoning Variance
SE/cor. Beach & Fischer Roads
Margaret Corkran - Petitioner
Case No. 86-417-XSPHA

Dear Board:

Please be advised that on June 25, 1987 an appeal of the decision rendered in the above-referenced case was filed by People's Counsel for Baltimore County.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

ARNOLD JABLON
Zoning Commissioner

AJ:bjs

cc: Robert Romadka, Esquire and
John Gontrum, Esquire, Attorneys for Petitioner
809 Eastern Avenue, Baltimore, Md. 21221

Ms. Marjorie Hill, Protestant
Wells-McComas Improvement Association
8109 Raymond Avenue, Baltimore, Md. 21222

Mr. David Sheeks, Protestant
4056 Beach Road, Baltimore, Md. 21222

Mr. Michael Northop
Maryland State Department of Planning
301 W. Preston Street, Baltimore, Md. 21201

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223, Towson, Maryland 21204

File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

Dennis F. Rasmussen
County Executive

June 3, 1987

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

RE: Petition for Special Exception
Special Hearing and Zoning
Variance - SE/cor. Beach and
Fischer Roads
15th Election District
Case No. 86-417-XSPHA
Margaret Corkran - Petitioner

Dear Messrs. Romadka & Gontrum:

Pursuant to the hearing held in the above-referenced case, enclosed please find a copy of the decision rendered. Your Petition for Special Exception, Special Hearing and Zoning Variance has been Granted, subject to the restrictions noted in the attached Order.

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

Very truly yours,

JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bjs

Enclosures

cc: Ms. Marjorie Hill
Wells-McComas Improvement Association
8109 Raymond Avenue, Baltimore, Md. 21222

Mr. David Sheeks
4056 Beach Road, Baltimore, Md. 21222

Mr. Michael Northop
Maryland State Department of Planning
301 W. Preston Street, Baltimore, Md. 21201

People's Counsel

PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING
AND ZONING VARIANCES

15th Election District

LOCATION: Southeast Corner Beach and Fischer Roads

DATE AND TIME: Wednesday, April 16, 1986, at 10:45 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 expansion of Class II truck terminal on part of Site II

Petition for Special Hearing to remove restrictions nos. 5, 6, 7, and 8 of the approved plan in Case No. 78-165-ASPH and to amend the approved site plan to separate out Site I

Petition for Zoning Variances to permit a minimum setback of 100 feet from a residential area in lieu of the required 300 feet and a paving section of 8 inch crushed stone in the storage area

Being the property of Margaret Corkran, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

April 9, 1986

Robert Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL EXCEPTION, VARIANCES AND SPECIAL HEARING
SE/cor. Beach and Fischer Rds.
Margaret Corkran - Petitioner
15th Election District
Case No. 86-417-XSPHA

Dear Mr. Romadka:

This is to advise you that $159.05 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 [illegible] time it is placed by [illegible]f.

[illegible] County, Maryland, and remit [illegible]ing, Towson, Maryland

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

No. 35878

DATE 6-4-87 ACCOUNT R-01-615-000
AMOUNT $ 159.05
RECEIVED FROM: John B. Gontrum, Esquire
FOR: Advertising and Posting Case 86-417-XSPHA
B 8108*****15905:a 8042F
VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING & VARIANCES
SE/Cor. Beach and Fischer Rds.
15th District
: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY

MARGARET CORKRAN,
Petitioner(s)
: Case No. 86-417-XSPHA

: : : : :

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
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
(301) 494 - 2188

I HEREBY CERTIFY that on this 26th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Robert Romadka, Esquire, and John Gontrum, Esquire, 809 Eastern Blvd., Baltimore, MD 21221, Petitioner's Attorneys.

Peter Max Zimmerman

5304
5305

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

March 18, 1986

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL EXCEPTION, VARIANCES AND SPECIAL HEARING
SE/cor. Beach and Fischer Rds.
Margaret Corkran - Petitioner
15th Election District
Case No. 86-417-XSPHA

TIME: 10:45 a.m.

