

IN THE MATTER OF THE
THE APPLICATION OF
BROSNER CONTRACTORS, INC.
FOR A VARIANCE ON PROPERTY
LOCATED ON THE SOUTHEAST SIDE
PULASKI HIGHWAY, 670' NORTH
EAST CENTERLINE OF MIDDLE
RIVER ROAD
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 90-158-A

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner denying the requested Petition for Variance. The variance requested was to permit a side yard setback of 15 feet in lieu of the required 30 feet on one side of the proposed warehouse/office building.

Petitioner presented as a first witness Paul Lee, a registered Professional Engineer, who presented his plans for the proposed warehouse. He testified that the Petitioner is a contractor in the home improvement and construction business and wanted the warehouse as a building for the storage of materials and the office space for the use of his secretary and bookkeeper. He specifically noted that under the proposed plan all the uses, truck traffic, etc., would take place to the north of the building, and that the side facing the neighboring motel where the 15-foot variance is requested would be a blank wall. It was his opinion that with the 30-foot setback that is physically possible on both sides of the proposed warehouse there would not be enough room for the delivery

Case No. 90-158-A Brosner Contractors, Inc.

trucks to turn around or back into the proposed warehouse. He further testified that 19 parking spaces were being provided under this plan which are more than ample.

Daniel Lambros, the property owner, testified that he is in fact in the home construction business and the purpose of the warehouse is as stated by Mr. Lee. He further testified that, if the 15-foot setback on the north side is denied, through circulation would have to be provided for the trucks which would be of greater detriment to the property to the south. He further testified that his employees, 17 in number at present, would report to the warehouse in the morning and then disburse to the various job sites, and only an indeterminate number would remain full time at the warehouse. He further testified that if the 15-foot variance was to be denied any relocation of the proposed warehouse would be impractical. This concluded Petitioner's case.

Protestants presented as their first witness Donald D. Smith, an architect, who entered as his exhibit the sketch showing an alternate location of the warehouse in compliance with the 30-foot setback. It was his contention that his plan provided better access for the trucks than the plan presented as Petitioner's Exhibit No. 1. He further testified that the blank wall 15 feet from the property line, if permitted, would be a detriment to the Protestants' property, identified as the Star Motel.

Ms. Pearl Engle, owner of the Star Motel, testified at length as to her objections to the 15-foot setback all of which are part

Case No. 90-158-A Brosner Contractors, Inc.

of the record. She further testified that, even if the 30-foot setback as required by law would result in traffic and other activities adjacent to her property, in her estimation this would be no more objectionable than the 15-foot setback as proposed by the Petitioner. She further testified as to all her reasons why the granting of this variance would, in her estimation, be detrimental to her property.

The Board is of the opinion that the plan as proposed by Petitioner is an acceptable plan. The Board is also of the opinion that the plan proposed by Protestants' expert witness would also be an acceptable plan. However, it is the Board's opinion that strict compliance with the requirements for the 30-foot setback would not result in practical difficulty or unreasonable hardship. The plan as proposed by Petitioner is in essence what he would desire to have, and therefore the variance requested is from a self-imposed hardship. While many times the Board is faced with variance requests that appear to be justified, if the variance request cannot comply with Section 307.1 of the Baltimore County Zoning Regulations, it must be denied. And the Board will find as a fact that in this case the variance request is self-imposed and that the compliance with the 30-foot setback would not result in practical difficulty or unreasonable hardship as acceptable, alternate solutions appear to be possible.

ORDER

Therefore, it is this 10th day of October, 1990 by

Case No. 90-158-A Brosner Contractors, Inc.

the County Board of Appeals for Baltimore County ORDERED that the Petition for Zoning Variance in Case No. 90-158-A be and is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Michael B. Sawyer

Lynn B. Moreland

IN RE: PETITION FOR ZONING VARIANCE
SE/3 Pulaski Highway, 670' NE
c/l of Middle River Road
15th Election District
5th Councilmanic District
Brosner Contractors, Inc.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-158-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variance from Section 255.1 and 238.2 to permit a side yard setback of 15 feet in lieu of the original 30 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Brosner Contractors, Inc., by its President, George J. Lambros, Sr., appeared, testified and was represented by S. Eric DiNenna, Esquire. Appearing on behalf of the Petitioner was Paul Lee, Professional Engineer. Mr. and Mrs. Melvin E. Engle appeared as Protestants and were represented by Maxwell R. Collins, II, Esquire.

Testimony indicated that the subject property is located on the east side of Pulaski Highway, north of Middle River Road and adjoins Protestants' property known as the "Star Motel" at 9619 Pulaski Highway.

Testimony indicated that the Petitioner is in the home improvement business and intends to improve the subject site with a 4,000 square foot +/- building, as indicated on Petitioner's Exhibit 1.

The Petitioner testified that the building would be of metal construction and consist primarily of warehouse space with a small portion utilized for offices. He testified that the office would be staffed with three (3) full time employees, and the warehouse would have no full time

or part time employees. He also testified that the requested variances are necessary to afford the tractor trailers, making deliveries to the subject site, sufficient area to back the trailers into the proposed bays. He stated that he would suffer a practical difficulty and undue hardship should the requested variance be denied.

Mrs. Engle testified that she and her husband own and operate the Star Motel aforementioned and live in the home attached to the motel, along Pulaski Highway. Mrs. Engle stated that the proposed building, located adjacent to her sun porch and motel, would adversely affect light and air reaching her property and have a significant negative impact on their motel business.

Mr. Collins argued that the Petitioner's development proposal creates the practical difficulty and undue hardship alleged and not any unique characteristic of the particular parcel in question. He stated that the particular parcel can be developed for any number of uses which are permitted within the M.L.-C.S.-1 zone without the need for a variance.

Section 307.1 of the B.C.Z.R. states that the Baltimore County Zoning Commissioner and/or the Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "(t)he standard for granting a variance . . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the B.C.Z.R.; and only in such manner as to grant

relief without substantial injury to the public health, safety and general welfare". McLean v. Soley, 270 Md. 208 (1973).

The question, therefore, is whether it was fairly debateable that the evidence presented demonstrated that strict compliance with the regulations would result in practical difficulty or unreasonable hardship. To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243 (1961), the Court, addressing the requirements of Section 307 stated:

"It is firmly settled in this State that the mere fact that some use other than that permitted under an applicable zoning ordinance would be more profitable than any use which is permitted thereunder is not enough to invalidate a use restriction, if the property can reasonably be used for some purpose for which it is adapted (supra at 248-249)." Also, see Walker v. Board of County Commissioners, 116 Md. 393 (1955).

The Maryland Courts have made clear the fact that the burden is on the Petitioner to show that he would be deprived of all reasonable use

of his property if he were not granted relief from the particular zoning ordinance at issue. Frankel v. Mayor and City Council of Baltimore, 223 Md. 98 (1959) (Emphasis added).

In the case at bar, it is the opinion of the Zoning Commissioner that the Petitioner has not met this burden. This does not mean that I believe that the Petitioner's design is bad or that it is a poor use of the land. The law is clear and the land is not the hardship. As reflected in the aforementioned case law, the mere fact that the Petitioner's property is less profitable, or that his site layout is more "convenient", is not sufficient grounds to meet the undue hardship or practical difficulty requirements of Section 307 of the B.C.Z.R.

