

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 NE/Corner Lafayette and * ZONING COMMISSIONER
 Central Avenues (1316 Lafayette Avenue) * OF BALTIMORE COUNTY
 1st Election District * Case No. 89-160-SPH
 1st Councilmanic District *
 Harold Joseph Miller, et al
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the construction and building of cannons in an accessory structure on the subject property as a Home Occupation, as more particularly described in Petitioner's Exhibits 1 through 9.

The Petitioners, by Harold Miller, property owner, and Paul and Sue Miller, Harold Miller's son and daughter-in-law, appeared and testified. Also appearing on behalf of the Petition were the following: Dora Megehardt, George and Lisa Dietz, Mrs. Roger R. Roussell, Sr., and Mr. & Mrs. Gary Wagner. There were no Protestants.

Testimony indicated that the subject property, known as 1316 Lafayette Avenue and zoned D.R. 5.5, is located on the corner of Lafayette and Central Avenues. The property is currently improved with a one story frame dwelling in the front and a one story frame building with a gravel parking area in the rear. All of the Petitioners reside in the dwelling on the subject property. Paul Miller testified that for approximately the past seven years he has constructed cannons in the accessory building to the rear of the property. He indicated that he makes an average of 12 to 15 cannons per year. Mr. Miller testified he has never made more than 20 cannons in any one year due to the length of time needed for construction and assembly, depending upon the size and type requested. These cannons

are not replicas but are of the type and style normally associated with either revolutionary or civil war artillery. Mr. Miller publishes a catalog, identified herein as Petitioner's Exhibit 2, which gives background information on the construction of these cannons and the different types and styles available. Mr. Miller's business is generated mainly through the mail-order catalog. His buyers consist of military/re-enactment groups, historical society associations, and/or persons interested in collecting such items. There is no show-room at this location and no business outside of the construction of these cannons is conducted on site. Customers do not come to the subject property to arrange their purchase. Mr. Miller indicated he usually goes to his clients to negotiate his sales. Mr. Miller further testified he does not make the barrels, which are made at various iron mill works around the country and then shipped to him. He makes the wooden parts to fit and support the barrel, such as the wheels and carriages. He also polishes or paints the iron parts when appropriate. There is no iron foundry or forge on the subject property. The entire operation is contained within the building. The cannons are never test-fired at this location, and in fact, there are no explosives stored on-site. Presently, there are no other individuals involved in the business outside of Petitioners.

A site inspection of the property by the Zoning Commissioner revealed that there were no exterior appearances to indicate that any business operation was taking place on the premises. Mr. Miller's open trailer that he uses to haul the cannons is parked on-site; however, such a trailer is not violative of any D.R. 5.5 regulations. The trailer is stored on the parking pad next to the accessory building. There are no finished cannons stored on the property with the exception of the one used

as an ornament, which is located on the front of the property in the side yard. Again, such an ornament is not violative of any regulations.

Section 1B01.1A.14d of the Baltimore County Zoning Regulations (B.C.Z.R.) permits home occupations, as defined in Section 101, in the D.R. zones as a matter of right. Under Section 101 of the B.C.Z.R., a home occupation is defined as:

"Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes. A "Home Occupation" does not include fortune-telling."

Clearly the community does not believe the Petitioners' use of the subject property in this instance is inconsistent with the neighborhood, nor do they find it in any way offensive. All of the supporting witnesses who attended the hearing are adjacent neighbors. No explosives are kept on the site and no heavy equipment is used in the operation. The equipment used in the business are ordinary domestic, hand-powered tools. There is no exterior evidence of any business being conducted on the property, nor are there any signs. Each piece of artillery is made to order and is subsequently delivered to the client. As such, there are no commodities kept on-site for sale.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special condi-

tions unique to this particular parcel. Clearly, the Petitioners' use in the limited scope described herein is not inconsistent with the spirit and intent of the B.C.Z.R. This limited use appears to be within the definition of a Home Occupation. Further, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted with restrictions as hereinafter imposed.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of December, 1988 that the Petition for Special Hearing to approve the construction and building of cannons in an accessory structure on the subject property as a Home Occupation, in accordance with Petitioner's Exhibits 1 through 9, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The relief granted herein is limited to the Petitioners and is not transferable to any future property owners and/or tenants. The property will not enjoy a home occupation upon its sale or lease.
- 3) The relief granted herein is limited to the Petitioners' construction and assembly of cannons. There shall be no foundry, forge, or ironworks on-site, and no materials or equipment consistent with the making of the barrels used or stored on the premises. All work shall be performed within the confines of the accessory building.
- 4) There shall be no explosives of any kind stored on-site. Further, no cannons will be test-fired or operated in any way at the subject location.