DATE: Wednesday, April 16, 1986

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

Zoning Commissioner
[illegible] County

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

No. 018366

DATE 11/17/86 ACCOUNT 01-615-000
AMOUNT $ 250.00
RECEIVED FROM: JOHN GONTRUM
FOR: ITEM 290 (CORKRAN)
B B030*****2500:a 311&F
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

Dennis F. Rasmussen
County Executive

June 26, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petitions for Special Exception, Special Hearing and Zoning Variance
SE/cor. Beach & Fischer Roads
Margaret Corkran - Petitioner
Case No. 86-417-XSPHA

Dear Board:

Please be advised that on June 25, 1987 an appeal of the decision rendered in the above-referenced case was filed by People's Counsel for Baltimore County.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

ARNOLD JABLON
Zoning Commissioner

AJ:bjs

cc: Robert Romadka, Esquire and
John Gontrum, Esquire, Attorneys for Petitioner
809 Eastern Avenue, Baltimore, Md. 21221

Ms. Marjorie Hill, Protestant
Wells-McComas Improvement Association
8109 Raymond Avenue, Baltimore, Md. 21222

Mr. David Sheeks, Protestant
4056 Beach Road, Baltimore, Md. 21222

Mr. Michael Northop
Maryland State Department of Planning
301 W. Preston Street, Baltimore, Md. 21201

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223, Towson, Maryland 21204

File

RE: PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING & VARIANCES
SE/Cor. Beach and Fischer Rds.
15th District
: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY

MARGARET CORKRAN,
Petitioner(s)
: Case No. 86-417-XSPHA

: : : : :

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
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
(301) 494 - 2188

I HEREBY CERTIFY that on this 26th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Robert Romadka, Esquire, and John Gontrum, Esquire, 809 Eastern Blvd., Baltimore, MD 21221, Petitioner's Attorneys.

Peter Max Zimmerman

5304
5305

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
July 15, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 86-417-XSPHA

MARGARET CORKRAN

SE/cor. Beach and Fischer Rds.

15th Election District

SE-Truck Terminal
SPH-To approve amendment to site plan
Var.-Setbacks

6/3/87 - D.Z.C. Granted the special exception special hearing and variances.

ASSIGNED FOR: THURSDAY, NOVEMBER 19, 1987, at 10:00 a.m.

cc: Phyllis C. Friedman — People's Counsel
Robert Romadka, Esq. — Counsel for Petitioner
John Gontrum, Esq. — " " "
Ms. Marjorie Hill — Protestant
Mr. David Sheeks — "
Mr. Michael Northop
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer
Margaret duBois

June Holmen, Secretary

MARGARET CORKRAN

* COUNTY BOARD OF APP
* FOR BALTIMORE COUNT
* CASE NO. 86-417-XSP
*

* * * * * * * * * * *

SUMMONS

Please issue a Summons for the following:

Howard Lynch
Program Supervisor
Field Services Program
Particulate Control
Baltimore County
Dept. of Environmental Protection & Resource Management
Courthouse Mezzanine
Towson, Maryland 21204

Returnable Thursday, November 19, 1987 at 10:00 a.m.

County Board of Appeals for Baltimore County, Room 200, Cour House, Towson, Maryland 21204.

John B. Gontrum, Esquire
Romadka, Gontrum & Hennegan
809 Eastern Boulevard
Essex, Maryland 21221
686-8274

LAW FIRM
ROMADKA, GONTRUM, HENNEGAN & FOOS
ESSEX, MARYLAND

RECEIVED
COUNTY BOARD OF APPEALS
NOV 16 P 2 36

To be served by Gontrum's office

WALTER I. SEIF, JR.

