

rear of the garage, but the Petitioners continued to add slag until almost the entire surface was covered, as indicated on Petitioner's Exhibit 1. The slag on both lots is packed so firmly that the one square foot pads on which the 80,000 pound tractors and trailers rest do not sink. The surface is durable and is certified as such by the engineer on Petitioner's Exhibit 1. Although dust is a maintenance problem as a result of the truck traffic at the site, the surface is kept virtually dust-free. About once a year, at the direction of an environmental agency, an oil mixture is poured onto the slag. A pond will be placed in the northern corner of the property to meet storm water management requirements. An easement has already been provided in the southern corner for the adjacent owner to provide a drainage area for runoff from the road.

The Protestant testified that no additional hardship has befallen the Petitioners that did not exist prior to their purchase of the site. Further testimony indicated that the neighboring residents, including those living in the adjacent trailer park on the southwest side, have great concern about the slag and dust. She believes the welfare of the neighborhood will be adversely affected unless the pavement is truly dust-free as well as durable.

By inter-office correspondence dated December 16, 1986, the Director of Planning informed the Zoning Commissioner that he had not yet received sufficient data from the Petitioners to provide the "findings" required by the Chesapeake Bay Critical Areas Law. Such "findings" were subsequently provided in a memo dated April 9, 1987 from the Director of Planning to the Office of Zoning, in which requirements were listed to minimize impacts on water quality.

All parties to the hearing stipulated a visit by the Deputy Zoning Commissioner to the site and general neighborhood.

Pursuant to the advertisement, posting of property, and public hearing held; and after due consideration of the testimony and evidence presented, including a site visit to the property, it appears that strict compliance with

ORDER RECEIVED FOR FILING
Date 5/20/87
By Betty J. Robinson

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
W/S of Bletzer Rd., 200' S of : OF BALTIMORE COUNTY
C/L of Glenhurst Rd. (8216 & 8224 Bletzer Rd.), 15th Dist. :

RUSSELL L. SIEGEL, et ux, : Case No. 87-246-SPHA
Petitioners

ENTRY OF APPEARANCE

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

Phyllis Cole Friedman

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman

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

I HEREBY CERTIFY that on this 25th day of November, 1986, a copy of the foregoing Entry of Appearance was mailed to S. Eric DiNenna, Esquire, Suite 600, Mercantile Towson Bldg., 409 Washington Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman

Peter Max Zimmerman

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

ARNOLD JADON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

December 17, 1986

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschl
Suite 600, Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
W/S of Bletzer Rd., 200' S of the c/l of Glenhurst Rd.
(8216 and 8224 Bletzer Rd.)
15th Election District
Russell L. Siegel, et ux - Petitioners
Case No. 87-246-SPHA

Dear Mr. DiNenna:

This is to advise you that \$122.70 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

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

Please make the check payable to Baltimore County, Maryland, and remit to Baltimore County, Maryland, and remit to Baltimore County, Maryland.

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

No. 025757

DATE: ACCOUNT:

12/17/86 AMOUNT \$

RECEIVED FROM:

FOR:

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE - W/S of Bletzer Rd., 200' S of the c/l of Glenhurst Road (8216 and 8224 Bletzer Road) 15th Election District 7th Councilmanic District
BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 87-246-SPHA
Russell L. Siegel, et ux
Petitioners

The Petitioners herein request a special hearing to confirm that the building located within 300 feet of the above-referenced site was not used as a residence when the plans for a Class II trucking facility were submitted for approval, and additionally, a variance to permit the parking area to be paved with crusher run and/or slag in lieu of the required paving, as more particularly described on the plan submitted, prepared by Paul Lee Engineering, Inc. and identified as Petitioner's Exhibit 1, revised September 26, 1986.

At the onset of the hearing, Counsel for the Petitioners moved to amend the Petition for Zoning Variance to read "to allow the parking area to be slag in lieu of the required paving."

The attorney for the Petitioners proffered the history of the subject site relative to the Baltimore County Zoning Regulations (BCZR) for trucking facilities, including the purchase of an additional 2 and 1/2 acres in order to provide the required 5 acres, and the submission of plans.

All parties, including the Protestant, the President of the Wells-McComas Citizens Improvement Association, Inc., and Paul Lee, the engineer, agreed that the building located within 300 feet of the subject site, as shown on the plan submitted, prepared by Paul Lee Engineering, Inc. and identified as Petitioner's Exhibit 2, revised October 1982, was not used as a residence when the plan was submitted for approval pursuant to Section 41CA.2 of the BCZR.

Testimony by and on behalf of the Petitioners indicated that they purchased 8216 Bletzer Road in 1973 and 8224 Bletzer Road in 1982. When 8216 Bletzer Road was purchased, the lot was paved with slag only as far back as the

ORDER RECEIVED FOR FILING
Date 5/20/87
By Betty J. Robinson

the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners. Baltimore County has reviewed the application involving this property, which is located in the 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. It is the opinion of the Deputy Zoning Commissioner, that the approval requested in the special hearing and the variances requested will not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 6th day of May, 1987, that it be affirmed that the building located within 300 feet of the subject property was not used as a residence when the plans for a Class II trucking facility were submitted for approval, and a variance to permit the parking area to be paved with slag be approved, and as such, the Petition for Special Hearing and Zoning Variance are hereby GRANTED, subject, however, to the following restrictions:

- 1) All toxic, hazardous or potentially polluting substances, including but not limited to oil and other petroleum products and degreasing agents utilized as part of vehicle repair and maintenance, must be stored in a protected location and be disposed of on a regular basis in an environmentally safe manner after being used.
- 2) All impervious and/or parking areas shall be maintained by vacuum sweeping at least once a week.
- 3) A storm water management facility is to be constructed and maintained on the north/northwest corner of the site. This facility shall be constructed in accordance with the requirements of the Baltimore County Department of Public Works. This facility will manage runoff from the two and ten year storm and will divert as large an area of storm water from the site as possible to this facility.
- 4) The requirements of the Baltimore County Division of Air Pollution shall be met at all times.
- 5) Compliance with Baltimore County's Department of Health requirements.

ORDER RECEIVED FOR FILING
Date 5/20/87
By Betty J. Robinson

- 6) The slag surface shall be properly maintained.
- 7) The general notes listed below, taken from Petitioner's Exhibit 1, shall be met:

Hours of operation to be 24 hours, 7 days/week for the office and repair garage.

Number of trucks using the facilities over a 24-hour period = maximum of 63.

Number of vehicles parked on site = maximum of 110 trailers and 20 passenger cars.

Number of employees on the largest shift = 10 drivers, 4 office personnel and 3 mechanics.

Telephone service is provided inside the office building.

Male and female rest rooms and drivers' room to be provided in office building.

No junked trailers or vehicles shall be stored on the site.

Automotive parts will be stored within closed containers.

Existing building heights to remain as shown, approximately 30' and 16'.

F.A.R. = $\frac{4,262.75}{297,950} = 0.015$ 0.10 required

BG & E pole curbs to be placed as shown; curbing to be installed no later than 12 months after plan approval.

Future 35' entrance with 30' radius returns to be constructed when Bletzer Road is widened to its ultimate width.

ORDER RECEIVED FOR FILING
Date 5/20/87
By Betty J. Robinson

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

Arnold Jadon
Zoning Commissioner

May 6, 1987

S. Eric DiNenna, Esquire
Mercantile - Towson Building, Suite 600
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance -
W/S of Bletzer Road, 200' S of the c/l of Glenhurst Road
(8216 & 8224 Bletzer Road), 15th Elec. Dist., 7th Counc. Dist.
Case No. 87-246-SPHA -- Russell L. Siegel, et ux

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-referenced case. Your Petition for 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

JMH:jbs

Enclosures

cc: Ms Marjorie Hill, President,
Wells-McComas Improvement Assoc., 8109 Raymond Avenue, 21222

Mr. Joe Raymond, Sr.
1716 Harford Road, Fallston, Md. 21047

The Honorable Councilman Dale T. Voigt
Robert J. Rosadka, Esquire
809 Eastern Boulevard, 21221

Dept. of Health, Bureau of Environmental Services' Div. of Air Pollution
People's Counsel

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschl
Suite 600, Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

November 14, 1986

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
W/S of Bletzer Rd., 200' S of the c/l of
Glenhurst Rd. (8216 and 8224 Bletzer Rd.)
15th Election District
Russell L. Siegel, et ux - Petitioners
Case No. 87-246-SPHA

TIME: 11:30 a.m.