ORDER RECEIVED FOR FILING
 Date 12/15/88
 By J. Robert Haines

ORDER RECEIVED FOR FILING
 Date 12/15/88
 By J. Robert Haines

ORDER RECEIVED FOR FILING
 Date 12/15/88
 By J. Robert Haines

ORDER RECEIVED FOR FILING
 Date 12/15/88
 By J. Robert Haines

- 5) No inventory, or commodities shall be stored on the property, although Petitioners are permitted to hold one or two cannons which have been completed and are waiting for pick-up by the customer. All cannons shall be constructed and subsequently delivered on a make-to-order basis.
- 6) Petitioners shall not construct more than 20 cannons per year.
- 7) There shall be no exterior advertising signs posted on the building or on poles evidencing the home occupation at this location.
- 8) In the event Petitioners find it necessary to expand the accessory building in which the business is operated, such expansion, if more than 25% of its present Floor Area Ratio (F.A.R.), will require a new special hearing to determine its appropriateness. There shall be no expansion of the building to a two-story structure.
- 9) All employees in the business shall be members of the Miller family. Only one individual who is not a member of the immediate family may be employed in this business.

ORDER RECEIVED FOR FILING
 Date 12/15/88
 By J. Robert Haines

J. Robert Haines
 Zoning Commissioner
 for Baltimore County

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-160-SPH

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 _____ to determine that the use of the property be classified as _____

Home Occupation (the construction and building of cannons _____ in an accessory structure).

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 laws 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):
 Harold Joseph Miller
 (Type or Print Name)
 Signature: _____
 Address: _____
 City and State: _____

Attorney for Petitioner:
 J. Robert Haines
 (Type or Print Name) Address: 1316 Lafayette Ave Phone No. 784-8221
 Signature: _____ City and State: Baltimore, Md. 21207
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
 Susan Miller
 Address: 1316 Lafayette Ave. Phone No. 784-9116
 City and State: Baltimore, Md. 21207

ORDERED By the Zoning Commissioner of Baltimore County, this 15th day of August, 1988, 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 26th day of October, 1988, at 11 o'clock A.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County.

#36

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 844-2222 887-3353

December 15, 1988

Mr. Harold Joseph Miller
 Mr. & Mrs. Paul Miller
 1316 Lafayette Avenue
 Baltimore, Maryland 21207

RE: PETITION FOR SPECIAL HEARING
 NE/Corner Lafayette and Central Avenues
 (1316 Lafayette Avenue)
 1st Election District - 1st Councilmanic District
 Harold Joseph Miller, et al - Petitioners
 Case No. 89-160-SPH

Dear Mr. Miller and Mr. & Mrs. Miller:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
 J. Robert Haines
 Zoning Commissioner
 for Baltimore County

JRH:bjs
 cc: People's Counsel
 File



PROPERTY DESCRIPTION

Located on the Northeast Corner of Central Avenue (50' wide) and Lafayette Avenue (40' wide) and being Lots 22-29, Block 26 as shown on Plat 2 of Catonsville Manor recorded in Plat Book No. 6 Folio 116, known as 1316 Lafayette Avenue in the 1st Election District.

#36

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3333

Harold Joseph Miller, et al
1316 Lafayette Avenue
Baltimore, Maryland 21207

Re: Petition for Special Hearing
N/E Corner Central Avenue and Lafayette Avenue
(1316 Lafayette Avenue)
1st Election District - 1st Councilmanic
Petitioner(s): Harold Joseph Miller, et al
HEARING SCHEDULED: WEDNESDAY, OCTOBER 26, 1988 at 11:00 a.m.

Gentlemen:

Please be advised that _____ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled.