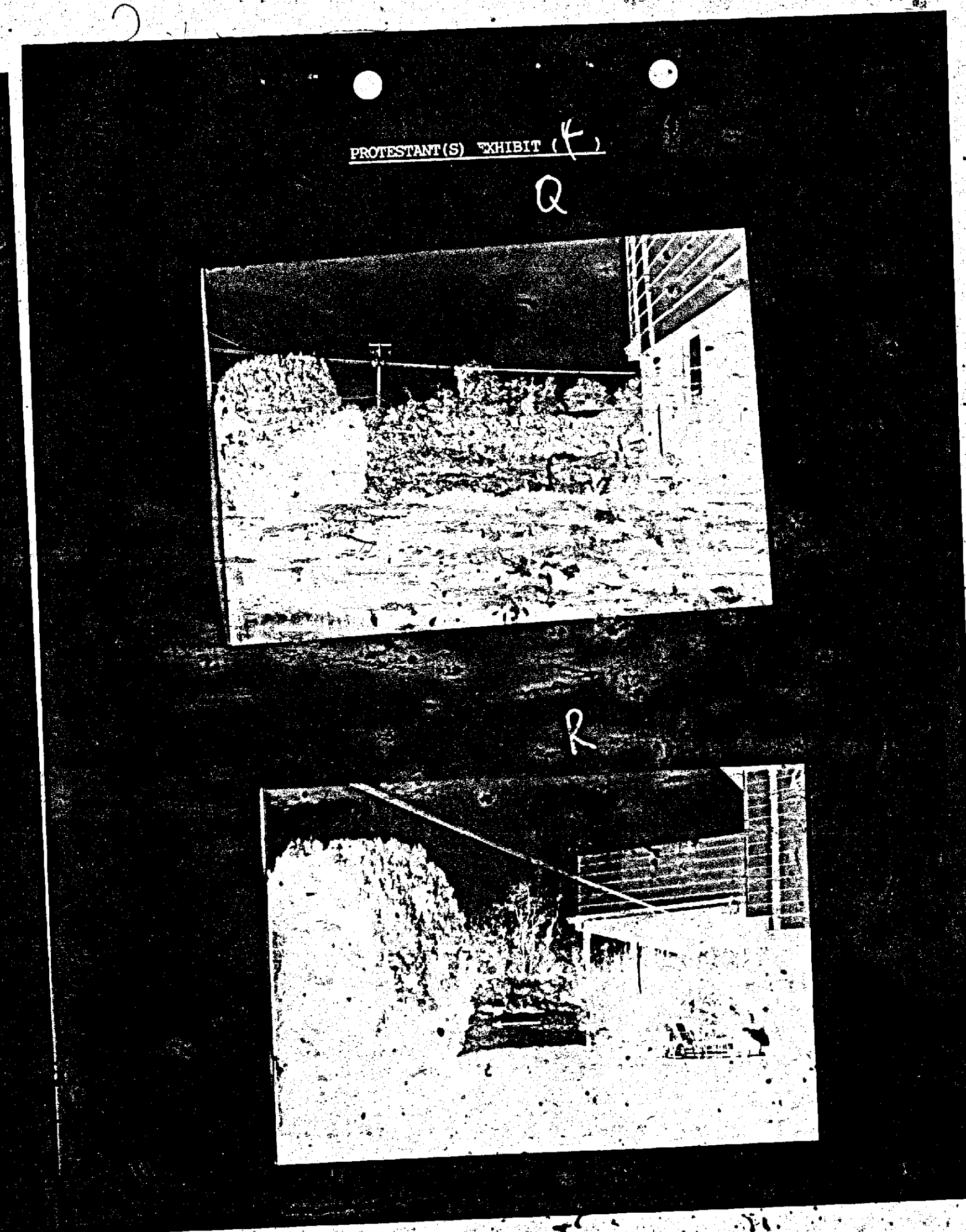
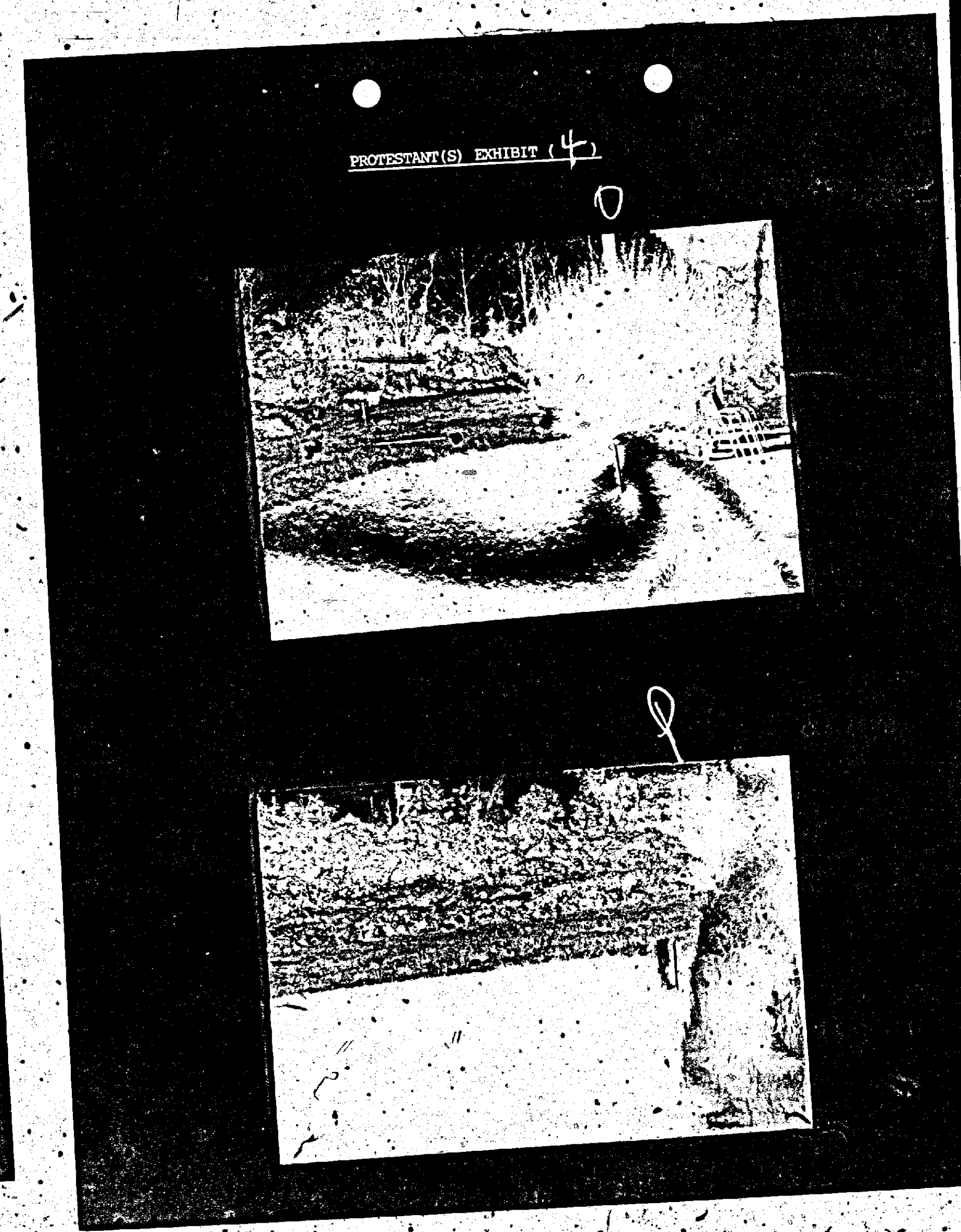
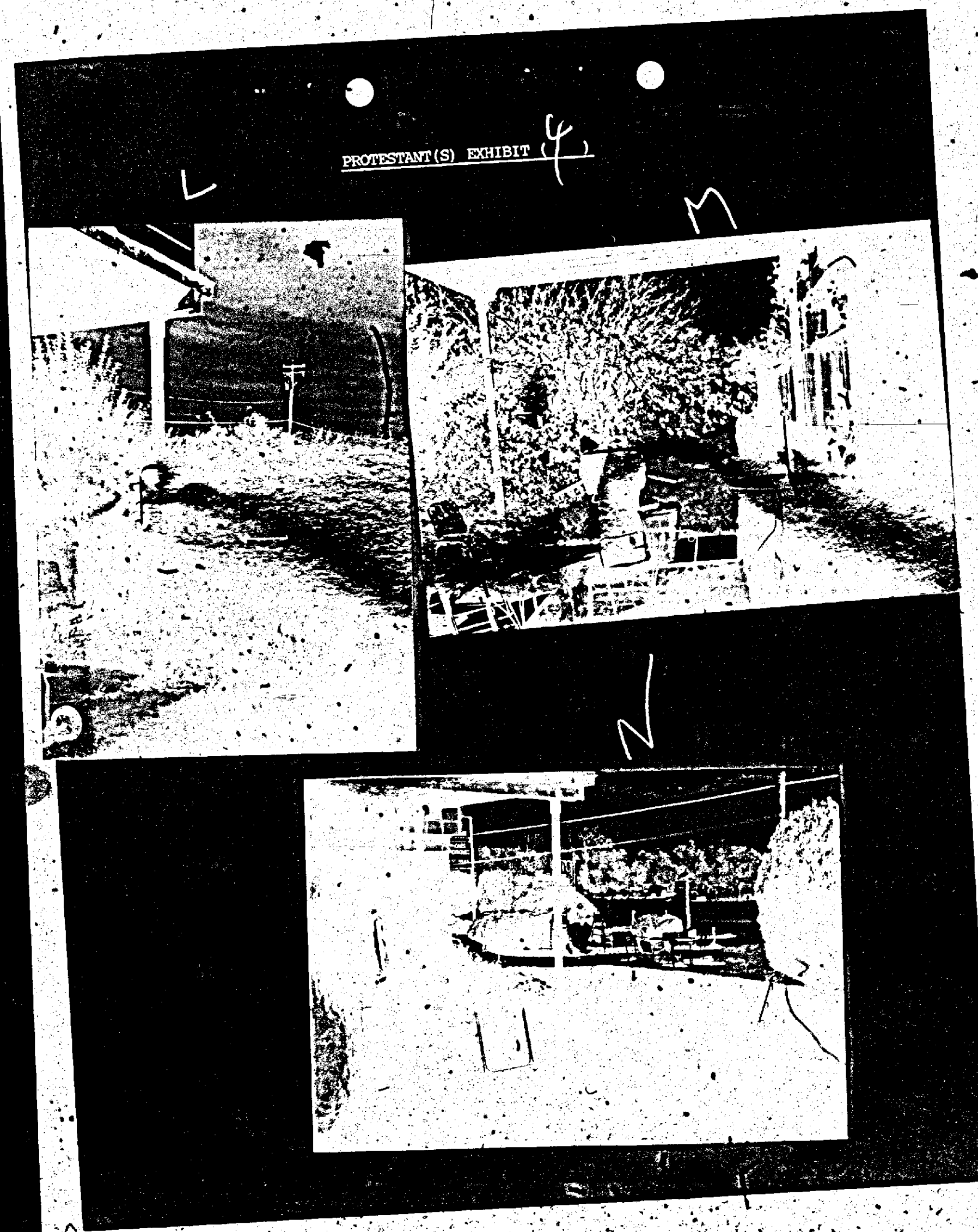
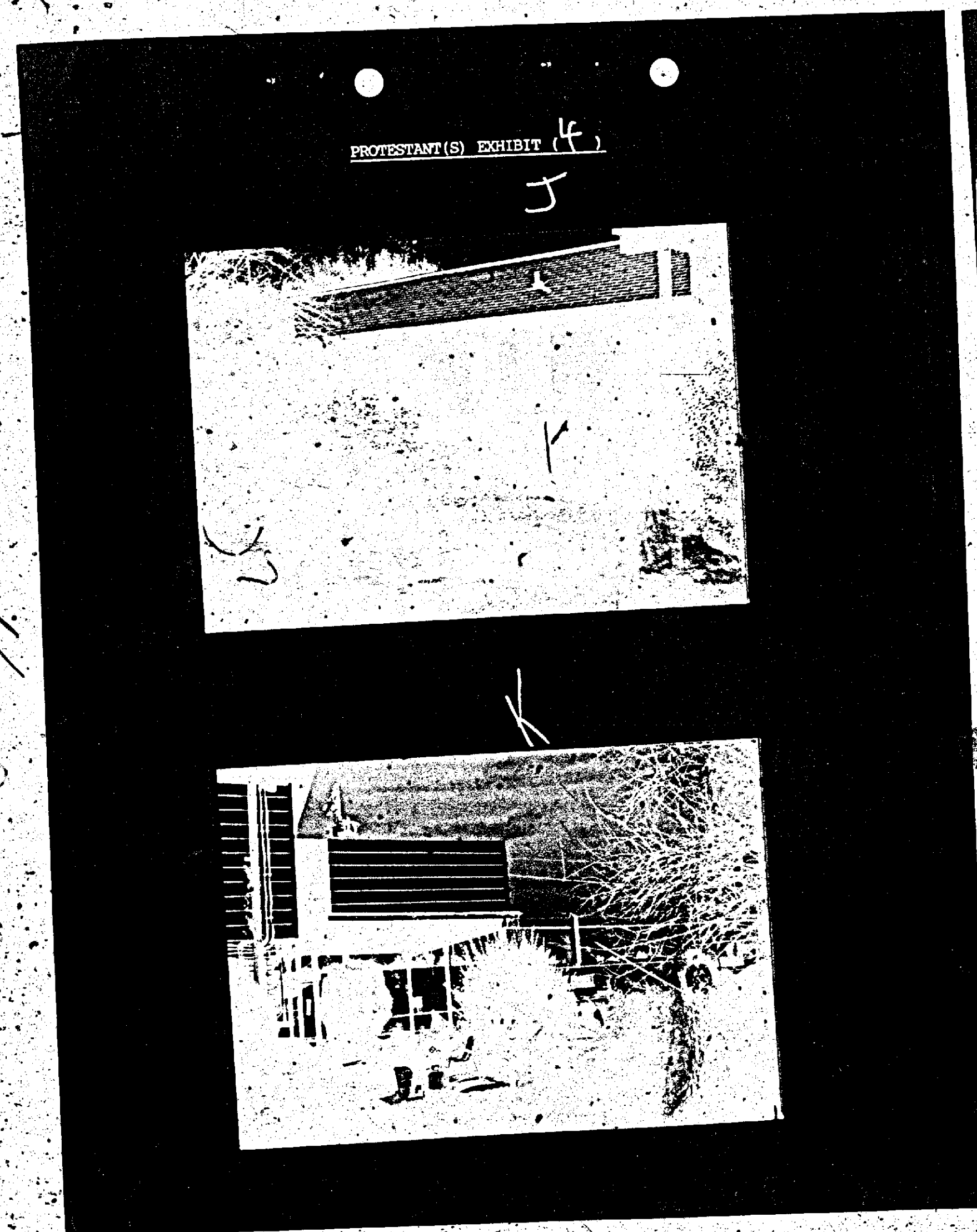
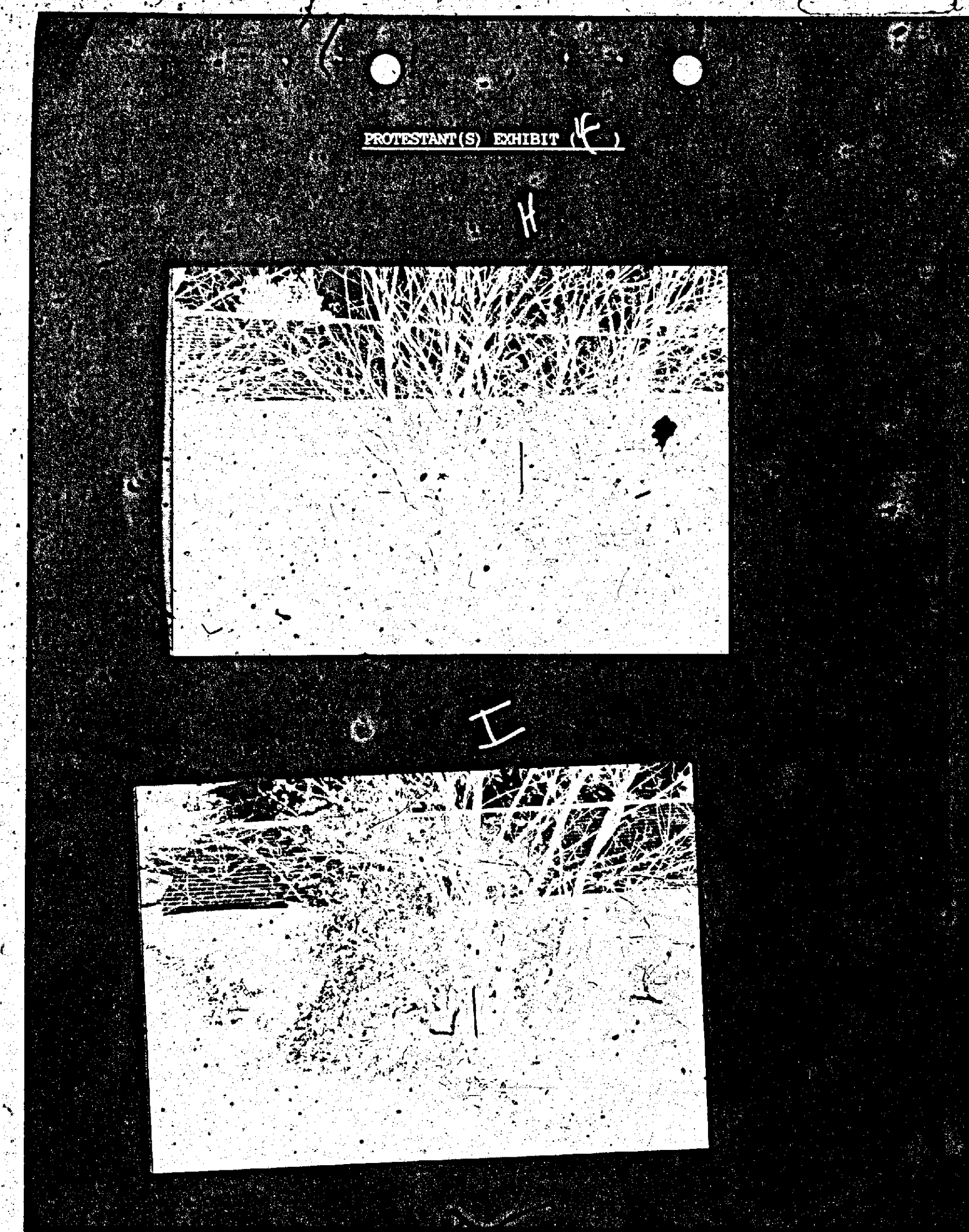
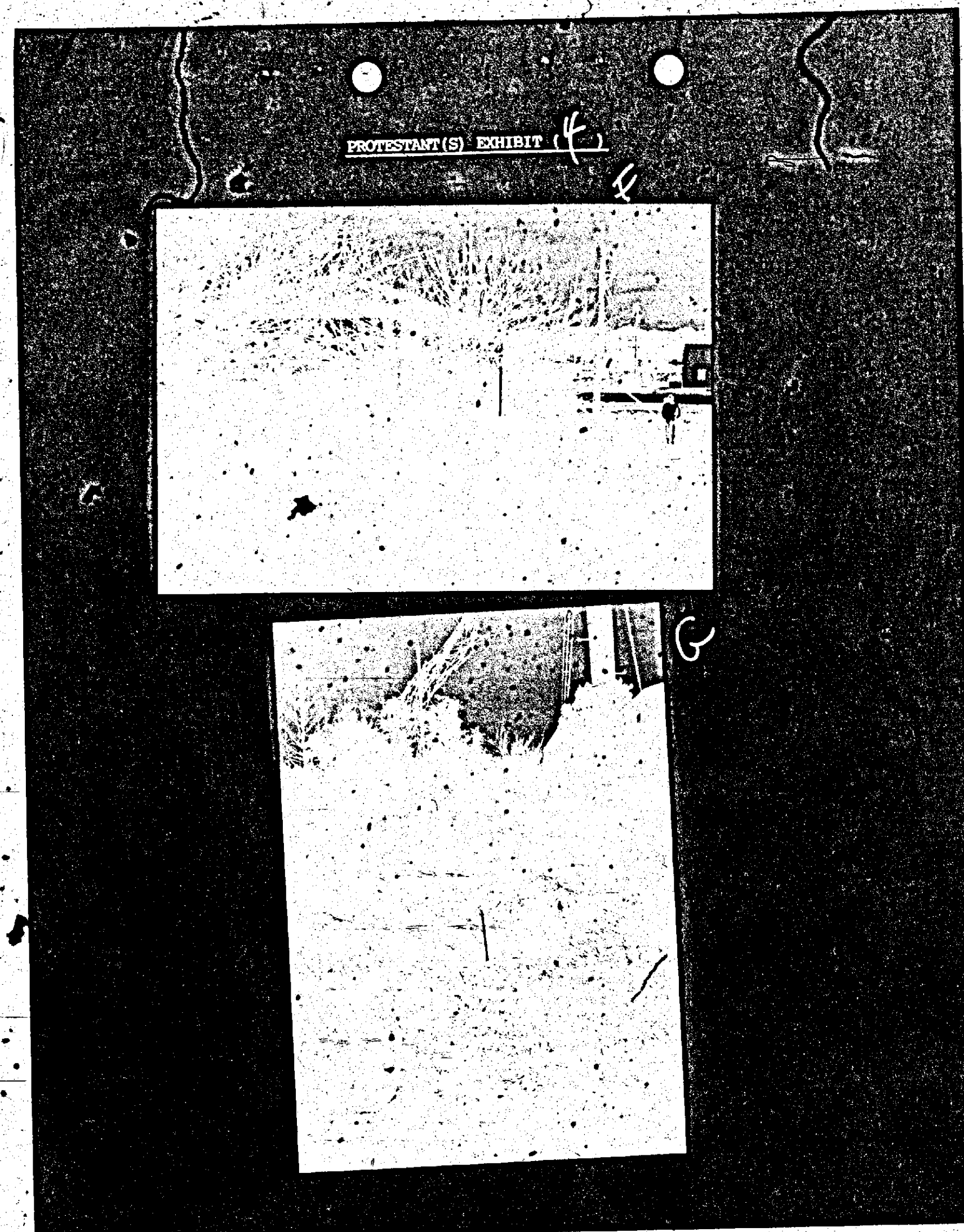
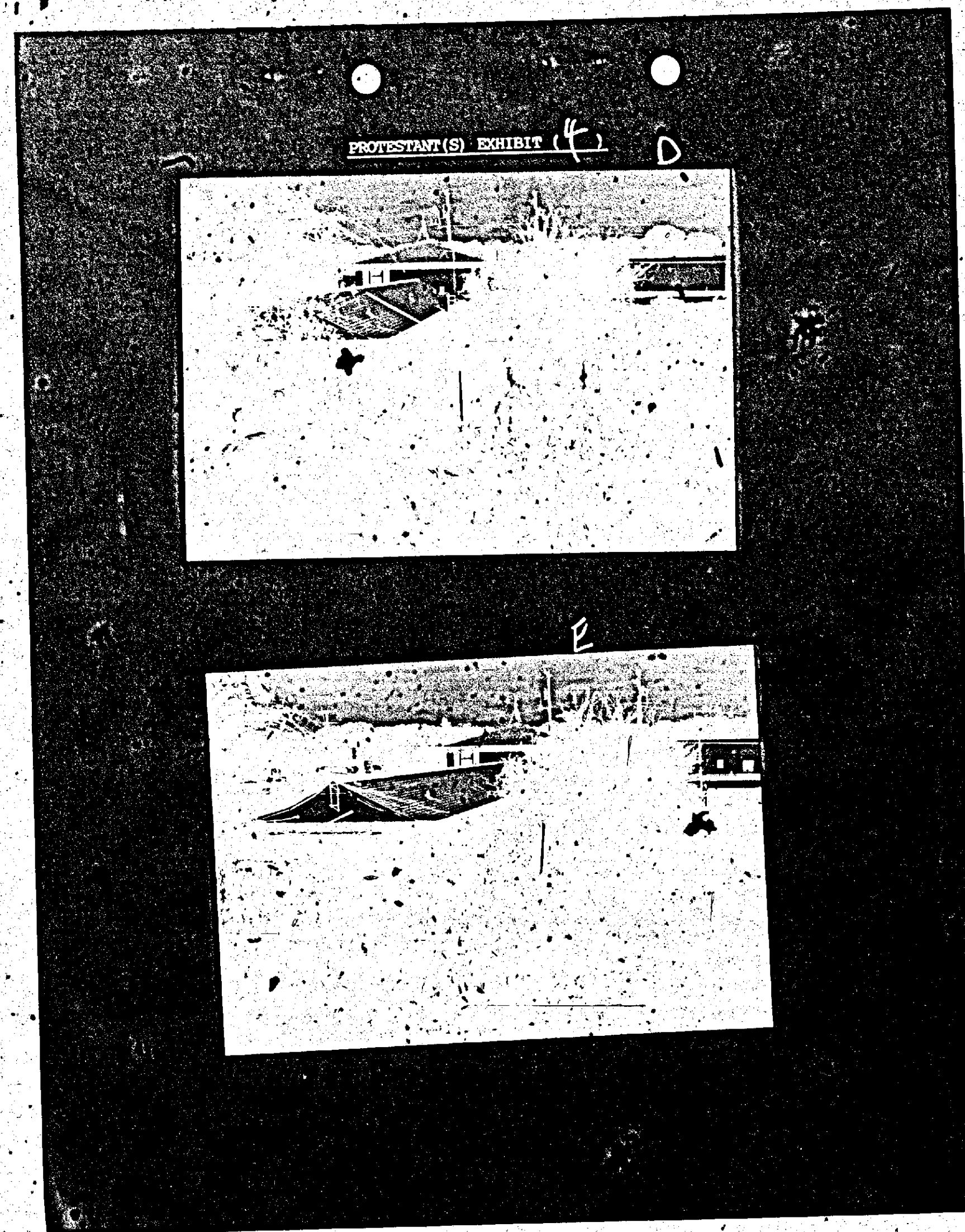
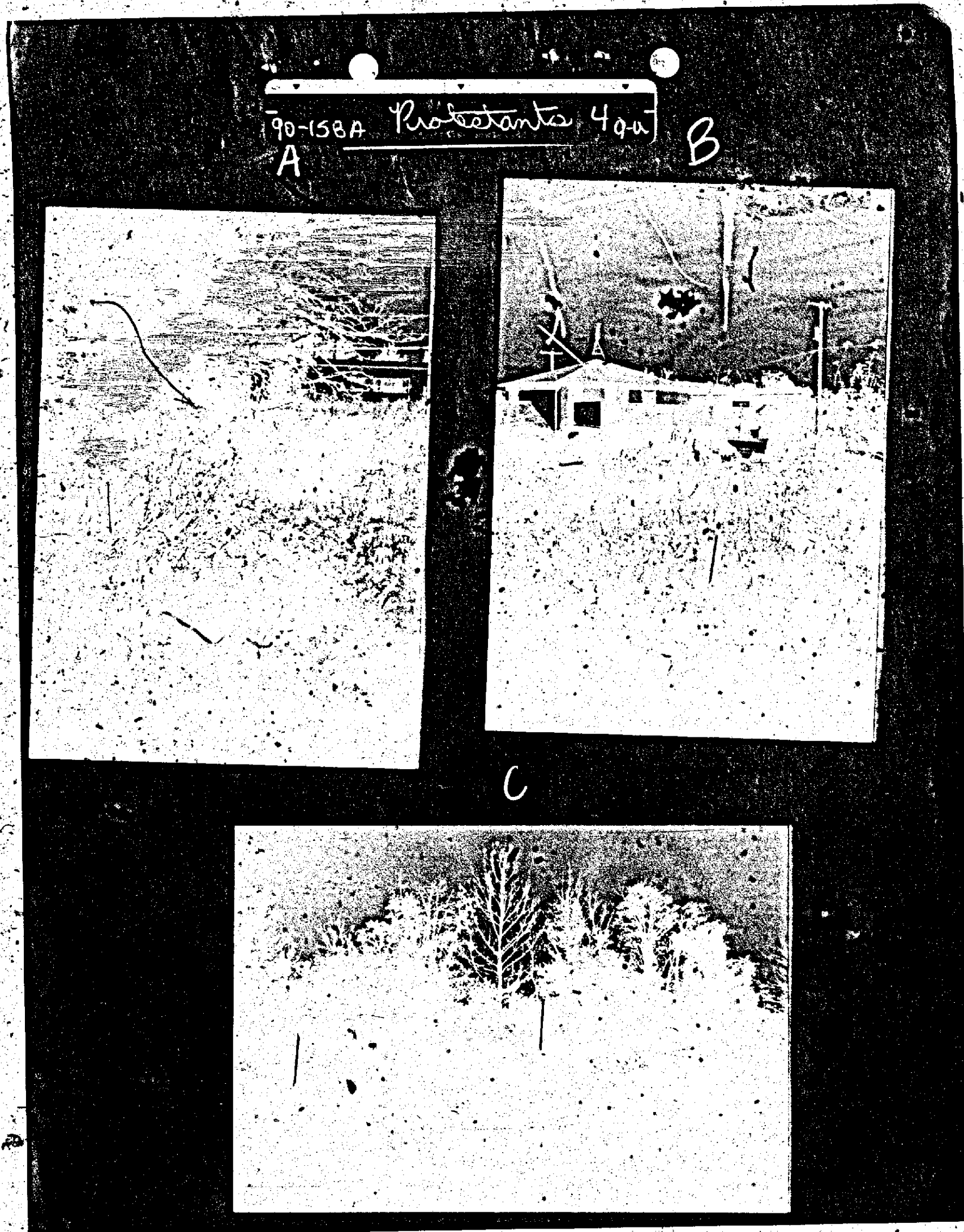
Upon careful consideration of the testimony and evidence presented, it is the Zoning Commissioner's opinion that the requested variances are for the purpose of accommodating the Petitioner's site plan and not for the purpose of eliminating an undue hardship or practical difficulty, pursuant to Section 307 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

