BEFORE THE DEPUTY ZONING COMMISSIONER

Michael L. Greenwalt, et ux Petitioners

. OF BALTIMORE COUNTY

. Case No. 90-378-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 89-386-SPH to reduce the area of the nonconforming use of the subject property for a contractors equipment storage yard and business operation, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 3426 Chapman Road, consists of a double lot containing approximately 1.042

acres zoned D.R. 3.5. Said property was the subject matter of previous Case No. 89-386-SPH in which Petitioners were granted approval of a nonconforming use of all of lot I and the rear portion of Lot 2 as a contractors equipment storage yard, subject to restrictions. Petitioners are desirous of reducing the size of the nonconform ag use proviously granted to limit such use to Lot 1, and developing Lot 2 with a single family dwelling and using same for residential purposes only. Testimony indicated Petitioners have removed 'he buildings which previously existed to the rear of Lot 2, including the storage and office buildings associated with the paving contractors business and the dog pen area. Petitioners testified they intend to plant grass in the rear portion of Lot 2 where the buildings and dog pen area once stood. Testimony indicated the relief requested will

not result in any detriment to the health, safety or general welfare of the surrounding community.

> 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. In addition, 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.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this May of April, 1990 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 89-386-SPH to reduce the area of the nonconforming use of the subject property for a contractors equipment storage yard and business operation, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Fetitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The special hearing granted herein is limited to the nonconforming use of Lot 1 only. Further the restrictions and conditions of the nonconforming use granted in Case No. 89-386-SPH shall remain in full force and effect.

3) Lot 2 is permitted to be developed with a single family dwelling as proposed for residential uses only and shall be developed in compliance with all County building code requirements.

4) Petitioners shall comply with the requirements of the Zoning Plans Advisory Committee as set forth in the comments submitted hereto and adopted in their entirety.

5) Petitioners shall submit a landscaping plan for approval by the Deputy Director of Planning and the Baltimore County Landscape Planner. Said plan shall provide for adequate screening between Lots 1 and 2.

6) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order. Further, both plans shall set forth and address the restrictions and conditions contained in the Order issued in Case No. 89-386-SPH.

C- MNosternin

AMN:bis

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: March 1, 1990

Pat Keller, Deputy Director

Office of Planning and Zoning SUBJECT: Michael L. Greenwalt, Item 236

The Petitioner requests a Special Hearing to amend the site plan submitted in Case No. 89-386.

In reference to the Petitioner's request, staff offers the following comments:

- Previously, the Petitioner filed a petition for Special Hearing to establish a nonconforming use of a contractors equipment storage yard and the operation of a business use in a residential zone. The Petitioner's request was granted on March 31, 1989, with restrictions. (Case No. 89-386-SPH)
- Planning staf? provided comments regarding the previous case on March 20, 1989. (See attached)

Should the Petitioner's current request be granted, staff offers the following conditions:

- The rear portion of Lot 2 should be cleared of all macadam paving prior to the issuance of any building permits.
- A screening buffer between Lots 1 and 2 should be reviewed and approved by the County landscape planner.

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/cmm

MAR C 5 1990

BALTIMORE COUNTY, MARIEAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Date_ March 20, 1989 TO Zoning Commissioner

Pat Keller, Deputy Director FROM Office of Planning and Zoning

Michael Greenwalt SUBJECT Zoning Petition No. 89-386-SPH

The petitioner is requesting the establishment of a non-conforming use of a contractors' equipment storage use in a residential zone. In reference to this request, staff provides the following information:

- . Staff was unable to complete an on-site visit to the petitioner's property due to restricted access. Planning issues regarding these types of nonconforming uses include the following:
- destabilization of residential community It appears as if the applicant's turn around extends onto Carriage Hill Village (Liberty Road Associates property).
- buffer problems adequate landscaping and buffering should be provided between adjoining properties.
- noise, visual obstruction, interior maintenance, odors, etc. The proposed use should be carefully regulated.

If this petitioner's request is granted, staff recommends the following conditions be applied:

- The petitioner shall restrict all use to the confines of the property.
- · A screening buffer consisting of fencing and landscaping shall be reviewed and approved by the County Landscape Planner.
- * The special exception shall only apply to the petitioner and this particular use shall not be transferrable to any other owners.
- * The hours of operation shall be limited to 7:00 a.m. and 10:00 p.m. which are compatible with residential uses. . The petitioner shall be limited to uses and arcas as shown on the site

plan. Any substantial deviation from the plan shall necessitate in the

need for an additional hearing. * Any lighting provided on site for the non-conforming use shall not exceed .2 candles at the property line and be directed away from adjoining

Beltimore County Department of Permits & Licenses 111 West Chesapeake Avenue Towson, Maryland 21204 (301) 887-3610 Ted Zaleski, Jr.