Please note that you will be an additional returned.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059009

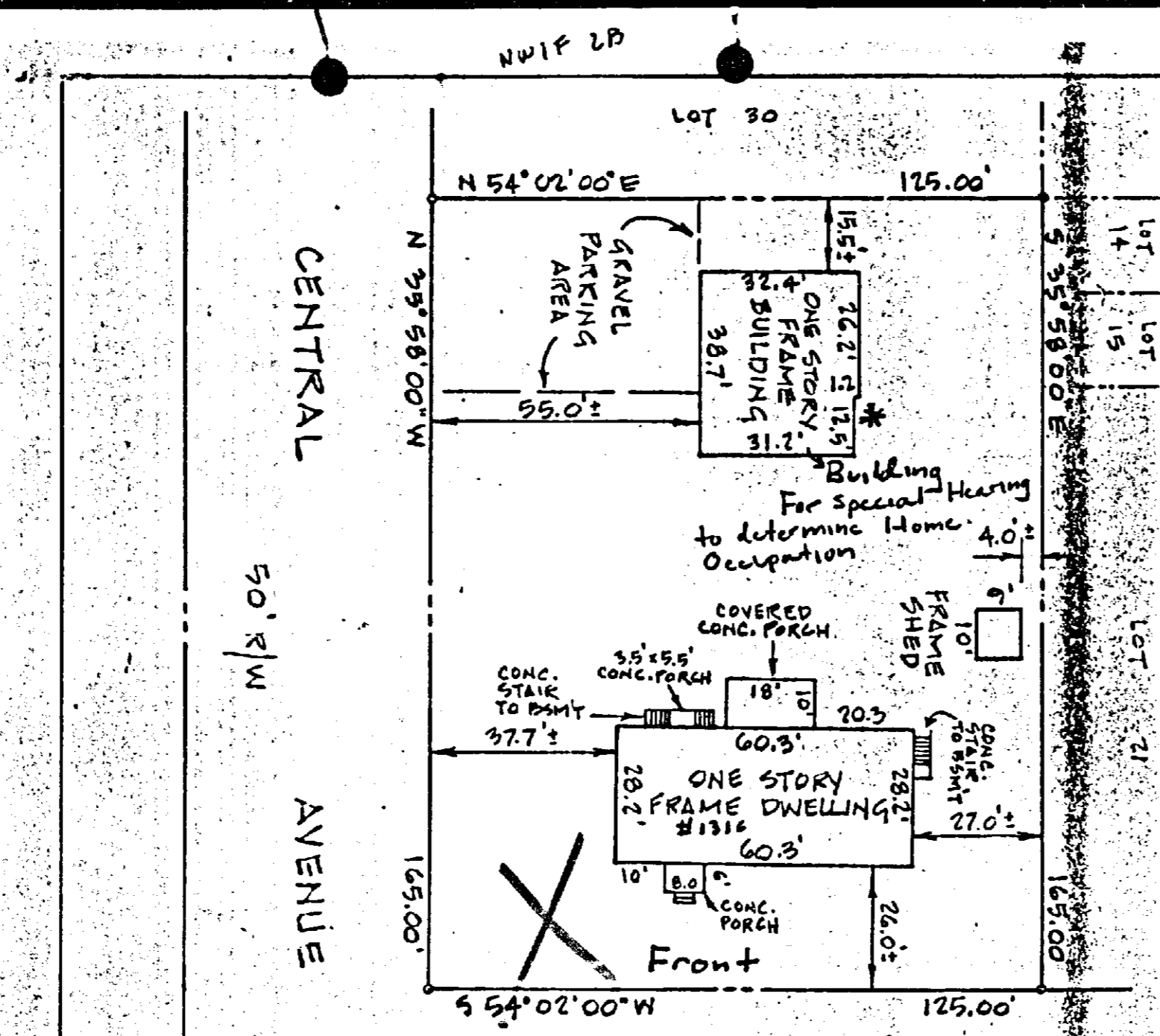
DATE: 10/31/88 ACCOUNT: R-01-815-000