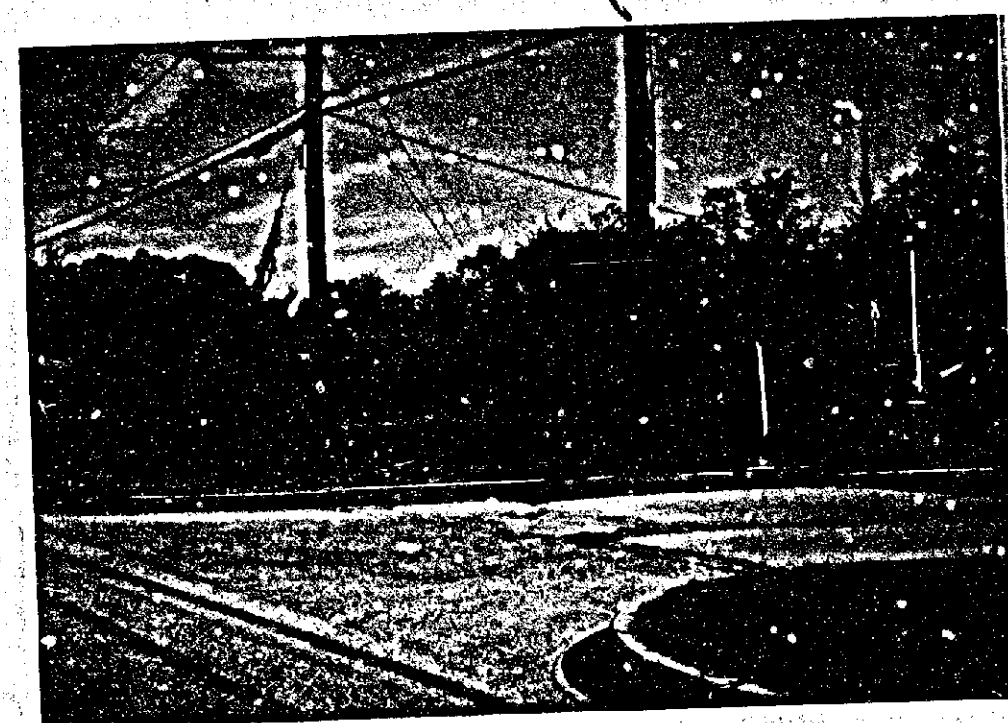
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of December, 1989 that the Petition to permit a side yard setback of 15 feet in lieu of the original 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