FEBRUARY 7, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Towson, MD 21204

FEB 1 2 1980

Location:

RE: Property Owner:

MICHAEL L. GREENWALT, ET UX

NW/S OF CHAPMAN ROAD

Item No.: 236

Zoning Agenda: FEBRUARY 13, 1590

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.

Approved Captain W. F. Brody Lel REVIEWER: Cett Goeth Killy 2-10-90 Fire Prevention Bureau

JE/KEK

Special Inspection Division

Dannis F. Rasmussen County Executive

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

April 18, 1990

Mr. & Mrs. Michael L. Greenwalt 3426 Chapman Road Randallstown, Maryland 21133

RE: PETITION FOR SPECIAL HEARING NW/S of Chapman Road, 761' SW of Liberty Road (3426 Chapman Road) 2nd Election District - 2nd Councilmanic District Michael L. Greenwalt, et ux - Petitioners Case No. 90-378-SPH

Dear Mr. & Mrs. Greenwalt:

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 887-3391.

Very truly yours,

Q- MN-t-12.5 ANN M. NASTAROWICZ

Deputy Zoning Commissioner

for Baltimore County

Dennis F. Resmuseer

AMN:bjs

cc: People's Counsel

File

Preperty is to be posted and I, or we, agree to pay expenses of the si-ing of this Petition, and further agree to am-tions of Beltimore County adopted pursuant Contract Purchaser (Type or Print Name) City and State (Type or Print Name) City and State

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

described in the	e description an under Section	d plat attached by 100.7 of the Baltim	reto and mad ore County 2	e a part hereof, è oning Regulations	seraby petition for a s, to determine who- uld approve
ther or not the	Zoning Commis	sioner and/or Del	oucy zonung C	2 27 . L.2.7	and obligate
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dvertised as prescribed by Zoning Regulations.	WAR NOW THE
the above Special Hearing advertising, posting, etc., to and ere to be bound by the zoning regulations and	retrie 02

Logal Owner(s):

	(Type or Print Masse) 000
-	Mula P Sycemory
2.202	MANCY J. GREENWALT
5175	Marcy & Locaruvalt

3426 CHAPMAN RS 922.4795

Attorney for Petitioner:

City and State tract purchaser or representative to be contacted

MicHael Namey Greawart Attorney's Talephone No .: 3426 (Hapman Al Par DAIISTONN PO 21133

922.4795

JANK- 1/17/10 col. time -45 mins avel another

SCO-WAI

1/2/14

William F. Doyle Professional Land Surveyor 5440 5312 Emerald Drive Sykusville ,Md. 21704 (301) 795-2210

December 26,1989

Description of Michael L.Greenwalt and Nancy J. Breenwalt his wife, property for special exception for parking schicles on property known as 1426 Chepman Road, in the 2nd Election District of Baltimore County, Maryland.

Beginning for the same at a point on the northwest side of Chapman Frad,761 ft. southwest of Liberty Road (Route 26),(1) S 36°30'00"W 165.00 ft. (2) N 53°30'00"W 300.00 ft.(3) N 36°30'00"E 165.00ft.,(4) S53°30'00"E 100.00ft.to the place of beginning.Containing 49500 SD.FT.on 1.137 acres of land more or lass.



William E. Doyle Professional Land Surveyor 8440 PLEASE PRINT CLEARLY MICHAEL L. GREENWALT Nancy J. Greenwalt

PETITIONER(S) SIGN-IN SHEET

William &. Doyle SSIE EMERALD DRIVE SYNESVILLE, MARYLAND 21784 PHONE (SH) 788-2210 EQUIP. STORAGE AREA THE WERKER AREA SEWEMAGE EXISTING BLACKTOP SWIMMING POOK PALE. HEE HA STATE PROP.D EMSTING EXISTING DWLG. 1158.00 3121 WLG. HOUSE M LINUSOD H. GREENWALT STUR PROPERTY CREEHWALT