DATE: Tuesday, December 23, 1986

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

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

No. 026342

DATE: 11/14/86 ACCOUNT: 01-015

AMOUNT \$ 200.00

RECEIVED FROM: Paul Lee Engineering, Inc.

FOR: Engineering Services

SIEGEL - PROJECT #86

VALIDATION OR SIGNATURE OF CASHIER

Zoning Commissioner

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 410A.1.2.86 to allow parking areas to be crush or run and/or slag in lieu of the required paving

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

145
87-246-SPHA

MAP SE 27
A.B.
E.D. 15
DATE 11/27
200
1000
DP

Russell L. Siegel, et ux
W/S of Blitzer Rd., 200' S of the
C/L of Glenhurst Rd. (8216 and
8224 Blitzer Rd.), 15th Elec. Dist.

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

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

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

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

Legal Owner(s):
Russell L. Siegel
(Type or Print Name)
Signature
Joan A. Siegel
(Type or Print Name)
Signature
8216 Blitzer Road
Address
Baltimore, Maryland 21222
City and State

Attorney for Petitioner:
S. Eric DiNenna
(Type or Print Name)
Signature
8216 Blitzer Road
Address
Baltimore, Maryland 21222
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
S. Eric DiNenna
Name
406 W. Pennsylvania Ave. 296-6820
Address
Phone No.

5-6345
E-41,910

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of November, 1986, 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 23rd day of December, 1986, at 11:30 o'clock A.M.

Calle Jallon
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
Date 11/27/86
By S. Eric DiNenna

87-246-SPHA
MH #

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 that building within 200 feet was not used as a residence when plan for approval was submitted pursuant to section 410A.2

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):
Russell L. Siegel
(Type or Print Name)
Signature
Joan A. Siegel
(Type or Print Name)
Signature
8216 Blitzer Road
Address
Baltimore, Maryland 21222
City and State

Attorney for Petitioner:
S. Eric DiNenna
(Type or Print Name)
Signature
406 W. Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
S. Eric DiNenna
Name
406 W. Pennsylvania Ave. 296-6820
Address
Phone No.

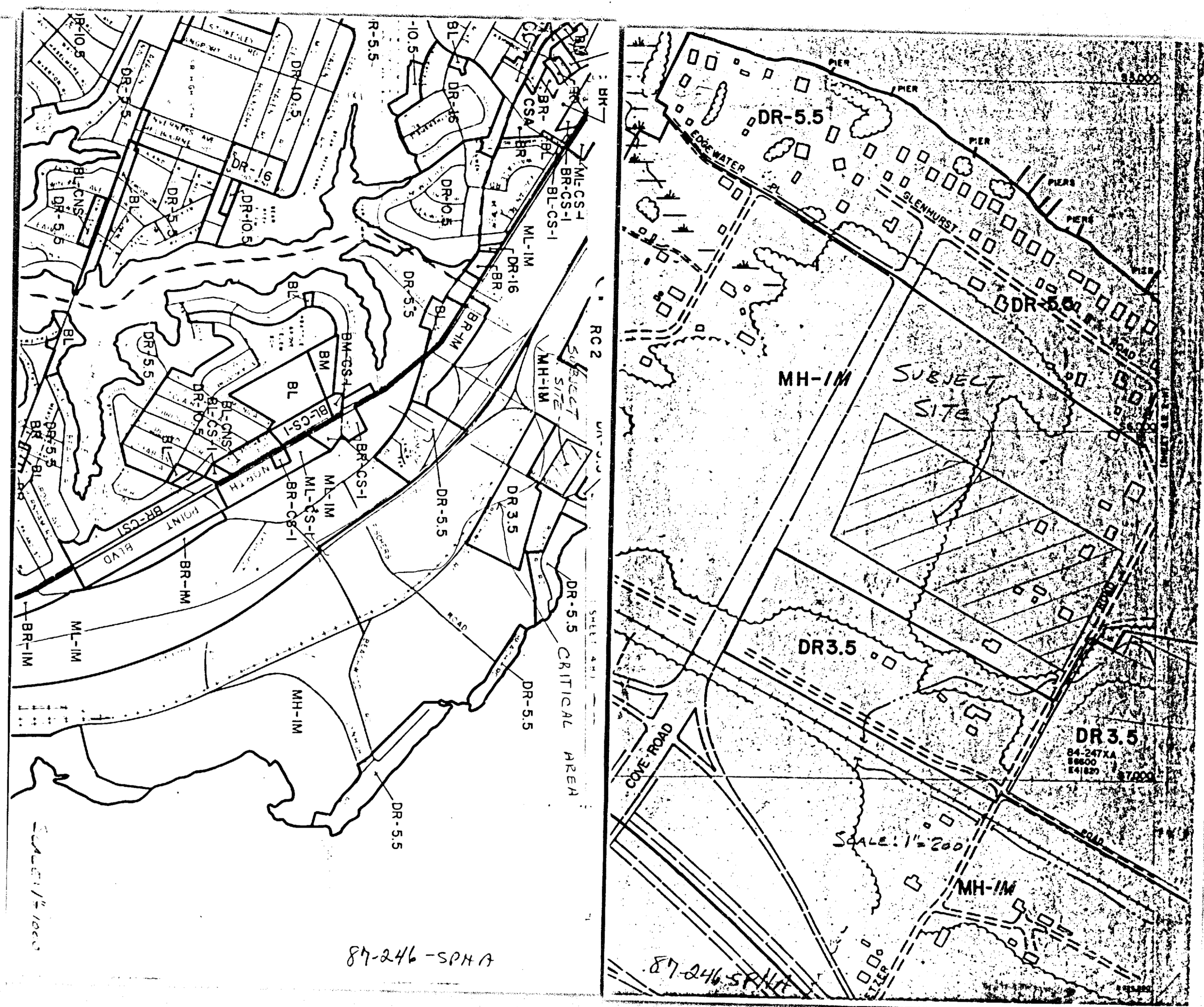
MAP SE 27
A.B.
E.D. 15
DATE 11/27
200
1000
DP
S 6345
E 41,910

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of November, 1986, 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 23rd day of December, 1986, at 11:30 o'clock A.M.

Calle Jallon
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
Date 11/27/86
By S. Eric DiNenna



87-246-SPHA

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 12th day of November, 1986

Arnold Jablon
Zoning Commissioner

Petitioner: Russell L. Siegel, et ux
Petitioner's Attorney: S. Eric DiNenna, Esquire

Received by: James F. Eyer
Chairman, Zoning Plans Advisory Committee



Beginning for the same at a point, said point being located on the west side of Blitzer Road 200 feet from the center of Glenhurst Road; thence binding on the west side of Blitzer Road, (1) S 75°11'00" W - 386.00 feet; thence leaving said west side of Blitzer Road, (2) N 60°00'21" W - 763.65 feet to the east side of Cove Road; thence binding on the east side of Cove Road the two following courses and distances: (3) N 25°04'42" W - 87.37 feet; and (4) N 31°35'02" W - 298.82 feet; thence leaving said east side of Cove Road, (5) S 50°32'37" W - 785.91 feet to the point of beginning. Containing 6.84 Acres of Land more or less.

8216 A. #824, BLITZER ROAD
15TH ELECTRIC DISTRICT - BALTIMORE COUNTY, MD.

Paul Leo Spangenberg, Jr.
111 W. Chesapeake Ave.
Towson, Maryland 21204
301-871-5811

Being the property of Russell L. Siegel, et ux 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 Commission will, however, for good cause, extend the appeal period. 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

LOCATION: West Side of Blitzer Road, 200 feet South of the Centerline of Glenhurst Road (8216 and 8224 Blitzer Road)

DATE AND TIME: Tuesday, December 23, 1986, at 11:30 a.m.

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

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

Petition for Special Hearing to approve that building within 200 feet was not used as a residence when plan for approval was submitted.

Petition for Zoning Variance to permit parking area to be crush or run and/or slag in lieu of the required paving.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Zoning Commissioner
Date: April 9, 1987
FROM: Mr. Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Chesapeake Bay Critical Area Finding
Robin Express

The appropriate staff of the Baltimore County Office of Planning and Zoning and the Department of Health have reviewed the water quality related information submitted as required under Section 8-1813 of the Chesapeake Bay Critical Area Law.

