

88-83-SPH
#502

1650' W of Earls Rd. and 130' N of Pennsylvania Railway
(127 New Bengies Rd.)

15th E.D.

7/20/87 Special Hearing - filing fee \$35.00 - Russell Rose, Sr., et ux

7/20/87 Hearing set for 8/31/87, at 10:00 a.m., before J. Robert Haines.

8/31/87 Advertising and Posting - \$88.65

9/1/87 Ordered by the Zoning Commissioner that the site plan submitted showing the placement of a mobile home and the reissuance of a permit for extended occupancy be approved and the Petition for Special Hearing is GRANTED with conditions.

Pursuant to the advertisement, posting of the property, and public hearing on the Petition, it appears that to approve the site plan showing the location of a mobile home consumed by fire and to reissue a permit for extended occupancy would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and will not be detrimental to the health, safety, and general welfare of the community.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of September, 1987, that the site plan submitted showing the placement of a mobile home and the reissuance of a permit for extended occupancy be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their trailer permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Russell Rose, Sr.

People's Counsel

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

the replacement of mobile home that was consumed by fire on our property and approval of the new submitted plot plan and for the re-issuance of the permit held by us for extended occupancy.

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

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

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

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of July, 1987, 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 31st day of August, 1987, at 10:00 o'clock A.M.

Cell J. Robert Haines
Zoning Commissioner of Baltimore County

Mr. Russell Rose, Sr.
Mrs. Vera Rose
125 New Bengies Road
Middle River, Maryland 21220

NOTICE OF HEARING
RE: PETITION FOR SPECIAL HEARING
1650' W of Earls Rd. and 130' N of
Pennsylvania Railway (127 New Bengies Rd.)
15th Election District - 5th Councilmanic District
Russell Rose, Sr., et ux - Petitioners
Case No. 88-83-SPH

TIME: 10:00 a.m.
DATE: Monday, August 31, 1987
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

cc: Mr. Richard A. Bosnick, Sr.
127 New Bengies Road
Middle River, Maryland 21220

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 6/2/87 ACCOUNT 01-615-000
AMOUNT \$ 35.00
RECEIVED FROM Richard A. Bosnick
FOR Sph # 502
B 0175*****350018 8039F
VALIDATION OR SIGNATURE OF CARRIER

J. ROBERT HAINES
ZONING COMMISSIONER
August 25, 1987

Mr. Russell Rose, Sr.
Mrs. Vera Rose
125 New Bengies Road
Middle River, Maryland 21220

RE: PETITION FOR SPECIAL HEARING
1650' W of Earls Rd. and 130' N of Pennsylvania
Railway (127 New Bengies Rd.)
15th Election District - 5th Councilmanic District
Russell Rose, Sr., et ux - Petitioners
Case No. 88-83-SPH

Dear Mr. and Mrs. Rose:

This is to advise you that \$88.65 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 Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
JRH:md

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 8/31/87 ACCOUNT 01-615-000
AMOUNT \$ 88.65
RECEIVED FROM Richard A. Bosnick, Sr., 127 Bengies Rd.,
Baltimore, Md. 21220
FOR ADVERTISING & POSTING RE CASE #88-83-SPH
B 0115*****886518 8712F
VALIDATION OR SIGNATURE OF CARRIER

Petition for Special Hearing
15th Election District
5th Councilmanic District
Case No. 88-83-SPH
LOCATION: 1650 feet West of Earls Road and 130 feet North of Pennsylvania Railway (127 New Bengies Road).
DATE AND TIME: Monday, August 31, 1987, at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
Petition for Special Hearing to approve the replacement of mobile home consumed by fire on property, approval of the new submitted plot plan, and for reissuance of the permit held for extended occupancy.
Being the property of Russell Rose, Sr., et ux, as shown on plat filed with the Zoning Office.
In the event 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 JARLOV
ZONING COMMISSIONER
OF BALTIMORE COUNTY

The Times
Middle River, Md., Aug 13 1987
This is to Certify, That the annexed
Petition
By MO5720
was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of successive weeks before the 31st day of August, 1987.
J. Robert Haines
Zoning Commissioner

PETITION FOR SPECIAL HEARING
15th Election District - 5th Councilmanic District
Case No. 88-83-SPH

LOCATION: 1650 feet West of Earls Road and 130 feet North of Pennsylvania Railway (127 New Bengies Road)

DATE AND TIME: Monday, August 31, 1987, at 10:00 a.m.