Robert Haines
Zoning Commissioner
for Baltimore County

JRH/mnn
cc: Peoples Counsel



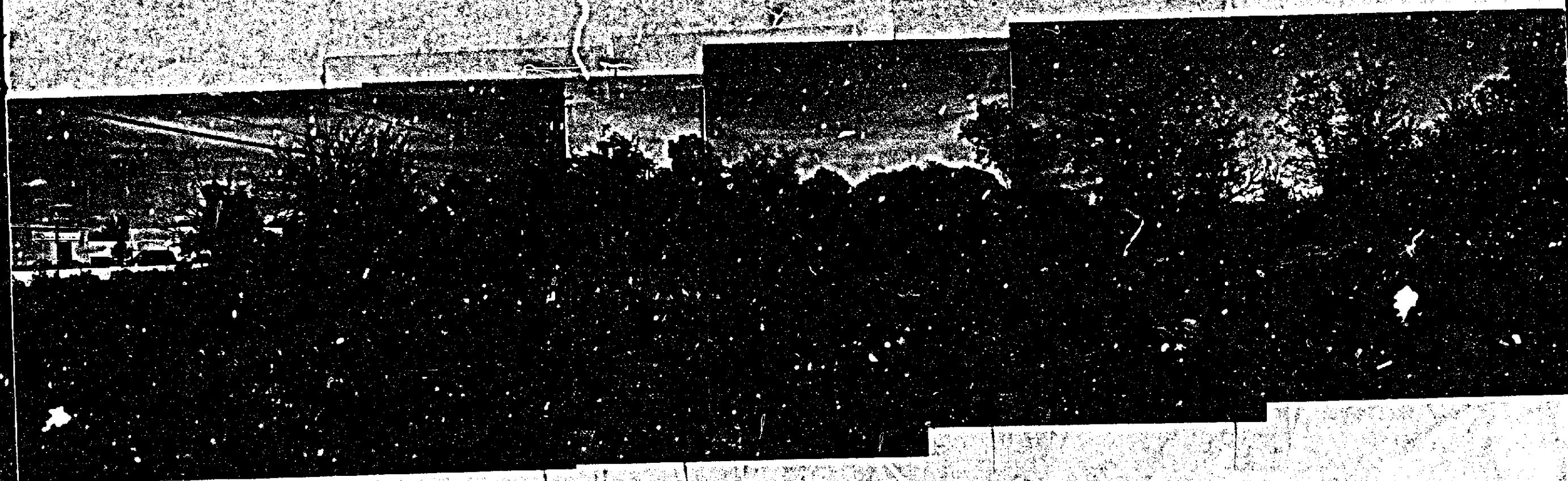
PROTESTANT(S) EXHIBIT 4



PROTESTANT(S) EXHIBIT 4



STANDING AT MARKER 15 FEET INSIDE
PROPERTY LINE FACING FROM LEFT TO RIGHT
NORTH, EAST AND SOUTHEAST RESPECTIVELY



PROTESTANT'S
90-158-A Protestants 5

IN RE: PETITION FOR ZONING
VARIANCE, SE/5 Pulaski
Highway, 670' NE
c/1 of Middle River Road
15th Election District
5th Councilmanic
District
Brosner Contractors, Inc.
Petitioner

APPEAL

MADAM CLERK:

Please enter an Appeal from the Zoning Commissioner's
decision of December 4, 1989, concerning the above-captioned
matter on behalf of the Petitioner, Brosner Contractors, Inc.,
528 D. Eastern Boulevard, Essex, Maryland 21121.

S. ERIC DINENNA
DINENNA, MANN & BRESCHI
P.O. Box 10508
Towson, Maryland 21285-0508
(301) 296-6820

Counsel for Appellants

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 3 day of January,
1990, a copy of the foregoing Appeal was mailed, postage
prepaid, to Maxwell R. Collins, II, The Chesapeake Building,
Suite 510, 305 West Chesapeake Avenue, Towson, Maryland
21204-4478, Counsel for Protestants; Phyllis Cole Friedman,
People's Counsel for Baltimore County, County Office Building,
111 W. Chesapeake Avenue, Towson, Maryland 21204.

RECEIVED JAN 3 1990

S. ERIC DINENNA

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER
FRANCIS X. BONGERDING, JR.

January 3, 1990

J. Robert Haines
Zoning Commissioner for
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 90-158-A
Brosner Contractors, Inc.,
Petitioner

Dear Mr. Commissioner:

Attached hereto please find the Order of Appeal concerning the
above-captioned matter, along with my check in the amount of \$150.00
covering the cost of the Appeal and for the sign.

Please transmit same to the County Board of Appeals for hearing.

Very truly yours,

S. ERIC DINENNA

SED:cjc
Enclosure
cc: Maxwell R. Collins, II, Esquire
Phyllis Cole Friedman, Esquire
Brosner Contractors, Inc.

RECEIVED JAN 3 1990



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

1/10/90

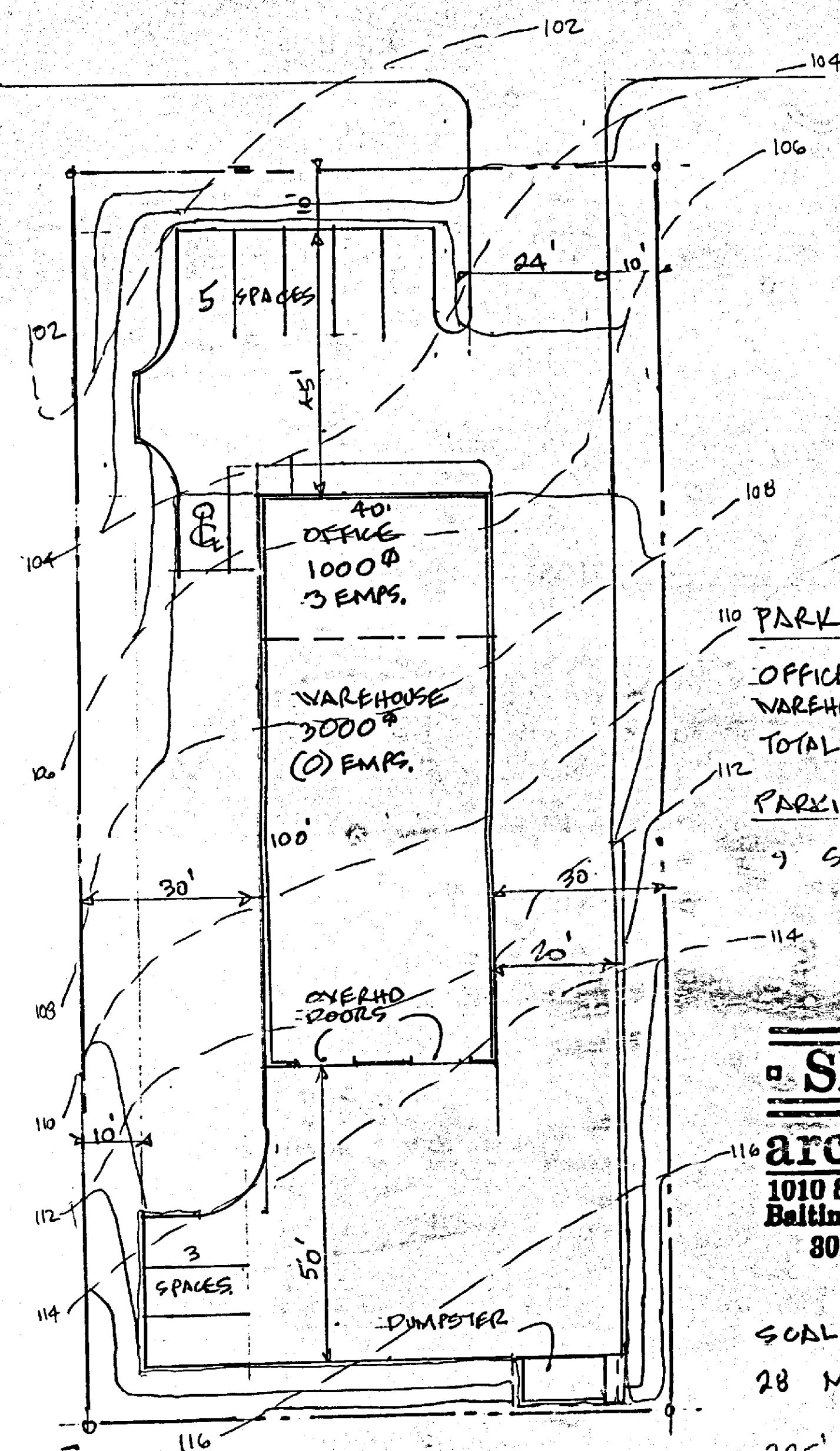
APPEAL FEES

QTY	PRICE
140 -OF ALL OTHER ORDERS	1 X \$125.00
150 -POSTING SIGNS / ADVERTISING	1 X \$25.00
TOTAL	\$150.00

LAST NAME OF OWNER: BROSNER CONTRACT.

Cashier Validation

B C03*****1501014 111-1
Please make checks payable to Baltimore County



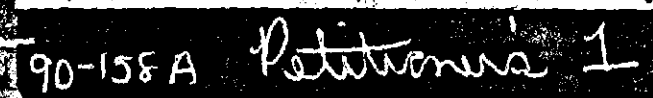
110 PARKING REQUIRED
OFFICE: 33/1000^{sq} = 3.3 sp.
WAREHOUSE: 1/EMP. = 0 sp.
TOTAL REQ'D = 4.0 sp.

112 PARKING INDICATED
9 SPACES INCLUDING 1 H.C.

SMITH
architects
1010 St. Paul Street
Baltimore, Md. 21202
801-685-4900

SCALE: 1" = 20'-0"
28 MAY, 1990
225'

90-158-A Protestants 3c



IN RE: PETITION FOR ZONING VARIANCE
SE/S Pulaski Highway, 670' NE
c/l of Middle River Road
15th Election District
5th Councilmanic District
Brosner Contractors, Inc.
Petitioner

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Testimony indicated that the subject property is located on the east side of Pulaski Highway, north of Middle River Road and adjoins Protestants' property known as the "Star Motel" at 9619 Pulaski Highway.

Testimony indicated that the Petitioner is in the home improvement business and intends to improve the subject site with a 4,000 square foot +/- building, as indicated on Petitioner's Exhibit 1.

The Petitioner testified that the building would be of metal construction and consist primarily of warehouse space with a small portion utilized for offices. He testified that the office would be staffed with three (3) full time employees, and the warehouse would have no full time

or part time employees. He also testified that the requested variances are necessary to afford the tractor trailers, making deliveries to the subject site, sufficient area to back the trailers into the proposed bays. He stated that he would suffer a practical difficulty and undue hardship should the requested variance be denied.