- 1) All toxic, hazardous or potentially polluting substances including but not limited to oil and other petroleum products and degreasing agents utilized as part of vehicle repair and maintenance be stored in a protected location and be disposed of on a regular basis in an environmentally safe manner after being used;
2) all impervious and/or parking areas shall be maintained by vacuum sweeping at least once a week; and
3) a storm water management facility is constructed and maintained on the northeast corner of the site.

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

NEG/FS/jat
cc: Uri Avin, Tim Dugan, David Fields, Jim Hoswell, Tom Vidmar, People's Counsel, Rocky Powell

RECEIVED
APR 15 1987
ZONING OFFICE

CPS-008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
Date: December 17, 1986
FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 87-246-SpHA, 87-248-XA, 87-266-A, 87-267-A, 87-277-A and 87-283-A

Please consider the Chesapeake Bay Critical Area findings (see memoranda dated 12/16/86 from Norman E. Gerber to Arnold Jablon) to be the comments of this office.

Norman E. Gerber, AICP, Director

NEG:JGH:sib

Handwritten note: received 12/18/86

RECEIVED
DEC 18 1986
ZONING OFFICE

CPS-008

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

NORMAN E. GERBER
DIRECTOR

December 16, 1986

Paul Lee, P.E., Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. Lee:

Please be advised that the Zoning Commissioner, Arnold Jablon, will not be able to authorize the proposed expansion of Robin Express Transfer, Inc. (located within the Chesapeake Bay Critical Area) until this agency makes the required "Finding" under the Chesapeake Bay Critical Area Law.

This finding, in the case of this proposed expansion would relate to water quality impacts. For us to be able to issue findings to the zoning commissioner, it is necessary for the petitioner to provide this agency with water quality data including types of pollutants that will be generated from the trucking activity to take place on the expanded parking lot, the specific materials to be used in the parking lot construction, and any other pollutants that may be introduced.

It would be advisable for you to meet with Mr. Paul Solomon of my staff to discuss the particular information we will need for preparing the finding. Mr. Solomon may be reached at 494-3495, 9:15 AM-5:15 PM.

Sincerely,

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

NEG/jat

cc: Arnold Jablon

RECEIVED
DEC 19 1986
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Zoning Commissioner
Date: December 16, 1986
FROM: Mr. Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Chesapeake Bay Critical Area Finding
Russell L. Siegel, et al (87-246-SpHA, Item 145)

Please be advised that the Office of Planning and Zoning is not able to provide you with "Findings," as required by Section 8-1813 of the Chesapeake Bay Critical Area Law, so that you could conclude action on this case. The applicant has not as yet provided the data necessary before a finding can be made.

Norman E. Gerber, AICP, Director
Office of Planning & Zoning

NEG/jat
cc: Uri Avin, Tim Dugan, Jim Hoswell, Andrea VanArsdale, Tom Vidmar, People's Counsel, Dan Surveck

RECEIVED
DEC 19 1986
ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

December 19, 1986

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

Dear Mr. Jablon:

Comments on Item #145:

Property Owner: Russell L. & Joan A. Siegel
Location: 8216-8224 Bletzer Road
Proposed Zoning: 410A.3.B6 to allow parking area to be crushed or run and/or slag in lieu of the required paving.
District: 15th Election District

The Division of Air Pollution Control concurs with the Comprehensive Manual Design Policy which prescribes all such surfaces be installed under the auspice of Certified Engineers approved by the County that all surfaces are dustless and durable.

Very truly yours,
Ian J. Forrester, Director
Bureau of Environmental Services

IJF:pms

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 15, 1986

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

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

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: Item No. 145 - Case No. 87-246-SpHA
Petitioner: Russell L. Siegel, et ux
Petitions for Special Hearing and Variance

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case.

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

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

JED:kkb

Enclosures

cc: Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

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

NOVEMBER 19, 1986

(CRITICAL AREA)

Re: Zoning Advisory Meeting of October 21, 1986
Item #145
Property Owner: RUSSELL L. SIEGEL, et al
Location: W/S BLETZER RD. 200'S.
& GLENWJUST RD.

Dear Mr. Jablon:

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

- [X] There are no site planning factors requiring comment.
[X] A County Review Group Meeting is required.
[X] A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
[X] This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
[X] A record plat will be required and must be recorded prior to issuance of a building permit.
[X] The access is not satisfactory.
[X] The circulation on this site is not satisfactory.
[X] The parking arrangement is not satisfactory.
[X] Parking calculations must be shown on the plan.
[X] This property contains soils which are defined as wetlands, and development on these soils is prohibited.
[X] Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
[X] Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
[X] The amended Development Plan was approved by the Planning Board on
[X] Landscaping: Must comply with Baltimore County Landscape Manual.
[X] The property is located in a deficient service area as defined by 8111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
[X] The property is located in a traffic area controlled by a "D" level intersection as defined by 8111 178-79, and as conditions change are re-evaluated annually by the County Council.

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

David Fields, Acting Chief
Current Planning and Development

BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3350

STEPHEN E. COLLINS
DIRECTOR

October 24, 1986

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

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 137, 138, 140, 141, 142, 143, 144, 145, 146, 147, 148, and 149.

Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

11-26-86
late

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 145, Zoning Advisory Committee Meeting of 10-21-86

Property Owner: Russell L. Siegel et ux

Location: W/S Beltzer Rd. District 15

Water Supply mtia Sewage Disposal mtia

- 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/a of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/a 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.
 - (x) 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.

WWQ 1 4/86

Zoning Item # 145 Zoning Advisory Committee Meeting of 10-21-86
Page 2

- () Prior to raising 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.
- () 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 any damage from interior sewer lines must be checked for sanitary sewer and oil separator
petitioner should not use slay material
surface in parking areas or such
material may create nuisances with
leakage of seepage products

[Signature]
Ira J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2486
494-4500

October 20, 1986

PAUL H. REINCKE
CHIEF

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

RE: Property Owner: Russell L. Siegel, et ux *

Location: W/S Beltzer Rd., 200' S centerline Glenhurst Road

Item No.: 145 Zoning Agenda: Meeting of Oct. 21, 1986

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.
- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
 - () 2. A second means of vehicle access is required for the site.
 - () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
 - () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
 - (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
 - () 6. Site plans are approved, as drawn.
 - () 7. The Fire Prevention Bureau has no comments, at this time.
- REVIEWER: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division
- /mb *CRITICAL AREA

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

November 3, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 145 Zoning Advisory Committee Meeting are as follows:

Property Owner: Russell L. Siegel, et ux (CRITICAL AREA)
Location: W/S Beltzer Road, 200' S c/l Glenhurst Road
Districts: 15th.

- APPLICABLE ITEMS ARE CIRCLED:
- (x) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85. The Maryland Code for the Handicapped and Aged (A.S.S.T. #11-1 - 1980) and other applicable Codes and Standards.
 - (x) A building and other miscellaneous permits shall be required before the start of any construction.
 - () Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
 - (x) 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.
 - (x) All One Group except 2-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. All One Group 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 101, Section 1107, Section 1106.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
 - () The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
 - () The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
 - () When filing for a required Change of Use/Occupancy Permit, an alternative 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 Use _____. See Section 312 of the Building Code.
 - (x) 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 finished floor levels including basement.
 - (x) Comments: See copy of Section 516.0 attached for proposed structure. Provide 1 handicapped parking slot if it does not already exist.
 - () 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 102 of the County Office Building at 111 N. Chesapeake Avenue, Towson, Maryland 21204.
- [Signature]*
C. R. Burrows, Chief
Building Plans Section
- L/27/86

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:

SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tideswaters, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.
- Area beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.
2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corp of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.
3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.
2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.
3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

April 1985

RECEIVED
NOV 17 1986
DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW
ZONING OFFICE
MERCANTILE TOWSON BUILDING
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820

November 13, 1986

Mr. James E. Dyer
Zoning Supervisor
Zoning Commissioner's Office
Towson, Maryland 21204

RE: Petition for Russel Siegel and wife
8216 Beltzer Road
Special Hearing
My File No.: 81-77

Dear Jim:

Please refer to my letter of October 10, 1986, wherein I requested that a hearing be held as soon as possible concerning the above-captioned matter.

As of this date, I have not heard nor have been contacted relative to an agreed date.

Would you be so kind as to advise me of when this matter might be heard.