AMOUNT \$ 78.03

RECEIVED FROM: Harold J. Miller

FOR: Posting and Advertising 10/24/88

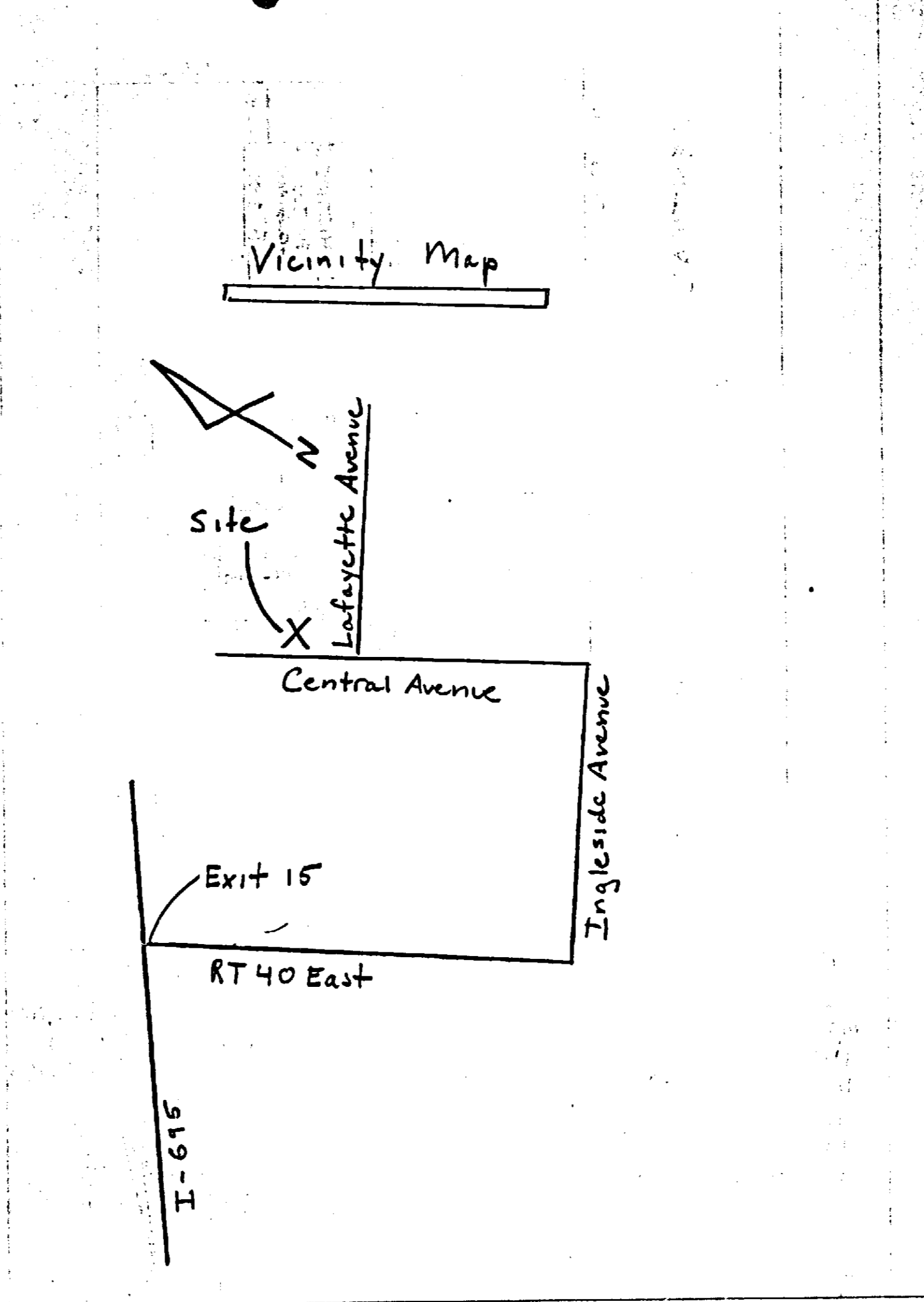
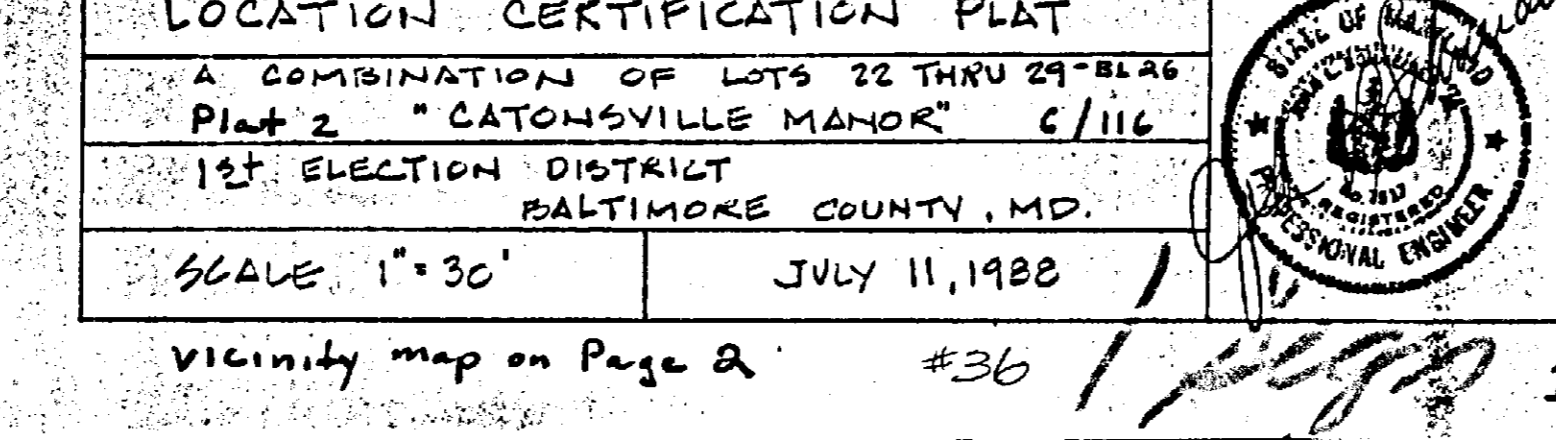
JRH:gs
cc: File



