

IN THE MATTER OF * BEFORE THE
ALVIN H. PARLETT, ET UX * COUNTY BOARD OF APPEALS
NW/s Earls Beach Road * FOR BALTIMORE COUNTY
1004 Earls Beach Road *
15th Election District * Case No. 91-450-SPH
5th Councilmanic District *
* * * * *

SUBPOENA DUCES TECUM

Please issue a Subpoena for the following person to appear and testify before the County Board of Appeals for Baltimore County on Tuesday, May 19, 1992, at 10:00 a.m. to testify for the Protestants before the County Board of Appeals for Baltimore County, Hearing Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, 21204:

FRANK DIMEGLIO, Inspector
Office of Zoning Enforcement
111 West Chesapeake Avenue
Towson, Maryland 21204

and to bring with him all files relative to the subject property.

MICHAEL P. TANCZYN, ESQ.
Attorney for the Protestants
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
Telephone: (410) 296-8823

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

ROLAND PARLETT and * BOARD OF APPEALS
ALVIN PARLETT & SON * CASE NUMBER:
Appellants *
* * * * *

SUBPOENA DUCES TECUM

William T. Hackett, Chairman:

Please issue a subpoena *duces tecum* for CHARLES K. WEISS, Chief of The Department of Sanitation, Baltimore County, in the above-captioned case, to appear at a hearing on the 15 day of May, 1992 at 10 o'clock, and bring with him all records pertaining to trash hauling with respect to Roland Parlett and Alvin Parlett & Son.

JOHN B. GONTRUM, Esquire
ROMADKA, GONTRUM & McLAUGHLIN
814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274

SERVED on this 6 day of
MAY, 1992.

JOHN B. GONTRUM, Esquire
COUNTY BOARD OF APPEALS

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

ROLAND PARLETT and * BOARD OF APPEALS
ALVIN PARLETT & SON * CASE NO: 91-450-SPH
Appellants *
***** SUBPOENA *****

William T. Hackett, Chairman:

Please issue a subpoena for David Flowers, Baltimore County, Office of Planning and Zoning, in the above captioned case, to appear at a hearing on the 19th day of May, 1992 at 10 o'clock, and bring with him all records pertaining to trash hauling with respect to Roland Parlett and Alvin Parlett & Son.

JOHN B. GONTRUM, Esquire
ROMADKA, GONTRUM & McLAUGHLIN
814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274

SERVED on this 19 day of
MAY, 1992.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 30, 1991

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

RE: Petition for Special Hearing
NW/s Earls Beach Road
(1004 Earls Beach Road)
15th Election District, 5th Councilmanic District
ALVIN H. PARLETT, ET UX - Petitioner
Case No. 91-450-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 18, 1991, by Richard E. McNally, Protestant. In addition, please note that Michael P. Tanczyn has been retained to represent Earl's Beach Improvement Association in this matter. 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,

Lawrence E. Schmidt
Zoning Commissioner

LES:cer

Enclosures

cc: Mr. & Mrs. Alvin H. Parlett
1004 Earls Beach Road, Baltimore, MD 21220

John O. Hennegan, Esquire - Romadka, Gontrum & Hennegan
814 Eastern Boulevard, Baltimore, MD 21221

Appeal Cover Letter - Case No. 91-450-SPH
ALVIN H. PARLETT, ET UX
September 30, 1991
Page 2

Richard E. McNally - Earl's Beach Improvement Association
6864 Leslie Road, Baltimore, Maryland 21220

Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue, Towson, Maryland 21204

Joseph S. Parlett, 2611 McComas Avenue, Baltimore, MD 21222

Louis G. Davis, 1018 Carroll Island Road, Baltimore, MD 21220

Charles & Carolyn Carnes - 6800 Leslie Road, Baltimore, MD 21220

George & Brigid Willinger - 6832 Leslie Road, Baltimore, MD 21220

Delores Kelley - 1020 Earl's Beach Road, Baltimore, MD 21220

Vincent Sansone - 6856 Leslie Road, Baltimore, MD 21220

Richard and Wendy McNally - 6860 Leslie Road, Baltimore, MD 21220

Bernie and Madeline Robier - 6864 Leslie Road, Baltimore, MD 21220

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

File

ALVIN H. PARLETT, ET UX #91-450-SPH
NW/s of Earls Beach Road 10th Election District
(1004 Earls Beach Road) 15th Councilmanic District

SPH - non-conforming use for the operation of a contractor's equipment storage yard, the operation of a trucking facility Class 2, the operation of a business from a residence and storage of commercial vehicles.

June 6, 1991 Petition filed by John O. Hennegan, Esquire on behalf of Mr. and Mrs. Parlett for a Special Hearing to approve a non-conforming use for the operation of a contractor's equipment storage yard, the operation of a trucking facility Class 2, the operation of a business from a residence and storage of commercial vehicles.

August 26 Order of the Zoning Commissioner GRANTING Petition with restrictions.

September 18 Notice of Appeal received from Richard E. McNally, Protestant on behalf of the Earl's Beach Improvement Association.

May 19, 1992 Hearing before the Board of Appeals.

September 23 Hearing completed before the Board of Appeals.

October 1 Opinion and Order of the Board DENYING operation of a contractor's equipment storage yard and Class II trucking facility and GRANTING the operation of a trash hauling business along with the storage of trash trucks and the operation of a trash hauling business from a residence and the storage of trash vehicles with restrictions.

October 30 Petition and Order for Appeal filed in the Circuit Court for Baltimore County by Michael P. Tanczyn, Esquire on behalf of Earl's Beach Improvement Association, et al.

November 2 Certificate of Notice sent to interested parties.

November 27 Transcript of testimony filed; Record of Proceedings filed in the Circuit Court for Baltimore County.
Order of the Circuit Court for Baltimore County

10/12/93 -Letter from J. Gontrum, Esquire --requesting clarification of restriction #3 of Board's Opinion/Order dated 10/01/92.

10/26/93 -Letter from M. Sauer, Acting Chairman for Case No. 91-450-SPH, indicating that restriction "says what it says"; trucks not to be stored outside of building overnight or when not in use. Copy to Mr. Parlett & Zoning Enforcement /Jim Thompson.

ALVIN H PARLETT, ET UX #91-450-SPH
PAGE 2

May 3, 1993 - Per COT docket entry this date: Hearing had before Hon. Joseph P. Murphy, Jr. on Plaintiff's Motion to Amend the Record (p.111) - Denied. For reasons stated on the record in Courtroom 12, the Court affirms the decision of the B of A dated 10/1/92. Order to be signed.

June 26, 1996 - Per COT docket entry - status is the same as May 3, 1993. No signed order issued to date. (close file)

1/14/92 - Following parties notified of hearing set for April 1, 1992 at 10:00 a.m.:

Mr. and Mrs. Alvin H. Parlett
John O. Hennegan, Esquire
Michael P. Tanczyn, Esquire
Mr. Richard E. McNally
Earl's Beach Impr. Assoc. - Protestants
Mr. Joseph S. Parlett
Mr. Louis G. Davis
Mr. and Mrs. Charles Carnes
Mr. and Mrs. George Willinger
Ms. Delores Kelley
Mr. Vincent Sansone
Mr. and Mrs. Richard McNally
Mr. and Mrs. Bernie Robier
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

2/6/92 - Above parties notified of POSTPONEMENT AND REASSIGNMENT to May 19, 1992 at 10:00 a.m. at the request of Counsel for Petitioner due to schedule conflict.

5/19/92 - Above parties notified of Day #2 set for September 23, 1992 at 9:00 a.m.

DEPARTMENT OF PUBLIC WORKS
OF BALTIMORE COUNTY
Inter-Office Correspondence

RECEIVED
NOV 14 1955

COUNTY COMMISSIONERS

From: John Horner
To: County Commissioners
Subject: Roland Parlett
Chase, Maryland

A recent survey of the refuse route serviced by Roland Parlett, shows an increase of 151 dwelling units.
We recommend that this be added to his present total of 1786 dwelling units, for a grand total of 1937 dwelling units, at his present rate of \$5.50 per dwelling unit. Effective November 15, 1955.

John Horner
JOHN HORNER
Chief, Bureau of Operations

NOV 15 1955

Approved:
BOARD OF COUNTY COMMISSIONERS

By: *Robert B. Hamill*
Robert B. Hamill
Chief, Sanitation Dept.

JH/m

DEPARTMENT OF PUBLIC WORKS
OF BALTIMORE COUNTY
Inter-Office Correspondence

RECEIVED
JUN 8 1954

COUNTY COMMISSIONERS

From: John Horner
To: County Commissioners
Subject: Roland Parlett
Chase, Md.

A recent survey of the refuse route serviced by Roland Parlett, shows an increase of 103 dwelling units.
We recommend that this be added to his present total of 1683 dwelling units, for a grand total of 1786 dwelling units, at his present rate of \$5.25 per dwelling unit. Effective June 1, 1954.

John Horner
JOHN HORNER
Chief, Sanitation Dept.

JUN 10 1954

Approved:
BOARD OF COUNTY COMMISSIONERS

By: *Robert B. Hamill*
Robert B. Hamill
Chief, Sanitation Dept.

JH/cb

DEPARTMENT OF PUBLIC WORKS
OF BALTIMORE COUNTY
Inter-Office Correspondence

From: John Horner
To: County Commissioners
Subject: Roland Parlett
Chase, Md.

It is recommended that Mr. Parlett, be increased from his present rate of \$5.00 per dwelling unit to \$5.25 per dwelling unit. Effective Sept. 1, 1953.

John Horner
JOHN HORNER
Chief, Sanitation Dept.

Approved: SEP 10 1953

Board of County Commissioners

By: *Robert B. Hamill*
Robert B. Hamill
Chief, Sanitation Dept.

JH/cb

Department Of Public Works Of Baltimore County

JOHN B. PUNK, CHIEF ENGINEER

June 11, 1952

Mr. Roland Parlett
Chase, Maryland

Dear Mr. Parlett:

The County Commissioners have approved an increase for you as of June 1, 1952.

This is to advise you that your yearly compensation will be raised from \$6,162.80 to \$7,100.00.

Very truly yours,

John Horner
Chief, Sanitation Dept.

JH/cb

DEPARTMENT OF PUBLIC WORKS
OF BALTIMORE COUNTY
Inter-Office Correspondence

From: John Horner
To: County Commissioners
Subject: Roland Parlett
Chase, Md.

A recent survey of the refuse route serviced by Mr. Roland Parlett, shows an increase of 115 dwelling units.
We recommend that this be added to his present total of 1,802 dwelling units, making a grand total of 1,917 dwelling units, at his present rate of \$3.34 per dwelling unit. Effective August 15, 1951.

John Horner
JOHN HORNER
Chief, Sanitation Dept.

Approved: 8-14 1951

Board of County Commissioners

By: *Michael J. Cunningham*
Michael J. Cunningham
Chief Engineer

JH/cb

DEPARTMENT OF PUBLIC WORKS
OF BALTIMORE COUNTY
Inter-Office Correspondence

From: John Horner
To: County Commissioners
Subject: Roland Parlett, Chase, Maryland

A recent survey of the refuse route serviced by Mr. Roland Parlett shows an increase of 253 dwelling units.
We recommend that these units be added to Mr. Parlett's route at the rate of \$4.34 per unit, effective April 15, 1951.

John Horner
JOHN HORNER
Chief, Sanitation Dept.

Approved: 4-10-1951
Board of County Commissioners

By: *Michael J. Cunningham*
Michael J. Cunningham
Chief Engineer

JH/m

1969

Benton Farm	1500.00
Commission	2432.43
Receipts From Crops	30,405.35
Tomato Pickers	928.80
Green cutting	1,315.75
Bean picker	1,778.75
Baskets, Bags, crates, tins	3,929.39
Fertilizer, lime, soda	2,347.15
hauling	322.95
Insecticides	523.47
seeds, plants	1723.24
Gas Grease Oil	902.61
Repairs, parts, replacements	1,412.50
Electricity	162.14
Help For odd jobs	1385.00
Insurance tags	356.00
Doctor, medicine	241.21
Interest on Finance	147.00
Income Tax Service	30.00
telephone	147.57
Federal Tax on Gasoline	2,106.80
Claim For Refund	1,302.98
Interest on Savings	2864.00
John W. Schadel	
Acce Treating Co.	

5,263	30,405.35
25	19,109.96
26315	11,295.39
10526	5400
131575	5895.39
29,848.05	3004.81
17,566.37	2890.58
10281.68	1400
1156.66	4290.58
11437.74	
5400	30,405.35
603774	20,600.96
	9804.39
13,971.37	3364.29
5400	516823.99
8571.37	15
3364.29	18
5206.58	15
1	32
4,206.58	30
	20
	10
	42
	4

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827

RECEIVED
COUNTY BOARD OF APPEALS
93 MAR 15 PM 3:09

March 12, 1993

Civil Clerk
Baltimore County Circuit Court
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Alvin Parlett, et ux
Case Number 36/308/92CV-10197

Dear Madam Clerk:

Enclosed herewith please find Motion to Amend the Record With Additional Evidence with Points and Authorities, Request for Hearing and proposed Order to be filed on behalf of the Appellants in the above matter.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
Enclosures

cc: John Gontrum, Esq.
Peter Max Zimmerman, Esq.
Mr. Charles L. Carnes, Jr.
Mr. & Mrs. Bernie Robier
Mr. & Mrs. George Willinger
Mr. & Mrs. Richard McNally
Mr. Vincent Sansone
Ms. Dolores Kelly

IN THE MATTER OF THE APPLICATION * IN THE
OF ALVIN H. PARLETT, ET UX FOR A * CIRCUIT COURT
SPECIAL HEARING ON PROPERTY *
LOCATED ON THE NORTHWEST SIDE OF * FOR
EARLS BEACH ROAD (1004 EARLS *
BEACH ROAD) * BALTIMORE COUNTY
10TH ELECTION DISTRICT *
15TH COUNCILMANIC DISTRICT * CG Doc. No. 36
EARLS BEACH IMPROVEMENT *
ASSOCIATION, ET AL, PLAINTIFFS * Folio No. 308
ZONING CASE NO. 91-450-SPH * File No. 92-CV-10197

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE
BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Harry E. Buchheister, Jr., Judson H. Lipowitz, and Michael B. Sauer, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Commissioner and the Board of Appeals of Baltimore County:

No. 91-450-SPH
June 6, 1991 Petition filed by John O. Hennegan, Esquire on behalf of Mr. and Mrs. Parlett for a Special Hearing to approve a non-conforming use for the operation of a contractor's equipment storage yard, the operation of a trucking facility Class 2, the operation of a business from a resident (sic) and storage of commercial vehicles.
June 27 Publication in newspaper.
July 1 Comments of Baltimore County Zoning Plans Advisory Committee.
July 12 Certificate of Posting of property.

Alvin H. Parlett, File No. 92-CV-10197
Case No. 91-450-SPH
July 30, 1991 Hearing held on Petition by the Zoning Commissioner.
August 26 Order of the Zoning Commissioner GRANTING Petition with restrictions.
September 18 Notice of Appeal received from Richard E. McNally, Protestant on behalf of the Earl's Beach Improvement Association.
May 19, 1992 Hearing before the Board of Appeals.
September 23 Hearing completed before the Board of Appeals.
October 1 Opinion and Order of the Board DENYING operation of a contractor's equipment storage yard and Class II trucking facility and GRANTING the operation of a trash hauling business along with the storage of trash trucks and the operation of a trash hauling business from a residence and the storage of trash vehicles with restrictions.
October 30 Petition and Order for Appeal filed in the Circuit Court for Baltimore County by Michael P. Tanczyn, Esquire on behalf of Earls Beach Improvement Association, et al.
November 2 Certificate of Notice sent to interested parties.
November 27 Transcript of testimony filed.

Petitioner's Exhibit No. 1 - Rpt. of the Zoning Commissioner
2 - A-Balto. Co. Zoning Map of Earls Beach area; B-aerial map
3 - Photo of farm wagon owned by Parlett
4 - List of people in support (22 names)
5 - A-photo of group picture (39-40) of family with the 3 brothers; B-photo of school bus
6 - Sign-in sheet (9/23/92)

Protestants' Exhibit No. 1 - Attached list of Protestants
2 - Earl's Beach Impr. Assoc. ltr. to Zoning Board.
ID ONLY - inter-office corres. Farley to Laudman
3 - Sign-in sheet for Prot.'s 9/23/92

Michael Ruby, et ux, File No. 90-CG-3748
Case No. 89-410-XA

Protestants' Exhibit No. 4 - Photo aerial Map of site
5 - Photo zoning map (Harewood Park Chase)
6 - Permit
7 - Correspondence
8 - Bd. of Sanitation to John Hennegan
9 - Drawing indicating RC-50 zone & site
10 - A-M-Photos of site by zon.'g insp.
11 - ASB-Photos taken 8/3/90
12 - ASB-Photos of trash trucks garage & pump diesel
13 - DMV printouts on tags for the vehicles

People's Counsel Exh. No. 1 - List of names in protest.

Nov. 27, 1992 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary,
County Board of Appeals
Room 49 - Basement, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180

cc: Robert J. Romadka, Esquire
John B. Gontrum, Esquire
People's Counsel for Baltimore County
Michael P. Tanczyn, Esquire

IN THE MATTER OF THE APPLICATION * IN THE
OF ALVIN H. PARLETT, ET UX FOR A * CIRCUIT COURT
SPECIAL HEARING ON PROPERTY *
LOCATED ON THE NORTHWEST SIDE OF * FOR
EARLS BEACH ROAD (1004 EARLS *
BEACH ROAD) * BALTIMORE COUNTY
10TH ELECTION DISTRICT *
15TH COUNCILMANIC DISTRICT * CG Doc. No. 36
EARLS BEACH IMPROVEMENT *
ASSOCIATION, ET AL, PLAINTIFFS * Folio No. 308
ZONING CASE NO. 91-450-SPH * File No. 92-CV-10197

CERTIFICATE OF NOTICE

Madam Clerk:

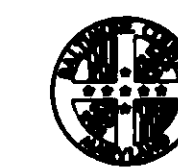
Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Harry E. Buchheister, Judson H. Lipowitz, and Michael B. Sauer, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, Maryland 21204, Counsel for Plaintiffs; Earls Beach Improvement Association, et al, c/o Mr. and Mrs. Charles Carnes, 6800 Leslie Road, Baltimore, Maryland 21220, Plaintiffs; Robert J. Romadka, Esquire and John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Boulevard, Baltimore, Maryland 21221, Counsel for Defendants; Mr. and Mrs. Alvin Parlett, 1004 Earls Beach Road, Baltimore, Maryland 21220, Defendants; Phyllis C. Friedman, People's Counsel for Baltimore County, 400 Washington Avenue, Room 47 - Basement, Old Courthouse, Towson, Maryland 21204, and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 49 - Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, a copy of which Notice

Alvin H. Parlett, File No. 92-CV-10197
Case No. 91-450-SPH
is attached hereto and prayed that it may be made a part hereof.

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 49-Basement,
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, Maryland 21204, Counsel for Plaintiffs; Earls Beach Improvement Association, et al, c/o Mr. and Mrs. Charles Carnes, 6800 Leslie Road, Baltimore, Maryland 21220, Plaintiffs; Robert J. Romadka, Esquire and John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Boulevard, Baltimore, Maryland 21221, Counsel for Defendants; Mr. and Mrs. Alvin Parlett, 1004 Earls Beach Road, Baltimore, Maryland 21220, Defendants; Phyllis C. Friedman, People's Counsel for Baltimore County, 400 Washington Avenue, Room 47 - Basement, Old Courthouse, Towson, Maryland 21204, and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 49 - Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on this 2nd day of November, 1992.