Very truly yours,
[Signature]
ERIC DINENNA

SED:kar

cc: Mr. Paul Lee
Mr. and Mrs. Russel Siegel

#145

RECEIVED
OCT 16 1986
DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW
ZONING OFFICE
MERCANTILE TOWSON BUILDING
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820

October 10, 1986

Mr. James E. Dyer
Zoning Supervisor
Zoning Commissioner's Office
Towson, Maryland 21204

RE: Petition of Russel Siegel and wife
8216 Beltzer Road
Special Hearing

Dear Mr. Dyer:

Please be advised that I represent Mr. and Mrs. Russel Siegel concerning their Petition for Special Hearing under Item No. 145.

As you are aware, this is a trucking facility and the plans for approval have been submitted to Baltimore County some time ago but have been lingering for various reasons.

He is proceeding to improve the property and the above-captioned hearing is to certain determinations so that an approved plan might be accomplished.

With reference to the improvements, he is adding a building and the building has been ordered and everyone is ready to go.

Accordingly, I would respectfully request that this matter be set in for hearing as soon as possible but that there are no untimely delays.

Very truly yours,
[Signature]
S. ERIC DINENNA

SED:kar
cc: Mr. Paul Lee
Mr. and Mrs. Russel Siegel

P.S. Prior to setting this hearing, would you be so kind as to have your office contact me so that a date might be set that will not be in conflict with various schedules.

Put in ready to set
10-22-86

A. DUKE FIFE, III
200 GARFIELD AVENUE, P. O. BOX 564, WEST CHESTER, PA 19381-0564 215-696-5800
Warehousing and Distribution

May 27, 1986

Mr. Eric Di Nenna
406 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Beltzer Road Property

This property was purchased on March 2, 1979 and it was unoccupied until June 16, 1983.

Sincerely,
[Signature]
David A. Vernon III
Safety Director

DAV:cm

MAY 28 1986

DEFENDABLE OVERNIGHT MOTOR FLIGHT SERVICES

S. Eric DiNenna, Esquire
Page 2
March 15, 1984

- 7. Before the additional parking area for trucks to the north is used in the future, a revised site plan must be submitted and approved.
- 8. At the time the variance request for side setback of the proposed office use is requested, a special hearing to determine the status of the "ex-dwelling-boarded-up" to the north, must also be requested.
- 9. Paving profile must indicate a top layer of bituminous concrete, portland-cement concrete or two or more applications of bituminous surface treatment. The wording of the paving certification can be obtained from this office.
- 10. Schedule of the proposed work to be done must also be included.

If you have any questions concerning these comments, you may contact me at 494-3391.

Sincerely,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chief, Development Control Section

NBC:nr

cc: Paul Lee Engineering
374 West Pennsylvania Avenue
Towson, Maryland 21204

*L. This to Nick
Down Paster
Re Board
from*



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

ARNOLD JADLON
ZONING COMMISSIONER

March 15, 1984

S. Eric DiNenna, Esquire
406 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Robin Express Transfer, Inc.
8216 Bletzer Road -
15th Election District

Dear Mr. DiNenna:

The above-referenced site plan was reviewed by the County Trucking Committee and their comments are enclosed. Revised site plans must be submitted that reflect these comments and the following revisions:

- 1. The truck route must be changed to delete all references to Glenhurst Road and replaced with Edgewater Place.
- 2. The side setback of the proposed office must be 30 feet from the north property line and at least 22.5 feet from any open structure. In view of this, a variance must be obtained before this building can be changed to offices.
- 3. This office will approve this use adjacent to the trailer park to the south. However, said approval is subject to the enclosed letter from Mr. Dyer, dated December 28, 1982.
- 4. A proposed entrance in accordance with the comments of the Department of Traffic Engineering must be indicated.
- 5. No trailer can be stored within 15 feet of the front property line and no parking space can be located within 8 feet of said line. The method of maintaining this requirement must be indicated.
- 6. A proposed parking lot for this office must be shown and if more than five vehicles are proposed, this area must be paved.

RECEIVED
EXHIBIT 1

December 26, 1984

Fyle Corporation
P. O. Box 564
West Chester, Pennsylvania 19380

RE: 8226 Bletzer Road
Baltimore County, Maryland

Gentlemen:

Please be advised I represent Robin Express Transfer, Inc., owner of the property adjacent to the above-captioned address in Baltimore County, Maryland.

It is my understanding that you purchased the property in December of 1981.

The purpose of this letter and inquiry is to determine whether or not the property at 8226 Bletzer Road was occupied in 1982, and if so, when did it become occupied.

Understand that this is in no way an inquiry that would create any litigation concerning your company. The purpose of this letter is pursuant to the Baltimore County Zoning Regulations and the use of my client's property, Robin Express Transfer, Inc. It has absolutely nothing to do with your property.

You would be most helpful in advising me of these facts as soon as possible.

If you have any questions, do not hesitate to call upon me.

Very truly yours,

S. ERIC DINENNA

SED:bk
cc: Robin Express Transfer, Inc.
Mr. Paul Lee

RECEIVED
EXHIBIT 3

S. Eric DiNenna, Esquire
Page 3
December 28, 1982

- 5. The M. H. Use Regulations - Section 256.1 permits the living quarters for watchmen, caretakers, and their families employed and living on the premises, without reference to the type of building; therefore, in this instance, it would certainly appear that either dwellings or trailers are permissible for this type of use. Section 256.4 permits a trailer park by special exception, subject to compliance with Section 414, Special Regulations for Trailer Parks.
- 6. Height and Area Regulations for dwellings and trailers differ drastically. Special Regulations are established for trailers and trailer parks under Sections 414 and 415.
- 7. Special Regulations for Trailer Parks and Trailers - Sections 414 and 415, respectively, make no inference to the effect that trailers and dwellings should be considered as one and the same. To the contrary, Section 415.3.a states, "...the trailer must be located so as to meet all minimum yard requirements for a dwelling, but in no case may the trailer be located on an adjoining lot and fronting on such street except that such setback need not exceed 200 feet."

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

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

JED:nr

cc: Mr. William F. Hammond
Zoning Commissioner

Mrs. Jean M. H. Jung
Deputy Zoning Commissioner

Mr. Nicholas B. Commodari
Chief, Development Control Section

Mr. James H. Thompson
Zoning Enforcement Section

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Malcolm F. Spicer, Chairman
Trucking Facilities Dev. Comm. Date: July 11, 1983

FROM: Charles E. Burnham, Chief
Building Plans Review C 273

SUBJECT: Robin Express Transfer, Inc.

The proposed change of use from a one-story dwelling to an office use, shall require a change of use and occupancy permit. Additionally, plans shall be provided showing compliance to the Building Code for the new use. These requirements may be found under Table 303.2, although not all will be applicable. The completed drawings shall be signed and sealed by a professional engineer/architect registered in Maryland when applying for a change of occupancy and use permit and the alteration permit required to perform the work. Compliance to the State Handicapped Code is required.

The motor vehicle repair garage shall not be used for other purposes, see Section 616.1, unless separated with a true three-hour fire wall complying with Section 1407.0.

Separate permits are required for improvements to the site, contact Room 100 at 494-3900 for types of permits and fees.

djl

Returb b.c.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Malcolm F. Spicer, Jr.
Chairman, Trucking Facilities Dev. Comm. Date: July 11, 1983

FROM: Michael S. Flanigan
Robin Express Transfer, Inc.
SUBJECT: 8216 & 8224 Bletzer Road

We have reviewed the plan for the above site and have the following comments:

- 1) The entrance should be 35' wide with 30' radius.
- 2) The proposed truck route should read Edgewater Road rather than Glenhurst Road.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/ccm

Returb b.c.



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

December 28, 1982

S. Eric DiNenna, Esquire
406 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Robin Express Transfer, Inc.
8216 Bletzer Road -
15th Election District

Dear Mr. DiNenna:

Reference is made to your letter of November 15, 1982 concerning your client's trucking facility, which is the subject of zoning violation proceedings, and an adjoining trailer park which plays a prominent role in determining whether or not your client can bring his trucking facility into compliance with the Baltimore County Zoning Regulations.

You have specifically asked for an opinion, on my part, as to whether or not a trailer should be considered as a dwelling insofar as the application of Section 410A.2 is concerned. This Section specifically prohibits a Class II Trucking Facility or part thereof from being located within 300 feet of the dwelling or a residential zone.