PETITIONER'S EXHIBIT 4

ENGINEER'S CERTIFICATE ENGINEER
I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THEY ARE LOCATED AS SHOWN. THIS PLAN IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.
Zoned: DR C-5 Area: 80,625 sq ft .473 ac

Public Utilities Exist Owner: Harold Miller
LOCATION CERTIFICATION PLAT
A COMBINATION OF LOTS 22 THRU 29-8L46
Plat 2 "CATONSVILLE MANOR" C/116
1ST ELECTION DISTRICT
BALTIMORE COUNTY, MD.
SCALE: 1"=30' JULY 11, 1988



CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 13, 1988

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 6, 1988

THE JEFFERSONIAN,
S. Zafe Orban
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Special Hearing
Case Number: 89-160-5PH
N/E Corner Central Avenue and Lafayette Avenue
(1316 Lafayette Avenue)
1st Election District - 1st Councilmanic
Petitioner(s): Harold Joseph Miller, et al
HEARING SCHEDULED: WEDNESDAY, OCTOBER 26, 1988 at 11:00 a.m.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: October 5, 1988

Posted for: Special Hearing
Petitioner: Harold Joseph Miller, et al
Location of property: N/E Corner Central Avenue and Lafayette Avenue
Location of Sign: In front of 1316 Lafayette Avenue

Remarks: _____
Posted by: S. J. Orban Date of return: October 7, 1988
Number of Signs: 1

Request for Assistance

Date: 10/19/88
CITIZEN INFORMATION
Name: KERRY KIN STRAIN
Address: 5947 Prince Georges St. 21201
Form Initiated By: LARRY LYN
Suspense Date: 10/26/88
Dist: Co. 1 Elec. 1
Telephone: 744-6218

PROBLEM
5911 Charles St. 3 cars wheel tags in yard
Lafayette at Charles St. - 2 cars wheel tags in yard
5901 Jimmy Carter Blvd. - business on garage - marks carwash - discharges blackwater
5900 Jimmy Carter Blvd. - cars wheel tags in yard - marks carwash - discharges blackwater

CITIZEN CONTACT
Date: _____
Contact By: _____

AGENCY ACTION
ACK SENT 5-6-88
CASE NO. C. 88-2109
INSPECTOR WILL KEEP CITIZEN INFORMED

ACK SENT 5-6-88
CASE NO. C. 88-2110
INSPECTOR WILL KEEP CITIZEN INFORMED

ACK SENT 5-6-88
CASE NO. C. 88-2111
INSPECTOR WILL KEEP CITIZEN INFORMED

Completed By: _____
Date: _____
DCA Staff Person: _____

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
Case Number: 89-160-5PH
N/E Corner Central Avenue and Lafayette Avenue
(1316 Lafayette Avenue)
1st Election District - 1st Councilmanic
Petitioner(s): Harold Joseph Miller, et al
HEARING SCHEDULED: WEDNESDAY, OCTOBER 26, 1988 at 11:00 a.m.

Special Hearings: To determine that the use of the property be classified as a Home Occupation (the construction and building of canons in an accessory structure).