Mrs. Engle testified that she and her husband own and operate the Star Motel aforementioned and live in the home attached to the motel, along Pulaski Highway. Mrs. Engle stated that the proposed building, located adjacent to her sun porch and motel, would adversely affect light and air reaching her property and have a significant negative impact on their motel business.

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Section 307.1 of the B.C.Z.R. states that the Baltimore County Zoning Commissioner and/or the Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "the standard for granting a variance . . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the B.C.Z.R.; and only in such manner as to grant

relief without substantial injury to the public health, safety and general welfare". *McLean v. Soley*, 270 Md. 208 (1973).

The question, therefore, is whether it was fairly debatable that the evidence presented demonstrated that strict compliance with the regulations would result in practical difficulty or unreasonable hardship. To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
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Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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"It is firmly settled in this State that the mere fact that some use other than that permitted under an applicable zoning ordinance would be more profitable than any use which is permitted thereunder is not enough to invalidate a use restriction, if the property can reasonably be used for some purpose for which it is adapted (supra at 248-249)." Also, see *Walker v. Board of County Commissioners*, 116 A2d 393 (1955).

The Maryland Courts have made clear the fact that the burden is on the Petitioner to show that he would be deprived of all reasonable use

of his property if he were not granted relief from the particular zoning ordinance at issue. *Frankel v. Mayor and City Council of Baltimore*, 223 Md. 98 (1959) (Emphasis added).

In the case at bar, it is the opinion of the Zoning Commissioner that the Petitioner has not met this burden. This does not mean that I believe that the Petitioner's design is bad or that it is a poor use of the land. The law is clear and the land is not the hardship. As reflected in the aforementioned case law, the mere fact that the Petitioner's property is less profitable, or that his site layout is more "convenient", is not sufficient grounds to meet the undue hardship or practical difficulty requirements of Section 307 of the B.C.Z.R.

Upon careful consideration of the testimony and evidence presented, it is the Zoning Commissioner's opinion, that the requested variances are for the purpose of accommodating the Petitioner's site plan and not for the purpose of eliminating an undue hardship or practical difficulty, pursuant to Section 307 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of December, 1989 that the Petition to permit a side yard setback of 15 feet in lieu of the original 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH/mm
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-158-A

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 255.1 and 238.2 to permit a side yard of 15 feet in lieu of the original 30 feet.

1) Shape and proposed use of property

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

Attorney for Petitioner:

(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

City and State

Attorney's Telephone No. (301) 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day

of 1989, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through

out 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

Commissioner of Baltimore County on the 19th day of November, 1989.

Copied, on the 19th day of November, 1989.

(over)

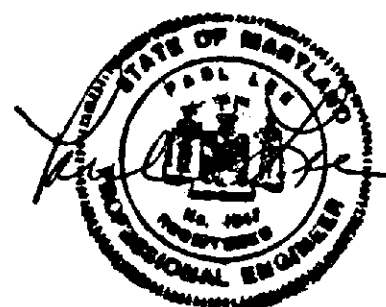
Paul Leo P.E.

Paul Leo Engineering Inc.
301 W. Pennsylvania Ave.
Towson, Maryland 21204
301 821-5341

DESCRIPTION

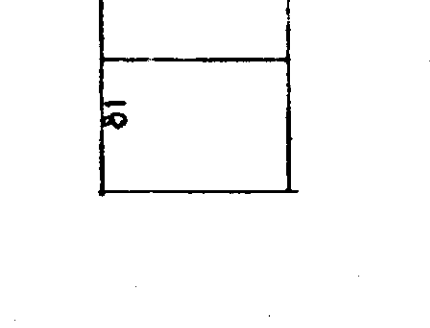
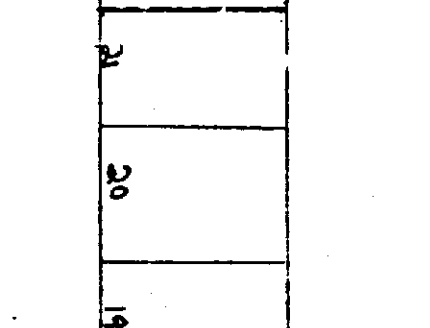
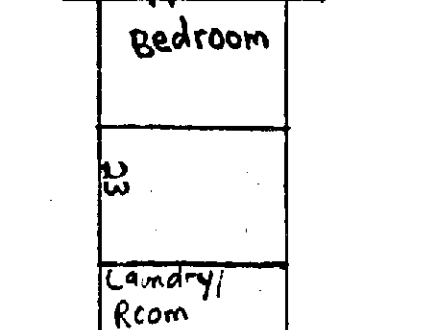
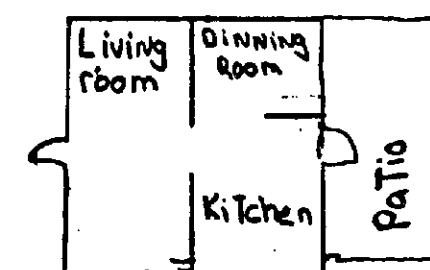
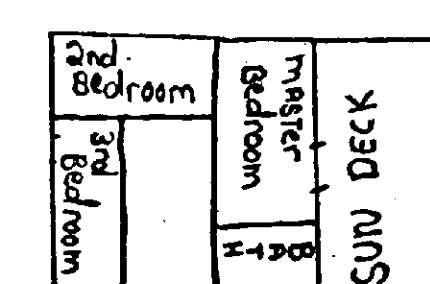
0.05 ACRE PARCEL
EAST SIDE PULASKI HIGHWAY - NORTH OF MIDDLE RIVER ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located on the east side of Pulaski Highway, said point also being located N 49°00'00" E 670 feet ± from the center of Middle River Road; thence binding on the east side of Pulaski Highway (1) N 49°00'00" E 100.00 feet, thence leaving said east side of Pulaski Highway, (2) S 41°00'00" E 217.50 feet, (3) S 49°00'00" W 100.00 feet, and (4) N 41°00'00" W 217.50 feet to the point of beginning.
Containing 0.5 acre of land, more or less.



Engineers - Surveyors - Site Planners 6/27/78

2nd FLOOR



PROTESTANT'S
EXHIBIT 2

APPEAL

Petition for Zoning Variance
SE/S Pulaski Highway, 670' NE
c/l of Middle River Road
15th Election District - 5th Councilmanic District
Brosner Contractors, Inc. - Petitioner
Case No. 90-158-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments, dated October 31, 1989

Petitioner's Exhibit: 1. Plat

Protestant's Exhibits: 1A. Deed - Liber 5437 Page 459
1B. Deed - Liber 5437 Page 470
2. Floor Plan

3. Photo of Property Line

4. 10 pages - 22 photos of site

Zoning Commissioner's Order, dated December 4, 1989

Notice of Appeal received January 3, 1990

List all Names of parties involved

S. Eric DiNenna, Esquire
POB 10508, Towson, Md. 21285-0508

Maxwell R. Collins, III, Esquire
The Chesapeake Building, Ste. 510
305 W. Chesapeake Avenue; 21204

Brosner Contractors, Inc.
528D Eastern Blvd.; 21221

Melvyn E. Pearl Engle
9619 Pulaski Highway; 21220

George J. Lambros, Sr.
511 N. Woodward Dr.; 21221

Phyllis Cole Friedman, Esquire
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

LIBER 5437 PAGE 469

THIS DEED, Made this 28th day of March, 1974, in the year one thousand nine hundred and seventy-four, by and between

GEORGE E. ENGLE and BLANCHE E. ENGLE, his wife,

of Baltimore County, in the State of Maryland, of the first part, and

MELVIN E. ENGLE and PEARL E. ENGLE, his wife,

of the second part.

Witnesseth, That in consideration of the sum of Five (\$5.00) Dollars, in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said GEORGE E. ENGLE and BLANCHE E. ENGLE, his wife,

do grant and convey unto the said MELVIN E. ENGLE and PEARL E. ENGLE, his wife, as tenants by the entireties, their assigns, and to the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:

Beginning for the same on the southeast side of the New Philadelphia Road (now called P.A. Road Highway) at a point distant 439.85 feet northeasterly from the southeast corner of the said New Philadelphia Road and Middle River Road and running thence binding on the southeast side of the New Philadelphia Road as follows: 150 feet wide north 89 degrees east 200 feet, thence leaving the said New Philadelphia Road for new lines of division and running south 41 degrees east 217.5 feet, turning thence south 49 degrees west 200 feet and running thence north 41 degrees west 217.5 feet to the place of beginning. Containing one (1) acre of land, more or less, with improvements thereon.

BEING the same lot of ground which by Deed dated October 1, 1958 and recorded among the Land Records of Baltimore County in Liber G.L.B. 348, Folio 527, was granted and conveyed by The Star Hotel Company, a body corporate of the State of Maryland, to the within Grantees.

02600000 20110 2 NL-01-40
02620000 20110 2 NL-01-40
02621000 20110 2 NL-01-40
02622000 20110 2 NL-01-40

PROTESTANT'S
EXHIBIT 1A

13750044

LIBER 5437 PAGE 470

Together with the buildings and improvements thereon erected, made or being and all and every the rights, appurtenances, and advantages, to the same belonging, or otherwise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said MELVIN E. ENGLE and PEARL E. ENGLE, his wife, as tenants by the entireties, their assigns, and to the survivor of them, his or her heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

TEST:

George E. Engle (SEAL)
George E. Engle
Blanche E. Engle (SEAL)
Blanche E. Engle

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this 28th day of March, 1974, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, aforesaid, personally appeared GEORGE E. ENGLE and BLANCHE E. ENGLE, his wife,

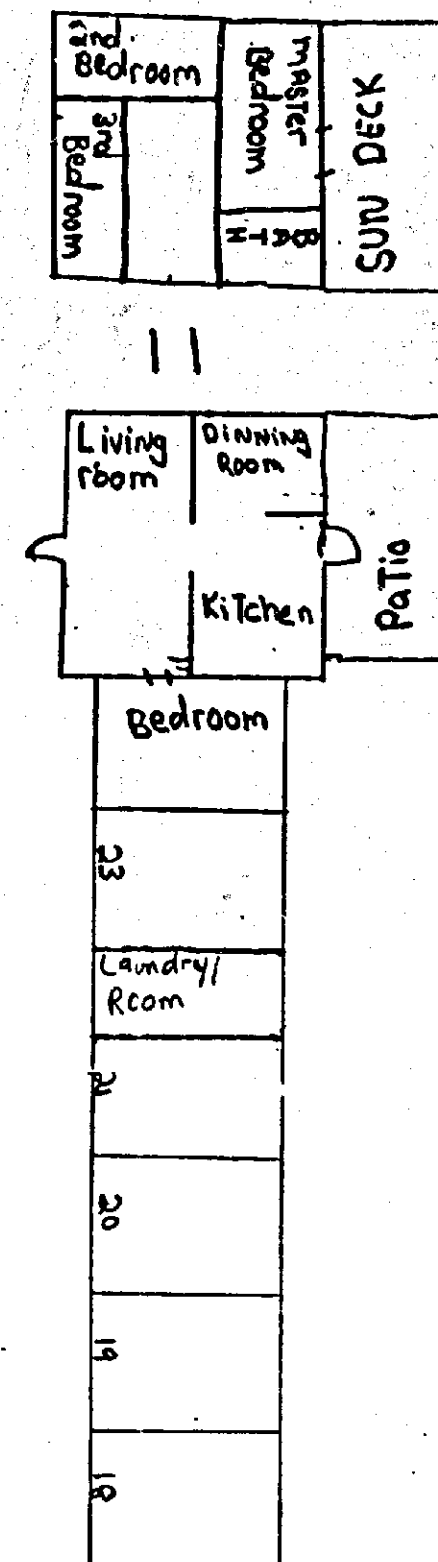
the above named grantors and they acknowledged the foregoing Deed to be their act. As Witness my hand and Notarial Seal.

Rec'd for record APR 10 1974 at 12:24 PM
Per Elmer E. Kahline, Jr., Clerk
Mail to: Hallman & Cassen
Receipt No. 0 920

Notary Public.