Your letter makes the following distinction between dwellings and trailers:

"The second question arises as to whether or not the trailers are in fact dwellings as defined in the Baltimore County Zoning Regulations. Section 101 of the Baltimore County Zoning Regulations say that a dwelling is defined as, 'A building or portion thereof which provides living facilities for one or more families.' It is obvious that a trailer is not a building as defined in Section 101 it being, 'A structure enclosed with exterior walls or fire walls for shelter, etc.' The Baltimore County Building Code does not qualify a trailer as a building and furthermore, pursuant to Section 101 of the Baltimore County Zoning Regulations, 'A trailer (or mobile home) shall be regarded as such even though its mobility may have been eliminated by removing

RECEIVED
EXHIBIT 5

S. Eric DiNenna, Esquire
Page 2
December 28, 1982

its wheels or otherwise, and placing it on a stable foundation, or rigid support.' Accordingly, it is obvious that Section 410A.2 would not be applicable to the instant matter."

Based upon the above, you have asked that I render an opinion to the effect that trailers, as defined in the Building Code and Zoning Regulations, are not dwellings and, therefore, should not affect the approval of your client's trucking facility insofar as Section 410A.2 is concerned.

As you are aware, any opinion rendered by this office is challengeable pending advertising, posting and a public hearing. Notwithstanding this fact, after having carefully reviewed the Zoning Regulations, it is my personal opinion that Section 410A.2 should not be interpreted to prohibit a trucking facility from being within 300 feet of a trailer or trailer park. This opinion is based upon the fact that trailers and dwellings are specifically and distinctly listed and permitted as separate use categories throughout the zoning Regulations. References to those uses taken from various Sections of the Baltimore County Zoning Regulations are as follows:

- 1. The Use Regulations of all residential zones, including the R.C. Zones and D.R. Zones, list dwellings and trailers as separate categories.
- 2. The M.R. Use Regulations - Section 241.2 specifically prohibits dwellings, but remains silent with regard to trailers.
- 3. The M.L.R. Use Regulations - Section 248.3 permits living quarters for watchmen and caretakers without reference to the type of building; therefore, in this instance, it would certainly appear that either dwellings or trailers are permissible.
- 4. The M.L. Use Regulations - Section 253.1.F.3 permits the temporary use of trailers as accessory uses or structures and Section 253.2.C.11 permits trailers with the exception of trailer parks as non-accessory interim uses, subject to the provisions of Section 415. Dwellings are not listed as being permitted in any M.L. use category and, therefore, are not permitted.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Malcolm F. Spicer, Jr. Date: July 11, 1983
 FROM: Robert A. Morton, P.E.
 SUBJECT: Robin Express Transfer, Inc.
 8216 and 8224 Bletzer Road
 District 15

The following comments are furnished in regard to the Site Plan, dated December 1982 (Revised May 1983), submitted to this office for review by the C.T.F.D.O.C.:

Cove Road, which was constructed by the Maryland State Highway Administration in conjunction with the Patapsco Freeway, is maintained by Baltimore County. No access will be permitted from this property onto Cove Road.

Bletzer Road, an existing public road, is proposed to be further improved in the future as a 48-foot closed section roadway on a 60-foot right-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications. Any entrance gates shall be set back a minimum distance of 60 feet from the proposed roadway curb so that entering tractor-trailer units do not project into the public roadway while awaiting opening of the gates. The gates should swing into the site or slide parallel with the public roadway.

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

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Operator/Owner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Operator/Owner.

In accordance with the drainage policy, the Operator/Owner is responsible for the total actual cost of drainage facilities required to carry the storm water runoff through the property to be developed to a suitable outfall.

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

Pet sub to a

Robin Express Transfer, Inc.
 Page 2
 July 11, 1983

A portion of this site is below Elevation 10, and subject to tidal flooding to Elevation 8.676 (Baltimore County Datum).

The property to be developed is located adjacent to tidewater. The Operator/Owner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential and commercial development.

A public 10-inch water main, public 8 and 12-inch gravity sanitary sewerage and 10-inch sewage force main exist in Bletzer Road.

Additional fire hydrant protection is required in the vicinity.

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

RAM:EAM:FWR:iss

cc: File

E-NW Key Sheet
 6 & 7 SE 28 Pos. Sheets
 SE 2 G Topo
 104 Tax Map

CERTIFICATE OF PUBLICATION

OFFICE OF
 Dundalk Eagle

38 N. Dundalk Ave.
 Dundalk, Md. 21222 December 5, 1986

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Zoning Hrgs. - P.O. # 83473 - Req. #L98132 - Case #87-246-SPHA - 88 lines @ \$35.20. was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~week~~ week before the 5th day of December 1986; that is to say, the same was inserted in the issues of Dec. 4, 1986

Kimbel Publication, Inc.
 per Publisher.

L. E. Orlie

PETITIONS FOR SPECIAL HEARING AND VARIANCE
 15th Election District
 Case No. 87-246-SPHA
 LOCATION: West Side of Bletzer Road, 200 feet South of the Centerline of Glenhurst Road (8216 and 8224 Bletzer Road)
 DATE AND TIME: Tuesday, December 23, 1986, at 11:30 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 on the following Petition for Special Hearing to approve that building within 300 feet was not used as a residence when plan for approval was submitted.
 Petition for Zoning Variance to permit parking area to be crushed and/or stug in lieu of the required paving.
 Being the property of Russell L. Sargent, et al., as shown on plat plan filed with the Zoning Office.
 In the event that the 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 POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 15th Date of Posting: 12/3/86
 Posted for: Special Hearing + Variance
 Petitioner: Russell L. Sargent, et al.
 Location of property: W. Side of Bletzer Rd., 200' S of Glenhurst Rd.
 8216, 8224 Bletzer Rd.
 Location of Signs: On E. Side of Bletzer Rd., across E. End of Cove Road, across 90' E. N. E. of Property, across Bletzer Road, across E. End of Cove Road, across 180' E. N. E. of Property, etc.
 Remarks:
 Posted by: *M. M. M. M.* Date of return: 12/15/86
 Number of Signs: 4

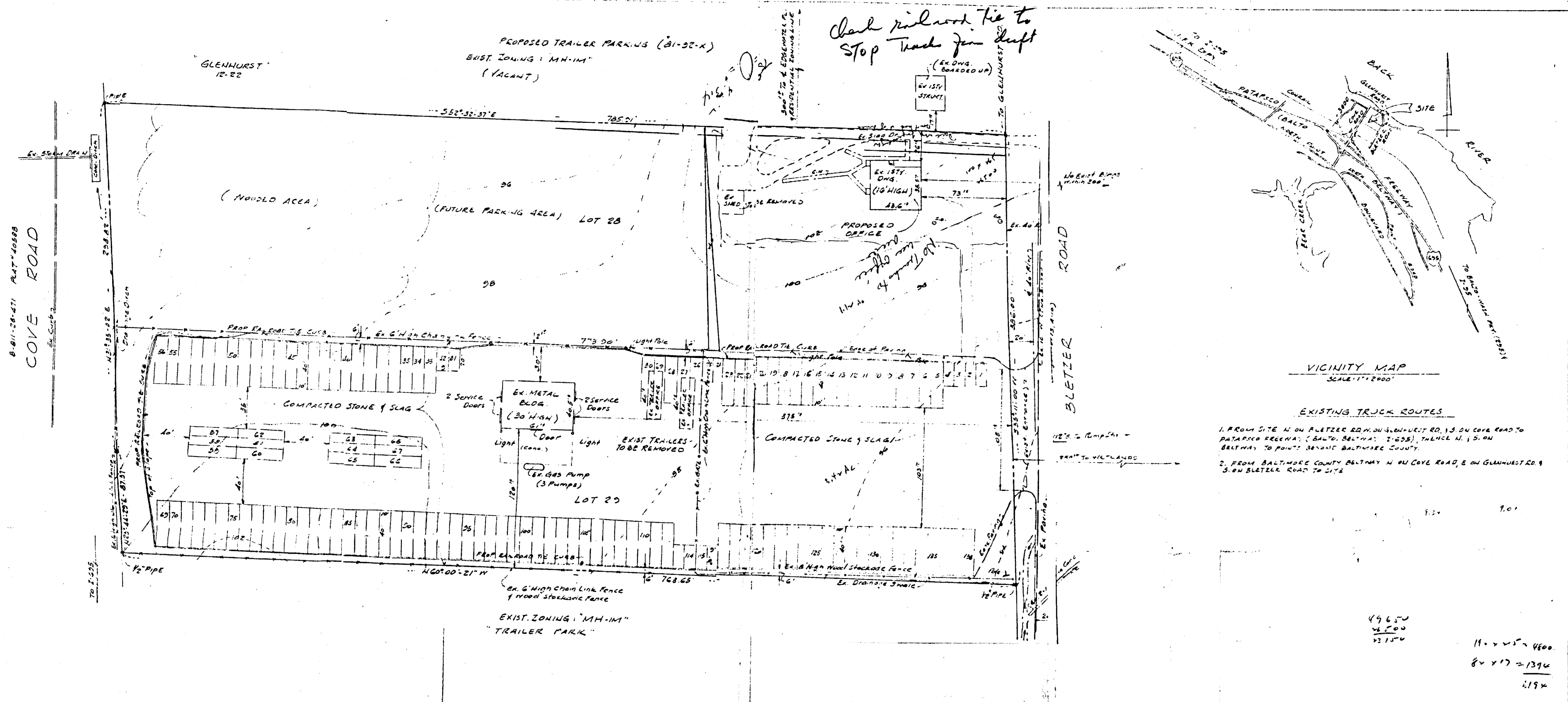
CERTIFICATE OF PUBLICATION

TOWSON, MD., December 4, 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 December 4, 1986
 THE JEFFERSONIAN,
Susan Sander O'Brien
 Publisher