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

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Harold Joseph Miller, et al
File
Mr. Kenneth Stedding 9/30/88

CORRECTION NOTICE FOR ALLEGED ZONING VIOLATION

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
N/E Corner Central Ave. & Lafayette Ave., (1316 Lafayette Ave.), 1st Election Dist.; 1st Councilmanic Dist.
Petitioners: HAROLD JOSEPH MILLER, et al., Case No. 89-160-5PH

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED LOCATION REVEALED:
 THERE WAS NO VIOLATION OBSERVED AND THE CASE WILL BE CLOSED.
 THERE IS AN APPARENT VIOLATION AND THE FOLLOWING CORRECTION IS REQUIRED:

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 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 6th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. Harold J. Miller, 1316 Lafayette Ave., Baltimore, MD 21207, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

INSPECTOR: _____ DATE: 10/31/88
COPIES: _____
WHITE - Defendant Original
GREEN - Defendant Duplicate
YELLOW - Complainant

RE: PETITION FOR SPECIAL HEARING
N/E Corner Central Ave. & Lafayette Ave., (1316 Lafayette Ave.), 1st Election Dist.; 1st Councilmanic Dist.
Petitioners: HAROLD JOSEPH MILLER, et al., Case No. 89-160-5PH

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 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 6th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. Harold J. Miller, 1316 Lafayette Ave., Baltimore, MD 21207, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: October 5, 1988

Posted for: Special Hearing
Petitioner: Harold Joseph Miller, et al
Location of property: N/E Corner Central Avenue and Lafayette Avenue
Location of Sign: In front of 1316 Lafayette Avenue

Remarks: _____
Posted by: S. J. Orban Date of return: October 7, 1988
Number of Signs: 1

Request for Assistance

Date: 10/19/88
CITIZEN INFORMATION
Name: KERRY KIN STRAIN
Address: 5947 Prince Georges St. 21201
Form Initiated By: LARRY LYN
Suspense Date: 10/26/88
Dist: Co. 1 Elec. 1
Telephone: 744-6218

PROBLEM
5911 Charles St. 3 cars wheel tags in yard
Lafayette at Charles St. - 2 cars wheel tags in yard
5901 Jimmy Carter Blvd. - business on garage - marks carwash - discharges blackwater
5900 Jimmy Carter Blvd. - cars wheel tags in yard - marks carwash - discharges blackwater