ATTORNEY AT LAW
MARYLAND NATIONAL BANK BLDG.
1414 REISTERSTOWN ROAD
PIKESVILLE, MD. 21208

301-484-8388

September 14, 1983

RECEIVED
SEP 20 1983
PEOPLE'S COUNSEL

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

Re: NORTH POINT TERMINAL CORP.
CASE NO.: 78-165-ASPH

Gentlemen:

On May 25, 1983, this Board Ordered compliance within ninety (90) days of the date of the Order consisting of the new plan being filed and approved by Baltimore County. On July 20, 1983, the Board granted an additional sixty (60) days for compliance, said Order expiring September 20, 1983.

By letter dated August 4, 1983, The Baltimore County Office of Planning and Zoning advised what additional revisions were needed for the site plan to be approved. That because of the letter from the Baltimore County Office of Planning & Zoning being sent to the wrong address, I did not receive same until August 22, 1983, a copy of note stating same being enclosed.

Test borings have been made by soil engineers but results have not been received as of the date of this letter, and it is impossible to file the site plan until that information is included on said plan. Charles Stark of Geo. W. Stephens, Jr., & Assoc. has been in contact with the engineer doing the test boring, but has been unable to state exactly when he will receive the results.

I am therefore requesting an additional sixty (60) days to comply with the Board's Order as the delays are not being caused by North Point Terminal.

Very truly yours,
Walter I. Seif, Jr.
WALTER I. SEIF, JR.

Granted WTH- 9-15-83

WIS:igb
cc: Charlie Stark
enc.

Rec'd 9-15-83 9:45 am

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 86-417-XSPHA

Towson, Maryland

District: 15th

Date of Posting: 7/7/87

Posted for: Appeal

Petitioner: Margaret Corkran

Location of property: SW/cor. Beach & Fischer Rd.

Location of Signs: 3 Signs, each approx. 10' Fr. roadway, on property of Petitioner, ① Facing Beach Rd, ① Facing Fischer Rd + ① Facing

Remarks: in tersection of Beach Rd & Fischer Rd.

Posted by [signature] (Signature)

Date of return: 7/10/87

Number of Signs: 3

PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING & ZONING VARIANCES
15th Election District

LOCATION: Southeast Corner Beach & Fischer Roads
DATE AND TIME: Wednesday, April 16, 1986, at 10:45 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 expansion of Class II truck terminal on part of Site II.

Petition for Special Hearing to remove restrictions nos. 5, 6, 7, and 8 of the approved plan in Case No. 78-165-ASPH and to amend the approved site plan to separate out Site I.

Petition for Zoning Variances to permit a minimum setback of 100 feet from a residential area in lieu of the required 300 feet and a paving section of 8 inch crushed stone in the storage area.

Being the property of Margaret Corkran, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

March 27, 1986

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Zoning Hrgs. - p.o. # 75305 - Req. #L87654 - 97 lines @ $38.80.
was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~successive~~ weeks before the 28th day of March 1986 ; that is to say, the same was inserted in the issues of March 27, 1986

86-417-XSPHA

Kimbel Publication, Inc.
per Publisher.

By K.C. Oelke

Ple. give to Petitioner

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner

Date: April 11, 1986

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

SUBJECT: Zoning Petition No. 86-417-XSpHA

Please consider the Chesapeake Bay Critical Area Review (see memorandum dated 4/11/86, Gerber to Jablon) to be the comments of this office.

Norman E. Gerber per J. G. Hoswell
NORMAN E. GERBER, AICP, Director
Office of Planning and Zoning

NEG/JGH/dmi

PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND ZONING VARIANCES
15th Election District

LOCATION: Southeast Corner Beach and Fischer Roads
DATE AND TIME: Wednesday, April 16, 1986, at 10:45 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 expansion of Class II truck terminal on part of Site II.

Petition for Special Hearing, to remove restrictions nos. 5, 6, 7, and 8 of the approved plan in Case No. 78-165-ASPH and to amend the approved site plan to separate out Site I.

Petition for Zoning Variances to permit a minimum setback of 100 feet from a residential area in lieu of the required 300 feet and a paving section of 8 inch crushed stone in the storage area.