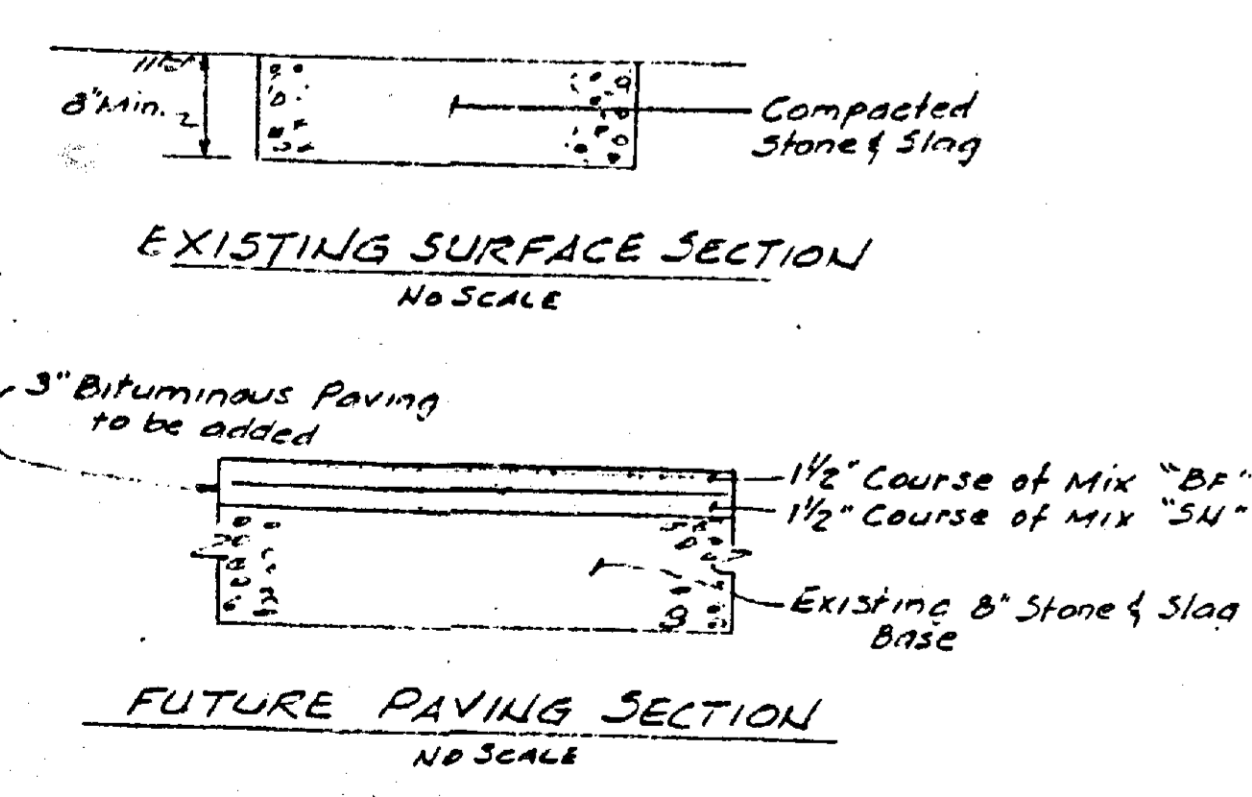
Cost of Advertising
 27.50

PETITIONS FOR SPECIAL HEARING AND VARIANCE
 15th Election District
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 BY ORDER OF
 ARNOLD JABLON
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 1986 Dec. 6

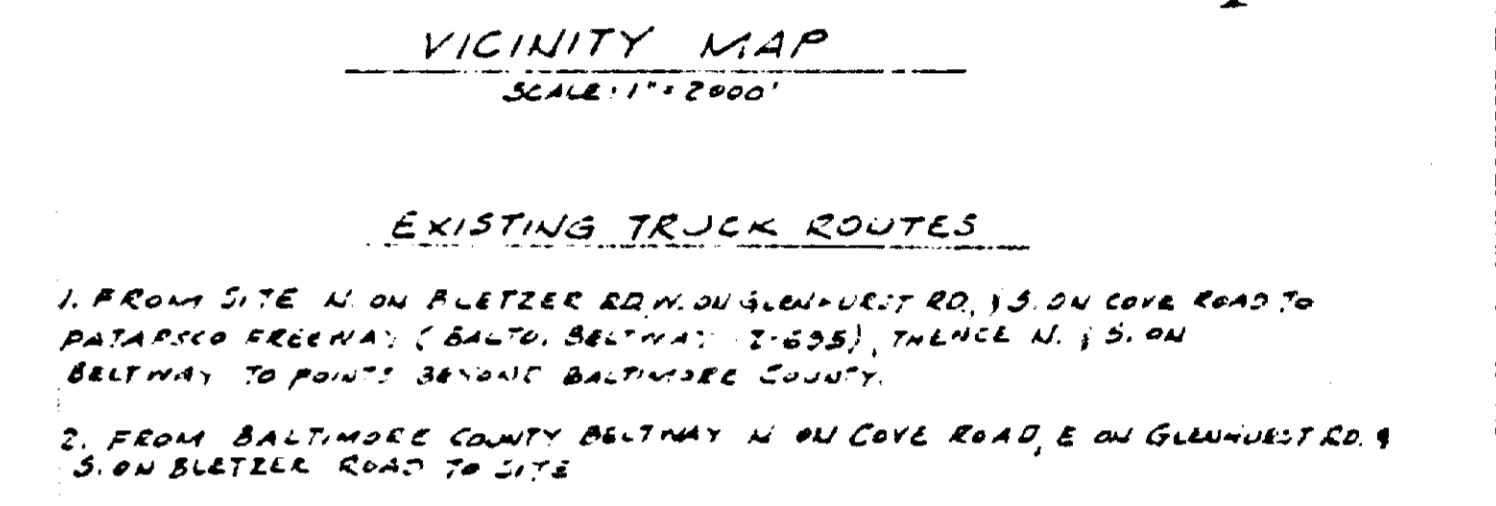
Check railroad tie to Stop tracks for drift



- GENERAL NOTES**
- TOTAL AREA OF PROPERTY
 - EXISTING ZONING OF PROPERTY
 - EXISTING USE OF PROPERTY
 - HOURS OF OPERATION ARE 24 HOURS, 7 DAYS / WEEK. OFFICE / REPAIR GAR.
 - NUMBER OF TRUCKS USING THE FACILITIES OVER A 24 HR PERIOD - MAX. 63
 - NUMBER OF VEHICLES PARKED ON SITE - MAX. TRAILERS 110, PASS. 20
 - NUMBER OF EMPLOYEES ON THE LARGEST SHIFT - 10 DRIVERS, 4 OFFICE, 3 MECHANICS
 - NUMBER OF PARKING SPACES REQUIRED - 1/2 RAMP - 5 P.S. (MIN. 10 REQ'D)
 - NUMBER OF PARKING SPACES SHOWN - 126 TRAILERS, 12 PASS., TOTAL 138
 - ALL INFORMATION "FIELD LOCATED" RELATIVE TO SITE PLAN
 - SITE LOCATED ON 2 CORNERS OF THE GARAGE BUILDING (40' POLES AS NOTED)
 - TELEPHONE SERVICE IS PROVIDED INSIDE THE OFFICE BUILDING
 - MALE & FEMALE REST ROOM AS DRIVER'S ROOM TO BE PROVIDED IN OFFICE BUILDING
 - NO JUNKED TRAILERS OR VEHICLES ARE STORED ON THIS SITE
 - AUTOMOTIVE PARTS WILL BE STORED WITHIN CLOSED CONTAINERS
 - NO WETLANDS ARE LOCATED WITHIN 300' OF THE BUILDING
 - PUBLIC UTILITIES EXIST IN BLETZER ROAD
 - EXISTING BUILDING HEIGHT APPROX. 30' & 16' AS SHOWN
 - F.A.R. - 4362.75 - 0.015 < 0.10 12400
 - RAILROAD TIE CURB TO BE PLACED AS SHOWN. CURBING TO BE INSTALLED NO LATER THAN 12 MONTHS AFTER PLAN APPROVAL.
 - 50% OF PARKING AREA TO BE PAVED 12 MONTHS AFTER AGREEMENT SIGNED, REMAINDER TO BE PAVED 12 MONTHS LATER.