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 49-Basement,
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 2, 1992

Robert J. Romadka, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

Re: Case No. 91-450-SPH (Alvin H. Parlett, et ux)

Dear Mr. Romadka:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: John B. Gontrum, Esquire
Mr. and Mrs. Alvin H. Parlett
Mr. Joseph S. Parlett
Mr. Louis G. Davis
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 2, 1992

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, Maryland 21204

Re: Case No. 91-450-SPH (Alvin H. Parlett, et ux)

Dear Mr. Tanczyn:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. and Mrs. Charles Carnes
Mr. and Mrs. George Willinger
Ms. Dolores Kelly
Mr. Vincent Sansone
Mr. and Mrs. Richard McNally
Mr. and Mrs. B. Robier

1969

1 Used Bean Harvester 2295.00
 1964 Dodge 1 ton stake 1800.00
 1964 Farmall tractor 140 1350.00
 1965 Farmall Club 1817.26
 1966 Farmall 504 tractor Spring tooth
 1966 10A disk Harrow 210.02 5221.20
 1 International Used plow 300.00
 1 International 4 wheel trailer 193.80
 1968 Dodge truck P300 3,636.71
 Mothers pension
 age 77

Year 1967

Receipts from crops 27,199.90
 Rent on farm 1,500.00
 Commission 8% 2,175.99
 Baskets, Bags, crates, tils 3,127.14
 Tomo. picken 4,216 bu. 30% bu. 1,264.80
 Green cutting 3505 bu. 25% bu. 876.25
 Bean picken 755 bu. 1, pulch 755.00
 Fertilizer, lime, soda 2,908.30
 hauling 106.43
 Insecticides 471.56
 seeds, plants 1,754.60
 Gas, grease, oil 829.80
 Repairs, parts, replacements 890.36
 Electricity 160.74
 Help for odd jobs 1,605.00
 Insurance 244.00
 Doctor & Medicine 260.00
 Interest on Finance 147.00
 Income Tax service 20.00
 Federal tax on Gasoline
 Claim for refund 1960 gals. 4% = 76.00
 Interest on savings 950.76
 August A Street 201.00
 Eugene F. McClelland 1336.51

Year 1967

1963 Dodge C500 truck 3,917.00
 1964 Dodge 1 ton stake 1,800.00
 1964 Farmall tractor 140 1,350.00
 1965 Farmall Club 1,817.26
 1966 Farmall 504 tractor Spring tooth 5221.20
 1966 10A disk Harrow 210.02
 New tools
 1 International Used plow 300.00
 1 International 4 wheel trailer 193.80
 Mothers pension 420.00 per year
 age 75

66

took off June 4, 1950

Receipts from crops 29,300.25
 Rent on farm 1,500.00
 Commission 8% 2,676.43 2344.02
 Baskets, Bags, crates, tils 3,479.85
 Tomo. picken 25% 1,236.00
 Green cutting 25% 870.50
 Bean picken 80% bu. 540.00
 Fertilizer, lime, soda 2,755.57
 hauling 93.14
 Insecticides 468.47
 seeds, plants 1,564.50
 Gas, Grease, Oil 740.47
 Repairs, parts, replacements 1,752.40
 Electricity 135.17
 Help for odd jobs 2,746.00
 Insurance 243.00
 Doctor & medicine 185.00
 Interest on finance 138.85
 Income tax service 20.00
 Federal tax on Gasoline
 Claim for Refund 3,298.44 131.92
 Interest on savings 764.09
 Sinclair Refining Co. 1,125.69

1961 Dodge 1 ton pickup 2,354.05
 1961 460 Farmall tractor 4,271.93
 1963 Dodge C500 truck 3,917.00
 1964 Dodge 1 ton stake 1,800.00
 1964 Farmall tractor 140 1,350.00
 1965 Farmall Club 1,817.26
 1966 Farmall 504 tractor Spring tooth
 Harrow 5221.20
 1966 10A disk Harrow 210.02

1965

Receipts from crops 28,098.15
 Interest on savings 1,524.67
 Rent on farm 1,625.00
 Commission 2247.85
 Seed 280.22
 Baskets, Bags, crates 3,877.92
 Tomo. Picken 1,461.60
 60% Green cutting 729.00
 75% Bean Picken 1,042.50
 88.
 Gas for truck & car 2,528.50
 Fertilizer, lime, soda 89.87
 hauling 463.68
 Insecticides 1,777.82
 seeds, plants 728.57
 Gas, grease, Oil 1,491.13
 Repairs, parts, replacement 143.81
 Electricity 2,528.00
 Help for odd jobs 20.97
 Personal tax 362.00
 Insurance 325.00
 Doctor & medicine 163.40
 Income tax service 20.
 Sinclair Refining Co. 1450

1961 Dodge 1 ton pickup 2,354.05
 1961 460 Farmall tractor 4,271.93
 1963 Dodge C500 truck 3,917.00
 1964 Dodge 1 ton Stake 1,800.00
 1964 Farmall tractor 140 1,350.00
 1965 Farmall Club 1,817.26

✓

Receipts from crops 15,514.44
 Gas, oil, grease 662.88
 Baskets, Bags 1,038.49
 Rent on farm 700.
 Fertilizer, lime, soda 2,320.21
 Insecticides 142.80
 seeds, plants 852.45
 Commission 995.32
 Gas for truck & car 72.
 Insurance on car, tractor & truck 250.80
 Seed 297.69
 Electricity on farm 76.81
 Blue Cross 48.90
 Repairs, part, replacements 160.58
 Help for odd jobs 1,327.
 Tomatoes & green cutting 1,595.70
 Bean picken 2,174.20
 Depreciation 1,400.00
 Bought new tools 1504.90
 1946 Ford truck 400.
 tractor 3,398.54
 1955 Dodge truck 1849.50
 Farmall H 7.00
 1948 Ford pickup 200.
 1 plow used 114.

Invest \$33.34

Principles from crops — \$28, 153.55
 Interest on savings — \$187.25
 Rent for the farm — \$1200.00
 Commission — \$1,829.98 — 6 1/2
 Baskets & bags & crates — 3,051.75 } add
 500 }
 1000 bushels — \$2,668.50 } \$2,500
 Green cutting — \$222.60
 Saps for truckers — \$38.
 Fertilizing lime, soda — \$2,678.67
 Hauling — \$40.30
 Insecticides — \$845.05
 Seeds & plants — \$1,615.25
 Live stock & birds — \$76.75
 Anti freeze — \$11.34
 Pipes, electric replacements — \$1486.02
 Electricity — \$132.47
 Help for odd jobs — \$1,819.00
 Personal tax — \$67.69
 Insurance — \$289.96
 Doctors, medicine — \$285.00
 Interest paid on loan — \$121.44
 Fuel — \$305.50
 Miscellaneous — \$355.57
 Total — \$27,979.91

Receipts from crops — \$27,911.85
 Interest from bank — "45.74
 Rent for the farm — "1,200.00
 Commission 6 1/2 — "1,814.27
 Baskets, bags, crates, hat caps — "3,371.1
 Some Picken — "2,736.60 — 154
 Green Cutting — "860.00 — 204
 Tags for trucks & car — "72.00
 Fertilizer - Lime & Soda — "2,804.59.
 Hauling — "55.12
 Insecticides — "374.43
 Seeds & plants — "1,387.93
 Lard & oil — "745.15
 Lard & oil — "17.72
 Put away parts - replacements — "1,090.10
 Feed — "231.52
 Electricity — "125.52
 Help for the job — "3,343.00
 Personal tax — "58.59
 Insurance — "383.84
 Doctors Medicine — "230.00
 See car grease — "55.75
 Interest Card in Finance 304.88
 1958 pour & pender drill — "118.32

1956

ask about
steering
car interest

Personal Exp^{ts} 46,63
Sales tax on car

1954 Bought new tools 1504.90
1946 ford truck = 400.
tractor 3398.54
1955 dodge truck
Farmall M -
1956 1948 ford pickup - 200.
1 plow used - 114.
1 plow used - 75.
1 cyclone plow seeder 61.60
1 fertilizer drill 167.20
Planter 236.24

[illegible]

Request for Additional Information on Highway Use Tax
Instructions: Please be sure to sign at the bottom.
Part I—Information About Filed Return
Name and address as shown on return: Alvin H. Parlett, Earle Beach Rd, Rt 16, Baltimore, Md 21220
Employer identification number: 57-6130151
Amount of tax: NONE
Amount paid: NONE
Part II—Schedule of Highway Motor Vehicles
List all motor vehicles registered in your name and used in your operation since you first started your business.
Table with columns: Year and model, Make and model, Single truck, Truck, Bus, No. of tires, Empty weight, Date first used, Date based, and Remarks.
Remarks: I do not own any Trucks that weight over 13,000 lbs.
Signature of taxpayer: Alvin H. Parlett
Address: 1004 Earle Beach Rd, Baltimore, Md 21220
Date: May 8, 1976

Request for Additional Information on Highway Use Tax
Instructions: Please be sure to sign at the bottom.
Part I—Information About Filed Return
Name and address as shown on return: Alvin H. Parlett, Earle Beach Rd, Rt 16, MD
Employer identification number:
Amount of tax:
Amount paid:
Part II—Schedule of Highway Motor Vehicles
List all motor vehicles registered in your name and used in your operation since you first started your business.
Table with columns: Year and model, Make and model, Single truck, Truck, Bus, No. of tires, Empty weight, Date first used, Date based, and Remarks.
Remarks:
Signature of taxpayer:
Address:
Date: May 8, 1976
Form 5388 (4-76)

Form 2240 CLAIM FOR REFUND OF FEDERAL TAX ON GASOLINE USED ON A FARM 1959
1. Name:
2. Enter the total gallons of gasoline used on the farm for farming purposes after June 30, 1958, and before July 1, 1959: 21.29
3. Rate of Federal Tax: 03
4. Amount of refund claimed (line 2 multiplied by line 3): 6387
YOUR COPY

0364664 04/92 EPU 11616588 1H1LD1VN5EHA22410 84 INIL DS
N/A 3888 00N/A \$323.00 N/A 5 STL:NU FLAG:NU SUB:NU FR:00000
V-ST: E V-INSP-ST: 6 V-INSP-DT: V-EXP-DT: V-ACC-DT: 041591
INS.CO: HARLEYSVILLE MUTL INS CO POLICY: BA1A2182
REG-VAL-DT: 042291
PREVIOUS CLASS: EPU PREVIOUS TAG: P17236 ODOMETER: 405024 CODE:
Z-975-000-344-597
ALVIN PARLETT & SUN INC BALTIMORE BA MD 21220
1004 EARLS BEACH RD
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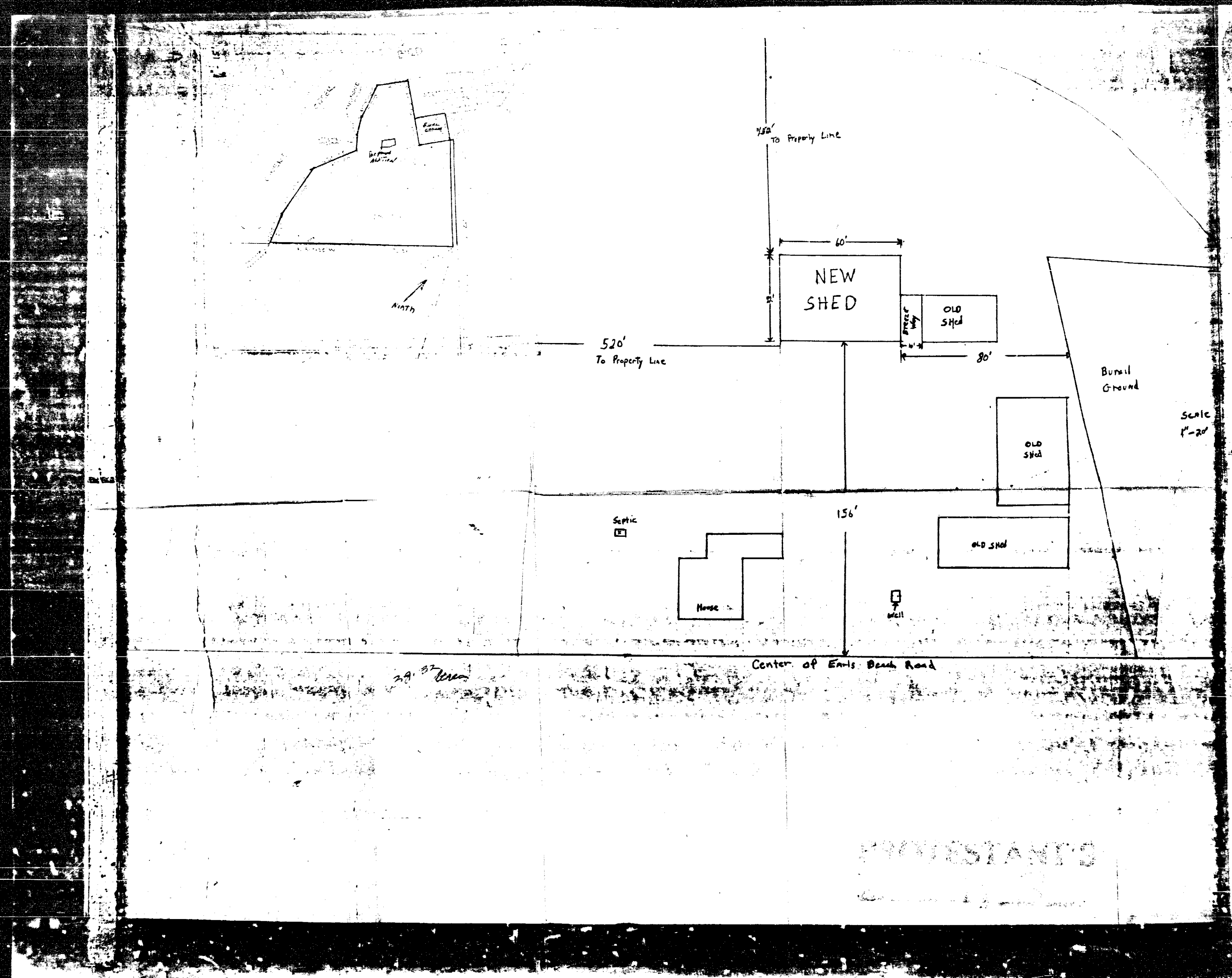
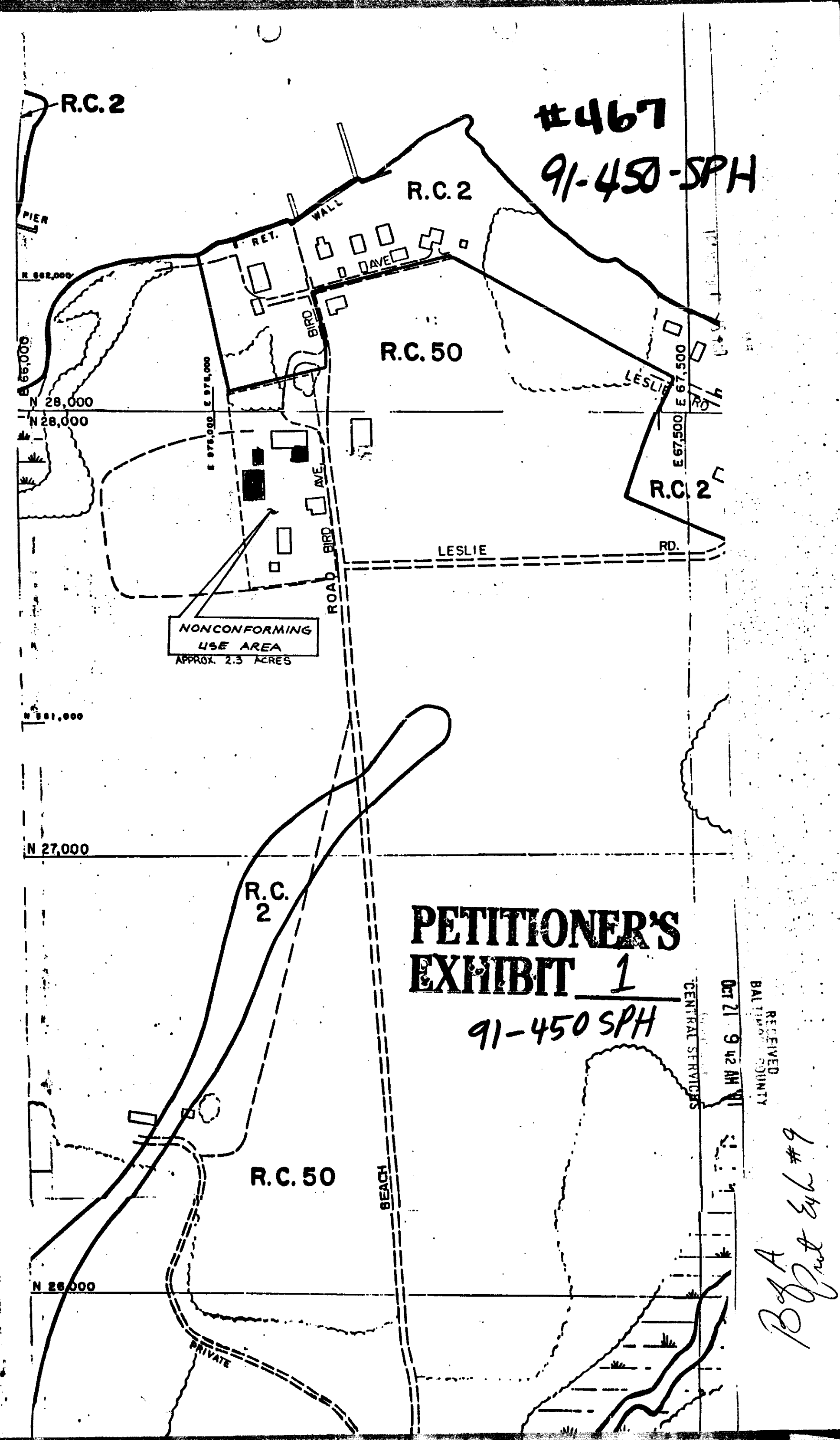
0364665 04/92 EPD 12997654 1FDXR06FVA37728 85 FORD DS
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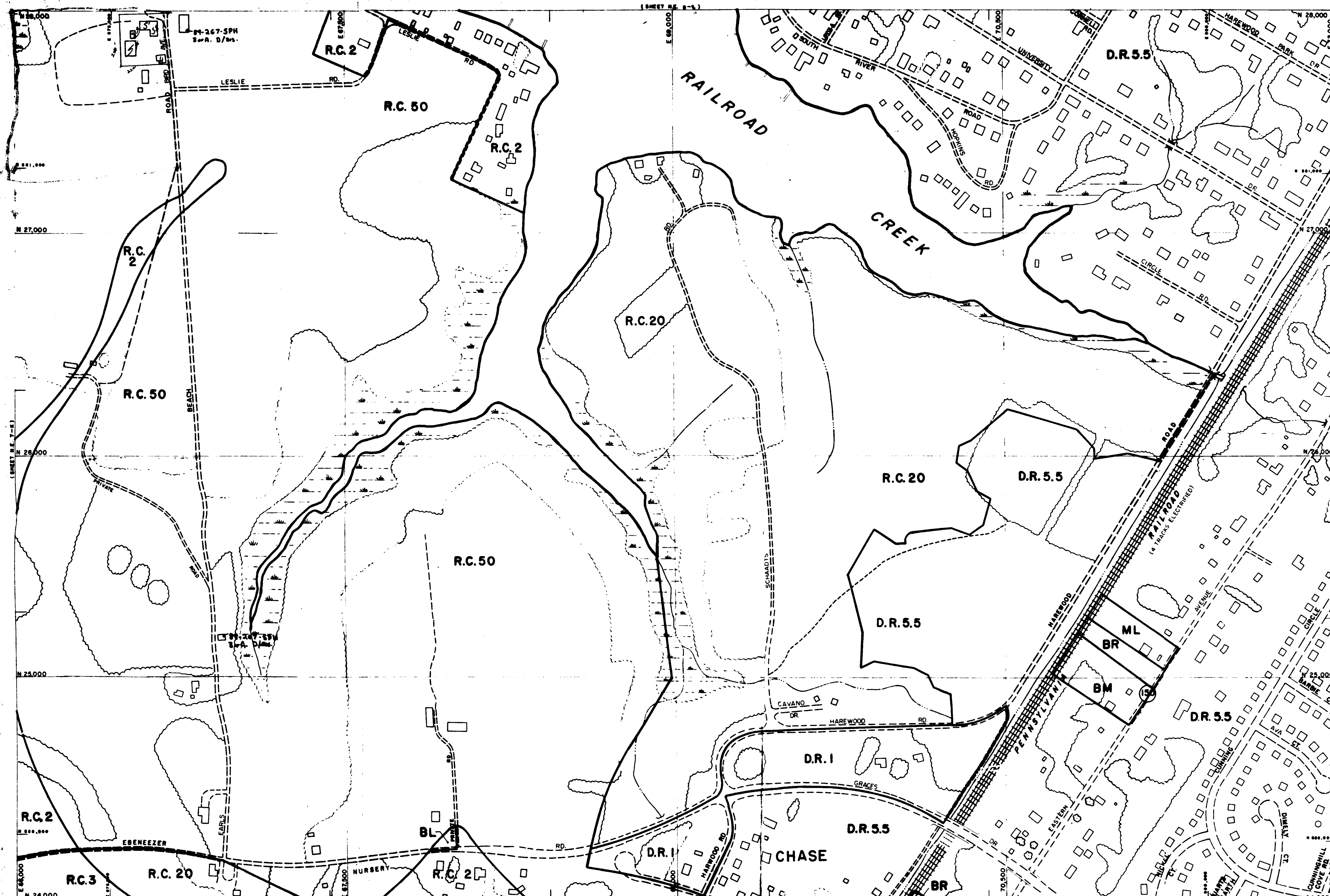
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INS.CO: HARLEYSVILLE MUTL INS CO POLICY: BA1A2182
REG-VAL-DT: 042291
PREVIOUS CLASS: EPU PREVIOUS TAG: 555633 ODOMETER: 405024 CODE:
Z-975-000-345-617
ALVIN PARLETT & SUN INC BALTIMORE BA MD 21220
1004 EARLS BEACH RD
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N/A 3888 00N/A \$340.00 N/A 5 STL:NU FLAG:NU SUB:NU FR:
V-ST: E V-INSP-ST: 6 V-INSP-DT: V-EXP-DT: V-ACC-DT: 041591
INS.CO: HARLEYSVILLE MUTL INS CO POLICY: BA1A2182
REG-VAL-DT: 042291
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ALVIN PARLETT & SUN INC BALTIMORE BA MD 21220
1004 EARLS BEACH RD
MVA RESPONSE 07/30/91 09:49 PAGE 01 END OF DISPLAY P/1