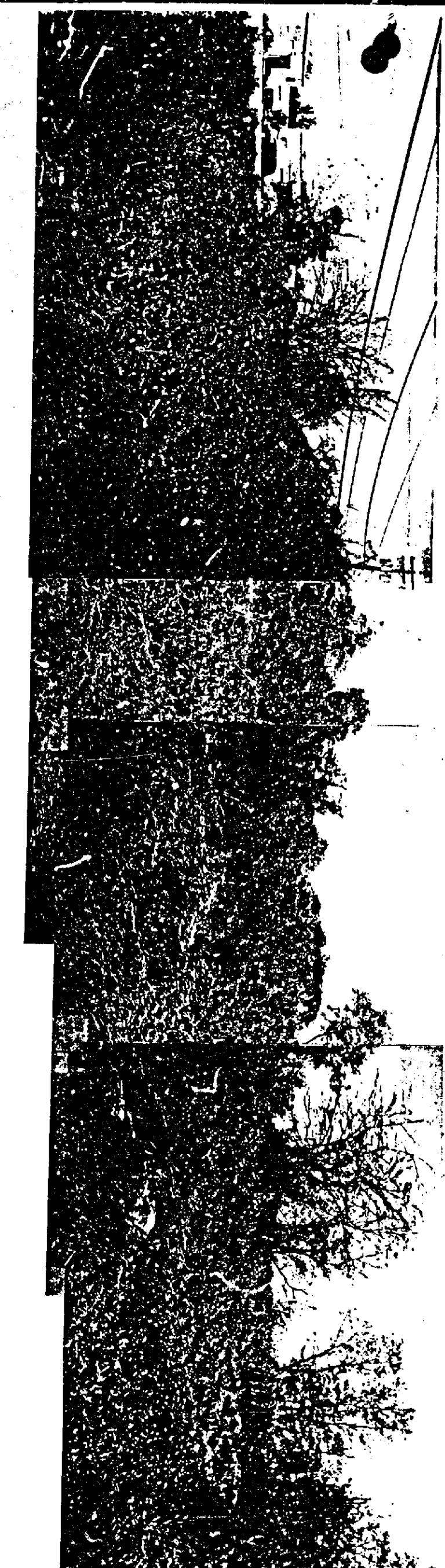
PROTESTANT'S
EXHIBIT 1B

2nd FLOOR



PROTESTANT'S
EXHIBIT 2

PROTESTANT'S
EXHIBIT 3



STANDING AT NORTH IS THE INSIDE
PROPERTY LINE FACING FROM LEFT TO RIGHT
NORTH, EAST AND SOUTHWEST RESPECTIVELY



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: George E. Engle ADDRESS: 5111 W. PULASKI HWY. BALTO. MD.
Blanche E. Engle 304 W. PULASKI HWY. BALTO.

PLEASE PRINT CLEARLY

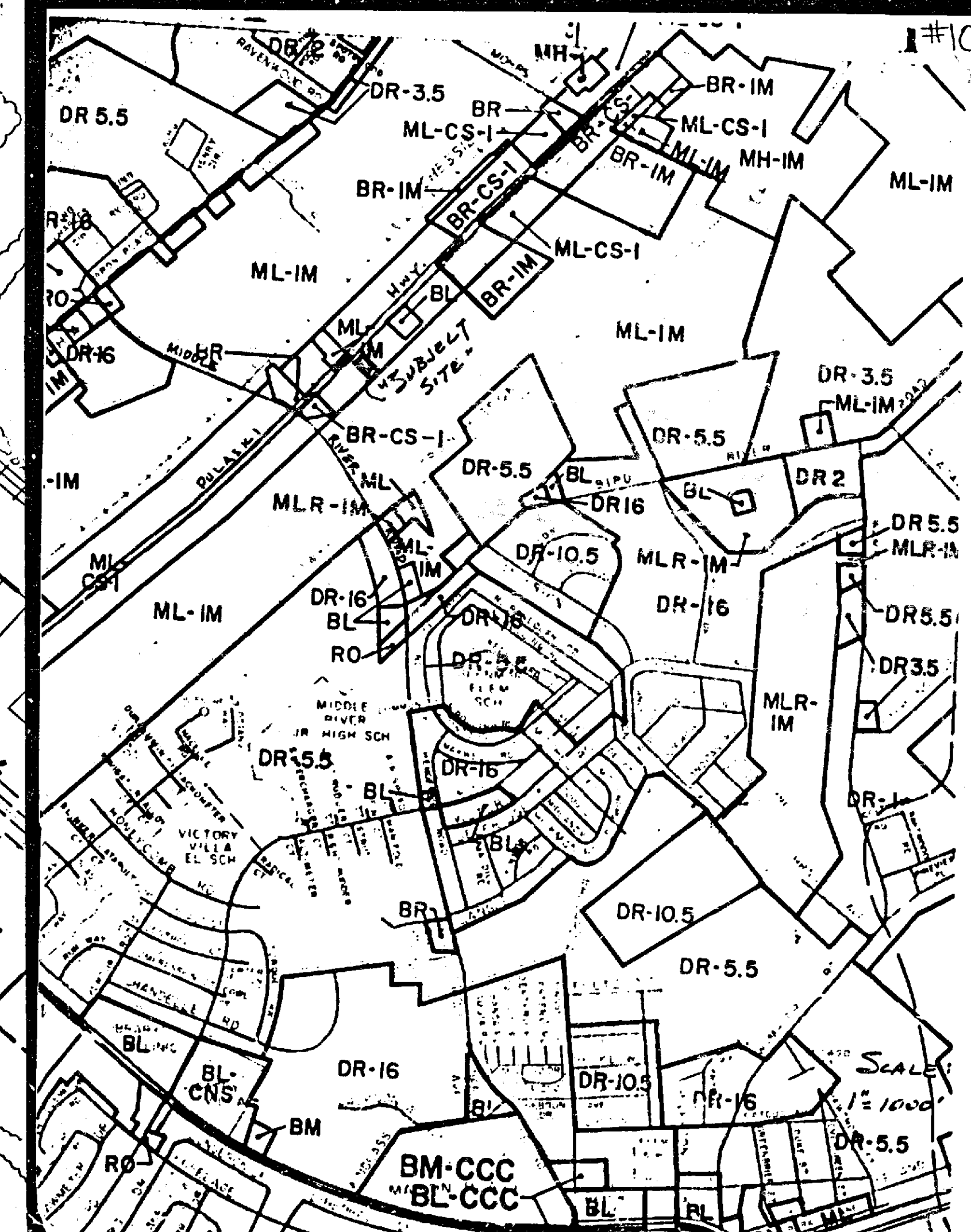
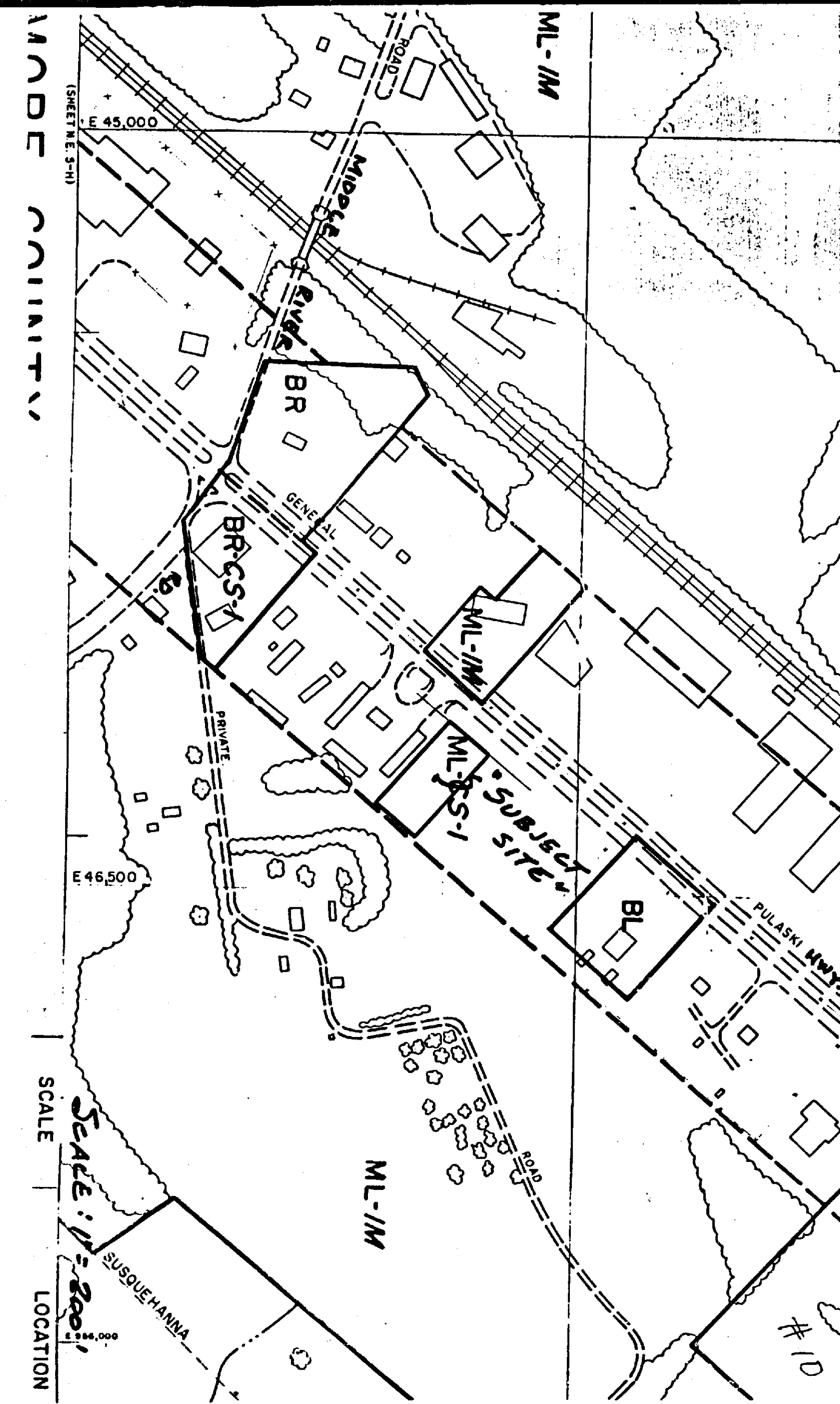
PROTESTANT(S) SIGN-IN SHEET

NAME: Pearl E. Engle ADDRESS: 9619 Pulaski Hwy - 21220
Melvin E. Engle 9619 Pulaski Hwy - 21220

MAXWELL R. COLLINS, II
ATTORNEY AT LAW
COLLINS & COLLINS, P.A.

(301) 563-7977

THE CHESAPEAKE BUILDING, SUITE 500
300 WEST CHESAPEAKE AVENUE
BALTIMORE, MARYLAND 21201



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
June 6, 1990

NOTICE OF POSTPONEMENT AND REASSIGNMENT

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

CASE NO. 90-158-A BROSNER CONTRACTORS, INC.
SE/3 Pulaski Hwy., 670' NE of c/l of Middle River Road
15th Election District; 5th Councilmanic District
VAR -side yard setback of 15' in lieu of 30'.
12/4/89 - Z.C.'s Order DENYING Petition.

which was scheduled for hearing on July 18, 1990 has been POSTPONED at the request of Counsel for Petitioner/Appellant and has been

REASSIGNED FOR: FRIDAY, AUGUST 31, 1990 at 1:00 p.m.

cc: S. Eric DiNenna, Esquire Counsel for Petitioner/Appellant
Brosner Contractors, Inc.
Maxwell R. Collins, II, Esquire
Melvyn & Pearl Engle
George J. Lambros, Sr.
F. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
February 9, 1990

NOTICE OF ASSIGNMENT

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

CASE NO. 90-158-A BROSNER CONTRACTORS, INC.
SE/3 Pulaski Hwy., 670' NE of c/l of Middle River Road
15th Election District; 5th Councilmanic District
VAR -side yard setback of 15' in lieu of 30'.
12/4/89 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: WEDNESDAY, JULY 18, 1990 at 10:00 a.m.

cc: S. Eric DiNenna, Esquire Counsel for Petitioner/Appellant
Brosner Contractors, Inc.
Maxwell R. Collins, II, Esquire
Melvyn & Pearl Engle
George J. Lambros, Sr.
People's Counsel for Baltimore County
F. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 25, 1989

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

S. Eric DiNenna, Esquire
P.O. Box 10508
Towson, MD 21285-0508

RE: Item No. 10, Case No. 90-158-A
Petitioner: Brosner Contractors, et al
Petition for Zoning 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. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. George J. Lambros, Sr.
Brosner Contractors, Inc.
528 D. Eastern Boulevard
Essex, MD 21112

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
26th day of August, 1989.

J. Robert Haines
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Brosner Contractors, Inc., et al

Petitioner's Attorney: S. Eric DiNenna

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 31, 1989
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Brosner Contractors, Inc., Item 10
Zoning Petition No. 90-158

The Petitioner requests Variance to permit a side yard of 15 feet.