I hereby certify that the specifications for the paving section, including the sub-base and the soil conditions relative to this site are capable of withstanding loads imposed by fully loaded trucks of maximum gross weight of 73,280 lbs.



SITE PLAN
OF
ROBIN EXPRESS TRANSFER, INC.
8216 & 8224 BLETZER ROAD
157th ELECT. DIST.
BALTIMORE COUNTY, MD.
DEC. 1981
REV. OCT. 1982
PETITIONER'S EXHIBIT 2 case 97-246
OWNER
ROBIN EXPRESS TRANSFER, INC.
8216 BLETZER ROAD
BALTIMORE, MARYLAND 21204
ENGINEER
PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21284

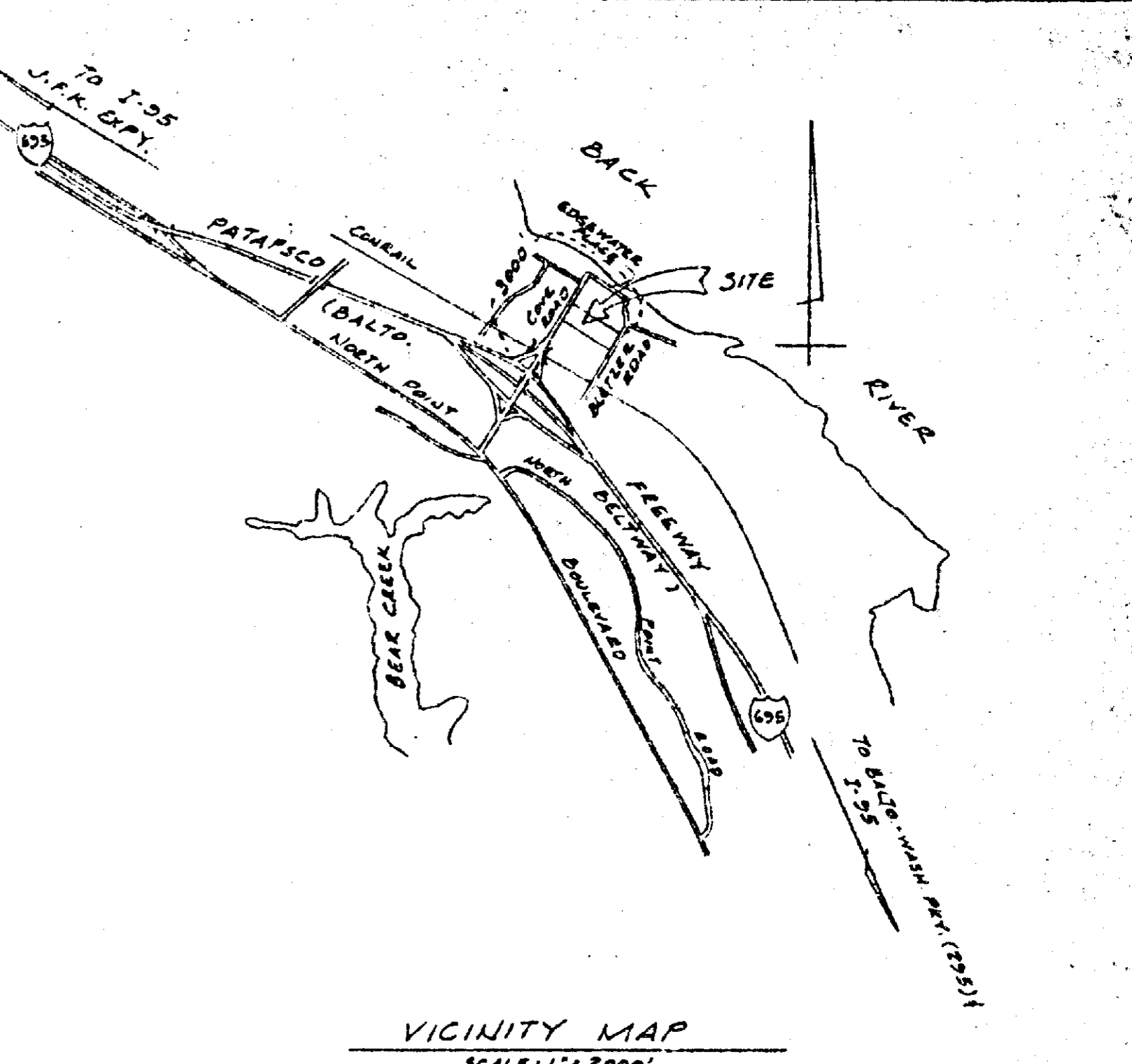
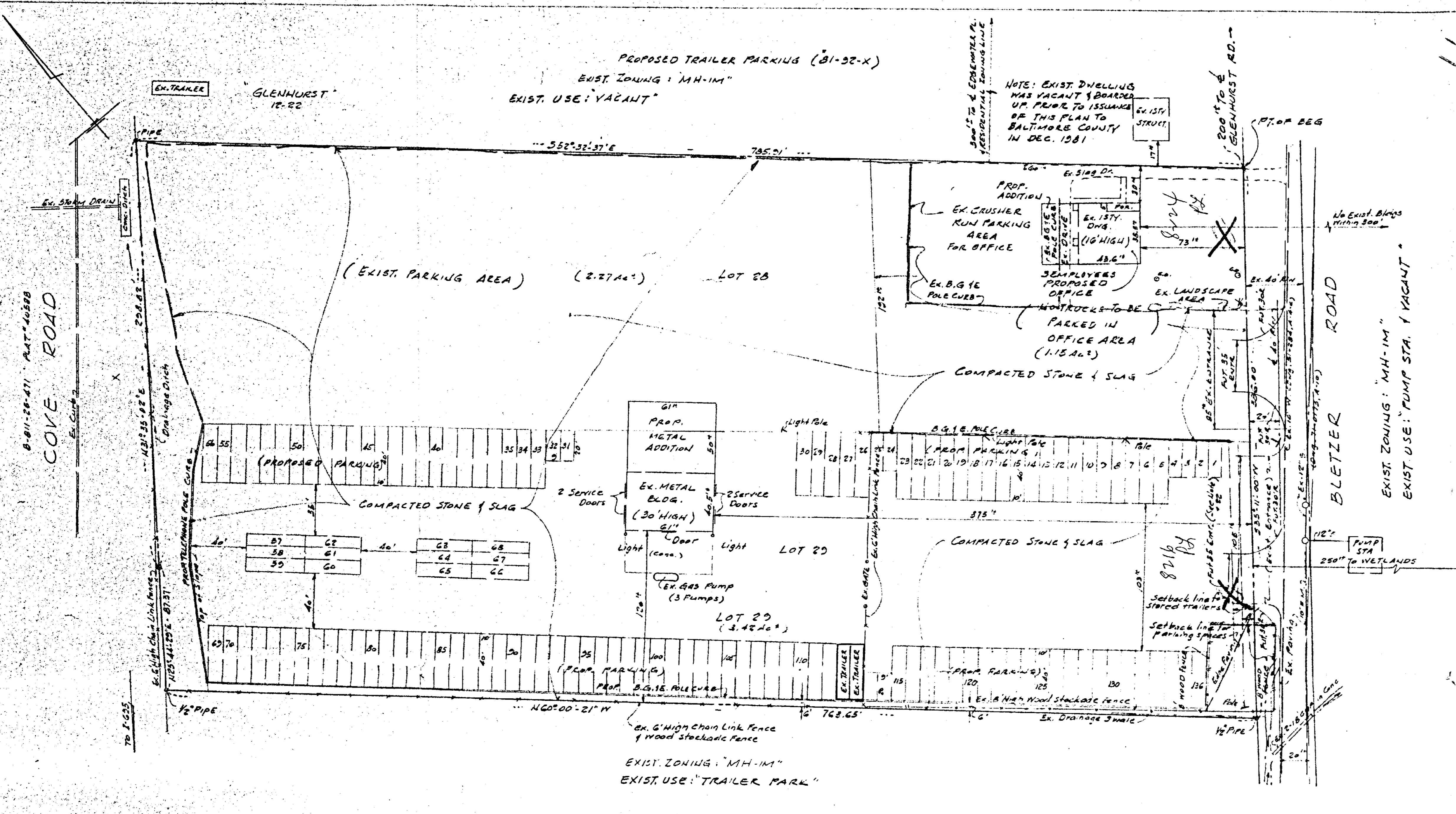
49650
4200
23150