Prot. 54L #13

0364668 04/92 G 09978312 01744 78 TOPL FL
N/A 3888 00N/A \$13.50 042301 1 STL:NU FLAG:NU SUB:NU FR:
V-ST: E V-INSP-ST: 6 V-INSP-DT: V-EXP-DT: V-ACC-DT: 110403
INS.CO: HARLEYSVILLE MUTL INS CO POLICY: 3GL1A2182
REG-VAL-DT: 031991
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ALVIN PARLETT & SUNS INC BALTIMORE MD 21220
1004 EARLS BEACH RD
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MM - SW

1986 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1986
SHEET 144-00, 145-00, 146-00, 147-00, 148-00, 149-00, 150-00

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

TRUE TEST COPY
Baltimore County
Planning and Zoning Department

SCALE

1" = 200' ±

DATE

OF

PHOTOGRAPHY

JANUARY

1986

LOCATION

HAREWOOD PARK
CHASE

SHEET

N E

7-L

PL EX 2A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

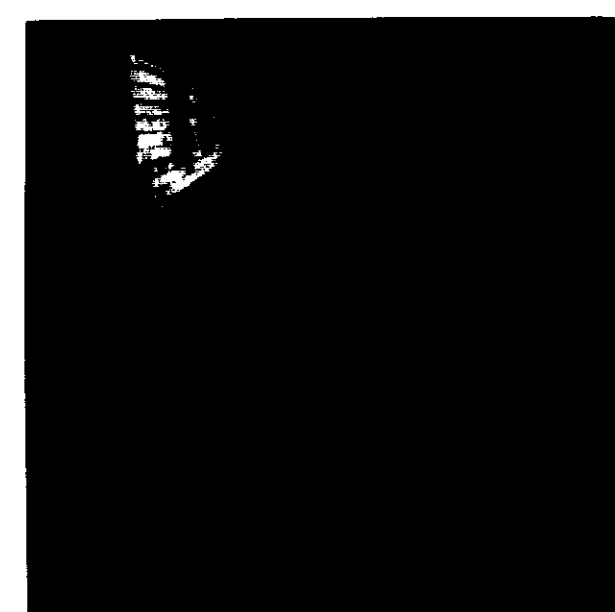
SCALE	LOCATION	SHEET
1" = 200'	HAREWOOD PARK	NE
DATE OF PHOTOGRAPHY JANUARY 1986	CHASE	7

Petitioner's Ex #4

May 1 5/19/92

APPEARING IN SUPPORT OF PETITIONER ALVIN PARLETT

NAME	ADDRESS
LOUISA DAVIS	1620 CARRINGTON RD BALTO 21220
Michael Parlett	1004 Earls Beach Rd Balto, MD 21220
Joseph S Parlett	2611 McCORMAC BL BALTO 21220
Ronald M Parlett	6234 EBENEZER RD BALTO MD 21220
Donald Ennis	6250 EBENEZER RD BALTO 21220
Ed Schaff	8337 PULASKI AVE BALTO MD 21237
Josephine Longfellow	1216 PENN AVE BALTO MD 21237
August Longfellow	1216 PENN AVE BALTO MD 21237
Mary L. Meise	33 Windsor Way - Balto. 21237
Dore M. Meise	3804 Perryhurst Pl 21230
Jill A. Parlett	702 Earls Beach Rd 21220
Robert M. Libbette	736 Earls Beach Rd 21220

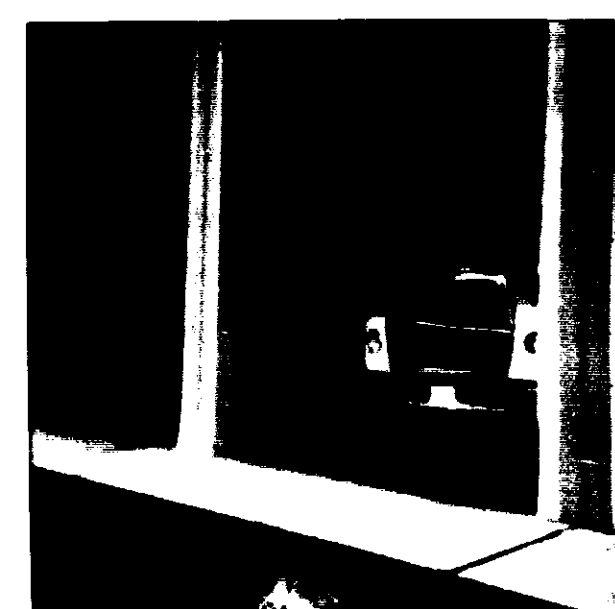


6-15-90
Erosion problem on property adjacent to 1004 Earls Beach Rd.

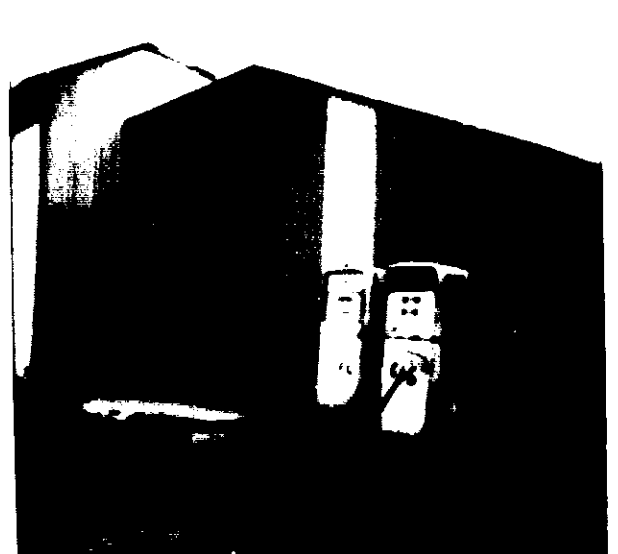


6-15-90
1004 Earls Beach Rd

John Menniger	720 Earls Beach Rd 21220
Alice Ingles	103 Kentway Rd 21220
Stanley H. Harell	1310 Bowlegs Qtrs Rd 21220
Joseph Senn	8615 Trump Mill Rd 21237
Deborah A Parlett	8 W. Waverly Manor Ct 21030
Philip Brown	8 Waverly Manor Ct 21030
Deborah A. Parlett	1004 Earls Beach Rd 21220
Cheryl Grove	318 Talbot Ct Annapolis 21009
Rex Stanfield	Bird Ave 21220
Marlene Stanfield	Bird Ave 21220



6-15-90
1004 Earls Beach Rd.



6-15-90
1004 Earls Beach Rd.



6-15-90
1004 Earls Beach Rd.



6-15-90
1004 Earls Beach Rd.

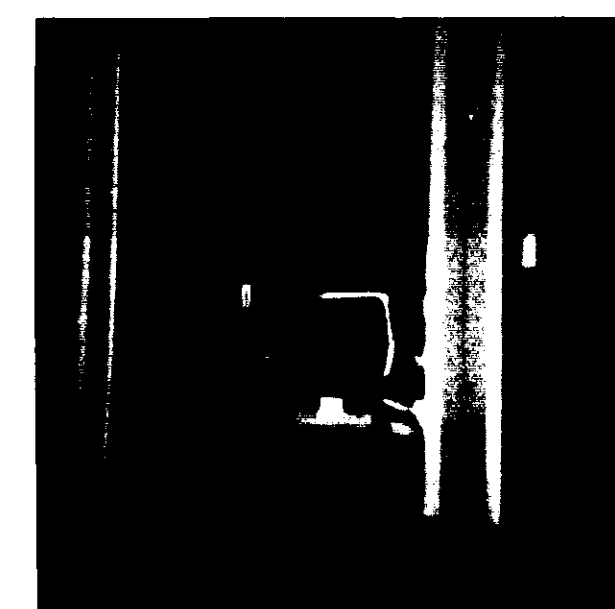


1004 Earls Beach Rd
6-15-90

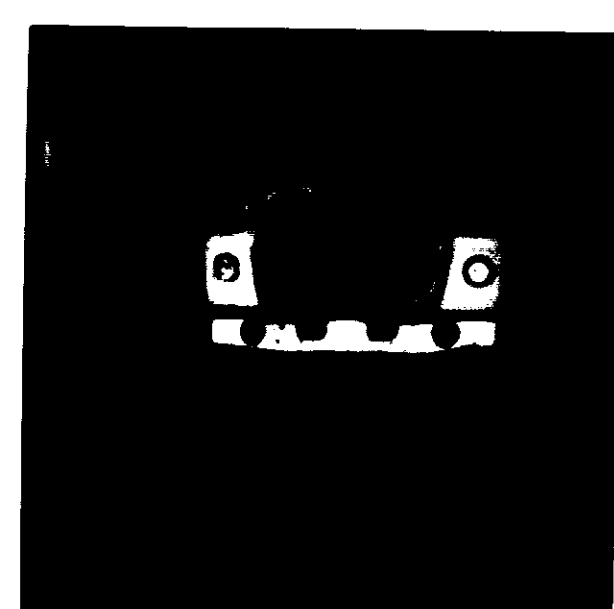


6-15-90
1004 Earls Beach Rd.

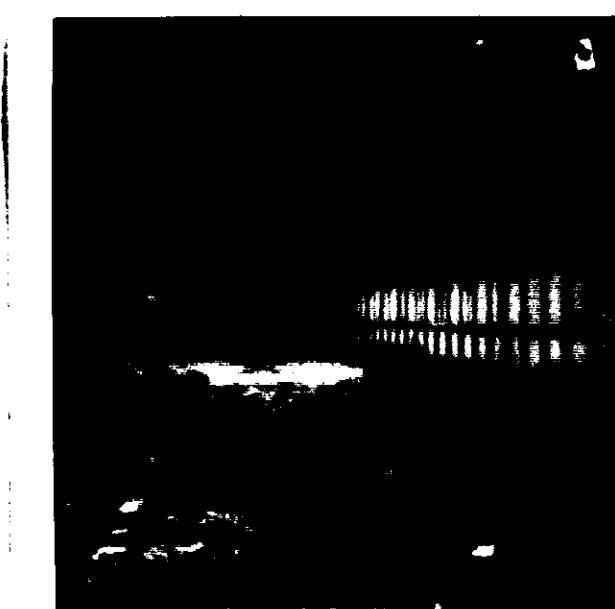
Page Ex #11 A+B



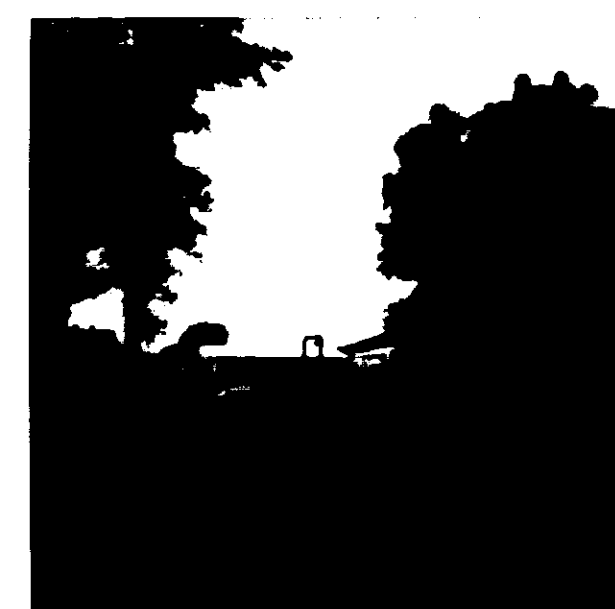
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1004 Earls Beach Rd.



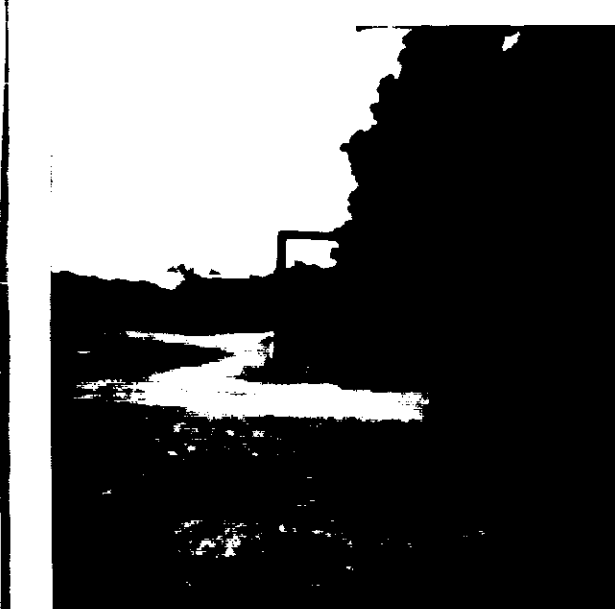
8-3-90
1004 Earls Beach Rd.



6-15-90
1004 Earls Beach Rd.



6-15-90
1004 Earls Beach Rd.



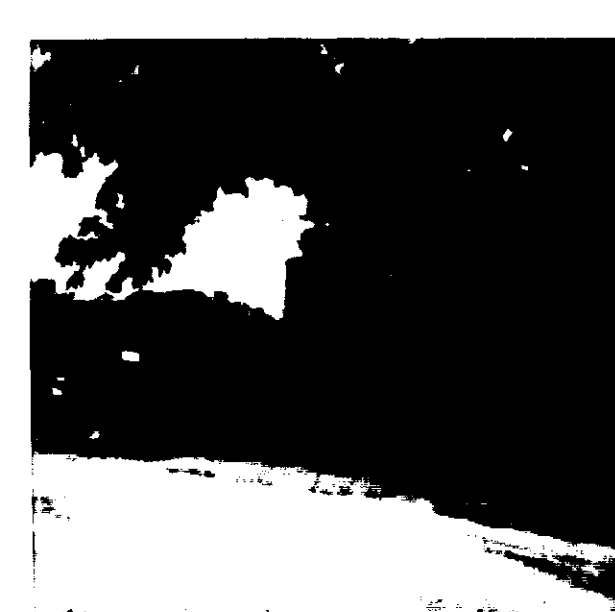
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1004 Earls Beach Rd.



6-15-90
1004 Earls Beach Rd.



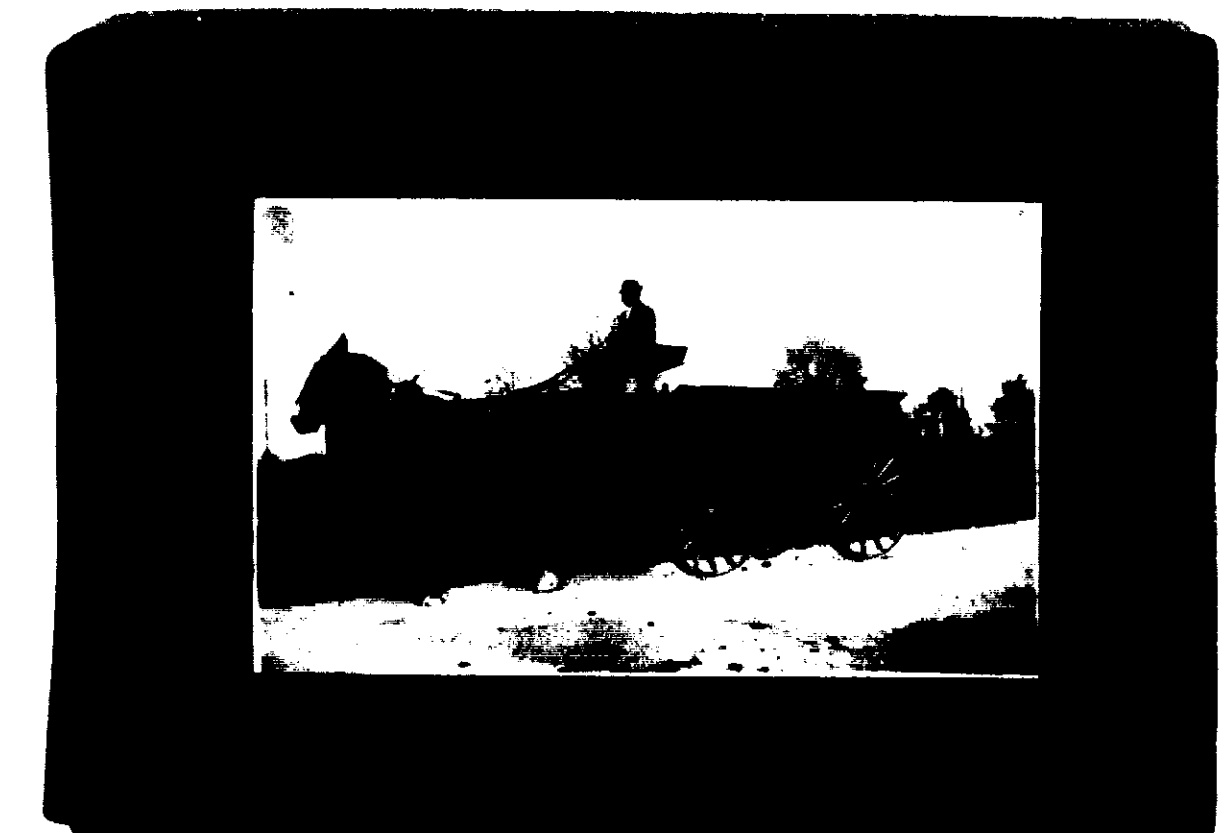
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1004 Earls Beach Rd.