CITIZEN CONTACT
Date: _____
Contact By: _____

AGENCY ACTION
ACK SENT 5-6-88
CASE NO. C. 88-2109
INSPECTOR WILL KEEP CITIZEN INFORMED

ACK SENT 5-6-88
CASE NO. C. 88-2110
INSPECTOR WILL KEEP CITIZEN INFORMED

ACK SENT 5-6-88
CASE NO. C. 88-2111
INSPECTOR WILL KEEP CITIZEN INFORMED

Completed By: _____
Date: _____
DCA Staff Person: _____

NOTICE OF HEARING

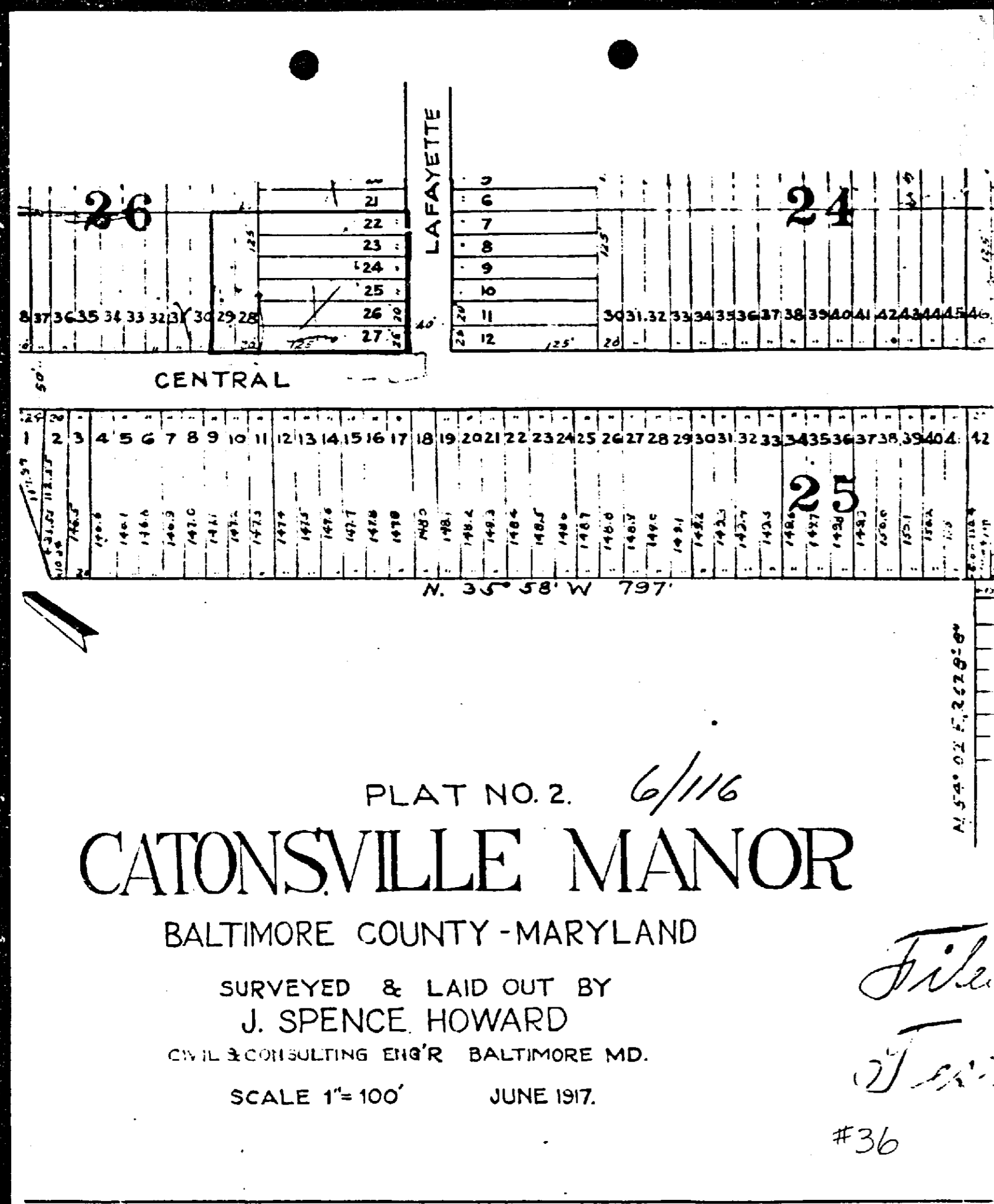
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
Case Number: 89-160-5PH
N/E Corner Central Avenue and Lafayette Avenue
(1316 Lafayette Avenue)
1st Election District - 1st Councilmanic
Petitioner(s): Harold Joseph Miller, et al
HEARING SCHEDULED: WEDNESDAY, OCTOBER 26, 1988 at 11:00 a.m.

Special Hearings: To determine that the use of the property be classified as a Home Occupation (the construction and building of canons in an accessory structure).

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

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Harold Joseph Miller, et al
File
Mr. Kenneth Stedding 9/30/88



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3363
J. Robert Haines
Zoning Commissioner

April 24, 1989



Mr. David Megenhardt
2127 Lorraine Avenue
Baltimore, Maryland 21207

RE: Petition for Special Hearing
Case #89-160 SPH
Harold J. Miller, et al, Petitioners

Dear Mr. Megenhardt:

I am in receipt of a copy of the undated letter that you forwarded to Councilman Ronald Hickernell concerning the Special Hearing for relief granted thereunder.

I note from your letter that you are opposed to this operation and do not believe that it is appropriate for this operation to take place at this location. I cannot help but notice that you did not appear at the public hearing conducted on October 26, 1988 and that no citizen appeared in opposition to the granting of this relief. In fact, several adjoining property owners appeared and testified in support of this operation. There was, at that time and there is now, no evidentiary basis on which to have denied the relief requested.

As to your inquiry concerning the transferability of the relief granted, my order is explicit and the home occupation is not transferable upon the sale or lease of the property.

Finally, the issues of occupational injury and insurance to cover such injuries are not within the province of the Baltimore County Zoning Commissioner. To attempt to thrust third party jurisdiction upon Baltimore County, for an issue under which the zoning regulations do not provide legal jurisdiction, is unacceptable and categorically rejected.

Mr. David Megenhardt
Page 2.....

By a copy of this letter, I am taking the unusual step to remind the property owner that if the property is transferred and the home occupation is intended to be continued, that the new owner must renew the Petition for Special Hearing.