A review of the site plan indicates that the Petitioner intends to improve a half acre lot with a 4000 sq. ft. building. A total of 23 parking spaces are indicated on the plan. Based upon an analysis of the plan, Staff offers the following comments and conditions, should the Petitioner's request be granted:

- Because site improvements cover nearly the entire lot area, landscaping should be provided beyond what is normally required.
- The back-up area adjacent to the east side property line should be reduced so that more landscaping can be provided.
- A fully enclosed dumpster site should be indicated on the plan.
- A note shall be included on the landscape plan indicating that any landscaping provided in the public right-of-way shall be maintained by the property owner.

A landscape plan should be submitted to the County Landscape Planner, Avery Harden, for approval prior to the issuance of any building permit.

Staff supports the Petitioner's request provided that site improvements are made at the Zoning Commissioner's discretion.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:ggl
ZP90/158

10/1/89 called Eric DiNenna's office and spoke to
Lynn for P.M. jw

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 17, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

RE: Baltimore County
Proposed Warehouse
Brosner Contractors
Incorporated
Zoning meeting 7/25/89
S/S Pulaski Highway
US 40 E
670' N/E of Middle River
Road
Item #10

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a sideyard of 15' in lieu of the required 30', we find the plan acceptable and will require a State Highway Administration (SHA) access permit be issued for the entrance improvements prior to issuance of building permits.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Charles Rose
Charles Rose, Acting Chief
Engineering Access Permits
Division

LB/es

cc: Paul Lee Engineering Inc.
Mr. J. Ogil

OCT 1 1989

My telephone number is (301) 333-1350

Teletypewriter for impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 3 1989
ZONING OFFICE

July 31, 1989

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 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Very truly yours,

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

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reincke
Chief

JULY 24, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BROSNER CONTRACTORS INC.
Location: SE/S OF PULASKI HIGHWAY
Item No.: 10 Zoning Agenda: JULY 25, 1989

Gentlemen:

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

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", 1988 edition prior to occupancy.

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

Fire Prevention Bureau

JK/KEK

2 of 100



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

HEARING ROOM -
Room 301, County Office Bldg.
(301) 887-3180
July 20, 1990

NOTICE OF POSTPONEMENT AND REASSIGNMENT

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

CASE NO. 90-158-A BROSNER CONTRACTORS, INC.
SE/s Pulaski Hwy., 670' NE of c/l of Middle River Rd.
15th Election District
5th Councilmanic District

VAR -side yard setbacks of 15' in lieu of 30'.

12/4/89 - Z.C.'s Order DENYING Petition.

which was scheduled for hearing on August 31, 1990 has been POSTPONED at the request of Counsel for Protestants/Appellees and has been

REASSIGNED FOR: TUESDAY, SEPTEMBER 18, 1990 at 1:00 p.m.

cc: S. Eric DiNenna, Esquire Counsel for Petitioner/Appellant
Brosner Contractors, Inc.
Maxwell R. Collins, II, Esq. Counsel for Protestants/Appellees
Melvyn & Pearl Engle
George J. Lambros, Sr.
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Lindalee M. Kuszmaul
Legal Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

January 8, 1990



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SE/S Pulaski Highway, 670' NE
C/l of Middle River Road
15th Election District, 5th Councilmanic District
Brosner Contractors, Inc. - Petitioner
Case No. 90-158-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on January 3, 1990 by S. Eric DiNenna, Esquire. All materials relative to the case are being forwarded herewith.

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

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner

JRH:jat

Enclosures

cc: S. Eric DiNenna, Esq. POB 10508, Towson, Md. 21285-0508
Maxwell R. Collins, III, Esquire, The Chesapeake Building
Suite 510, 305 W. Chesapeake Avenue, Towson, Md. 21204
Brosner Contractors, Inc., 528 D Eastern Blvd.; 21221
Melvyn & Pearl Engle, 9619 Pulaski Highway; 21220
George J. Lambros, Sr., 511 N. Woodward Dr.; 21221
Phyllis Cole Friedman, Esquire

Appeal Case No. 90-158-A
January 8, 1990
Page 2

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

1 August 1990

J. Robert Haines
Zoning Commissioner
for Baltimore County
Office of Planning & Zoning
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

RE: Petition for Zoning Variance
Brosner Contractors, Inc.
Case No. 90-158-A

Dear Commissioner:

I am requesting one complete copy of that portion of the hearing in the above matter that is on Tape # 234; 001 to 690.

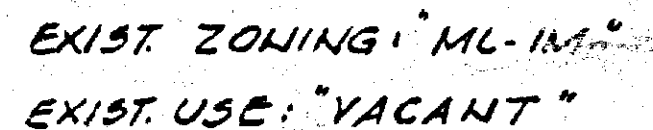
Thank you

Maxwell R. Collins

RECEIVED

AUG 1 1990

ZONING OFFICE



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 255-1 and 258-2 to permit a side yard of 15 feet in lieu of the original 30 feet.

1) Shape and proposed use of property

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.

Legal Owner(s):

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

S. ERIC DINENNA, Esquire

(Type or Print Name)

Signature

P.O. Box 10508

Address

Towson, Maryland 21285-0508

City and State

Attorney's Telephone No.: (301) 296-6820

Address (301) 296-6820 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 26 day

of 1989 that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

County, on the 19 day of Nov 1989.

at 10:00 a.m.

by J. Robert Haines, Jr.

Zoning Commissioner of Baltimore County

(over)

Paul La P.R.
 Paul La Engineering Inc.
 301 W. Pennsylvania Ave.
 Towson, Maryland 21204
 301-221-5341

DESCRIPTION

0.05 ACRE PARCEL

EAST SIDE PULASKI HIGHWAY - NORTH OF MIDDLE RIVER ROAD

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located on the east side

of Pulaski Highway, said point also being located N 49°00'00" E

670 feet ± from the center of Middle River Road; thence binding

on the east side of Pulaski Highway (1) N 49°00'00" E 100.00 feet,

thence leaving said east side of Pulaski Highway, (2) S 41°00'00"

E 217.50 feet, (3) S 49°00'00" W 100.00 feet, and (4) N 41°00'00"

W 217.50 feet to the point of beginning.

Containing 0.5 acre of land, more or less.

Engineers - Surveyors - Site Planners 6/27/78

RE: Case No. 90-158-A

Brosner Contractors, Inc.

Dear Mr. DiNenna:

Enclosed please find a copy of the final Opinion and Order

issued this date by the County Board of Appeals of Baltimore County

in the subject matter.

Sincerely,

Kathleen C. Weidenhammer

Administrative Assistant

encl.

cc: Maxwell R. Collins, II, Esquire

Brosner Contractors, Inc.

Mr. & Mrs. Melvyn Engle

Mr. George J. Lambros, Sr.

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315

111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

(301) 887-3180

October 10, 1990

S. Eric DiNenna, Esquire

DINENNA, MANN & BRESCHI

P.O. Box 10508

Towson, MD 21285-0508

RE: Case No. 90-158-A

Brosner Contractors, Inc.

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in the subject matter.

Sincerely,

Kathleen C. Weidenhammer

Administrative Assistant

encl.

cc: Maxwell R. Collins, II, Esquire

Brosner Contractors, Inc.

Mr. & Mrs. Melvyn Engle

Mr. George J. Lambros, Sr.

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING

111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

(301) 887-3180

October 10, 1990

S. Eric DiNenna, Esquire

DINENNA, MANN & BRESCHI

P.O. Box 10508

Towson, MD 21285-0508

RE: Case No. 90-158-A

Brosner Contractors, Inc.

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in the subject matter.

Sincerely,

Kathleen C. Weidenhammer

Administrative Assistant

encl.

cc: Maxwell R. Collins, II, Esquire

Brosner Contractors, Inc.

Mr. & Mrs. Melvyn Engle

Mr. George J. Lambros, Sr.

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

Lindalee M. Kuszmual

Legal Secretary

NOTICE OF POSTPONEMENT AND REASSIGNMENT

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REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN

STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL

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UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL

NO. 59-79.

CASE NO. 90-158-A

BROSNER CONTRACTORS, INC.

SE/s Pulaski Hwy., 670' NE of c/l of Middle

River Rd.

15th Election District

5th Councilmanic District

VAR -side yard setbacks of 15' in lieu of 30'.

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which was scheduled for hearing on August 31, 1990 has been POSTPONED at the

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REASSIGNED FOR: TUESDAY, SEPTEMBER 18, 1990 at 1:00 p.m.

cc: S. Eric DiNenna, Esquire Counsel for Petitioner/Appellant

Brosner Contractors, Inc. " "

Maxwell R. Collins, II, Esq. Counsel for Protestants/Appellees

Melvyn & Pearl Engle " "

George J. Lambros, Sr. " "

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

Lindalee M. Kuszmual

Legal Secretary

2/9/90 - Following parties notified of hearing set for Wed., July 18, 1990 at 10:00 a.m.:

S. Eric DiNenna, Esquire

Brosner Contractors, Inc.

Maxwell R. Collins, II, Esquire

Melvyn & Pearl Engle

George J. Lambros, Sr.

People's Counsel

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon

6/6/90 - Above parties notified of POSTPONEMENT and REASSIGNMENT to August 31, 1990

at 1:00 p.m. at the request of Counsel for Petitioner/Appellant.

7/20/90 - Above parties notified of POSTPONEMENT and REASSIGNMENT to September 18, 1990

at 1:00 p.m. at the request of Counsel for Protestants/Appellees.

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING

111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

(301) 887-3180

June 6, 1990

HEARING ROOM -

Room 301, County Office Bldg.

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT

REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN

STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL

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UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL

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CASE NO. 90-158-A

BROSNER CONTRACTORS, INC.

SE/s Pulaski Hwy., 670' NE of c/l of Middle

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15th Election District; 5th Councilmanic

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cc: S. Eric DiNenna, Esquire Counsel for Petitioner/Appellant

Brosner Contractors, Inc. " "

Maxwell R. Collins, II, Esquire

Melvyn & Pearl Engle

George J. Lambros, Sr.

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

Lindalee M. Kuszmual

Legal Secretary

DINENNA, MANN & BRESCHI

ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.

JAMES L. MANN, JR., P.A.

GEORGE A. BRESCHI, P.A.

GERALDINE A. KLAUBER

FRANCIS X. BORGKINDING, JR.

P.O. BOX 10508

TOWSON, MARYLAND 21285-0508

SUITE 600

MERCANTILE TOWSON BUILDING

409 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(301) 296-6820

TELEFAX (301) 296-6884

May 30, 1990

County Board of Appeals of

Baltimore County

County Office Building

111 W. Chesapeake Avenue

Towson, Maryland 21204

ATTN: Mr. William Hackett

Chairman

RE: Case No.: 90-158-A

Brosner Contractors, Inc.,

Petitioners

Dear Mr. Chairman:

I am in receipt of your notification to me indicating the

above-captioned matter is set for July 18, 1990 at 10:00 a.m..

This is to advise you that I have a prior commitment in Court on

that date and time sitting as a Master for the Circuit Court for

Baltimore County.

Accordingly, I must respectfully request a postponement of this

matter to a later date.

I appreciate and thank you for your cooperation in this matter

PP to 9/18/90
12 July 1990

COLLINS & COLLINS
ATTORNEYS AT LAW
THE CHESAPEAKE BUILDING, SUITE 510
305 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204-4475
(301) 583-7977

Mr. William Hackett
Chairman
County Board of Appeals
of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 90-158-A
Brosner Contractors, Inc.
Petitioner/Appellant

Dear Mr. Chairman:

I have received the notification indicating the above matter has been postponed and reassigned to Friday, August 31, 1990 at 1:00 p.m. at the request of the Petitioner/Appellant.

The reassessment date coincides with the Labor Day holiday weekend. The protestants/appellees, in addition to managing the Star Motel, own and operate the Holiday Motel in Cape Charles, Virginia. This weekend is the busiest of the summer season and the protestants/appellees must be on the premises in Cape Charles on the scheduled hearing date.

Accordingly, pursuant to Board Rule 2(b), I respectfully request a postponement and reassessment of the hearing to a later date. In the interest of all concerned, including witnesses, perhaps the reassessment can be scheduled and coordinated with the attorneys of record to avoid any further postponements.

Thank you for your consideration and cooperation in this matter.

Sincerely,
Maxwell R. Collins, II
Maxwell R. Collins, II
Attorney for Mr. & Mrs. Melvyn E. Engle
Protestants/Appellees

MRCII/bia

cc: S.E. DiNenna, Esq.
A. Jablon, County Attorney
M.E. P.L. Engle
file/0037-11-89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

January 8, 1990

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SE/S Pulaski Highway, 670' NE
C/1 of Middle River Road
15th Electoral District, 5th Councilmanic District
Brosner Contractors, Inc. - Petitioner
Case No. 90-158-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on January 3, 1990 by S. Eric DiNenna, Esquire. All materials relative to the case are being forwarded herewith.