Being the property of Margaret Corkran, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

Mar. 27.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Marhh 27, 1986

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 March 27, 1986.

THE JEFFERSONIAN,

T. B. Venetoulis
Publisher

Cost of Advertising
30.25

86-417-XSPHA

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 86-417-XSPHA

Towson, Maryland

District: 15th

Date of Posting: 3/25/86

Posted for: Special Exception - Special Hearing - Variance

Petitioner: Margaret Corkran

Location of property: SE/cor. Beach & Fischer Rds

Location of Signs: 3 Facing Fischer Rd & 3 Facing Beach Rd, all approx. 15' Fr. roadway, each location approx. 250' Fr. intersection, all on property of Petitioner

Remarks:

Posted by [signature] (Signature)

Date of return: 3/28/86

Number of Signs: 6

Case No. 86-417-XSPHA

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 13th day of March, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Margaret Corkran
Petitioner's Attorney: John B. Gontrum, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: MR. ARNOLD JABLON
Zoning Commissioner

Date: April 11, 1986

FROM: NORMAN E. GERBER, AICP
Director of Planning & Zoning

SUBJECT: Chesapeake Bay Critical Area Reviews — Madelene Kaiser, et al., (86-419-A) and Margaret Corkan (86-417-X Sp. HA)

The petition of Madelene Kaiser, et al., is found to be consistent with the requirements of the Critical Area Statute provided that all the trees indicated on the plat to be retained are in fact maintained and that they are protected from stress or damage during the construction phase. Additionally, all runoff from downspouts and other impervious surfaces should be infiltrated to the degree possible by spreading over lawn and other pervious areas. No direct discharge of stormwater into the Bay should be permitted.

The petition of Margaret Corkan involves a tract of land, virtually all of which has been severely disturbed, and consists of a parking area improved with crusher run or crusher run-like material. However, an order to minimize water qaulity impacts from runoff, the following recommendations are made.

1. A minimum width strip of 32 feet of deciduous shrub plantings be made paralleling the existing white pine planting screen along Beach Road. This could consist of, for example, three rows of plantings eight feet apart beginning twelve feet from the interior row of white pines. Dogwood, crabapple, viburnum, and shrub honeysuckle are examples of suitable species. Taller shrubs should be planted next to the white pine and successive shorter species be planted towards the site's interior. The entire width between the existing white pine plantings and the proposed lateral telephone poles could be included for planting. Aesthetic and wildlife along with water quality benefits would result.

2. Some consideration should be given to removing the various miscellaneous materials located on the perimeter of the existing parking or storage areas.

3. The existing parking area should not be extended as appears to be the case regarding the south corner of Site II. The southeast delineation of parking should be considered for revision in order to eliminate the proposed minor extension of the parking or storage area into natural areas. This is necessary in order to provide a filter strip between the parking-storage area and the adjacent wetland.

Norman E. Gerber
Norman E. Gerber, AICP

NEG:PJS:vh

cy: Jim Hoswell
People's Counsel
Jean Young
Andrea Van Arsdale
Audrey Thier

CPS-008

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

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

MARCH 24, 1986
(CRITICAL AREA)

Re: Zoning Advisory Meeting of FEBRUARY 25, 1986
Item # 290
Property Owner: MARGARET CORKRAN
Location: S/E CORNER BEACH & FISCHER RDS

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.
(X) A County Review Group Meeting is required.
( ) A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
( ) This site is part of a larger tract; therfore 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 ________
(X) 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.
(X) Additional comments: "THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE COMPREHENSIVE PLANNING DIVISION."

cc: James Hoswell

Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Chairman

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

March 21, 1986

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

RE: Item No. 290 - Case No. 86-417-XSPHA
Petitioner - Margaret Corkran
Special Exception, Special Hearing and Variance Petitions