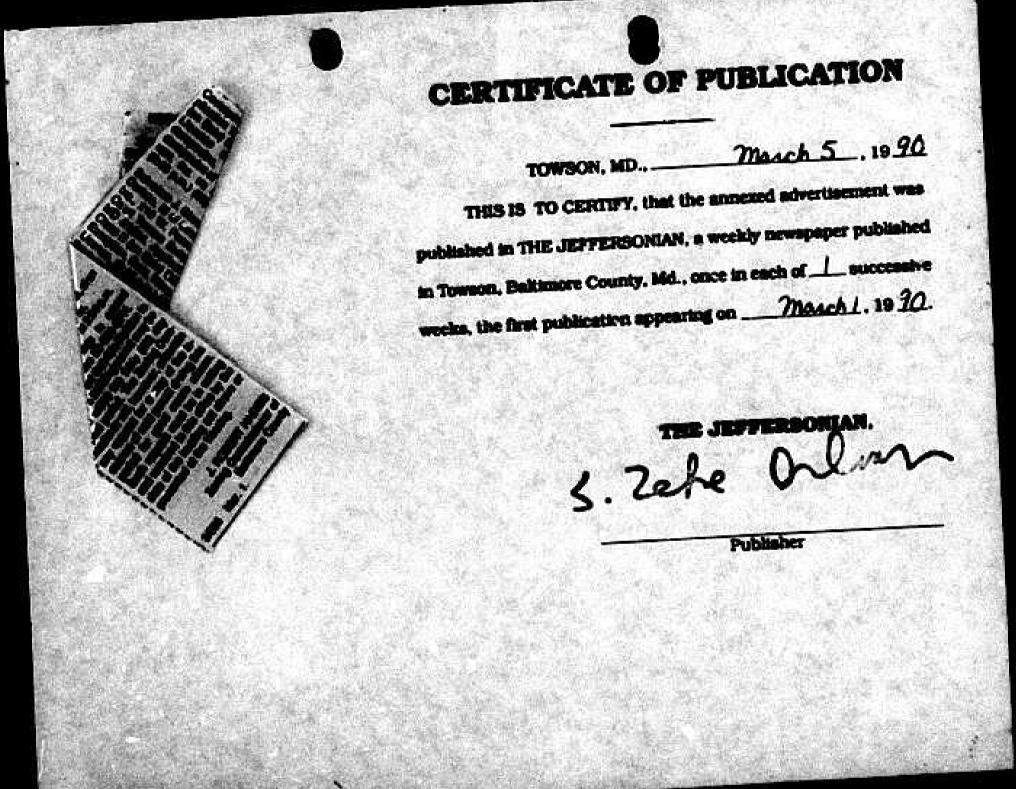
HANCY J. GALLINWALT HIS VAFE

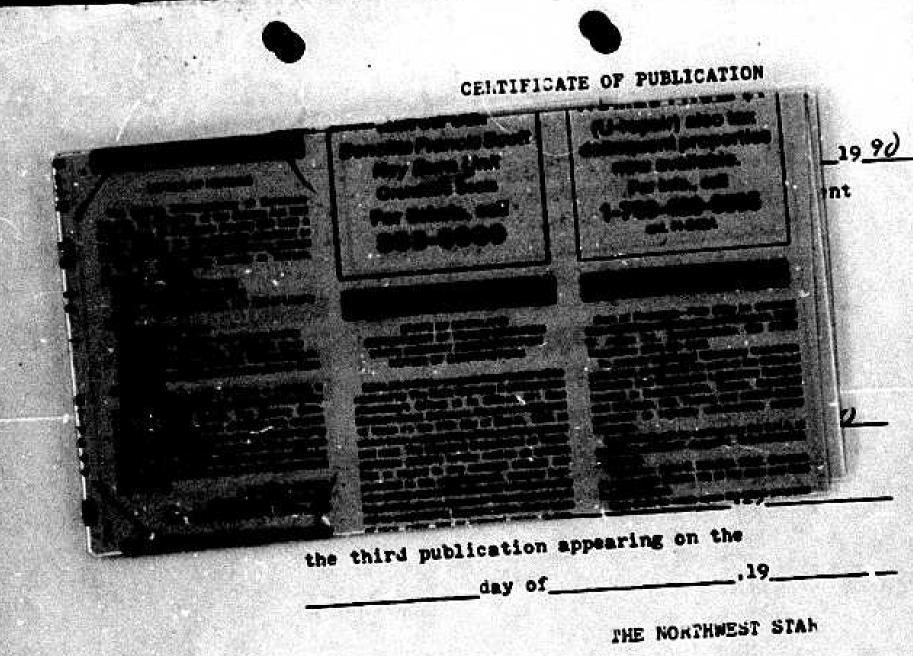
TAX PROPERTY NO. 5 02-07-590-190 62-07-500-171 02-07-580-192