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

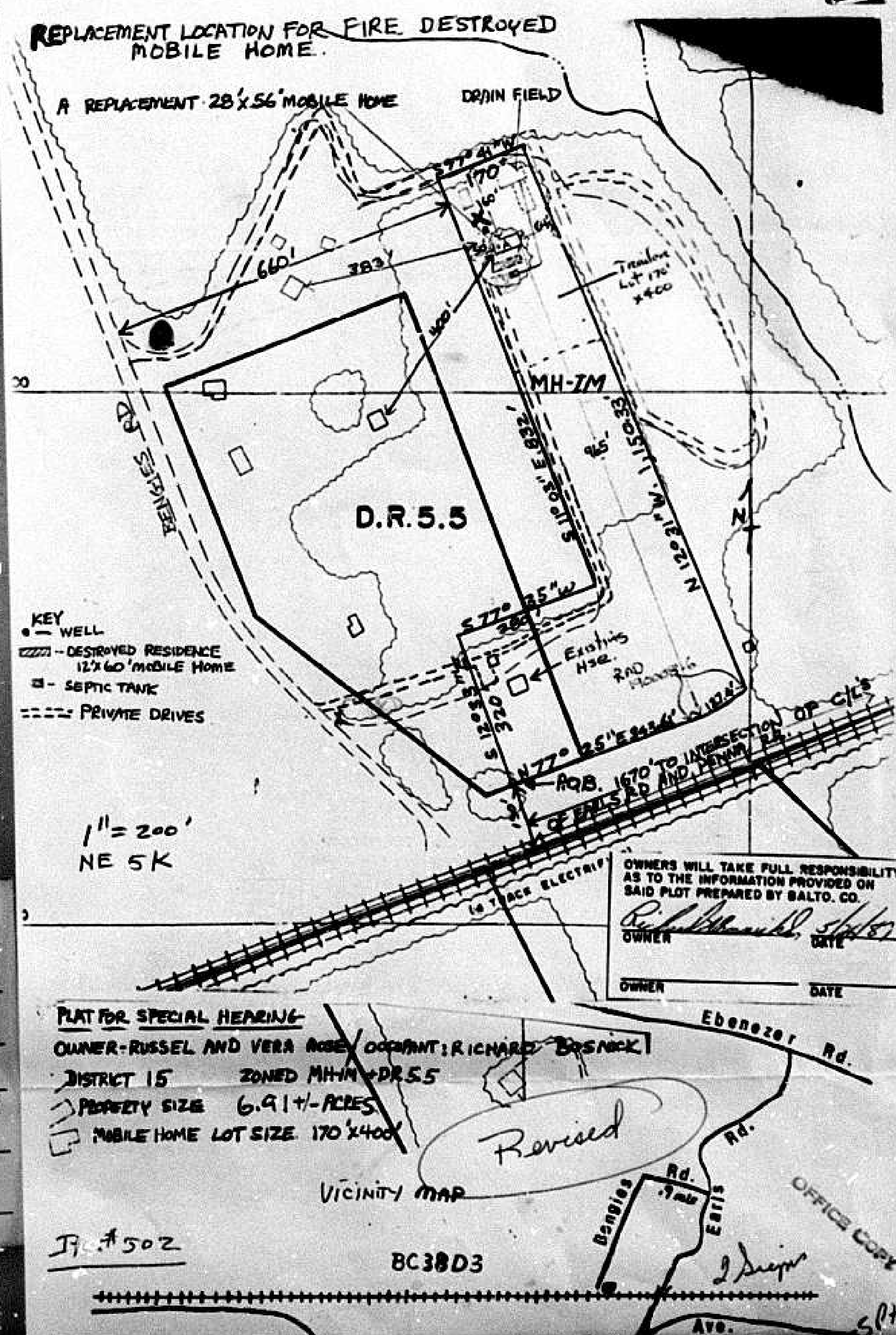
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve the replacement of mobile home consumed by fire on property, approval of the new submitted plot plan, and for reissuance of the permit held for extended occupancy

Being the property of Russell Rose, Sr., 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 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 JARLOV
ZONING COMMISSIONER
OF BALTIMORE COUNTY



RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
1650' W of Earls Rd. & 130' N of :
Pennsylvania Railway (127 New :
Bengies Rd.), 15th District : OF BALTIMORE COUNTY
RUSSELL ROSE, SR., et ux, : Case No. 88-83-SPH
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 14th day of August, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Russell Rose, Sr., 125 New Bengies Rd., Middle River, MD 21220, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 15th
Posted for: Special Hearing
Petitioner: Russell Rose, Sr., et ux
Location of property: 1650' W of Earls Rd. & 130' N of Pennsylvania Rd.
Location of Sign: 127 New Bengies Rd.
Remarks: 1650' W of Earls Rd. & 130' N of Pennsylvania Rd.
Posted by: J. Robert Haines
Number of Signs: 2
Date of Posting: 8/13/87
Date of return: 8/14/87

Case No. 88-83-SPH
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your petition has been received and accepted for filing this 20th day of July, 1987.
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
Petitioner: Russell Rose, Sr., et ux
Petitioner's Attorney: Received by: James F. Adams, Jr.
Chairman, Zoning Plans Advisory Committee

July 25, 1988

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines, Zoning Commissioner
TO: Zoning Administration Date: August 18, 1987

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

SUBJECT: Zoning Petition No. 88-83-SPH

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

NEG:KAK:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
AUG 27 1987
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 13, 1987

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

Mr. Russell Rose, Sr.
125 New Bengies Road
Middle River, Maryland 21220

RE: Item No. 502 - Case No. 88-83-SPH
Petitioner: Russell Rose, Sr., et ux
Petition for Special Hearing

Dear Mr. Rose:

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

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

Very truly yours,

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

JED.bjs

Enclosures

cc: File

Maryland Department of Transportation
State Highway Administration

RICHARD H. TRAINOR
Secretary
HAL KASSOFF
Administrator

June 29, 1987

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Md. 21204

Att: James Dyer

Re: ZAC Meeting of 6-16-87
ITEM: #502.
Property Owner: Russell Rose, Sr., et ux
Location: 1650 feet W of Earls Road and 130 feet N of Penn R/R
Route 43 - Extended
Existing Zoning: M.H. - 1M
Proposed Zoning: Special Hearing to approve the replacement of mobile home consumed by fire and approval of the new submitted plot plan and for the re-issuance of the permit held by us for extended occupancy Area: 6.91 acres
District: 15th Election District

Dear Mr. Jablon:

The State Highway Administration - Bureau of Planning and Program Development offers the following comments with reference to the above site.

The State Highway Administration will begin a Project Planning Study this year for White Marsh Blvd. Extended - Route 43 from Pulaski Highway - Route 40-E to Eastern Ave. Route 150 in the vicinity of Carroll Island Road. The above property is in the area which the historical alignment passes through. However, until detailed alternatives are developed, we (State Highway Administration) cannot absolutely determine the impact to this property at this time.

RECEIVED
JUL 1 1987
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21205-0717

Mr. A. Jablon
Page -2-
June 29, 1987

For additional and more detailed information or comments, we recommend the State Highway Administration Project Manager, Mr. Leroy Carrigan at 333-2887.

Very truly yours,

Charles Lee, Jr.
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle
Mr. R. Bosnick

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item #502, Zoning Advisory Committee Meeting of 6-16-87

Property Owner: Russell Rose Sr.

Location: Earls Rd. District 15

Water Supply: private Sewage Disposal: private

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.

Zoning Item #502 Zoning Advisory Committee Meeting of 6-16-87
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.
- () Others: The existing well must be abandoned & properly backfilled & sealed

Release of existing permit is contingent upon the building of a new well

Raven M. Morrey
Division of Water & Sewer
Dept. of Environmental Protection and Resource Management

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinecke
Chief

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

June 18, 1987

Re: Property Owner: Russell Rose, Sr., et ux

Location: 1650' W of Earls Rd., and 130' N. of Penn. R/R

Item No.: 502

Zoning Agenda: Meeting of 6/16/87

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 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.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neill
Planning Group
Special Inspection Division

Noted and

Approved: John F. O'Neill

Fire Prevention Bureau

To: Commissioner Arnold Jablon, Request 6/18/87

Dear Commissioner

I am submitting this petition for a special hearing as required by County ordinances and ask for a prompt hearing as soon as is possible so that my permit for extended occupancy can be reissued.

The Facts on which this request is submitted are as follows:
On April 6, 1987 my mobile home, which has been by permit located at 127 Bengies Rd. located in Middle River and has been since 1966 and having permits renewed since that time with the current permit for 1987-88 pending renewal, was consumed by fire for which Unit 54 of the Baltimore County Fire Department responded and subsequently was ruled as accidental, as was the case.

I am submitting this request in the effort to replace my home which was totally consumed and ask that I be permitted to place a double-wide mobile home at the same location. This location for which I have resided for 11 years is located on my grandfather's property consisting of 6.91 acres, is remote from nearby neighbors, confined to and surrounded by woods and is secluded from view from the roadways. This location already supports an existing septic system with a 1000 gallon holding tank, and a existing private water supply which until the accident was being replaced by a drilled well contracted to Frank's Well Drilling.

My reasons for this request are many, however, mainly I only seek to replace what I have lost through a tragic mishap. As a steelworker whose employer is in Chapter 11 and having been exposed to repeated layoffs my financial position for private ownership of a house is weak as is leasing. As a single parent I find it important to maintain a stable environment for my son's mental and physical development, this request I believe is best aimed at that effort. As time is of the essence where the welfare of my son is concerned and as to a possible custody suit being re-instituted I am asking for a special hearing as soon as humanly possible as 90 days could jeopardize all my years of commitment to raising my son.

I feel it may be entirely possible that this situation may have been presented to you in the wrong text or the request may have been misinterpreted as one which is asking for placement of a new mobile home where none existed before. The delay in hearing my request then would be understandable. At any rate there are some out-dated matters that need updating and this will give the County an opportunity to do so.

Respectfully requesting this hearing, I hope for your speedy response.

Sincerely,

Richard A. Bosnick, Sr.
127 New Bengies Rd.

#502

REPLACEMENT LOCATION
FOR FIRE DESTROYED MOBILE HOME

GENSTAR

N 19000

RD.

BENGIES

MH-1M

N 18000

② - REPLACEMENT - 28' x 56' MOBILE

DRAIN FIELD

E 61,500

1575'

RESIDENCE FIRE DESTROYED - 12' x 60' MOBILE
• WELL
• SEPTIC TANK
..... PRIVATE DRIVEWAYS

E 63,000

EARLS

N 17000

DR 5.5

PENN.

R/R

OLD PLAT

EASTERN
AVE.

PETITIONER'S
EXHIBIT 1

E 60000