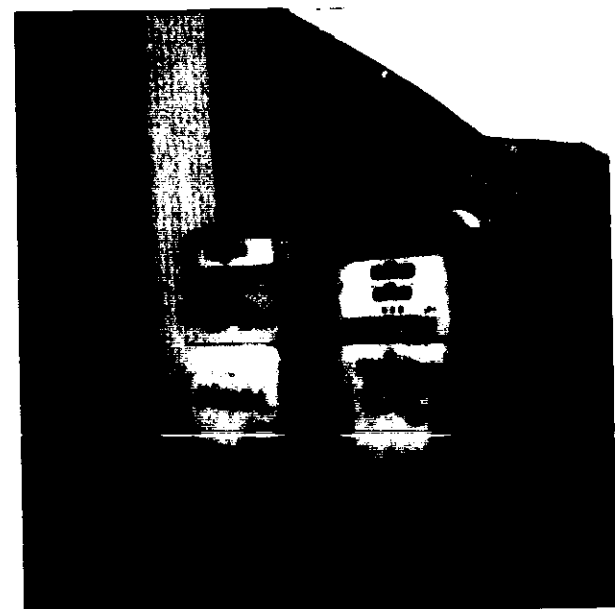


6-15-90
1004 Earls Beach Rd.

Joseph S Parlett 2611 McCORMAC BL BALTO 21220
 Ronald M Parlett 6234 Earls Beach Rd 21220
 Michael Parlett
 Josephine Longfellow 1216 Penn Ave Balto MD 21237
 August Longfellow 1216 Penn Ave Balto MD 21237
 Mary L. Meise 33 Windsor Way Balto. MD 21237
 Deborah Parlett 8 W. Waverly Manor Balto. 21030
 Alice Ingles 103 Kentway Balto MD 21220
 Donald Ennis 6250 EBENEZER RD BALTO 21220
 Robert M Parlett 6234 EBENEZER RD BALTO 21220
 Edward D. Schaff 8337 PULASKI AVE BALTO MD 21237
 Michael & Madeline 7404 Rumpelstiltskin R 21220
 Dore M Meise 3804 Perryhurst Pl 21230
 Julie A Parlett 702 Earls Beach Rd 21220
 JC Brown 8 Waverly Manor Ct 21030
 Philip T Brown 8 Waverly Manor Ct 21030
 John H Menniger 720 Earls Beach Rd 21220
 Robert Libbette 736 Earls Beach Rd 21220
 Alvin H Parlett 1004 Earls Beach Rd 21220

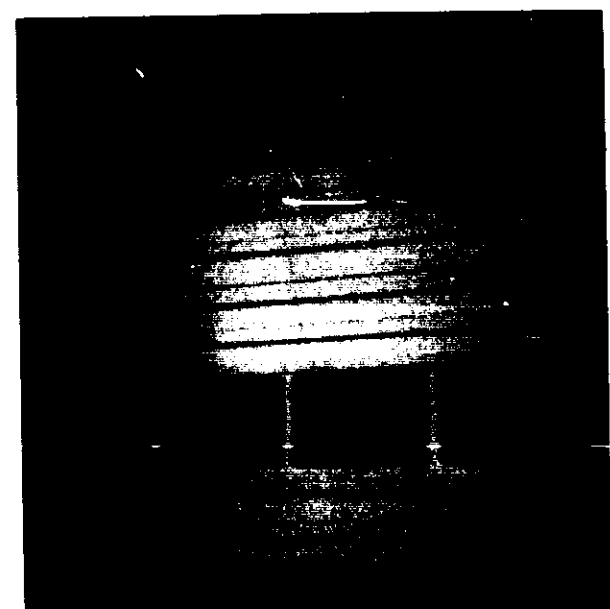
Petitioner's Ex #6





12-11-90
1004 Earls Beach Rd.

A



12-11-90
1004 Earls Beach Rd.

B

Earl's Beach Improvement Association

C/O 6864 Leslie Rd., Baltimore, Md. 21220 (301) 335-4290
Bernard Robier, President
Richard McNally, Secretary

17 September 1991

Baltimore County Zoning Board
Attn: Charlotte Radcliffe
111 West Chesapeake Avenue, Room 109
Towson, MD 21204

Dear Sir:

The Earl's Beach Improvement Association requests that I file an appeal, on behalf of the association, to the Findings of Fact and Conclusions of Law issued in regard to the Petition for Special Hearing by J. Robert Haines on 26 August 1991. The case number is 91-450-SPH and the Petitioner is Alvin H. Parlett. The site in question is 1004 Earls Beach Road, 15th Election District, 5th Councilmanic District. Enclosed is the associations check for the sum of \$150.00; \$125.00 for the appeal and \$25.00 for the posting of a sign. I can be reached at 679-9800 during the day and 335-1952 in the evenings to clarify this request, if necessary.

Sincerely,

Richard E. McNally
Richard E. McNally, Secretary
Earl's Beach Improvement Association

People's Exh #1

DATE: 5/19/92

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: ALVIN H. PARLETT

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

Check if you wish to testify.	Name/Address Phone No.	Community Group You Represent?
☒	Richard E. McNally 6860 Leslie Rd 335-1952	Earl's Beach Improvement Association
☒	VERNA SMITH 6830 LESLIE RD	E.B.C.A.
☒	June Kren 6854 LESLIE RD 21220	" " " "
☒	George Willinger 6832 LESLIE RD 335-4337	EARL'S BEACH IMPROVEMENT ASSOCIATION
☒	Madeline Robier 6844 LESLIE RD 21220 335-4430	" " " "
☒	May K. Jandt	E.B.C.A.
☒	William Bressi	E.B. IMP. ASSOCIATION
☒	Charles L. Carnes Jr	E.B. IMP. ASSO
☒	Anthony Bressi	E.B. IMP. ASSO
☒	Charlotte Radcliffe	Earl's Beach Imp. Assn.
☒	HAROLD TONBERT	"
☒	Charles J. Bonds	"
☒	Bernie Robier	E.B.I.A.
☒	Frank DiMiglio	Zoning Inspector appearing under subpoena

Prot. Exh #3

Sept 23, 1992 Case 91-450-SPH 1004 Earls Beach Rd
Protestants

Name	Address
9-23-92 Bernie Robier	6864 Leslie Rd 21220
Richard McNally	6860 Leslie Rd 21220
Richard C. O'Connor Jr.	6854 Leslie Rd. 21220
William C. Smith	6850 Leslie Rd 21220
V. Jandt	1020 Earls Beach Rd 21220
Delores Kelley	1020 EARLS BEACH RD 21220
June Holmes	6804 Leslie Rd. 21220
Madeline Robier	6844 Leslie Rd 21220
TONY BRESSI	6804 Leslie Rd 21027
Charles L. Carnes	6800 Leslie Rd. 21220
Charles J. Bonds	6840 Leslie Rd. 21220

September 20, 1991

Zoning Commissioner
111 West Chesapeake Avenue
Towson, MD 21204

Re: Alvin H. Parlett, et ux, Petitioners
Case Number 91-450-SPH

Dear Sir:

I have been retained to represent Earl's Beach Improvement Association, who noted an Appeal the Decision and Order of the Zoning Commissioner dated August 26, 1991 to the County Board of Appeals for Baltimore County in the above matter. The purpose of this letter is to add the individual Protestants, who were inadvertently omitted from the original Appeal. Attached is a list of the names and addresses of those persons to be added as individual Protestants/Appellants.

Very truly yours,

Michael P. Tanczyn

MPT/ed
Enclosures
cc: John Gontrum, Esq.
Clients

Prot. Exh #1

Case Number 91-450-SPH Names & Addresses of Individual Protestants/Appellants

Charles L., Jr. & Carolyn Carnes	6800 Leslie Road Baltimore, MD 21220
George & Brigid Willinger	6832 Leslie Road Baltimore, MD 21220
Delores Kelley	1020 Earls Beach Road Baltimore, MD 21220
Vincent Sansone	6856 Leslie Road Baltimore, MD 21220
Richard and Wendy McNally	6860 Leslie Road Baltimore, MD 21220
Bernie and Madeline Robier	6864 Leslie Road Baltimore, MD 21220



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 26, 1993

John B. Gontrum, Esquire
ROMADKA, GONTRUM & McLAUGHLIN
814 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. 91-450-SPH
Alvin H. Parlett, et ux

Dear Mr. Gontrum:

The Board is in receipt of your letter of October 8, 1993 wherein you have requested a clarification of restriction #3 contained in our Order dated October 1, 1992 in the above-captioned matter.

You are advised that the restriction says what it says. The four trash hauling trucks must be stored within the pole building while they are on the subject property. That is to say, it was not the intention of this restriction that the trucks could be kept outside of the pole building while they were on the subject property. Further, it was not intended that the trucks be permitted to be outside the pole building overnight or parked outside the building while not in use.

I trust this clarifies the restriction for the Petitioner.

Very truly yours,

Michael B. Sauer
Michael B. Sauer
County Board of Appeals

cc: Mr. Alvin H. Parlett
James Thompson /Zoning Enforcement

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410) 884-8274
FAX: 886-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, P.A.

ELIZABETH A. VANCE

*ALSO ADMITTED IN D.C.

Baltimore County Board of Appeals
Old Courthouse, Room 149
400 Washington Ave.
Towson, MD 21204

Attn: Michael B. Sauer,
Panel Chairman

Re: Case No.: 91-450-SPH
Alvin H. Parlett, et ux
RGM File No.: 11.3039

Dear Chairman Sauer:

An issue has arisen with respect to the interpretation of your opinion in the Order dated October 1, 1992 pertaining to the special hearing for the trash hauling non-conforming use on the Parlett property. Specifically, the issue has arisen under restriction number 3 which states as follows:

"The 4 trash hauling trucks while on the subject property shall be stored within the #4 pole building identified on Petitioner's Exhibit #2B".

The non-conforming use granted covered an area of approximately one acre in size which included 4 buildings. It is quite clear from the order that the only building that can be utilized for storage of the 4 trash trucks is building #4. From time to time, however, the Parletts' because of painting the individual trucks and maintaining them will leave a trash truck outside building #4 overnight within the non-conforming use area. Storage of the trucks over time, of course, is within building #4. There are occasions, however, when the trucks are kept out for 1 or 2 days. Zoning enforcement has raised the issue on whether this is permitted under restriction #3 as above stated. It was, of course, our interpretation that if the trucks are to be confined solely to building #4 that this would have been the area delineated on the non-conforming use. It was our understanding that the trucks could occupy, from time to time, any of that area with storage being confined to building #4. Your clarification with respect to this

FP to 5/19/92

LAW FIRM

Romadka, Gontrum & Hennegan, P.A.

814 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 686-8274
FAX # 686-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
JOHN O. HENNEGAN

DONALD H. SHEFFY
NANCY E. DWYER
SHARON E. GAMBLE
MARY H. BUCHANAN
*Also admitted in Florida

January 22, 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County Government
Office of Zoning Administration and
Development Management
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No: 91-450-SPH Alvin H. Parlett, et ux
NW/8 Earls Beach Road
1004 Earls Beach Road
15th Election District;
5th Councilmanic District
SPH-Nonconforming use - contractor's
storage yard; Class 2 trucking
facility; business in residence &
storage of commercial vehicles.
8/26/91 - Z.C.'s Order GRANTING
Petition with restrictions

Dear Mr. Schmidt:

Please withdraw the appearance of John O. Hennegan and enter the appearance of Robert J. Romadka and Romadka, Gontrum & McLaughlin, P.A. in the herein above captioned matter.

This matter has been set in for Wednesday, April 1, 1992 at 10:00 a.m. with the County Board of Appeals of Baltimore County.

I hereby respectfully request that this case be postponed and reset after May 1, 1992 and before July 1, 1992 due to the fact that I will be on an extended vacation.

010-11-10-10-25

Mr. Lawrence E. Schmidt
Zoning Commissioner
January 22, 1992
Page Two

Thank you for your consideration in this matter.

Very truly yours,
Robert J. Romadka
Robert J. Romadka

RJR/ej

cc: Michael P. Tanczyn, Esquire
Counsel for Petitioners

Mr. and Mrs. Alvin H. Parlett

RECEIVED
JAN 24 1992
ZONING OFFICE

Baltimore County Board of Appeals / Attn: Michael B. Sauer, Panel Chairman
October 8, 1993
Page 2

matter and whether or not the trucks may be kept out overnight or parked for any length of time outside the building would be much appreciated.

Very truly yours,

John B. Gontrum
John B. Gontrum

JBG/bjb

cc: James Thompson,
Director of Zoning Enforcement
Alvin H. Parlett

10/12/93

T/C w/John Gontrum re attached --

hearing was held in Circuit Court and the Board affirmed --John will send me a copy of whatever decision he has from Circuit Court --his recollection is that the decision was rendered from the bench but he will send something to us.

kathl
10/21/93. T/C to JG's office -
will send me the copy.

Law Offices
Michael P. Tanczyn, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(301) 296-8823 • (301) 296-8824
Fax: (301) 296-8827

September 20, 1991

Zoning Commissioner
111 West Chesapeake Avenue
Towson, MD 21204

Re: Alvin H. Parlett, et ux, Petitioners
Case Number 91-450-SPH

Dear Sir:

I have been retained to represent Earl's Beach Improvement Association, who noted an Appeal the Decision and Order of the Zoning Commissioner dated August 26, 1991 to the County Board of Appeals for Baltimore County in the above matter. The purpose of this letter is to add the individual Protestants, who were inadvertently omitted from the original Appeal. Attached is a list of the names and addresses of those persons to be added as individual Protestants/Appellants.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
Enclosures

cc: John Gontrum, Esq.
Clients

RECEIVED
SEP 23 1991
ZONING OFFICE

Law Offices
Michael P. Tanczyn, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827

May 4, 1992

Board of Appeals
Old Courthouse, Room 48
400 Washington Avenue
Towson, MD 21204

Re: Alvin H. Parlett, et ux
Case Number 91-450-SPH

Gentlemen:

Enclosed please find Subpoena Duces Tecum for issuance in the above matter, which is scheduled for hearing on Tuesday, May 19, 1992, at 10:00 a.m.

Please stamp the Subpoena and send it downstairs to Mr. DiMeglio.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
Enclosure

Earl's Beach Improvement Association

C/O 6864 Leslie Rd., Baltimore, Md. 21220 (301) 335-4290
Bernard Rohrer, President
Richard McWally, Secretary

17 September 1991

Baltimore County Zoning Board
Attn: Charlotte Radcliffe
111 West Chesapeake Avenue, Room 109
Towson, MD 21204

Dear Sir:

The Earl's Beach Improvement Association requests that I file an appeal, on behalf of the association, to the Findings of Fact and Conclusions of Law issued in regard to the Petition for Special Hearing by J. Robert Haines on 26 August 1991. The case number is 91-450-SPH and the Petitioner is Alvin H. Parlett. The site in question is 1004 Earls Beach Road, 15th Election District, 5th Councilmanic District. Enclosed is the association's check for the sum of \$150.00; \$125.00 for the appeal and \$25.00 for the posting of a sign. I can be reached at 679-9800 during the day and 335-1952 in the evenings to clarify this request, if necessary.

Sincerely,

Richard E. McWally
Richard E. McWally, Secretary
Earl's Beach Improvement Association

RECEIVED
SEP 18 1991
ZONING OFFICE

IN THE MATTER OF
THE APPLICATION OF
ALVIN H. PARLETT, et ux
For a Special Hearing on
Property Located on the
Northwest Side of
Earls Beach Road
(1004 Earls Beach Road)
15th Election District
5th Councilmanic District
Case No. 91-450-SPH

* BEFORE THE CIRCUIT COURT
* FOR BALTIMORE COUNTY

36/308
92-CV-10197

* * * * *

PETITION AND ORDER FOR APPEAL

NOW COMES, Earls Beach Improvement Association, Charles and Carolyn Carnes, Bernie and Madeline Robier, Richard and Wendy McMally, Vincent Sansone, Dolores Kelly, George and Brigid Willinger, Appellants, by their attorney, Michael P. Tanczyn, Esq., and respectfully request this Honorable Court enter the appearance of their attorney in this matter and enter an Appeal from the Decision of the County Board of Appeals of Baltimore County dated October 1, 1992 to the Circuit Court for Baltimore County.

Appellants, pursuant to Maryland Rule B2(e) respectfully submit the following:

I. Action Appealed From:

Alvin H. Parlett and wife previously applied for a non-conforming use of the subject property for the operation of a contractors' equipment storage yard; for a trash hauling

1

operation; for the operation of a Class 2 trucking facility; to operate a business from a residence; and for approval of storage of commercial vehicles for a trash hauling operation, all by way of special hearing for property located in the 15th Election District, 5th Councilmanic District, on the west side of Earls Beach Road, known as 1004 Earls Beach Road.

Following hearing on the Petition in Case No. 91-450-SPH the Zoning Commissioner for Baltimore County, J. Robert Haines, by Order dated August 26, 1991, denied that much of the request for operation of a Class 2 trucking facility, as the Zoning Commissioner did approve non-conforming use for the operation of a contractors' equipment storage yard for a trash hauling operation as shown and limited on a plan approved by the Zoning Commissioner and for operation of a business from a residence and storage of commercial vehicles for a trash hauling operation as shown and limited on a plan approved by the Zoning Commissioner was granted subject to five enumerated restrictions and the further compliance with requirements and recommendations of DEPRM.

An Appeal of that Decision was taken to the County Board of Appeals for Baltimore County which heard this case on May 19, 1992 and on September 23, 1992 and which by Order dated October 1, 1992 denied the Petition for Special Hearing for non-conforming use for operation of a contractors' equipment storage yard or for a Class 2 trucking facility and granted the Petition for Special Hearing for non-conforming use for operation of a trash hauling

2

business along with the storage of trash trucks and operation of a trash hauling business from a residence and the storage of trash vehicles subject to six enumerated restrictions.

The Appeal is only from the grant made by the County Board of Appeals for Baltimore County.

Appellants, who participated at all hearings, are the civic association and neighbors who reside in the Earls Beach community where the subject property is located.

2. Error Committed by the Agency in Taking Such Action

Appellants aver that the County Board of Appeals's Decision which accompanied its Order:

- was not supported by the evidence;
- was based on error of law in construing the standard for grant of a non-conforming use;
- was arbitrary, capricious and/or illegal in that the evidence presented by all witnesses before the County Board of Appeals on this appeal "de novo" established that the character of the use materially changed after the Zoning Regulations existed January 2, 1945 and that the use claimed by the Petitioners antedating the Zoning Regulations was different in kind and character from that which existed in 1947 and, more particularly, since 1962.

Further the evidence clearly showed that there was an abandonment or cessation of the trash hauling business and that those uses claimed to create a common link were farming uses and

3

were not the separate use of trash hauling or storage of trash hauling vehicles.

The evidence further supports the discontinuance for a period of one year or more, abandonment of the use, and a change in the use and in the character of the use; and the testimony of the neighbors who did not have a financial interest in the Petitioner's business and who stood as independent witnesses was clear and the County Board of Appeals misapplied the law to those undisputed facts in finding an increase in the number of the trucks to be an intensification of the use rather than an extension or an expansion of the use.

The County Board of Appeals improperly discounted the comparative size of the trucks used in the business of commercial and residential trash hauling to a landfill as proof of a change in the character of the use.

III. Relief Sought

Appellants respectfully request this Court, after consideration of the pleadings herein, the transcript, and following hearing:

A. Reverse the County Board of Appeals' Decision of October 1, 1992 as to the portions of the Petition for Special Hearing which were granted therein;

B. Reverse and remand, in the alternative, to the County Board of Appeals for further proceedings consistent with the Court's decision;

4

C. Order the Appellees to pay the costs of these proceedings, including the costs of the transcript to the proceedings before the County Board of Appeals;

D. Order the Appellees to pay the Court costs; and

E. Grant such other and further relief as the nature of the Appellants' cause may require in the Court's judgment.

Michael P. Tanczyn
MICHAEL P. TANCZYN, ESQ.
Attorney for the Appellants
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204
Telephone: (410) 296-8823

I HEREBY ADMIT receipt of a copy of the Petition and Order for Appeal in Case Number 91-450-SPH.