APPHOVED: DIRECTOR OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGENT

NANCY J. GRUENWALT HIS WIL BALTIFIORE COUNTY MARYLAND SCALE: 1" 40" PRAWHI DECEMBER 4,1169







BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING SIGNATURE AND CERTIFICATION BLOCK

1. I certify that this Finel Landscape Flan meets all requirements (check where appropriate):

- Baltimore County Landscape Manual
- Office of Planning Zoning CRG or Waiver No.
- Special Exception/Hearing/Variance No. 90 = 378 5 PH
- Rezoning, Documented Site Plan No. Landscape Architect's Signature L.A.'s Name (please print)

"I certify that I have reviewed this Final Landscape Plan, that I am aware of the regulations presented in the Baltimore County Landscape Hanuel, and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to implement this plan and certify to Beltimore County its implementation within

this plan and certify to some year of approval."

Michael J. L. CRESSONST

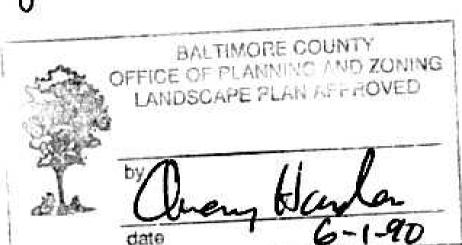
Date Owner's Name (please print) 3426 CHARMAN RD RANDAUSTING MD

State

Zip

BEVIEWED BY:

Address



90-378-SPH Date of Posting 3-7-90 man 2nd Special Thearing In ichal I Grenwelt et ux and word NW/S of Chapman Roal 761'SW of Rod (3426 Chapman Pred) of suffect property - Loto 1+2

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 2120! (301) 887-3353

February 14, 1990

NOTICE OF HEARING

The Zoning Commissioner of Beltimore County, by authority of the Zoning Act and Regulations of Beltimore County will hold a public hearing on the property identified herein in Moom 108 of the County Office Building, located at 111 W. Chesepeaks Avenus in Touson, Maryland as

Petition for Special Hearing CASE NUMBER: 90-378-SPH MM/S of Chapman Road, 761' SW of Liberty Road 2nd Election Pistrict - 2nd Councilments Petitioner(s): Richael L. Greenwalt, et ux HEARING: FRIDAY, MARCH 30, 1990 at 2:00 p.m.

Special Hearing to amend site plan in Case 80-386-SPH.

BALTIMORE COLINIY, MARYLAND

MICHAEL + MANLY GREENWALT

3426 + 3428 CHAPMAN RD

RANDALL STOWN, MD 21133

RANDALL STOWN, MD 21133

Mocos W0005 STORME YARIT PROPUSED HOUSE OWNER OWNER , NAN GROENWILL MAN GREENWALT

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

> > DATE 3/13/98

Mr. & Mrs. Michael ! . Greenwalt 3426 Chapman Road Randellstown, Maryland 21133

J. Robert Haines Soring Commissioner

See Petition for Special Hoaring CASE NUMBER: 90-378-SPH Mai/S of Chapman Road, 761' 5W of Libert; Road 2nd Election District - 2nd Councilmanic Petitioner(s): Michael L. Greenwalt, et ux HEARING: FRIDAY, MARCH 30, 1990 at 2:00 p.m.

Dear Mr. & Mrs. Greenwalts

Please be advised that \$87.17 is due for advertising and posting of the above captioned property.

THE ZONING SIGN & POST SET(S)

BlockADE

8'APATT.

4 High

Lence-

3/30/00 LAST NAME OF OWNER: GREENWALT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: March 1, 1990

Pat Keller, Deputy Director Office of Planning and Zoning

Michael L. Greenwalt, Item 236

The Petitioner requests a Special Hearing to amend the site plan submitted in Case No. 89-386.