11. x 17 = 4600
8 x 17 = 1396
6194

3.14
0.14 AL
3.28

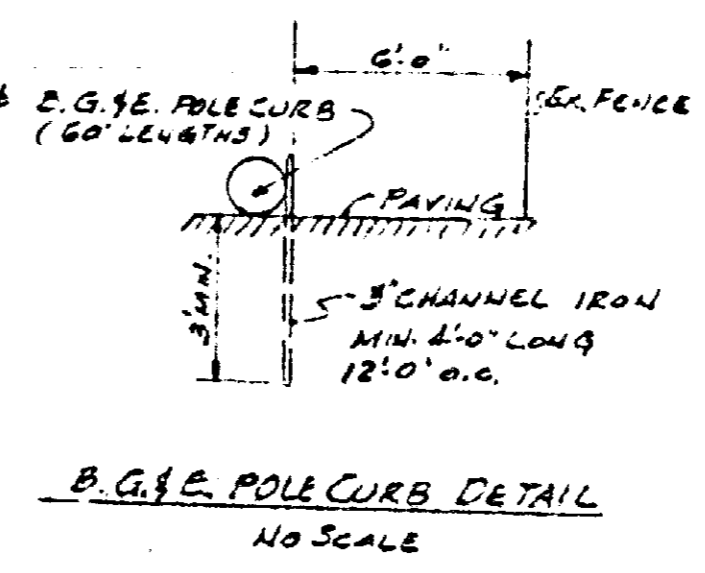
4.37

4.56
3.24
1.32



GENERAL NOTES

1. TOTAL AREA OF PROPERTY
2. EXISTING ZONING OF PROPERTY
3. EXISTING USE OF PROPERTY
4. HOURS OF OPERATION ARE 24 HOURS 7 DAYS/WEEK. OFFICE/REPAIR 9AM-5PM
5. NUMBER OF TRUCKS USING THE FACILITIES OVER A 24HR. PERIOD - MAX 63
6. NUMBER OF VEHICLES PARKED ON SITE - MAX. TRAILERS 110 PASS. 20
7. NUMBER OF EMPLOYEES ON THE LARGEST SHIFT 10 DRIVERS, 2 OFFICE, 3 MECHANICS
8. NUMBER OF PARKING SPACES REQUIRED - 1/2 EMP. + 3 P.S. (MIN 10 REQ'D)
9. NUMBER OF PARKING SPACES SHOWN - 126 TRAILERS, 10 PASS., TOTAL 136
10. ALL INFORMATION "FIELD LOCATED" RELATIVE TO SITE PLAN
11. SITE LOCATED ON 2 CORNERS OF THE GARAGE BUILDING & ON POLES AS NOTED
12. TELEPHONE SERVICE IS PROVIDED INSIDE THE OFFICE BUILDING.
13. MALE & FEMALE REST ROOMS & DRIVER'S ROOM TO BE PROVIDED IN OFFICE BUILDING
14. NO JUNKED TRAILERS OR VEHICLES ARE STORED ON THIS SITE
15. AUTOMOTIVE PARTS WILL BE STORED WITHIN CLOSED CONTAINERS
16. NO WETLANDS ARE LOCATED WITHIN 200' OF THE BUILDING.
17. PUBLIC UTILITIES EXIST IN BLETZER ROAD
18. EXISTING BUILDING HEIGHT APPROX. 30' 4 1/2" AS SHOWN
19. F.A.R. - 43.075 - 0.015 L.O. REQ'D.
20. B.G. & E. POLE CURBS TO BE PLACED AS SHOWN. CURBING TO BE INSTALLED NO LATER THAN 12 MONTHS AFTER PLAN APPROVAL
21. EXISTING PAVED AREA IS CAPABLE OF SUPPORTING TRUCK LOADS TO 73,200 LB. (TEST MADE BY PITTSBURG TESTING LAB. & ACKERUEIL ASSOC.) TWO (2) APPLICATIONS OF BITUMINOUS SURFACE TREATMENT TO BE APPLIED TO EXIST. BASE FIRST APPLICATION TO BE MADE NO LATER THAN 12 MONTHS AFTER PLAN APPROVAL. SECOND APPLICATION TO BE MADE NO LATER THAN 15 MONTHS AFTER FIRST APPLICATION
22. FUTURE 35' ENTRANCE WITH 30' RADIUS RETURNS TO BE CONSTRUCTED WHEN BLETZER ROAD IS WIDENED TO ITS ULTIMATE WIDTH.
23. PROPOSED OFFICE TO HAVE 3 EMPLOYEES
24. PETITIONER REQUESTING A VARIANCE TO SECTION 410.A.3.B.6 REFERENCE TO PAVING SECTION.
25. PETITIONER REQUESTING A SPECIAL HEARING TO DETERMINE WHETHER A STRUCTURE WITHIN 300' HAS A RESIDENCE PRIOR TO SUBMITTAL OF SITE PLAN FOR THIS SITE TO BALTIMORE COUNTY PURSUANT TO SECTION 410.A.2



PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE ROBIN EXPRESS TRANSFER, INC. 8216 & 8224 BLETZER ROAD

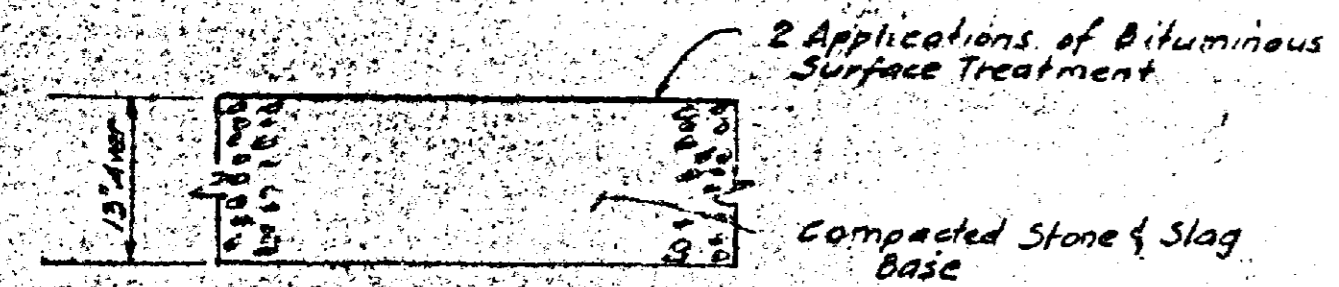
15TH ELECT. DIST. BALTIMORE COUNTY, MD.
 SCALE: 1" = 40'

DEC. 1981
 REV. OCT. 1982
 REV. JAN. 1983
 REV. MAY 1983
 REV. APRIL 7, 1984
 SEPT. 26, 1984

PETITIONER'S EXHIBIT 1

OWNER
 ROBIN EXPRESS TRANSFER, INC.
 8224 BLETZER ROAD
 BALTIMORE, MARYLAND - 21222

ENGINEER
 PAUL LEE ENGINEERING, INC.
 504 N. PENNSYLVANIA AVE.
 TOWSON, MARYLAND - 21284



I hereby certify that the specifications for the paving section, including the sub-base and the soil conditions relative to this site are capable of withstanding loads imposed by fully loaded trucks of maximum gross weight of 73,200 lbs.

NOTE: SEE STUDY OF EXISTING PARKING LOT PAVING BY PITTSBURG TESTING LABORATORY & ACKERUEIL ASSOC. FOR LOAD CERTIFICATION

45
 87-246
 SPHA