WITNESS
SECRETARY, County Board of Appeals for Baltimore County, Maryland

5

I HEREBY CERTIFY that this 20th day of October, 1992, a copy of the foregoing Order and Petition for Appeal was mailed, postage prepaid, to Robert J. Romadka, Esq. and John B. Gontrum, Esq., 814 Eastern Boulevard, Baltimore, Maryland, 21221, attorneys for the Appellees; to Kathleen C. Weidenhammer, Administrative Assistant, County Board of Appeals for Baltimore County, Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland, 21204; and Peter Max Zimmerman, Esq., Deputy People's Counsel, Old Courthouse, Room 48, 400 Washington Avenue, Towson, Maryland, 21204.

Michael P. Tanczyn
MICHAEL P. TANCZYN, ESQ.

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827

October 30, 1992

Civil Clerk
Baltimore County Circuit Court
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Alvin Parlett, et ux
Case Number 91-450-SPH

Dear Madam Clerk:

Enclosed herewith please find Petition and Order for Appeal in the above captioned matter, which is being appealed from the Decision of October 1, 1992 of the County Board of Appeals for Baltimore County.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
Enclosure

cc: Robert J. Romadka, Esq.
John B. Gontrum, Esq.
Kathleen C. Weidenhammer
Peter Max Zimmerman, Esq.
Mr. & Mrs. George Willinger
Ms. Dolores Kelly
Mr. Vincent Sansone
Mr. & Mrs. Richard McMally
Mr. & Mrs. Bernie Robier
Mr. & Mrs. Charles Carnes
Earls Beach Improvement Association

IN THE MATTER OF
THE APPLICATION OF
ALVIN H. PARLETT, ET UX
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE NORTH-
WEST SIDE EARLS BEACH ROAD
(1004 EARLS BEACH ROAD)
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-450-SPH

* * * * *

OPINION

This is an appeal from the decision of the former Zoning Commissioner, J. Robert Haines, dated August 26, 1991 wherein the Petitioner's request for a special hearing was granted in part, denied in part, and certain restrictions were imposed. Specifically, the Petitioner's request for a nonconforming use of his subject property for the operation of a contractor's equipment storage yard for a trash hauling operation was granted, his request for the operation of a Class II trucking facility was denied, and his request for the operation of a business from a residence and storage of commercial vehicles for a trash hauling operation was granted.

Feeling aggrieved by the decision of the Zoning Commissioner, an appeal was filed to this Board by the Earls Beach Improvement Association. The matter was heard before this Board de novo consisting of two days of testimony and the presentment of numerous witnesses, both on behalf of the Petitioner and the Protestants. The Petitioner appeared represented by Robert J. Romadka, Esquire, and John B. Gontrum, Esquire. The Protestants were represented by Michael P. Tanczyn. Peter Max Zimmerman, Deputy People's Counsel for Baltimore County, participated in the proceedings.

92 OCT 30 PM 2:16
COUNTY BOARD OF APPEALS
RECEIVED

1040 U. S. Individual Income Tax Return U. S. INDIVIDUAL INCOME TAX RETURN—1959	
Name Barrie Seash... Route 10 Box 494A Home address Baltimore (Number and street) Md (City, town, or post office) Durham (State) NC (Postal zone number)	
Occupation Housewife (If self-employed, give business name and address)	
Exemptions	1. Check blocks which apply. (a) Check for wife only if all of the income is derived from her earnings, or if she has no income. (b) List last names of your children who qualify as dependents; give address if different from yours. (c) Enter number of persons claimed for other persons listed at top of page 2. (d) Enter the total number of exemptions claimed on lines 1, 2, and 3.
Income	2. Check blocks which apply. (a) Check for wife only if all of the income is derived from her earnings, or if she has no income. (b) List last names of your children who qualify as dependents; give address if different from yours. (c) Enter number of persons claimed for other persons listed at top of page 2. (d) Enter the total number of exemptions claimed on lines 1, 2, and 3.
Income	3. Enter all wages, salaries, bonuses, commissions, tips, and other compensation before payroll deductions (including any excess of expense account or similar allowance paid by your employer over your ordinary and necessary business expenses. See instructions.) \$ 146.60 (a) 66.00 (b) 80.00
Income	4. \$ 587.69 (a) 8.90 (b) 8.90
Income	5. \$ 587.69 (a) 8.90 (b) 8.90
Income	6. \$ 109.32 (a) 19.80 (b) 19.80
Income	7. \$ 113.52 (a) 19.80 (b) 19.80
Income	8. \$ 113.52 (a) 19.80 (b) 19.80
Income	9. \$ 113.52 (a) 19.80 (b) 19.80
Income	10. \$ 113.52 (a) 19.80 (b) 19.80
Income	11. \$ 113.52 (a) 19.80 (b) 19.80
Income	12. \$ 113.52 (a) 19.80 (b) 19.80
Income	13. \$ 113.52 (a) 19.80 (b) 19.80
Income	14. \$ 113.52 (a) 19.80 (b) 19.80
Income	15. \$ 113.52 (a) 19.80 (b) 19.80
Income	16. \$ 113.52 (a) 19.80 (b) 19.80
Income	17. \$ 113.52 (a) 19.80 (b) 19.80
Income	18. \$ 113.52 (a) 19.80 (b) 19.80
Income	19. \$ 113.52 (a) 19.80 (b) 19.80
Income	20. \$ 113.52 (a) 19.80 (b) 19.80
Income	21. \$ 113.52 (a) 19.80 (b) 19.80
Income	22. \$ 113.52 (a) 19.80 (b) 19.80
Income	23. \$ 113.52 (a) 19.80 (b) 19.80
Income	24. \$ 113.52 (a) 19.80 (b) 19.80
Income	25. \$ 113.52 (a) 19.80 (b) 19.80
Income	26. \$ 113.52 (a) 19.80 (b) 19.80
Income	27. \$ 113.52 (a) 19.80 (b) 19.80
Income	28. \$ 113.52 (a) 19.80 (b) 19.80
Income	29. \$ 113.52 (a) 19.80 (b) 19.80
Income	30. \$ 113.52 (a) 19.80 (b) 19.80
Income	31. \$ 113.52 (a) 19.80 (b) 19.80
Income	32. \$ 113.52 (a) 19.80 (b) 19.80
Income	33. \$ 113.52 (a) 19.80 (b) 19.80
Income	34. \$ 113.52 (a) 19.80 (b) 19.80
Income	35. \$ 113.52 (a) 19.80 (b) 19.80
Income	36. \$ 113.52 (a) 19.80 (b) 19.80
Income	37. \$ 113.52 (a) 19.80 (b) 19.80</

DECLARATIONS - BUSINESS AUTO POLICY
 ISSUED BY: ALLSTATE INSURANCE COMPANY
 ITEM ONE: ALVIN PARLETT & SON INCORPORATED
 ADDRESS: 1004 EARLS BEACH RD BALTIMORE MD 21220
 FORM OF BUSINESS: FARMER
 POLICY PERIOD: FEB 27, 1983 TO FEB 27, 1984
 Policy covers FROM FEB 27, 1983 TO FEB 27, 1984

COVERAGE	AMOUNT	PREMIUM
LIABILITY INSURANCE	\$300,000	\$377.00
PERSONAL INJURY PROTECTION (for equivalent No-fault coverage)	SEPARATELY STATED IN EACH P.P.I. ENDORSEMENT	\$10.00
PROPERTY PROTECTION INSURANCE (Michigan only)	SEPARATELY STATED IN EACH P.P.I. ENDORSEMENT	
AUTO MEDICAL PAYMENTS INSURANCE	See schedule	
UNINSURED MOTORISTS INSURANCE	\$50,000	\$25.00
PHYSICAL DAMAGE INSURANCE - COMPREHENSIVE COVERAGE	ACTUAL CASH VALUE OR COST OF REPAIR, WHICHEVER IS LESS, MINUS DEDUCTIBLE FOR EACH COVERED AUTO	\$71.00
PHYSICAL DAMAGE INSURANCE - SPECIFIED PERILS COVERAGE	ACTUAL CASH VALUE OR COST OF REPAIR, WHICHEVER IS LESS, MINUS DEDUCTIBLE FOR EACH COVERED AUTO	\$202.00
PHYSICAL DAMAGE INSURANCE - COLLISION COVERAGE	ACTUAL CASH VALUE OR COST OF REPAIR, WHICHEVER IS LESS, MINUS DEDUCTIBLE FOR EACH COVERED AUTO	
PHYSICAL DAMAGE INSURANCE - TOWING AND LABOR (Not Available in California)	\$25 for each disablement of a private passenger auto	
ESTIMATED TOTAL PREMIUM		\$685.00

DECLARATIONS - BUSINESS AUTO POLICY
 ISSUED BY: ALLSTATE INSURANCE COMPANY
 ITEM ONE: ALVIN PARLETT & SON INCORPORATED
 ADDRESS: 1004 EARLS BEACH RD BALTIMORE MD 21220
 FORM OF BUSINESS: FARMER
 POLICY PERIOD: FEB 27, 1983 TO FEB 27, 1984
 Policy covers FROM FEB 27, 1983 TO FEB 27, 1984

ITEM TWO: SCHEDULE OF COVERAGES AND COVERED AUTOS
 The policy provides only those coverages where a charge is shown in the premium column below. Each of these coverages will apply only to those autos shown as covered autos in the schedule of coverages by the entry of one or more of the symbols shown in the schedule of coverages.

COVERAGE	AMOUNT	PREMIUM
LIABILITY INSURANCE	\$300,000	\$377.00
PERSONAL INJURY PROTECTION (for equivalent No-fault coverage)	SEPARATELY STATED IN EACH P.P.I. ENDORSEMENT	\$10.00
PROPERTY PROTECTION INSURANCE (Michigan only)	SEPARATELY STATED IN EACH P.P.I. ENDORSEMENT	
AUTO MEDICAL PAYMENTS INSURANCE	See schedule	
UNINSURED MOTORISTS INSURANCE	\$50,000	\$25.00
PHYSICAL DAMAGE INSURANCE - COMPREHENSIVE COVERAGE	ACTUAL CASH VALUE OR COST OF REPAIR, WHICHEVER IS LESS, MINUS DEDUCTIBLE FOR EACH COVERED AUTO	\$71.00
PHYSICAL DAMAGE INSURANCE - SPECIFIED PERILS COVERAGE	ACTUAL CASH VALUE OR COST OF REPAIR, WHICHEVER IS LESS, MINUS DEDUCTIBLE FOR EACH COVERED AUTO	\$202.00
PHYSICAL DAMAGE INSURANCE - COLLISION COVERAGE	ACTUAL CASH VALUE OR COST OF REPAIR, WHICHEVER IS LESS, MINUS DEDUCTIBLE FOR EACH COVERED AUTO	
PHYSICAL DAMAGE INSURANCE - TOWING AND LABOR (Not Available in California)	\$25 for each disablement of a private passenger auto	
ESTIMATED TOTAL PREMIUM		\$685.00

ACCOUNT NO. 10794
 4/08/85 02/27/86 BA1A2182 HAR 14151 COMMERCIAL AUTO
 1985 FORD LN800 ADDED
 ADDITIONAL PREMIUM 1,870.00
 TOTAL AMOUNT DUE 1,870.00

AMENDMENTS TO DECLARATIONS
 ALLSTATE INSURANCE COMPANY
 POLICY NUMBER 0 49 415914 02/27
 This endorsement is effective from NOVEMBER 29, 1983
 ITEM ONE: ALVIN PARLETT & SON INCORPORATED
 ADDRESS: 1004 EARLS BEACH RD BALTIMORE MD 21220
 FORM OF BUSINESS: FARMER
 POLICY PERIOD: FEBRUARY 27, 1983 TO FEBRUARY 27, 1984
 Policy covers FROM FEB 27, 1983 TO FEB 27, 1984

**** PREMIUM INCREASE OF \$861.00 FOR THE PERIOD FROM NOV 29, 1983 TO FEB 27, 1984 RESULTED FROM THIS CHANGE.

Arthur G. Pagsamen Jr. Phone 301-574-6400 Loc. 33

INVOICE
 DATE 4-21-81
 HOWARD E. BRAZIER, JR.
 REAL ESTATE AND INSURANCE
 CHASE, MARYLAND
 To Alvin E. Parlett
 Chase, Md.

RENEWAL DATE	POLICY NUMBER	COMPANY	PROPERTY AND COVERAGES	AMOUNT	PREMIUM
4-5-82	0000249475	H A & I	B.I. & P.D. & Med. & Comp.		\$60.10

ITEM ONE: ALVIN PARLETT & SON INCORPORATED
 ADDRESS: 1004 EARLS BEACH RD BALTIMORE MD 21220
 FORM OF BUSINESS: FARMER
 POLICY PERIOD: FEB 27, 1983 TO FEB 27, 1984
 Policy covers FROM FEB 27, 1983 TO FEB 27, 1984

ITEM TWO: SCHEDULE OF COVERAGES AND COVERED AUTOS
 The policy provides only those coverages where a charge is shown in the premium column below. Each of these coverages will apply only to those autos shown as covered autos in the schedule of coverages by the entry of one or more of the symbols shown in the schedule of coverages.

COVERAGE	AMOUNT	PREMIUM
LIABILITY INSURANCE	\$300,000	\$377.00
PERSONAL INJURY PROTECTION (for equivalent No-fault coverage)	SEPARATELY STATED IN EACH P.P.I. ENDORSEMENT	\$10.00
PROPERTY PROTECTION INSURANCE (Michigan only)	SEPARATELY STATED IN EACH P.P.I. ENDORSEMENT	
AUTO MEDICAL PAYMENTS INSURANCE	See schedule	
UNINSURED MOTORISTS INSURANCE	\$50,000	\$25.00
PHYSICAL DAMAGE INSURANCE - COMPREHENSIVE COVERAGE	ACTUAL CASH VALUE OR COST OF REPAIR, WHICHEVER IS LESS, MINUS DEDUCTIBLE FOR EACH COVERED AUTO	\$71.00
PHYSICAL DAMAGE INSURANCE - SPECIFIED PERILS COVERAGE	ACTUAL CASH VALUE OR COST OF REPAIR, WHICHEVER IS LESS, MINUS DEDUCTIBLE FOR EACH COVERED AUTO	\$202.00
PHYSICAL DAMAGE INSURANCE - COLLISION COVERAGE	ACTUAL CASH VALUE OR COST OF REPAIR, WHICHEVER IS LESS, MINUS DEDUCTIBLE FOR EACH COVERED AUTO	
PHYSICAL DAMAGE INSURANCE - TOWING AND LABOR (Not Available in California)	\$25 for each disablement of a private passenger auto	
ESTIMATED TOTAL PREMIUM		\$685.00

DECLARATIONS
 Name of Insured: ALVIN PARLETT
 Address: Chase, Maryland
 Occupation: Farmer
 Policy Period: From April 5, 1955 to April 5, 1956
 12:01 A.M. Standard Time at the address of the named insured as stated herein.

OFFICE RECORD ONLY
 The insurance afforded is only with respect to such and so many of the following coverages as are indicated by specific premium charge or charges. The limit of the company's liability against each such coverage shall be as stated herein, subject to all the terms of this policy having reference thereto.

COVERAGE	AMOUNT	PREMIUM
A. Bodily Injury Liability (including Medical Payments)	\$10,000 each person	\$10.00
B. Property Damage Liability	\$5,000 each accident	\$5.00
C. Comprehensive	Actual Cash Value	
D. Collision or Upset	Actual Cash Value	
E. Fire, Lightning and Transportation	Actual Cash Value	
F. Theft (Broad Form)	Actual Cash Value	
G. Windstorm, Earthquake, Explosion, Hail or Water	Actual Cash Value	
H. Combined Additional Coverage	\$10 for each disablement	
I. Towing and Labor Costs	\$10 for each disablement	

Private Passenger Rating Classification B.I. & P.D. 1
 Collision 1, F.T.C. Symbol 1, SUBTOTAL 113.00

Combined Automobile Policy
 No. GDD 51-57-13
 1955 Dodge Truck
 EXPIRATION April 5, 1956
 ISSUED TO ALVIN PARLETT

COVERED AUTO NO.	YEAR	TRADE NAME, BODY TYPE	VEHICLE
1	1971	International P/U	41680808
2	1978	Dodge P/U	0319P8P5
3	1976	Ford Stake Truck	860PVC39
4	1976	Chev. 3/2 T. P/U	CCV146B1

COVERAGE	LIMITS	COV.	PREMIUM	COV.	PREMIUM	COV.	PREMIUM
1 AB	152.00			VP1	3.00		
2 AB	138.00			VP1	3.00		
3 AB	248.00			VP1	5.00		
4 AB	138.00			VP1	3.00		

PREMIUM 676.00 14.00

[illegible]

Howard E. Brazier, Jr.
 REAL ESTATE AND INSURANCE
 CHASE MARYLAND
 Edgewater 5-2841

DATE 3-23-64
 To A. H. Parlett
 Rt. 10, Box 198
 Baltimore 20, Md.

Identification		Identification	
ALLSTATE INSURANCE COMPANY		ALLSTATE INSURANCE COMPANY	
Effective Date	02/27/83	Expiration Date	02/27/84
Policy Number	C 49 415914	Policy Number	C 49 415914
ALVIN PARLETT & SON INCORPORATED 1004 EARLS BEACH RD BALTIMORE MD 21220		ALVIN PARLETT & SON INCORPORATED 1004 EARLS BEACH RD BALTIMORE MD 21220	

INVOICE

Howard E. Brazier, Jr. DATE 11-6-63

REAL ESTATE AND INSURANCE To Alvin H. Parlett
 CHASE, MARYLAND Rt. 16, Box 498A
 Baltimore 20, Md.

Edgewood 5-2441

Montgomery Mutual Insurance Company **CHANGE ENDORSEMENT**

PREMIUM	RENEWAL
\$ 268.00	\$

This endorsement, effective **9-1-85 to 12-1-85**, forms a part of policy No. **BAP 48-02815** issued to **ALVIN H. PARLEY, JR., ROSALIE PARLEY MICHAEL, PARLEY MICHAEL PARLEY & DONALD JOSEPH PARLEY** by **WENTWORTH MUTUAL INS. CO.** dated **02-2 Date 09-11-85** 11-15-85 1

It is agreed that the policy is amended as follows.

COVERAGE	COVERAGE AMOUNT	LIMIT		REASON FOR CHANGE		REASON FOR CHANGE		REASON FOR CHANGE		REASON FOR CHANGE
		ACCIDENT OR LOSS	SPILT	REASON 5	REASON 6	REASON 5	REASON 6	REASON 5	REASON 6	
QUALITY FINANCIAL LIABILITY	\$	FOR EACH COVERED PARTY	SPILT							
PROPERTY DAMAGE LIABILITY	\$	FOR EACH COVERED PARTY	SPILT							
LIABILITY	\$	FOR EACH COVERED PARTY	SPILT							
PERSONAL FINANCIAL PROTECTION	\$ 300	FOR EACH COVERED PARTY	SPILT							
ADDED P.L.P.	SEPARATELY LISTED IN EACH P.L.P. ENDORSEMENT			937	96	233	26			
PROPERTY PROTECTION (P.P.L.)	SEPARATELY LISTED IN EACH ADDED P.L.P. END.			29		7				
MEDICAL PROTECTION	SEPARATELY LISTED IN THE P.P.L. END.									
UNINSURED MOTORISTS	Bodily Injury Property Damage Liability	\$	FOR EACH COVERED PARTY	SPILT						
		\$ 50	FOR EACH COVERED PARTY	SPILT						
PHYSICAL DAMAGE ENDORSEMENT	FOR OR ON BASIS OF REPAIR ENDORSEMENT IN EACH COVERED PARTY'S OWNERS POLICY									
COMPREHENSIVE Other Than Collision	\$	FOR EACH COVERED PARTY FOR ALL LINES	SPILT							
COLLISION COVERAGE	\$	FOR EACH COVERED PARTY	SPILT							
SPECIFIED PERILS COVERAGE	\$ 25	FOR EACH COVERED PARTY	SPILT							
THEFT AND LABOR	\$	FOR EACH COVERED PARTY	SPILT							

PLEASE ATTACH TO YOUR POLICY.