In reference to the Petitioner's request, staff offers the following comments:

- Previously, the Petitioner filed a petition for Special Hearing to establish a nonconforming use of a contractors equipment storage yard and the operation of a business use in a residential zone. The Petitioner's request was granted on March 31, 1989, with restrictions. (Case No. 89-386-SPH)
- Planning staff provided comments regarding the previous case on March 20, 1989. (See attached)

Should the Petitioner's current request be granted, staff offers the following conditions:

- The rear portion of Lot 2 should be cleared of all macadam paving prior to the issuance of any building permits.
- A screening buffer between Lots 1 and 2 should be reviewed and approved by the County landscape planner.

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/cmm

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



Your petition has been received and accepted for filing this 14th day of February, 1989.

> Robert Haires ZONING COMMISSIONER

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Date March 20, 1989 TO Zoning Commissioner

Pat Keller, Deputy Director FROM Office of Planning and Zoning

Michael Greenwart

SUBJECT Zoning Petition No. 89-386-SPH

The petitioner is requesting the establishment of a non-conforming use of a contractors' equipment storage use in a residential zone. In reference to this

- request, staff provides the following information: * Staff was unable to complete an on-site visit to the petitioner's property due to restricted access. Planning issues regarding these types of non
 - conforming uses include the following: - destabilization of residential community - It appears as if the applicant's turn around extends onto Carriage Hill Village (Liberty
 - Road Associates property). - buffer problems - adequate landscaping and buffering should be provided between adjoining properties.
 - noise, visual obstruction, interior maintenance, odors, etc. The proposed use should be carefully regulated.

If this petitioner's request is granted, staff recommends the following conditions be applied:

- · The petitioner shall restrict all use to the confines of the property.
- · A screening buffer consisting of fencing and landscaping shall be reviewed and approved by the County Landscape Planner.
- . The special exception shall only apply to the petitioner and this particular use shall not be transferrable to any other owners.
- * The hours of operation shall be limited to 7:00 a.m. and 10:00 p.m. which are compatible with residential uses.
- The patitioner shall be limited to uses and areas as shown on the site plan. Any substantial deviation from the plan shall necessitate in the need for an additional hearing.
- · Any lighting provided on site for the non-conforming use shall not exceed .2 candles at the property line and be directed away from adjoining properties.

PK/sf

BALTIHORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT



Zoning Commissioner office of Planning and Zoning County Office Building Zoning Item 1 236, Zoning Advisory Committee Meeting of February 13, 1990 Property Owner: Michael L. Granus H, ct ux Location: Maks of Chapman Rd. 761 5W of Liberty Rd. District: Z COMPRETS ARE AS FOLLOWS:

- Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed feed service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final teview and approval. () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality
- Hanagement, 887-3775, to obtain requirements for such installation(s) before work begins.
-) A permit to construct from the Bureau of Quality Hanagement is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- A permit to construct from the Euremu of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- Prior to approval of a Puilding Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mentel Hygiene for
- Prior to any new construction or substantial alteration of public owimming pool, wading pool, bathhouse, saunes, whirlpools, hot tube, water and severage facilities or other appurtecances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations For more complete information, contact the Division of Maternal and Child Health.
- If lubrication work and oil changes are performed at this location, the mathod providing for the elimination of weste oil must be in accordance with the State Department of the Environment.
- Prior to razing of existing structure(s), petitioner must contact the Division of Waste Hanagement at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775. Any shandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the
- contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandorment, owner must contact the Division of Waste Management at 887-3745.
- () The results are valid until Aprend /5 /992.

 () Soil percolation test results have expired. Petitioner should contact the Division of Water () Soil percolation tests, have been _____, sust be ____, conducted. and Sever to determine whether additional tests are required.
- Where water wells are to be used as a source of water supply, a well meeting the minimum , County Standards must be drilled. In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
- () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approved of Bailding Permit Applications.
- Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-
- If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be solwitted. For more information contact the Division of Environmental Management
- In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Haryland and Baltimore County. If there are my questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

	- TANK	111
	BUREAU OF SATT	O CHILLTY AND RESOURCE
	A BOLEVO OF MATE	WMCENEDICT

Baltimore County Department of Permits & Licenses 111 West Chesapeake Avenue Towson, Maryland 21204 (301) 887-3610

Ted Zaleski, Jr.