Dear Mr. Gontrum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petitions. 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 petitions. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be place in the hearing file. These petitions were accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer (m)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: George William Stephens, Jr.
& Associates, Inc.
P.O. Box 6828
Towson, Maryland 21204

11

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

STEPHEN E. COLLINS
DIRECTOR

March 14, 1986

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

Item No. -ZAC- Meeting of February 25, 1986
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbered 289, 290, 291, 292, 294, 295, 296 297, 298, 299, 300, and 301.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

February 28, 1986

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

Dear Mr. Jablon:

Comments on Item # 290 Zoning Advisory Committee Meeting are as follows:

Property Owner: Margaret Corkran
Location: S/E Corner Beach and Fischer Roads
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.N.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. Separate grading, paving, etc. may be required.

C. Residential: Two sets of construction drawings are required to file a permit application. 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 the Groups except R-3 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-3 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 1407, Section 1406.2 and Table 1402. 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 permissable 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. Upon 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 312 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: Abandoned gas tanks shall be removed under a separate permit if still existing.

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.

BY: C. E. Burnham, Chief
Building Plans Review

6/22/85

Feb. 24, 1986
Date

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 289, Zoning Advisory Committee Meeting of Feb. 25, 1986

Property Owner: Margaret Corkran
Location: S/E Corner Beach & Fischer Rds. District 15th.
Water Supply Public Sewage Disposal Public

COMMENTS ARE AS FOLLOWS:

( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

( ) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

( ) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.

( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 289 290 Zoning Advisory Committee Meeting of Feb 25, 1986
Page 2

( ) Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.

(X) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.

( ) Soil percolation tests (have been/must be) conducted.
( ) The results are valid until
( ) Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.

( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
( ) shall be valid until
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

(X) Others If plans include the reuse of the underground storage tanks they must first be pressure tested to ensure their integrity. If proposed plans do NOT include the use of the tanks, they must be removed or backfilled. Contact John Hobver, Supervisor, Waste Management for additional information. (494-3768)

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

February 21, 1986

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: Margaret Corkran
Location: SE cor. Beach & Fischer Roads
Item No.: 290 Zoning Agenda: Meeting of 2-25-86

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.

(X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Road shall be hard surface & support 50,000 lb. fire apparatus.

( ) 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: Capt. Joseph Kelly 2-25-86 Noted and Approved: John E. O'Neill
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb

HARRY HUGHES
GOVERNOR

MARYLAND
DEPARTMENT OF STATE PLANNING
301 W. PRESTON STREET
BALTIMORE, MARYLAND 21201-2365

CONSTANCE LIEDER
SECRETARY

RECEIVED
BALTIMORE COUNTY
MAR 13 1986
OFFICE OF PLANNING AND ZONING

March 10, 1986

Mr. Norman E. Gerber
Director of Planning
Baltimore County
Courts Building
301 Bosley Avenue
Towson, Maryland 21204

MARGARET CORKRAN

Dear Mr. Gerber:

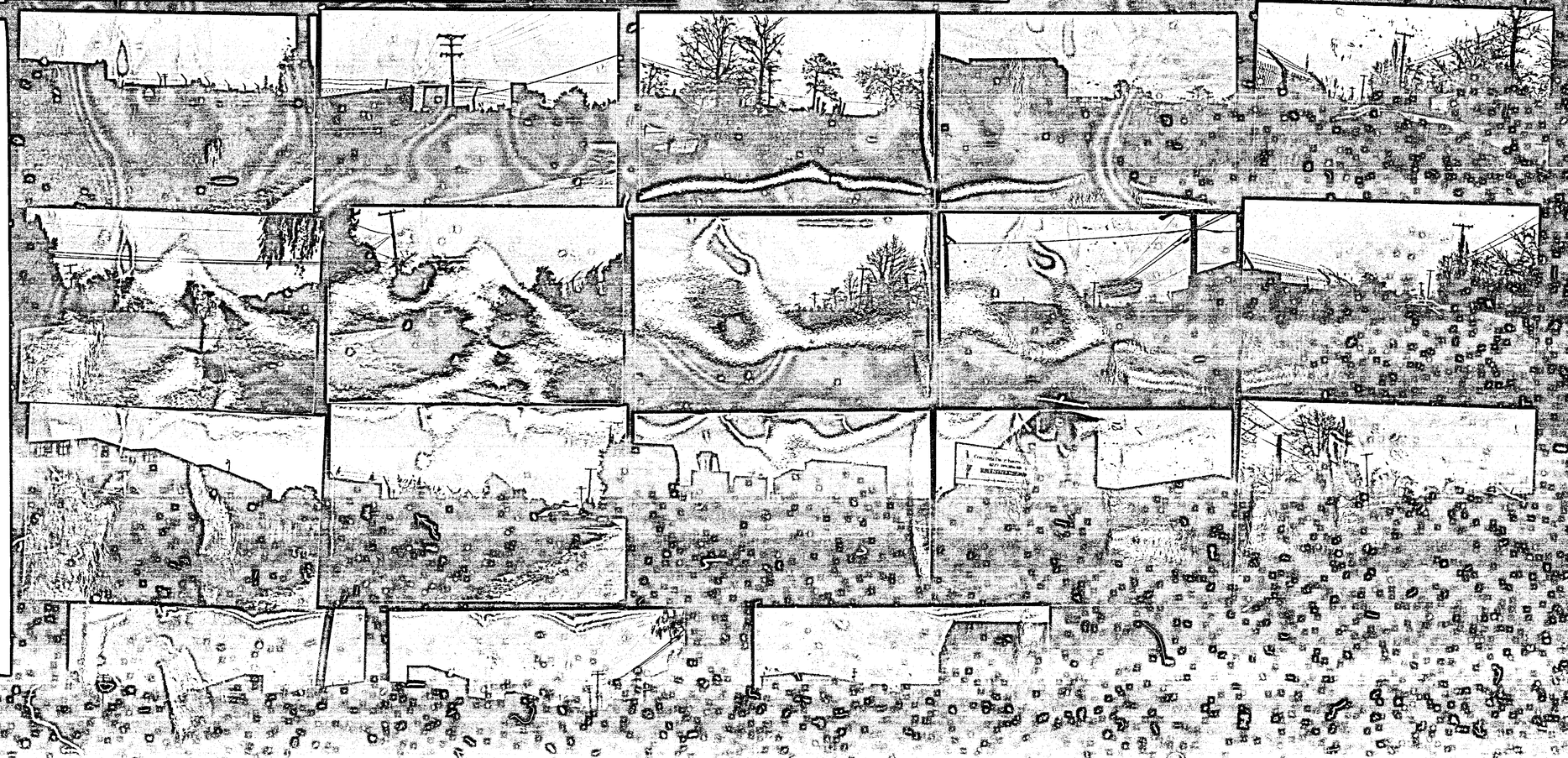
The Department of State Planning has received notice of the site plan for the expansion of the North Point Trucking Company from your office. The owner's request for a special hearing, variance, and a special exception appears as Item 290 on the Zoning Advisory Committee agenda. This application proposes activities that may affect the Chesapeake Bay Critical Area Initial Planning Area identified in 8-1807(a) of the Natural Resources Article of the Annotated Code of Maryland.

The Department is interested in the application and requests that this letter be made a part of the records or case files concerning this application. When the applicant's submissions or analysis concerning 8-1813 of the Natural Resources Article is submitted, please send the Department a copy. Also, please send the Department a copy of the findings made under 8-1813. The information will keep State Planning informed about land use decisions and land use changes affecting the Critical Area.

We appreciate your making us a part of record in this matter.

Very sincerely yours,

Harry F. Duket
Critical Areas Coordinator

LFD:HN:bez

TELEPHONE: (301) 225-4550
TTY for Deaf: (301) 383-7555
OFFICE OF COMPREHENSIVE POLICY PLANNING