*Payable in full or name of the upholder from FROM NAME of the Underwriter since a change in covered vehicle. **Payable in full or name of the upholder from FROM NAME of the Underwriter since a change in covered vehicle.	TOTAL PREMIUM 242.00 YOUR PREMIUM 242.00	26.00 26.00
---	---	----------------

ADDITIONAL	ADDITIONAL	ADDITIONAL	ADDITIONAL	ADDITIONAL	ADDITIONAL	ADDITIONAL	ADDITIONAL	ADDITIONAL	ADDITIONAL
5	70	International Harvester Tractor	7172213636549	11/16	10-016	10-016	10-016	10-016	10-016
6	60	Brow Semi-Trailer	0501318	11/16	10-016	10-016	10-016	10-016	10-016
*Payable in full or name of the upholder from FROM NAME of the Underwriter since a change in covered vehicle. **Payable in full or name of the upholder from FROM NAME of the Underwriter since a change in covered vehicle.									

ENDORSEMENT — The policy covers to cover the vehicle designated below by the insertion of "X".

☐ Described in the Declaration of the policy

☐ Described as follows:

OTHER CHANGES:

Printed Name: *Charles J. [Signature]*
 Famous & Spang

Authorized Representative

FORM BAP-07-07-83


THE HARTFORD
 Insurance Company
 Accident and Indemnity Company
 Hartford Plaza, Hartford, Connecticut 06115

The Insurer, designated by Company Code is **5**
DECLARATIONS — BUSINESS AUTO POLICY

POLICY NO **30 AB 301318**

ITEM ONE — NAMED INSURED AND ADDRESS
 Alvin H. Parlett
 1004 Earles Beach Road
 Balto., MD 21220

Policy Period: Policy Caters **From** **06-26-80** **To** **06-26-81**
 12:01 A.M. Standard Time at the Named Insured's Address stated above

Premaker's Name and Code
 Howard E. Brazier Jr. 720202

Premaker Policy No **30 AB 301301**

Named Insured's Business Farmer

Form of Named Insured's Business: ☒ Individual ☐ Partnership ☐ Corporation or Other

Examination Period is Annual unless otherwise stated ☐ Monthly ☐ Quarterly ☐ Semi-Annual

ESTIMATED TOTAL PREMIUM \$ **84.**

The above numbered BUSINESS AUTO POLICY is completed by
 (a) this Declaration Form C-2005
 Form C-2014,
 Form C-2015,
 Form C-2018,
 (b) the POLICY JACKET Form B101,
 (c) its provisions and conditions printed in Form CA 00010180,
 (d) any Endorsements issued to form a part of it

Form Numbers of Endorsements forming part of this policy on the above effective date

See G-2210-2B

bm-t/4-8-80

Under policy terms, this is not to be used in conjunction with a Commercial Copyright Insurance Services Office (CISO) policy.

Form C-2005-8 Project # 214 N5

Howard E. Brazier, Jr.

REAL ESTATE AND INSURANCE
CHASE, MARYLAND

Idemeter 5-241

INVOICE

DATE 10-9-81

To Alvin H. Parlett
Chase, Md.

RENEWAL DATE	POLICY NUMBER	COMPANY	PROPERTY AND COVERAGE	AMOUNT	PREMIUM
11-18-82	303P414483	H A & I	B.I. & P.D. & Mod. Less Ret. Prem.	\$8.40	\$80.38
11-18-81	303P401188	H A & I	Add. Prem. per end.	Due	71.98 7.34 79.32

61 Dodge & Ton
57 Dodge Lancer

PREMIUMS ARE PAYABLE ON EFFECTIVE DATE OF POLICY.
MAKE ALL CHECKS PAYABLE TO HOWARD E. BRAZIER, JR.

PAID 3/96/1
H E Brazier Jr
Thank you, E.B.

AMENDMENT TO DECLARATIONS

ALLSTATE INSURANCE COMPANY

A STOCK COMPANY

POLICY NUMBER 0 49 415914 02/27

This endorsement is effective from

JANUARY 31, 1981

NAMED INSURED
ADDRESS
CITY OF BUSINESS
POLICY COVERS FROM

ALVIN PARLETT & SON INC
1004 EARLS BEACH RD BALTIMORE MD 21220
REFUSE REMOVAL
CORPORATION

FEBRUARY 27, 1980 TO FEBRUARY 27, 1981

***A PREMIUM INCREASE OF \$106.00 FOR THE PERIOD FROM JAN 31, 1981 TO
FEB 27, 1981 RESULTED FROM THIS CHANGE.

CA2219 CA2X13 CA0215 CA0113 CA0106 BUI384

ALLSTATE INSURANCE COMPANY has caused this endorsement to be signed by its President at Northbrook, Illinois

Donald L. Scheffer

Arthur G. Nagsamen Jr.

Arthur G. Nagsamen Jr.

301-574-6400

Loc 3

Allstate

Southern Commercial Regional Office
3385 Northside Parkway W.
Atlanta, Georgia 30302

Account No. or Policy No.

PAYMENT NOTICE

49 799 HGS RAP
Alvin Parlett, Sr.
1004 Earls Beach Rd.
Baltimore, MD 21220

Date Payment is Due

10/6/81

Policy Numbers of
Account Billing Plan

ITEM	CHARGE	CREDIT
Balance from previous statement		
Add: New or renewal policy premium		
Policy Number Effective Date		
49 799 HGS RAP 8-15-81	2100.16	
Changes: Policy Number Endorsement Number Date		
Audits: Policy Number Period		
Less: Payments recorded since last statement		
Balance as of this statement (Date: 8-15-81)	2100.16	
PLEASE RETURN THIS COPY WITH YOUR PAYMENT	Amount due includes partial payment fee of \$ 1.50	Amount Due 2101.66

Please write your Account Number on your check or money order and make it payable to ALLSTATE

INSURED Alvin Parlett Sr.

DATE OF ISSUE 7/13/78

M FOLLOWING A DIGIT REFERENCE

INSURED Alvin Parlett Sr. DATE OF ISSUE 7/13/78

COVERED AUTO	YEAR	TRADE NAME, BODY TYPE	VEHICLE I. D.	GARAGING LOCATION	ST/TERR ZONE	CLASS	COST NEW	LIENHOLDER
				Baltimore, MD	MD 1014	21461	7000	
1	1971	Int'l	416808085721	Baltimore, MD	MD 1014	21461		
2	1971	Dodge	D2673818350482	Baltimore, MD	MD 1014	21461	4700	
3	1955	Int'l Stake	BC1812576	Baltimore, MD	MD 1014	21461	6700	
4	1975	Chevy 1/2 T P/U	TCV1458514863	Baltimore, MD	MD 1014	01461		
5	1978	Dodge	D318F8512587	Baltimore, MD	MD 1014	01461		
				</				

SMITH MOTOR COMPANY

36993

WHITE MARSH
MARYLAND 21162

CUSTOMER'S ORDER NO. DATE

SOLD TO

ADDRESS

QUAN. PART NO. PRICE AMOUNT

1 111163 111163 41.00 310.00

PAID

SMITH MOTOR COMPANY

36993

CASH RECEIPTS JOURNAL SOURCE 500

PARTS COUNTER SALES

DATE

AMOUNT

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Smith Motor
Company
1957-1971
Parlett, A.

Schedule and Return
of Personal
Property of Home
+ Estates
January 26 - Jan 27

Parlett, Alvin

ORIGINAL

1

IN RE: PETITION FOR SPECIAL * BEFORE THE
HEARING NW/S EARLS BEACH ROAD * BALTIMORE COUNTY
1004 EARLS BEACH ROAD *
15th ELECTION DISTRICT * BOARD OF APPEALS
5th COUNCILMANIC DISTRICT *
ALVIN H. PARLETT, et ux. * 91-450-SPH
Petitioners * May 19, 1992

* * * * *

The above entitled matter came on for hearing
before the Baltimore County Board of Appeals at the
Courthouse, Washington Avenue, Towson, Maryland 21204 at
10:00 a.m., May 19, 1992.

* * * * *

BOARD MEMBERS:

MICHAEL B. SAUER, Chairman
JUDSON H. LIPOWITZ
HARRY E. BUCHHEISTER

APPEARANCES:

JOHN B. CONTRUM, Esquire
ROBERT J. ROMADKA, Esquire
On behalf of Petitioners

MICHAEL P. TANCZYN, Esquire
On behalf of Respondents

PETER MAX ZIMMERMAN, Esquire
On behalf of Baltimore County

Reported by:

Mary K. Harryman

TOWSON REPORTING COMPANY, INC.

ORIGINAL

1

1 IN THE MATTER OF * BEFORE THE
2 PETITION FOR SPECIAL HEARING * COUNTY BOARD OF APPEALS
3 NW/S EARL'S BEACH ROAD * OF BALTIMORE COUNTY
4 Alvin H. Parlett, et ux. * Case No. 91-450-SPH
5 Petitioners * 1992

* * * * *

The above-entitled matter came on for
hearing before the County Board of Appeals of Baltimore
County at the Old Courthouse, Towson, Maryland 21204 at 10
o'clock a.m., September 23, 1992.

* * * * *

Reported by:

C.E. Peatt

BOARD OF APPEALS

It is apparent to this Board that as a result of an inspection of the premises performed by Michael DiMeglio that the Petitioner has requested the relief set out in his Petition for Special Hearing. The Petitioner was cited for operating a business as a contractor's equipment storage yard and operating a Class II trucking facility and a business from a residence, and storage of commercial vehicles, all in violation of the then and presently existing zoning classification for the property which is R.C. 50. These uses are not permitted in an R.C. 50 zone.

Testimony was presented by the Petitioner in an effort to support a finding that these uses did in fact take place at the subject site and presently exist. In addition to the testimony to support this contention, witnesses testified for the Petitioner to support the contention that the present use of the property as a trash hauling operation has continuously existed since 1945 and prior thereto.

The testimony in the Petitioner's case established that the subject property known as 1004 Earls Beach Road is presently zoned R.C. 50. The testimony established that prior to 1945 and up to the present time the subject property has been used for farming purposes and that a portion of the property has been used for the storage of refuse trucks. The Petitioner gave lengthy testimony beginning as early as the 1930s, establishing that up until the present the general hauling of refuse has taken place. He testified both as to hauling refuse off the premises and hauling refuse both for private and commercial purposes. The testimony

further established that as time went by the trash hauling use on the property eventually evolved into licensed County trash routes that are contracted out to various trash haulers located in Baltimore County. It is clear to this Board that many of those haulers in the beginning were originally farmers who hauled "trash" in connection with their farming operations. The testimony indicated that three to four trucks were used for trash hauling in the early period of this use, and the testimony is consistent during the period of time up to the present that three to four trucks have been used for the purpose of hauling trash. The distinction is that the size of the trucks has changed significantly from 1-1/2 ton stake body trucks to 10 to 12 ton modern garbage trucks capable of compacting trash, which are now required to be used throughout the County for trash pickup.

In addition to the Petitioner testifying, his brother, Joseph Parlett, also corroborated the testimony and described the activities of hauling during the same period of time. There was also testimony of neighboring farmers indicating that hauling had taken place prior to 1945 and up to the present.

In addition to the trash hauling activities, the testimony and a review of the photographic maps entered into evidence established that prior to 1945 there were on the farm two buildings in an L-shaped configuration which stored the trucks which were used at that time both for the purpose of farming and for hauling. Thereafter, two buildings were constructed. The #3 building is used to house farming equipment, and it was established that the

fourth building, which is the largest building on the site and constructed in 1985, was being used for the storage of the new large trash trucks. That building contains four bays, and the photographs reflected that the trucks are stored therein.

Zoning officially came to Baltimore County on January 2, 1945 when the first regulations were adopted and took effect. Those original regulations provided for nonconforming uses. The applicable regulation read as follows:

A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use. Section XI, 1945, BCER

Thereafter in 1955, a new set of comprehensive zoning regulations were adopted, and Section 104 of those regulations read as follows:

104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue to resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of

buildings so used.

In 1976, by County Council Bill No. 18-76, Section 104.1 was changed to its current language to read as follows:

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (BCER, 1955; Bill No. 18, 1976)

The issue before this Board is to determine what lawful nonconforming use existed on the property prior to January 2, 1945 when the zoning regulations went into effect. If the facts determine that there did exist a legal trash hauling use prior to this date, this Board must necessarily find that the Petitioner is entitled to the lawful nonconforming use, provided there is no evidence to establish any change in the use, abandonment of the use, or its discontinuance for a period of one year or more.

The Board is satisfied from the testimony presented by the Petitioner as well as those other witnesses testifying for the Petitioner that trash hauling did in fact take place at the subject site prior to 1945 and in the early 1940s. The testimony likewise established that trucks were continuously used and that generally there were three to four trucks being used prior to the enactment of the zoning regulations, and that at present the same number of

trucks is in use. The difference is that the trucks are larger and the material being hauled has changed. During the period of time prior to 1945, the subject property was used for the storage of trash hauling equipment and early on the trucks were used for both farming and trash hauling purposes. Now the purpose is primarily if not totally for hauling trash.

Section 104.1 of the Baltimore County Zoning Regulations (BCER) requires that for a legal nonconforming use to exist it must be shown there has not been any change in the use of the subject property. If it is shown that the property use has changed or is different, the continuous nature of the nonconforming use is lost. Further, if the use changes from the original use, the current use of the property shall not be considered nonconforming. See McKewy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

This Board is satisfied from the testimony that at present the Petitioner is using larger trucks for the hauling of trash and that the use is more commercial in nature than it was approximately 40 years ago when the trucks were being used for both hauling and farming purposes. This Board does not believe or find that the intensified commercial use of the trucks and the increase in size of the trucks constitutes a different use. The fact that the number of trucks may have increased or their size has increased is a matter of intensification of the use of hauling trash rather than an extension or expansion of the use.

In the proceedings before this Board, the Petitioner is requesting that an area of the property consisting of 1.5 acres be

the confines of the nonconforming use and that all four of the buildings be permitted for storage of the trash hauling trucks, which will include the storage of farming equipment as well. Because the evidence presented by the Petitioner establishes that the farm use and the trash hauling use on the subject property are no longer interrelated or connected, and that the uses are now separated, this Board finds that the particular area wherein the legal nonconforming use for trash hauling is to be confined must be clearly designated and defined.

This Board finds that the trash hauling operation is a nonconforming use and further finds that the Petitioner should not be allowed to enlarge the present nonconforming use beyond that which is permitted by Section 104.1 of the BCER. In granting this nonconforming use, the Board is defining the area for the nonconforming use for the trash hauling operation to be the 1.5 acres testified to by the Petitioner and identified on Petitioner's Exhibit No. 2B, being 240 ft. by 220 ft., and that within that area the storage of the trash hauling trucks and equipment shall be limited to the building marked as #4 on Petitioner's Exhibit No. 2B, being a four-bay pole building. The evidence and testimony fails to establish that the Petitioner is entitled to use the premises for the operation of a contractor's equipment storage yard or the operation of a Class II trucking facility. His request that the trash hauling operation be permitted as a business from a residence and the storage of trash hauling vehicles is supported by the testimony.

In addition to this Board's findings of fact, the Board is imposing restrictions which it deems appropriate and necessary, which restrictions shall be set out in the Board's Order.

ORDER

FOR THE REASONS SET OUT ABOVE, IT IS THEREFORE this 1st day of October, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing for a nonconforming use for the operation of a contractor's equipment storage yard be and is hereby DENIED; and it is further

ORDERED that the Petition for Special Hearing for a nonconforming use for the operation of a trash hauling business along with the storage of trash trucks be and is hereby GRANTED; and it is further

ORDERED that the Petition for Special Hearing to approve a Class II trucking facility is hereby DENIED; and it is further

ORDERED that the Petition for Special Hearing to approve the operation of a trash hauling business from a residence and the storage of trash vehicles is hereby GRANTED subject to the following restrictions:

1. The Petitioners 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 Petitioners shall comply with the requirements of the Department of Environmental Protection & Resource Management (DEPRM) as set forth in their comments dated July 29, 1991, attached hereto and made a part hereof.
3. The four trash hauling trucks while on the subject property shall be stored within the #4 pole building identified on Petitioner's Exhibit No. 2B.

4. Petitioner's use of the subject property for farming and/or storage of equipment used in connection with Petitioner's farming operation shall in no way be limited by this Order except to the extent that Building #4 shall first be used for the storage of the four trash trucks while on the subject site.

5. No vehicles or equipment not related to the farming activities and trash hauling activities on the subject site shall be permitted to be stored or repaired on the property.

6. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

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

Michael B. Sauer
Michael B. Sauer, Acting Chairman

Judson H. Lipowitz
Judson H. Lipowitz

Harry E. Buchhalter, Jr.
Harry E. Buchhalter, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 1, 1992

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Towson, MD 21204

RE: Case No. 91-450-SPH
Alvin H. Parlett, et ux

Dear Mr. Tanczyn:

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,

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

encl.

cc: Mr. Richard E. McNally /
Earle Beach Improvement Association
Robert J. Romadka, Esquire
John B. Grontrum, Esquire
Mr. & Mrs. Alvin H. Parlett
Mr. Joseph S. Parlett
Mr. Louis G. Davis
Mr. & Mrs. Charles Carnes
Mr. & Mrs. George Willinger
Ms. Delores Kelley
Mr. Vincent Sansone
Mr. & Mrs. Richard McNally
Mr. & Mrs. B. Robier
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Rotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS
NW/8 Earle Beach Road :
(1004 Earle Beach Road) : OF BALTIMORE COUNTY
15th Election District :
5th Councilmanic District :
ALVIN H. PARLETT, et ux, : Zoning Case No. 91-450-SPH
Petitioner :
: : : : :
ENTRY OF APPEARANCE

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

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 1st day of October, 1991, a copy of the foregoing Entry of Appearance was mailed to John O. Hennegan, Esquire, Romadka, Grontrum & Hennegan, 814 Eastern Blvd., Baltimore, MD 21221; and Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Ave., Towson, MD 21204.

Phyllis Cole Friedman
Phyllis Cole Friedman

EO-6 HW 1-13016
STUDY COPY 10/1/92
00000000

IN RE: PETITION FOR SPECIAL HEARING : BEFORE THE
NW/8 Earle Beach Road :
1004 Earle Beach Road : ZONING COMMISSIONER
15th Election District : OF BALTIMORE COUNTY
5th Councilmanic District :
Alvin H. Parlett, et ux : CASE # 91-450-SPH
Petitioners :
: : : : :

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request, pursuant to the Petition for Special Hearing, approval of a nonconforming use for the operation of a contractor's equipment storage yard; the operation of a trucking facility Class 2; the operation of a business from a residence and storage of commercial vehicles, as more particularly described on Petitioners' Exhibit No.1.

The Petitioners, by Alvin Parlett, appeared, testified and were represented by John O. Hennegan, Esquire. Appearing and testifying on behalf of the Petitioners were Joseph S. Parlett and Louis G. Davis. Appearing only on behalf of the Petitioners were Rosalie Parlett, Deborah Parlett, Alice Inglima, Michael Parlett, Robert Ledbetter, Rex and Marlene Stanfield, Don E. Gruss, Michael J. Maddox, Donald J. Burice, Roland R. Parlett and Guy T. and Diane H. Milwar. Appearing and testifying as Protestants were George G. Willinger, Charlotte Wilhelms and Madeline Robier. Also appearing as Protestants were Charles L. Carnes, Jr., Delores C. Kelley, Donald Large, Mary and Charles J. Rondo, Verna Smith, Bernard C. Robier, Sr., Dawn Hall, and Richard Shannon, and Sean McNally. Frank DiMeglio appeared and testified in his capacity as Zoning Inspector for Baltimore County.