J. Robert Haines

TOWSON, MD 21204

FEBRUARY 7, 1990

Dennis F. Rasmussen

Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

MICHAEL L. GREENWALT, ET UX RE: Property Owner: NW/S OF CHAPMAN ROAD Location:

Zoning Agenda: FEBRUARY 13, 1990 Item No.: 236

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.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

The Developers Engineering Division has reviewed

the subject zoning items and we have no comments for

Zoning Advisory Committee Meeting

DATE: March 5, 1990

ROBERT W. BOWLING, P.E., Chief

Developers Engineering Division

Approved Castam W. Brody tell REVIEWER: COST Coult Killy 210-90 Special Inspection Division

JK/KEK

FEB 1 2 1980

TO: Zoning Advisory Committee

FROM: Robert W. Bowling, P.E.

for February 13, 1990

Items 229, 235, 236, 238, and 239.

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

J. Robert Hoises Smirg Constitutor

3426 Chapman Road

Randallstown, MD 21133

March 15, 1990

Petition for Special Hearing

RE: Item No. 236, Case No. 90-378-SPH Petitioner: Michael Greenwalt, et ux

Dear Mr. & Mrs. Greenwalt:

Mr. & Mrs. Michael L. Greenwalt

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. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

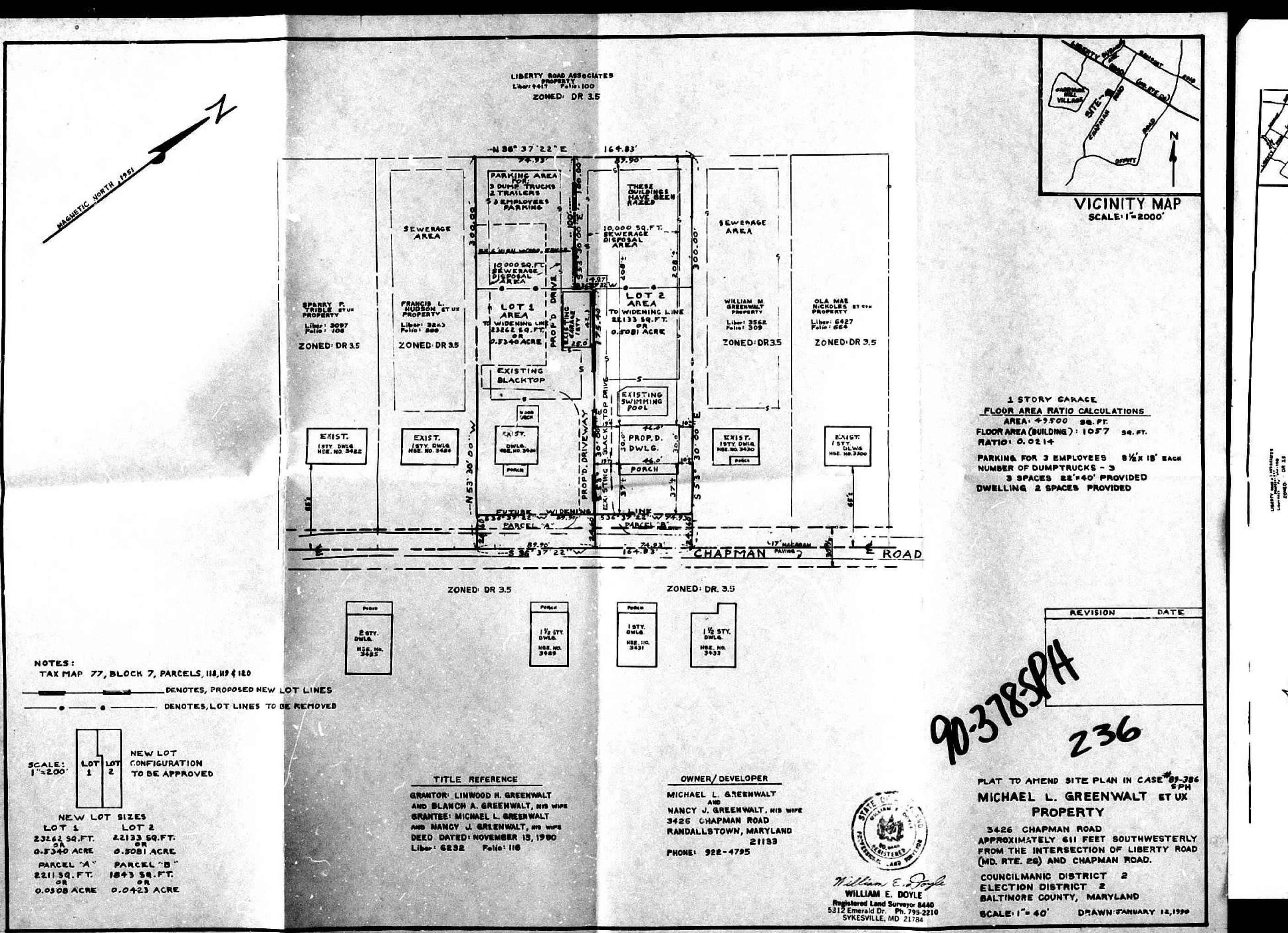
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing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