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

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:jat
Enclosures

cc: S. Eric DiNenna, Esq. P.O. Box 10508, Towson, Md. 21204-0508
Maxwell R. Collins, III, Esquire, The Chesapeake Building
Suite 510, 305 W. Chesapeake Avenue, Towson, Md. 21204
Brosner Contractors, Inc., 528 D Eastern Blvd., 21221
Melvyn & Pearl Engle, 9619 Pulaski Highway; 21220
George J. Lambros, Sr., 511 N. Woodward Dr.; 21221
Phyllis Cole Friedman, Esquire

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 25, 1989

County Office Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

S. Eric DiNenna, Esquire
P.O. Box 10508
Towson, MD 21205-0508

RE: Item No. 10, Case No. 90-158-A
Petitioner: Brosner Contractors, et al
Petition for Zoning 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 that may have a bearing on this case. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

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

JED:jw
Enclosures

cc: Mr. George J. Lambros, Sr.
Brosner Contractors, Inc.
528 D. Eastern Boulevard
Essex, MD 21121

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 25, 1989

RE: Item No. 10, Case No. 90-158-A
Petitioner: Brosner Contractors, et al
Petition for Zoning 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 that may have a bearing on this case. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

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

JED:jw
Enclosures

cc: Mr. George J. Lambros, Sr.
Brosner Contractors, Inc.
528 D. Eastern Boulevard
Essex, MD 21121

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 17, 1989

RE: Baltimore County
Proposed Warehouse
Brosner Contractors
Incorporated
Zoning meeting 7/25/89
S/S Pulaski Highway
US 40 E
670' N/E of Middle River
Road
Item #10

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a sideyard of 15' in lieu of the required 30', we find the plan acceptable and will require a State Highway Administration (SHA) access permit be issued for the entrance improvements prior to issuance of building permits.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,
Charles Rose
Charles Rose, Acting Chief
Engineering Access Permits
Division

LB/es

cc: Paul Lee Engineering Inc.
Mr. J. Ogle

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 3 1989
ZONING OFFICE

July 31, 1989

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 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

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

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reincke
Chief

July 24, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BROSNER CONTRACTORS INC.
Location: S/S OF PULASKI HIGHWAY
Item No.: 10 Zoning Agenda: JULY 25, 1989

Gentlemen:

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

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", 1988 edition prior to occupancy.

Noted and Approved
Capt. M. J. Dwyer
Planning Group
Special Inspection Division

JK/KEK

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 10/18/89
Posted for: Variance
Petitioner: Brosner Contractors, Inc.
Location of property: S/S Pulaski Hwy, 670' NE of M.S.H. Rd. RA
Location of Sign: Facing Pulaski Hwy, across 18' E. roadway, on property of petitioner
Remarks: M. J. Dwyer
Posted by: M. J. Dwyer Date of return: 10/22/89
Number of Signs: 1

CERTIFICATE OF PUBLICATION
TOWSON, MD, Oct 13, 1989
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 Oct 12, 1989.

THE JEFFERSONIAN,
S. Zabe Orlean
Publisher

P017284
reg 1134235
cc 90-158-1
prio \$43.34

NOV-1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: October 31, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Brosner Contractors, Inc., Item 10
Zoning Petition No. 90-158

The Petitioner requests Variance to permit a side yard of 15 feet.

A review of the site plan indicates that the Petitioner intends to improve a half acre lot with a 4000 sq. ft. building. A total of 23 parking spaces are indicated on the plan. Based upon an analysis of the plan, Staff offers the following comments and conditions, should the Petitioner's request be granted:

- Because site improvements cover nearly the entire lot area, landscaping should be provided beyond what is normally required.
- The back-up area adjacent to the east side property line should be reduced so that more landscaping can be provided.
- A fully enclosed dumpster site should be indicated on the plan.
- A note shall be included on the landscape plan indicating that any landscaping provided in the public right-of-way shall be maintained by the property owner.

A landscape plan should be submitted to the County Landscape Planner, Avery Harden, for approval prior to the issuance of any building permit.

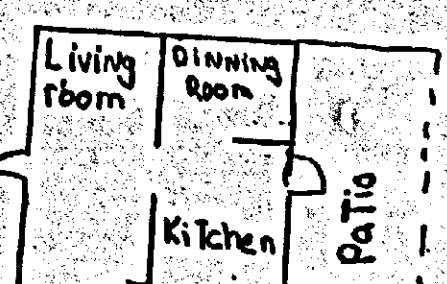
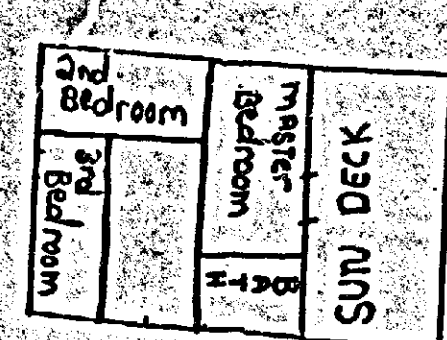
Staff supports the Petitioner's request provided that site improvements are made at the Zoning Commissioner's discretion.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:gg1
ZP90/158

10/1/89 called Eric DiNenna's office and spoke to
Sharon for P.M. jws
NOV 01 1989

2nd FLOOR



PROTESTANT'S
EXHIBIT 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1524
Posted for: Appeal
Date of Posting: 11/1/89
Petitioner: Brosner Contractors, Inc.
Location of property: 8015 Belair Ave., 670' NE/WASH. BLVD. RD.
Location of Sign: Facing Belair Ave., between 15' Fr. to Long ex.
Property of: P.M. jws
Remarks:
Posted by: J. Robert Haines
Date of return: 11/1/89
Number of Signs: 1

The Avenue Inc.
per publisher

NOTICE OF HEARING
The following is a notice of hearing on the petition for a zoning variance filed by Brosner Contractors, Inc. in the matter of Petition Case 90-158-A, for a variance from the minimum side yard setback of 15 feet to 10 feet for a proposed 4000 sq. ft. building on a half acre lot at 8015 Belair Ave., between Washington Blvd. and Long Ex. The hearing will be held on November 1, 1989, at 10:00 a.m. in the Zoning Hearing Board Room, 305 W. Chesapeake Avenue, Towson, Maryland 21204. The hearing will be open to the public and anyone wishing to appear should do so at least 48 hours before the hearing. The hearing will be held in the presence of the Zoning Commissioner and the Zoning Hearing Board. The hearing will be held in the presence of the Zoning Commissioner and the Zoning Hearing Board. The hearing will be held in the presence of the Zoning Commissioner and the Zoning Hearing Board.

CERTIFICATE OF PUBLICATION
Office of
THE AVENUE NEWS

AD Easom Bldg.
Baltimore, MD 21201
Oct. 12, 1989

THIS TO CERTIFY, that the enclosed advertisement of Brosner Contractors, Inc. in the matter of Petition Case 90-158-A, for a variance from the minimum side yard setback of 15 feet to 10 feet for a proposed 4000 sq. ft. building on a half acre lot at 8015 Belair Ave., between Washington Blvd. and Long Ex. was published in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for successive weeks before the day of Oct. 12, 1989. It is to say, the same was inserted in the issue of Oct. 12, 1989.



Dennis F. Rasmussen
County Executive

Deed, Made this 23rd day of March

year one thousand nine hundred and seventy-four, by and between
GEORGE E. ENGLE and BLANCHE E. ENGLE, his wife,
Baltimore County, in the State of Maryland, of the first part, and
MELVIN E. ENGLE and PEARL L. ENGLE, his wife,

is second part.

Witnesseth, That in consideration of the sum of Five (\$5.00) Dollars, in hand paid, and in good and valuable consideration, the receipt of which is hereby acknowledged,

said GEORGE E. ENGLE and BLANCHE E. ENGLE, his wife,

grant and convey unto the said MELVIN E. ENGLE and PEARL L. ENGLE, his wife, as ante by the entirety, their assigns, and to the survivor of them, his or her

as second part.

Witnesseth, That in consideration of the sum of Five (\$5.00) Dollars, in hand paid, and in good and valuable consideration, the receipt of which is hereby acknowledged,

said GEORGE E. ENGLE and BLANCHE E. ENGLE, his wife,

grant and convey unto the said MELVIN E. ENGLE and PEARL L. ENGLE, his wife, as ante by the entirety, their assigns, and to the survivor of them, his or her

as second part.

Witnesseth, That in consideration of the sum of Five (\$5.00) Dollars, in hand paid, and in good and valuable consideration, the receipt of which is hereby acknowledged,

said GEORGE E. ENGLE and BLANCHE E. ENGLE, his wife,

grant and convey unto the said MELVIN E. ENGLE and PEARL L. ENGLE, his wife, as ante by the entirety, their assigns, and to the survivor of them, his or her

as second part.

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grant and convey unto the said MELVIN E. ENGLE and PEARL L. ENGLE, his wife, as ante by the entirety, their assigns, and to the survivor of them, his or her

as second part.

PROTESTANT'S
EXHIBIT 1A

LIBRARY 437 PAGE 69

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alloys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

MELVIN E. ENGLE and PEARL L. ENGLE, his wife, as tenants by the entirety, their assigns, and to the survivor of them, his or her

heirs and assigns, in fee simple.

And the said parties of the first part hereby certify that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and they will execute such further assurances of the same as may be requisite.

Witness his hands at 1400 of said quarter.

TEST:

George E. Engle (SEAL)
Blanche E. Engle (SEAL)

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this 23rd day of March

In the year one thousand nine hundred and seventy-four, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, aforesaid,

personally appeared GEORGE E. ENGLE and BLANCHE E. ENGLE, his wife,

the above named grantors and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

Rec'd for record APR 10 1974 at 12:29 P.M.
For Elmer H. Kahline, Jr., Clerk
Mail to Baltimore County
Receipt No. 900

90-158A Protestants #2

DONALD D. SMITH
Principal Architect

Education: University of Cincinnati - 1968
B.S. in Architecture

Professional Registration: Maryland (1972) 2822-A
Virginia (1978) 4184
Delaware (1980) 3072
Washington, DC (1980) 3092
West Virginia (1989) 2342

Career Affiliations: Smith Architects 1990
Lapicki-Smith Associates 1974-1990
Tatar & Kelly, Inc. 1965-1974
RTKL, Inc. 1964-1965
BURMA 1962-1964

Professional Affiliations: American Institute of Architects
Maryland Society of Architects
Kiwanis
Neighborhood Design Center

Publications and Broadcasts: "Food Distribution Center for Baltimore Maryland"
Ohio Architect, Fall, 1968
"The Old Houseworks"
TV appearance for AIA, 1979

Prior Projects of Note: Towson Area Branch Library
Waxter Center for Senior Citizens
Catonsville Senior Center
Howard County General Hospital
Fallston Hospital
Main Post Office - Baltimore City
Ellis City Post Office
Real Estate Board Office Building
Towson State College Administration Building
McDonough Crossroads Office Park
One Market Center
Lake Falls Village

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

RENOVATIONS

- Aberdeen Hall
- Clement Special Education Addition
- U.M. Mill Building Renovation
- U.M. Handicapped Accessibility
- Lowndes Hall
- U.M. Western Maryland Research and Education Center
- U.M. Central Maryland Research and Education Center
- Naval School of Health Sciences
- Perry Point VA Hospital
- City Hospital Wing A-2
- Meyer Building
- Gowans Multi-Purpose Center
- City Hospital CSC Unit
- Ward 5 West - Philadelphia VAMC
- Fort Howard Buildings 225 and 51
- Proctor Community Health Center
- Pharmaceuticals Laboratory, Inc.
- SAFT America, Inc.
- Westinghouse Clean Room
- One Market Center
- Wayne Heights Hall
- University Mews
- Vermont Federal
- Tyler's Country Club
- The Professional Center
- Goddard System Reliability Addition
- Charles & Leslie
- Murdoch Place
- 321 York Road
- Waverly Terrace
- Tanner Station
- Lynwood Court
- Charles at Woodbrook
- Work Release Housing
- A Place for Us
- WATCO Multi-Purpose Center
- C'Dominory
- Arundel Lodge
- 315 Calverton
- 2101 Boone Street
- Pleasant Grove Baptist Church
- Channing House
- Oakland Artery
- Arena Playhouse
- Amunition Cultural Center

S. Eric DiNenna, Esquire
P.O. Box 10508
Towson, Maryland 21285-0508

RE: Petition for Zoning Variance
Case #90-158-A
Brosner Contractors, Inc.
Petitioner

Dear Mr. DiNenna:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.

cc: Peoples Counsel

cc: Maxwell R. Collins, III, Esquire
The Chesapeake Building, Suite 510
305 W. Chesapeake Avenue
Towson, Maryland 21204