Testimony indicated that the subject property known as 1004 Earle Beach Road, consists of 2.3 acres +/- zoned R.C.50 and is currently being utilized to support the herein described uses.

ORDER RECEIVED FOR FILING
Date 10/1/92
By Phyllis Cole Friedman

Testimony and evidence indicated that the Petitioners are currently utilizing a portion of the subject property for the storage of refuse trucks, said area being improved with a "pole" type barn structure (See Protestants Exhibit No.1). This matter arose as an alleged zoning violation, pursuant to a citation issued by Baltimore County Zoning Inspector, Frank DiMeglio. At the violation hearing (12/12/90), District Court Judge John Garmer referred the matter to the Zoning Commissioner for a determination of whether the subject use is a legal nonconforming use which precipitated the subject hearing.

Mr. DiMeglio testified that he last visited the site on December 11, 1990, and observed four refuse trucks located within the aforementioned pole barn, and a variety of dumpsters, junk engines and miscellaneous debris. Mr. DiMeglio testified that Baltimore County records revealed that the Petitioners have been in the full-time trash hauling business since 1979 (see Protestants' Exhibit No.2) to the present. He also indicated that the Petitioners had a contract for trash removal with Baltimore County between the years 1947 to 1962. Mr. DiMeglio testified at length regarding the history of the improvements on the property and the current uses existing thereon.

Alvin Parlett, Petitioner, testified that he moved to the subject site when he was five years of age in 1937. He testified that he currently lives on the 38 acre parcel, 2.5 acres of which is used for the storage and maintenance of the subject refuse equipment. He testified that the farm is an active farm currently growing vegetables. Mr. Parlett testified that in 1942 his family hauled slop from local distilleries which they used to feed their farm animals. He testified that they also hauled garbage from local restaurants to be used as animal feed. He indicated that in approximately 1947, his family entered a contract with Baltimore County for residential

-2-

trash hauling which continued through 1963 at which time the contract was not renewed. Mr. Parlett testified that subsequent to 1963, they continued to haul feed slop and a variety of trash. He testified that in 1979, he entered into a new contract with Baltimore County for trash removal. Mr. Parlett emphasized that between the years 1937 and 1991, the family was involved in the business of trash pickup and disposal and that this activity has continued uninterrupted from 1937 through the present. He further indicated that they have always stored trash hauling vehicles on the property at the location where the subject pole barn is located. Mr. Parlett indicated that "farming" in the 1930s and 1940s included the hauling of trash for the purpose of separating out the "food-stuff" to feed the farm animals. He indicated that this eventually evolved into licensed County trash routes that are contracted out to various haulers throughout the County. He indicated that many of these haulers were originally farmers who hauled "trash" in conjunction with their farming operations. Testimony indicated that Petitioners currently have a total of four refuse trucks which they service on site.

Joseph Parlett, brother of the Petitioner, testified that he was eleven years of age when his family moved to the subject farm in 1937. He testified that he worked on the farm prior to 1945 under his father's supervision hauling hops, grain, feed, trash, etc., during the period between 1942 and 1945. He testified that, between the years 1947 and 1962, he made at least one haul per week. Mr. Parlett testified that he concurred with the testimony of his brother which described the nature of the subject hauling activities.

Mr. Louis G. Davis testified that he has lived in this community for 61 years and is gainfully employed as a farmer. Mr. Davis testified that he

ORDER RECEIVED FOR FILING
Date 10/1/92
By Phyllis Cole Friedman

-3-

has personal knowledge of the Parlett family hauling the aforementioned slop, trash, etc., during the years 1941 through the present. He also testified that he remembers the operation of the school bus from the site prior to 1945.

Mr. George Willinger, Protestant, testified that he has lived in this community on a full time basis since 1971 and on a "part time basis" between the years 1956 and 1970. Mr. Willinger testified that he had many opportunities between the years 1956 and 1979 to observe the activities on the subject farm. He testified that, prior to 1979, he observed no trash hauling operation from the site. He testified that in 1979 he observed several commercial trash hauling vehicles operating from the Parlett farm.

Ms. Charlotte Wilhelms, Protestant, testified that she has lived in this community since 1956 and that she concurs with the testimony of Mr. George Willinger.

Mrs. Madeline Robier, Protestant, testified that she has lived in this community since 1951 and that, until 1979, she had never witnessed the operation of commercial refuse trucks from the Parlett farm. Mrs. Robier testified that, on numerous occasions, she had observed "farm" vehicles operating on or about the subject farm, but that they were not the type of vehicles she would characterize as commercial trash trucks.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247).

ORDER RECEIVED FOR FILING
Date 10/1/92
By Phyllis Cole Friedman

-4-

Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKenny v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming

ORDER RECEIVED FOR FILING
Date 10/1/92
By Phyllis Cole Friedman

-5-

business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

ORDER RECEIVED FOR FILING
Date 10/1/92
By Phyllis Cole Friedman

-6-

APPEAL

Petition for Special Hearing
NW/S Earl's Beach Road)
(1004 Earl's Beach Road)
10th Election District - 15th Councilmanic District
ALVIN H. PARLETT, ET UX - Petitioner
Case No. 91-450-SPH

- ✓ Petition(s) for Special Hearing
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- Entry of Appearance of People's Counsel (None submitted)
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Director of Planning & Zoning Comments (Included with ZAC Comments)
- ✓ Violation Notice
- Petitioner's Exhibits: ✓ 1. Site as shown on 1,000 scale Zoning map
- Protestant's Exhibits: ✓ 1. Copy of permit application
✓ 2. Memo from Chief of Sanitation
✓ 3. Microfilm copy of site plan
✓ 4 & 5. Aerial Maps
- ✓ Zoning Commissioner's Order dated August 26, 1991 (Granted w/
Restrictions)
- ✓ Notice of Appeal received September 18, 1991 from Richard E. McNally,
Protestant on behalf of the Earl's Beach Improvement Association.

cc: Mr. & Mrs. Alvin H. Parlett
1004 Earl's Beach Road, Baltimore, MD 21220
Robert J. Komadka entered appearance 2/11/92
John C. Hennegan, Esquire - Komadka, Gontum & Hennegan *McLaughlin, et al*
814 Eastern Boulevard, Baltimore, MD 21221
Richard E. McNally - Earl's Beach Improvement Association
6864 Leslie Road, Baltimore, Maryland 21220
* Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue, Towson, Maryland 21204
Joseph S. Parlett, 2611 McComas Avenue, Baltimore, MD 21222
Louis G. Davis, 1018 Carroll Island Road, Baltimore, MD 21220
Charles & Carolyn Carnes - 6800 Leslie Road, Baltimore, MD 21220
George & Brigid Willinger - 6832 Leslie Road, Baltimore, MD 21220

Appeal Checklist - Case No. 91-450-SPH
ALVIN H. PARLETT, ET UX - Petitioner
September 30, 1991
Page 2

DeLores Kelley - 1020 Earl's Beach Road, Baltimore, MD 21220
Vincent Sansone - 6856 Leslie Road, Baltimore, MD 21220
Richard and Wendy McNally - 6860 Leslie Road, Baltimore, MD 21220
Bernie and Madeline Robier - 6864 Leslie Road, Baltimore, MD 21220
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning
Patrick Keller, Deputy Director of Planning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

This issue is at the root of most of the problems in this case. The Zoning Commissioner must determine whether or not a legal trash hauling use was first established at this site prior to the adoption of the B.C.Z.R. This is also the issue that creates the most misunderstandings for the Protestants. In fact, Mrs. Nobier said it most clearly when she testified that she would not characterize the old farm vehicles as commercial trash trucks. I agree, they are not the same trucks, or even the same kind. However, the issue is not the style of the trucks but the nature of the use. The issue is trash hauling, not the type or kind of vehicle used to haul the trash.

The facts are that the Petitioners were hauling trash in the 1940s and did so in the method employed in the business at that time. The trucks are different, but the material hauled was clearly discard or trash. The testimony and evidence in this case indicated that the subject property was used for the storage of trash hauling equipment which, in many cases, was dual purpose equipment, prior to 1945. These trash hauling operations have continued in one form or another for the past fifty (50) years and up to the present.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the

current use of the property shall not be considered nonconforming. See McKewy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use?"

The facts are the Petitioner has bigger trucks that are more commercial in nature than he did thirty (30) years ago. The Petitioner also has four (4) trash trucks where he only had one (1) or two (2) years ago.

Clearly, the commercialization and specialization of the trucks and the growth in actual size of the trucks is a different manner or nature of operation, but it is not a different use. The number of trucks is an intensification of the use. However, the enlargement of the area and the additional buildings devoted to the trash hauling is not acceptable. The Petitioner's proposal expands the use even more and the purposed of Section 104 of the B.C.Z.R. is not met by this enlargement.

The testimony of the Petitioner's witnesses establishes a small two farm truck operation from one or two small buildings operating on a part time basis (no more than twice a week). Now, the Petitioner is requesting approximately 2.3 acres of ground with three (3) buildings. This is not intensification, but an enlargement and extension which is not permitted as a matter of law. Furthermore, the farm use and the trash hauling are no longer interrelated and, therefore, the uses are now separate; so the areas must be defined.

The special hearing process is intended to determine whether a nonconforming use exist; not to allow the enlargement of the nonconforming use beyond what is permitted by Section 104.1 of the B.C.Z.R. Section 104.1 specifically prohibits the extension of a nonconforming use over a parcel of land or within a building more than 25% of its original use area.

The trash hauling operation is a nonconforming use. However, it has to be limited to its area and not include farm or residential area, as required by Section 104 of the B.C.Z.R. In order to clearly define the areas in question for the nonconforming use, a new plan shall be prepared by the Petitioner and approved by the Zoning Commissioner.

After due consideration of the testimony and evidence presented, it appears that the property has been used continuously without interruption for the storage, dispatch and repair of refuse hauling equipment. Based on the testimony and evidence presented, the Petitioner has established that the subject use predates the effective date of the Baltimore County Zoning Regulations (B.C.Z.R.), specifically, 1945.

Furthermore, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should

therefore be granted. The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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 granted and the Petition for nonconforming use should be granted as modified to specifically identify the nonconforming use on the new site plan provided for by this Order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 28th day of August, 1991 that the Petition for Special Hearing, for approval of a nonconforming use for the operation of a contractor's equipment storage yard for a trash hauling operation as shown and limited on a plan approved by the Zoning Commissioner, in accordance with restriction #4 below, is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the operation of a trucking facility Class 2 is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the operation of a business from a residence and storage of commercial vehicles for a trash hauling operation as shown and limited on a plan approved by the Zoning Commissioner, in accordance with restriction No. 4 below, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners 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 Petitioners shall comply with the requirements of the Department of Environmental Protection and Resource Management (DEPRM) as set forth in their comments dated July 29, 1991, attached hereto and made a part hereof.

3. The restrictions set forth herein shall in no way limit the Petitioners' use of the subject property for farming and/or the storage of equipment used in connection with Petitioners' farming operation.

4. Petitioner shall submit to the Zoning Commissioner's office by no later than Oct. 1, 1991 a new site plan prepared by a registered professional engineer and/or land surveyor, which clearly identifies all buildings, their size and area dimensions, their exact location on the subject property, their distances from all property lines, and any other information as may be required to be a certified site plan. The new plan shall identify which buildings are used in the trash hauling business, what operation is conducted therein and whether or not any farming use is made of the building. Each building shown shall have attached floor plans. All outdoor areas utilized in the trash hauling operation shall be shown in detail.

5. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated July 29, 1991, attached hereto and made a part hereof.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

Petition for Special Hearing

BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

IT IS HEREBY ORDERED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY THAT A HEARING IS REQUIRED IN THE DISCRETION OF THE ZONING COMMISSIONER, PURSUANT TO SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR PROPERTY SITUATE IN BALTIMORE COUNTY FOR A PUBLIC HEARING FOR THE PROPER INTERPRETATION OF THE BALTIMORE COUNTY ZONING REGULATIONS.

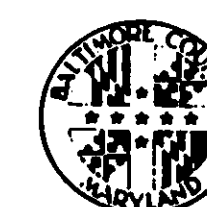
J. Robert Haines
J. ROBERT HAINES

THE PETITION FOR A SPECIAL HEARING UNDER SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A PUBLIC HEARING FOR THE PROPER ENFORCEMENT AND/OR INTERPRETATION AS IT APPLIES TO APPROVING A NON-CONFORMING USE FOR THE OPERATION OF A CONTRACTOR'S EQUIPMENT STORAGE YARD, THE OPERATION OF A TRUCKING FACILITY CLASS 2, THE OPERATION OF A BUSINESS FROM A RESIDENCE AND STORAGE OF COMMERCIAL VEHICLES LOCATED AT 1004 EARLS BEACH ROAD, BALTIMORE COUNTY, MARYLAND IN THE 15th ELECTION DISTRICT.

PROPERTY IS TO BE POSTED AND ADVERTISED AS PRESCRIBED BY ZONING REGULATIONS.

AFFECTED PROPERTY OWNERS:

ALVIN H. FARLETT
ROSALEE A. FARLETT
1004 EARLS BEACH ROAD
BALTIMORE, MD 21220



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2 HR. - 1 HR.
AVAILABLE FOR HEARING
ALL NON-7/25/91 - NEXT TWO MONTHS
REVIEWED BY: DATE

DESCRIPTION OF OVERALL PROPERTY

Beginning for the same at an old pipe at a point on the northwest side of Earl Beach Road, thence running in clockwise direction: (1) North 23 degrees 30 minutes West 406-30 feet; (2) North 20 degrees 38 minutes East 2002-54 feet; (3) North 85 degrees 55 minutes West 1173-51; (4) North 24 degrees 21 minutes 20 seconds East 208-27 feet; (5) North 37 degrees 30 minutes East 360 feet; (6) North 71 degrees 10 minutes East 295 feet; (7) North 7 degrees 50 minutes East 105 feet; (8) North 21 degrees 40 minutes East 100 feet; (9) North 28 degrees 00 minutes East 229-13/100 feet; (10) North 81 degrees 30 minutes East 200 feet; (11) South 8 degrees 13 minutes 50 seconds East 245 feet; (12) South 8 degrees 13 minutes 50 seconds East 170 feet; (13) North 81 degrees 45 minutes 10 seconds East 200 feet; (14) North 81 degrees 46 minutes 10 seconds East 16-18 feet; (15) South 1 degree 30 minutes East 2965-60 feet to the beginning of the last or North 87 degrees 20 minutes West 513-80/100 foot line to the place of beginning. Containing 38.32 acres of land. Recorded among the Land Records of Baltimore County in Liber O.T.C. No. 5042, Folio 332. Also known as 1004 Earls Beach Road, 15th Election District, 5th Councilmanic District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 15th Date of Posting: 7/12/91
Posted for: Special Hearing
Petitioner: Alvin H. Parlett, et ux
Location of property: N.W. Earl Beach Rd
1004 Earl Beach Rd
Location of Sign: Corner of Earl Beach Rd and 15th
St. Louis Ave. at 15th St. Bldg.
Remarks: None
Posted by: [Signature] Date of return: 7/12/91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning and Planning Department, will hold a public hearing on the proposed Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or Deputy Zoning Commissioner should approve to approve a non-conforming use for the operation of a contractor's equipment storage yard, the operation of a trucking facility Class 2, the operation of a business from a residential and storage of commercial vehicles.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

TOWSON, MD., June 28, 1991
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 27, 1991.

THE JEFFERSONIAN,

S. Zake
Publisher

277 - \$ 37.52

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or Deputy Zoning Commissioner should approve to approve a non-conforming use for the operation of a contractor's equipment storage yard, the operation of a trucking facility Class 2, the operation of a business from a residential and storage of commercial vehicles.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) Alvin H. Parlett
Signature [Signature]
Signature [Signature]
Address 1004 Earls Beach Road
City and State Baltimore, Md. 21220
Name, address and phone number of legal owner, contractor purchaser or representative to be contacted
1004 Earls Beach Road
Baltimore, Md. 21220 335-8518
Attorney for Petitioner: John O. Hennegan, Esquire
(Type or Print Name) [Signature]
Address 314 Eastern Boulevard
City and State Baltimore, Md. 21221
Attorney's Telephone No.: (301) 686-8274

ORDERED By The Zoning Commissioner of Baltimore County, this 6 day of June, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 48, County Office Building in Towson, Baltimore County, on the 30 day of July, 1991, at 9 o'clock a. M.

Zoning Commissioner of Baltimore County

REC-50-1
ORDER RECEIVED FOR FILING
Date _____
By _____

CAF NO. 92-CY-10197

IN THE MATTER OF THE APPLICATION OF ALVIN H. PARLETT, ET UX
RECEIVED FROM THE COUNTY BOARD OF APPEALS
EXHIBITS, BOARD'S RECORD EXTRACT & TRANSCRIPT FILED IN THE ABOVE-ENTITLED CASE,
AND ZONING COMMISSIONER'S FILE & EXHIBITS.

[Signature]
Clerk's Office

Date: 7/27/92



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING-ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
Room 48, Old Courthouse
400 Washington Avenue
January 14, 1992

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 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. 91-450-SPH ALVIN H. PARLETT, ET UX
NW/4 Earls Beach Road
1004 Earls Beach Road
15th Election District;
5th Councilmanic District
SPH-Nonconforming use - contractor's storage yard; Class 2 trucking facility; business in residence & storage of commercial vehicles.
8/26/91 - Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: WEDNESDAY, APRIL 1, 1992 AT 10:00 a.m.

cc: Mr. and Mrs. Alvin H. Parlett - Petitioners
John O. Hennegan, Esquire - Counsel for Petitioners
Michael P. Tanczyn, Esquire - Counsel for Protestants
Mr. Richard E. McNally
Earl's Beach Impr. Assoc. - Protestants
Mr. Joseph S. Parlett
Mr. Louis G. Davis
Mr. and Mrs. Charles Carnes
Mr. and Mrs. George Willinger
Ms. Dolores Kelley
Mr. Vincent Sansone
Mr. and Mrs. Richard McNally
Mr. and Mrs. Bernice Robier
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmual
Legal Secretary

RECEIVED

OCT 22 1991

ZONING OFFICE

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 15th Date of Posting: 7/12/91
Posted for: Appeal
Petitioner: Alvin H. Parlett, et ux
Location of property: N.W. Earl Beach Rd
1004 Earl Beach Rd
Location of Sign: Corner of Earl Beach Rd and 15th
St. Louis Ave. at 15th St. Bldg.
Remarks: None
Posted by: [Signature] Date of return: 7/12/91
Number of Signs: 1



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING-ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
Room 48, Old Courthouse
400 Washington Avenue
January 14, 1992

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 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. 91-450-SPH ALVIN H. PARLETT, ET UX
NW/4 Earls Beach Road
1004 Earls Beach Road
15th Election District;
5th Councilmanic District
SPH-Nonconforming use - contractor's storage yard; Class 2 trucking facility; business in residence & storage of commercial vehicles.
8/26/91 - Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: WEDNESDAY, APRIL 1, 1992 AT 10:00 a.m.

cc: Mr. and Mrs. Alvin H. Parlett - Petitioners
John O. Hennegan, Esquire - Counsel for Petitioners
Michael P. Tanczyn, Esquire - Counsel for Protestants
Mr. Richard E. McNally
Earl's Beach Impr. Assoc. - Protestants
Mr. Joseph S. Parlett
Mr. Louis G. Davis
Mr. and Mrs. Charles Carnes
Mr. and Mrs. George Willinger
Ms. Dolores Kelley
Mr. Vincent Sansone
Mr. and Mrs. Richard McNally
Mr. and Mrs. Bernice Robier
People's Counsel for Baltimore County
P. David Fields
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Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmual
Legal Secretary

RECEIVED
JAN 14 1992

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING - ROOM 315 OLD COURTHOUSE
11111 CHESAPEAKE AVENUE ROOM 3
TOWSON, MARYLAND 21204 400 WASHINGTON AVE.
Hearing Room - Room 48, Old Courthouse (301) 887-3180
Room 48, Old Courthouse February 6, 1992
400 Washington Avenue

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 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. 91-450-SPH ALVIN H. PARLETT, ET UX
NW/s Earle Beach Road
1004 Earle Beach Road
15th E; 5th C
SPH-Nonconforming use - contractor's storage yard; Class 2 trucking facility; business in residence & storage of commercial vehicles.
8/26/91 - Z.C.'s Order GRANTING Petition with restrictions.

which was scheduled for hearing on April 1, 1992 has been POSTPONED at the request of Counsel for Petitioner due to schedule conflict and has been

REASSIGNED FOR: TUESDAY, MAY 19, 1992 AT 10:00 A.M.
cc: Mr. and Mrs. Alvin H. Parlett - Petitioners
Robert J. Romadka, Esquire - Counsel for Petitioners
Michael P. Tanczyn, Esquire - Counsel for Protestants
Mr. Richard E. McNally
Earle's Beach Impr. Assoc. - Protestants
Mr. Joseph S. Parlett
Mr. Louis G. Davis
Mr. and Mrs. Charles Carnes
Mr. and Mrs. George Willinger
Ms. Delores Kelley
Mr. Vincent Sansone
Mr. and Mrs. Richard McNally
Mr. and Mrs. Bernie Robler
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration
LindaLee M. Kuszmaul - Legal Secretary

Form CA1

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754
December 14, 1992

Kathy Rushton - 887-2880
Jury Assignments-Civil
General Settlement Conferences
Irene Summers - 887-2880
Civil Assignment Commissioner
- 887-2881
Non-Jury Assignments-Civil
Special Settlement Conferences

TO: Michael P. Tanczyn, Esq.
County Board of Appeals of Baltimore County
Office of Law
John B. Gontrum, Esq.