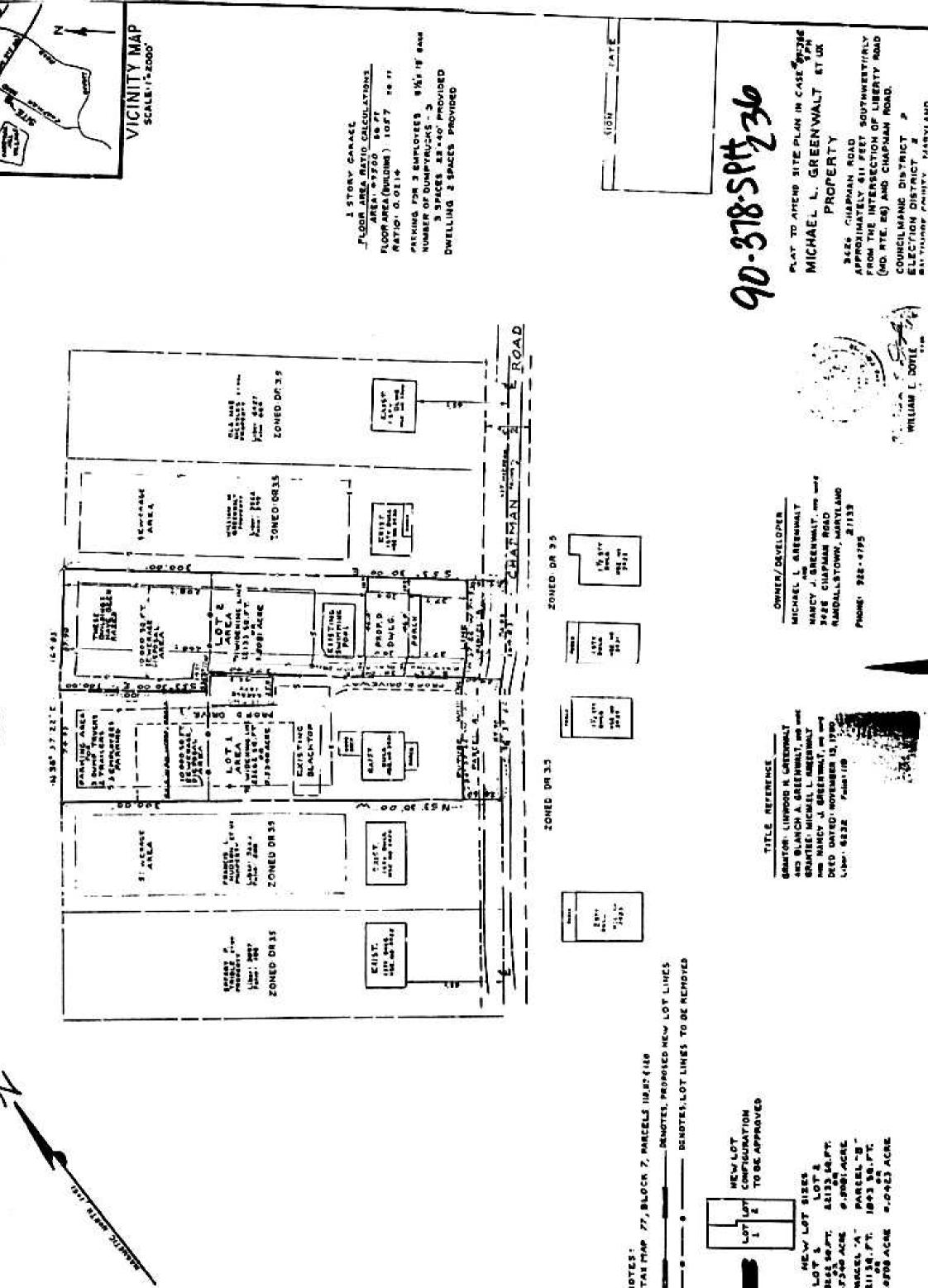
IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED: jw

Enclosures





FILE NO. 753