Thank you for your time and consideration. If you have any further questions concerning this matter, please feel free to contact Mr. Carl Richards at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmn
cc: Ronald Hickernell, Councilman- 1st District
Dennis F. Rasmussen, County Executive
Mr. Harold Joseph Miller
Mr. Carl Richards

RECEIVED
MAR 29 1989
ZONING OFFICE

David Megenhardt
2127 Lorraine Ave
Balto. md 21207
RE: 1316 Lafayette Ave
Balto. md 21207
Special Hearing Petition
89-160-SPH

Dear Mr. Hickernell,
In Reply to your letter, there are a couple of questions I would like you to clarify. Could you interpret PD Article 2 concerning the transfer of the petition, considering the legal owner Harold Miller is deceased. Also, p3 paragraph 3 states the equipment used in the business are ordinary domestic, hand powered tools. Could you go into further detail concerning that statement, because I believe an on site inspection may reveal other than domestic hand powered tools. In closing I would to know that since this is a Commercial business are they required to be licensed and carry Commercial Insurance, considering the fact that two people, employees, have been seriously injured. In Sept. of 1983 Mr. Frank Candeloro was shot with one of Mr. Miller's Cannons, and in June of 1984 my Brother Robert Megenhardt lost part of his hand in an explosion in Mr. Miller's Shop. Since these injuries were so serious would Baltimore Co. be responsible for anything else that happens since the County has granted them the petition without proof of insurance or a license considering the County has been fully aware of this situation and refuses to do anything about it. A prompt Reply is appreciated
Thank you
D.F.H.

89-160-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 3rd day of August, 1988.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee
Petitioner Harold J. Miller, et ux
Petitioner's Attorney

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

August 18, 1988



Re: Property Owner: Harold Joseph Miller
Location: N/E corner of Central and Lafayette Avenue

Item No.: 36 Zoning Agenda: Meeting of 8/2/88

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

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

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
October 18, 1988

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

Mr. & Mrs. Harold J. Miller
1316 Lafayette Avenue
Baltimore, Maryland 21207

RE: Item No. 36 - Case No. 89-160-SPH
Petitioner: Harold J. Miller, et ux
Petition for Special Hearing

- 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

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

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

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

JED:dt
cc: John L. Schneider, P.E.
100 N. Rolling Road
Catonsville, MD 21228

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

August 24, 1988



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 480, 5, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39 and 40.

Very truly yours,
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/lab

RECEIVED
AUG 29 1988
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
Date: October 26, 1988
FROM: Pat Keller, Deputy Director, Office of Planning and Zoning
SUBJECT: Miller, 89-160-SPH

The applicant is requesting a special hearing to establish a home occupation in an accessory structure to construct and build canons. In reference to this request, staff provides the following information:

- The proposed home occupation poses some unique questions regarding land use which can only be addressed by the applicant. Concerns regarding lighting, buffering, noise, dust and dirt, working entirely within the premises, hours of operation, chemicals, explosive powder, exterior work on storage, etc. Staff's main concern regarding this project centers on the impact that this use could have on adjoining residences.

Based upon the information provided and analysis conducted, staff recommends approval of the applicant's request subject to the conditions noted:

- a landscape buffer will be provided along the rear of the lot as approved by the County Landscape Planner, and
- no sandblasting or cleaning of canons that will result in noise, dust or dirt being generated beyond that which is considered normal in the course of operating a single-family household shall be conducted, and
- all work will be conducted within the accessory structure and not on the exterior of the lot or within the principal structure, and
- no chemicals or explosives will be stored on the site, and
- the hours of operation will be compatible with residential uses (7:00 a.m. and 11:00 p.m.), and
- canons will not be discharged at this location, and
- no excessive lighting should be generated beyond the property lines, and
- the special exception will only apply to this use at this location (accessory structure) and will not extend to any subsequent use (home occupation).

PK/sf

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer, Zoning Supervisor
DATE: November 2, 1988
FROM: James H. Thompson, Zoning Enforcement Coordinator
RE: Item No. 89-160-SPH (if known)
Petitioner: Miller (if known)

VIOLATION CASE # C-88-2111

LOCATION OF VIOLATION 1316 Lafayette Avenue

DEFENDANT Harold J. Miller

ADDRESS 1316 Lafayette Avenue Baltimore, MD 21207

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
Kenneth Stedding 5947 Prince George Street
Baltimore, MD 21207

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

eoh/

PETITIONER(S) EXHIBIT (9)



89-160SPH

PETITIONER(S) SIGN-IN SHEET

Table with columns for NAME and ADDRESS. Contains handwritten entries:
NAME: Mrs. Lee Weisbrodt, George H. Dierz, Lisa E. Dierz, Mrs. Robert R. Russell, Jr., Mrs. Mary Wagner
ADDRESS: 6010 Montgomery St., 6027 Central Ave., 6027 Central Ave., 6020 Central Ave. 21207, 1321 Lafayette Ave. 21202