RE: Non Jury 92CV10197 In The Matter of Alvin H. Parlett

HEARING DATE: Monday, March 8, 1993, @ 9:30 a.m.

ON THE FOLLOWING: Appeal: 2 to 2 1/2 hours

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

92DEC 15 AM 11:15
COUNTY BOARD OF APPEALS

Form CA1

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754
February 8, 1993

Kathy Rushton - 887-2880
Jury Assignments-Civil
General Settlement Conferences
Irene Summers - 887-2880
Civil Assignment Commissioner
- 887-2881
Non-Jury Assignments-Civil
Special Settlement Conferences

TO: Michael P. Tanczyn, Esq.
John B. Gontrum, Esq.

RE: Non Jury 92 CV 10197 Matter of Alvin H. Parlett

HEARING DATE: Wednesday, April 7, 1993, @ 9:30 a.m. CORRECTED NOTICE

ON THE FOLLOWING: Appeal: 2 - 2 1/2 Hours

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
1 West Chesapeake Avenue
Towson, MD 21204
887-3353
July 1, 1991

John O. Hennegan, Esquire
814 Eastern Blvd
Baltimore, MD 21221

RE: Item No. 467, Case No. 91-450-SPH
Petitioner: Alvin H. Parlett, et ux
Petition for Special Hearing

Dear Mr. Hennegan:

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 MINIARSKI. 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. & Mrs. Alvin H. Parlett
1004 Earle Beach Road
Baltimore, MD 21220

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
1 West Chesapeake Avenue
Towson, MD 21204
887-3353

Your petition has been received and accepted for filing this 4th day of June, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Alvin H. Parlett, et ux
Petitioner's Attorney: John O. Hennegan

Form CA1

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754
February 25, 1993

Kathy Rushton - 887-2880
Jury Assignments-Civil
General Settlement Conferences
Irene Summers - 887-2880
Civil Assignment Commissioner
- 887-2881
Non-Jury Assignments-Civil
Special Settlement Conferences

TO: Michael P. Tanczyn, Esq.
County Board of Appeals of Baltimore County
Room 48, Court House
Towson, Md 21204
John B. Gontrum, Esq.

Office of Law PP
400 Washington Ave
Towson, Md 21204

RE: Non Jury 92 CV 10197 IN THE MATTER OF ALVIN H. PARLETT ES.

HEARING DATE: MONDAY, MAY 3, 1993 @ 9:30 a.m. Note: Corrected notice of agreed date

ON THE FOLLOWING: Appeal: 2-2 1/2 hours

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: June 18, 1991
Zoning Commissioner

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

SUBJECT: Alvin H. Parlett, Item No. 467

In reference to the petitioner's requested Special Hearing, staff offers the following comment:

Should the applicant's request be granted, this office recommends that a landscape plan be submitted to the Baltimore County landscape planner for approval by the deputy director of the Office of Planning and Zoning. A copy of the approved plan shall be filed with the Zoning Office to be maintained in the official case file.

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
ITEM467/2AC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: June 18, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 13, 1991

This office has no comments for item number 467.

Rehe J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

JUNE 24, 1991

(301) 887-4500

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

RE: Property Owner: ALVIN H. PARLETT
Location: #1004 EARLS BEACH ROAD
Item No.: 467 Zoning Agenda: JUNE 13, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed 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: *John M. Kelly* Noted and Approved *Robert W. Bowling*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

*Rec'd
6/25/91*

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 19, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 13, 1991
Item 467 (91-450-SPH)

The Developers Engineering Division has reviewed the subject zoning item and a County Review Group Meeting may be required for this site.

Robert W. Bowling
Robert W. Bowling, P.E., Chief,
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: July 29, 1991
Zoning Commissioner

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 467
Parlett Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1004 Earl's Beach Road. The site is within the Chesapeake Bay Critical Area and is classified as a Resource Conservation Area (RCA).

APPLICANT'S NAME Mr. Alvin H. Parlett

APPLICANT PROPOSAL

The applicant has requested a Special Hearing to approve a non-conforming use for the operation of a contractor's equipment storage yard, the operation of a trucking facility Class 2, the operation of a business from a residence, and storage of commercial vehicles. The primary land use on the property is agricultural.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." COMAR 16.15.10.01.02

Memo to Mr. J. Robert Haines
July 29, 1991
Page 2

REGULATIONS AND FINDINGS

1a. Regulation: "In developing their Critical Area Programs, local jurisdictions shall follow these policies when addressing Resource Conservation Areas:

(3) Conserve the land and water resource base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities, and aquaculture." COMAR 16.15.02.05(8)(3)>.

1b. Regulation: "In developing their Critical Area Programs, local jurisdictions shall follow all of these policies when addressing agriculture:

(A) Assume that agricultural lands are identified and that programs are established for the Critical Area to maintain, where appropriate, agricultural lands in agricultural use, to the greatest extent possible." COMAR 16.15.06.02 (A)>.

Finding: This property is zoned RC 50. It has an existing and active agricultural use. The Critical Area Program is responsible, as stated above, for maintaining this use to the greatest extent possible. The proposal for this 38 acre parcel is to pull aside 2.3+ acres into a nonconforming use area. The information submitted by the applicant combined with aerial photographs and a site inspection of the property conclude that a maximum of approximately 1.5 acres are needed to support the existing nonconforming commercial use. The Critical Area Program will support this non-conforming use petition if the acreage request is kept to the absolute minimum necessary.

2. Regulation: "After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion of any use in existence on the date of program approval." COMAR 16.15.02.07(A)>.

Finding: If this use is recognized as a nonconforming use, then its continuation, but not necessarily its intensification, shall be permitted.

Memo to Mr. J. Robert Haines
July 29, 1991
Page 3

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

J. James Dieter, Director

JJD:DCF:ju
Attachment

cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mr. Ronald B. Hickernell
Mr. Alvin Parlett
Mr. John Hennegan, Esq.

ZONING ENFORCEMENT Baltimore County
Zoning Office
Towson, Maryland 21204

INTER-OFFICE CORRESPONDENCE

TO: James E. Oyer DATE: June 24, 1991
Zoning Supervisor

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 467
Petitioner: Alvin Parlett

VIOLATION CASE # 91-47

LOCATION OF VIOLATION 1004 Earls Beach Road

DEFENDANT Alvin & Rosalie Parlett

ADDRESS 1004 Earls Beach Road Baltimore, Maryland 21220

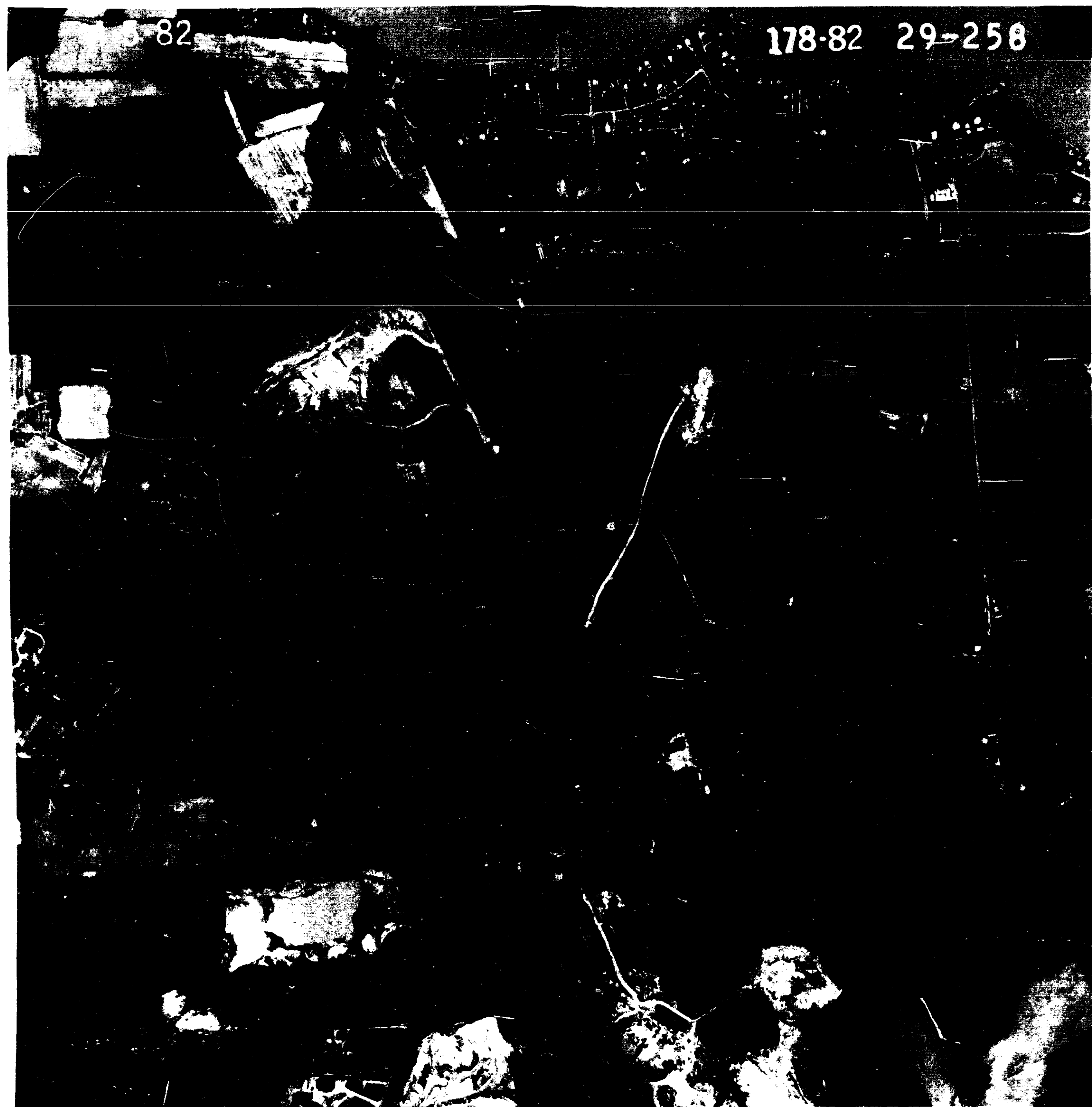
Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
Charles Carnes	6800 Leslie Road Baltimore, Maryland 21220
Bernard Robier	5864 Leslie Road Baltimore, Maryland 21220

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

cc: Owen Stevens
Development Control

ech/

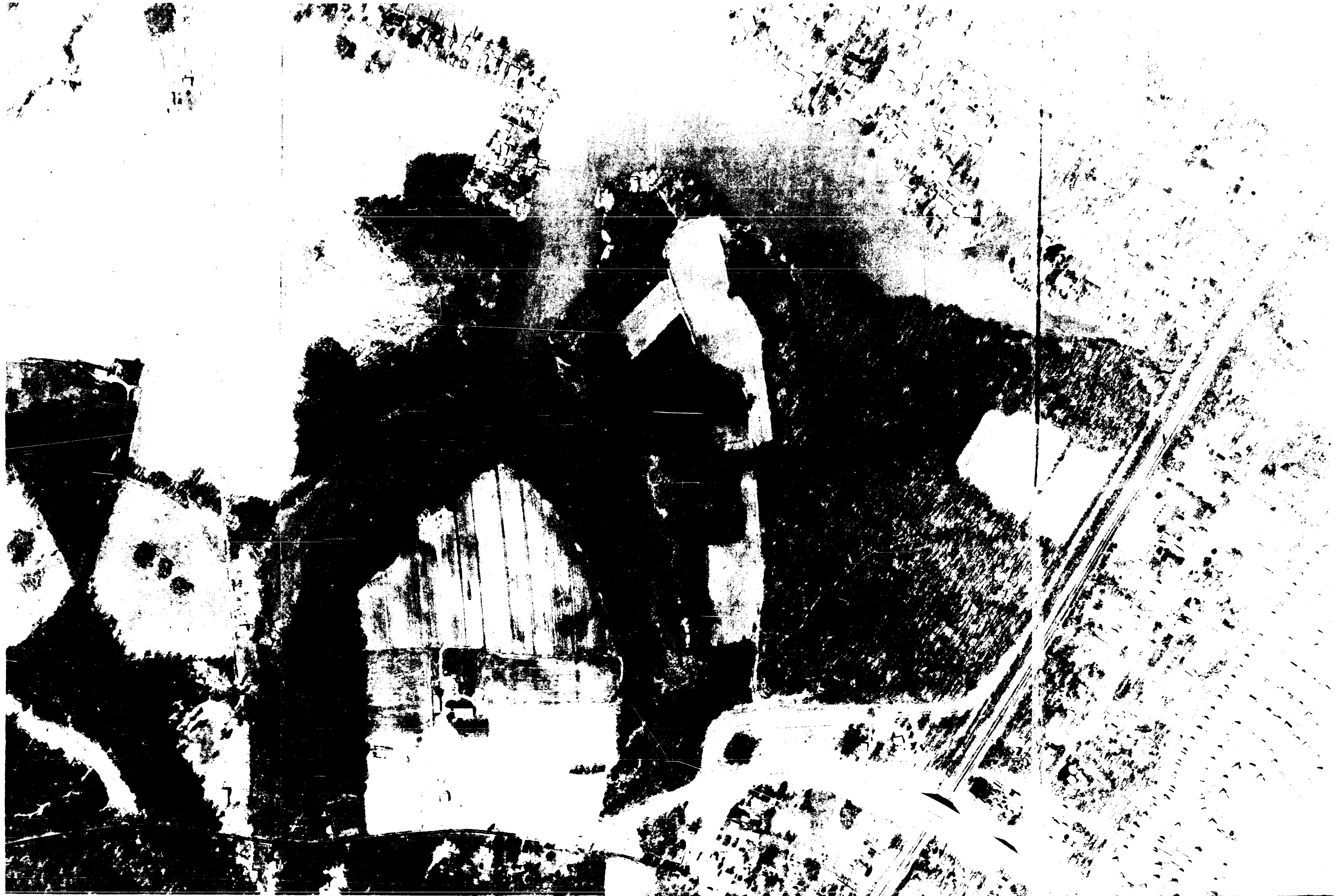


AERIAL DATA REDUCTION ASSOCIATES, INC.
27-10



I HEREBY CERTIFY that this is
a true copy, taken from the
records, in my custody of
Baltimore County, Maryland.
Signed this 30 day of July, 1991
Pamela Selig
Engineering Records

Page A. Protestant's Exh #4
91-450SPH
PROTESTANT'S
EXHIBIT 4



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

31 July 91
James L. Lee
Engineering Records

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
HAREWOOD PARK
CHASE

SHEET

NE
71

PROTESTANT'S
EXHIBIT 5

11-450-1PH

PROTESTANT'S
EXHIBIT 1

91-450 SPH

AMERDEO (MIDGE) Matteo

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

1004 EARLS BEACH ROAD
ALVIN PARLETT AND ASSOCIATES
1004 EARLS BEACH ROAD, BALTO., MD. 21220

MORTON BUILDINGS, INC., 1382 YORK ROAD, GETTYSBURG, PA. 21744

W. B. EARLS BEACH ROAD N. BROWNE ROAD

A. TYPE OF IMPROVEMENT
1. NEW BUILDING CONSTRUCTION
2. ADDITION
3. ALTERATION
4. REPAIRS
5. RECONSTRUCTION OF EXISTING BUILDING
6. OTHER

C. TYPE OF USE
1. RESIDENTIAL
2. COMMERCIAL
3. INDUSTRIAL
4. PUBLIC BUILDING
5. OTHER

CONSTRUCTION AS A 1.50 FIVE YEAR TO BE USED FOR STORAGE AND-ADDITIONAL TO BE USED FOR STORAGE FROM EXISTING PERMIT.

OWNERSHIP
1. INDIVIDUAL
2. PARTNERSHIP
3. CORPORATION
4. TRUST

D. TYPE OF CONSTRUCTION
1. SINGLE FAMILY UNIT
2. MULTIFAMILY UNIT
3. OTHER

E. RESIDENTIAL ONLY
1. SINGLE FAMILY UNIT
2. MULTIFAMILY UNIT
3. OTHER

F. DIMENSIONS
1. LENGTH
2. WIDTH
3. HEIGHT
4. AREA
5. VOLUME

ALVIN PARLETT 1-16-80
1004 EARLS BEACH RD - BALTO., MD. 21220
ALVIN PARLETT 1-16-80
1004 EARLS BEACH RD - BALTO., MD. 21220

Post # Put Ex # 6

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

1004 EARLS BEACH RD
ALVIN PARLETT + ASSOCIATES
1004 EARLS BEACH RD BALTO MD 21220

MORTON BUILDINGS INC. 1382 YORK RD GETTYSBURG PA

WBS Earls Beach / 800 N. Browne Rd

A. TYPE OF IMPROVEMENT
1. NEW BUILDING CONSTRUCTION
2. ADDITION
3. ALTERATION
4. REPAIRS
5. RECONSTRUCTION OF EXISTING BUILDING
6. OTHER

C. TYPE OF USE
1. RESIDENTIAL
2. COMMERCIAL
3. INDUSTRIAL
4. PUBLIC BUILDING
5. OTHER

CONSTRUCTION AS A 1.50 FIVE YEAR TO BE USED FOR STORAGE AND-ADDITIONAL TO BE USED FOR STORAGE FROM EXISTING PERMIT.

OWNERSHIP
1. INDIVIDUAL
2. PARTNERSHIP
3. CORPORATION
4. TRUST

D. TYPE OF CONSTRUCTION
1. SINGLE FAMILY UNIT
2. MULTIFAMILY UNIT
3. OTHER

E. RESIDENTIAL ONLY
1. SINGLE FAMILY UNIT
2. MULTIFAMILY UNIT
3. OTHER

F. DIMENSIONS
1. LENGTH
2. WIDTH
3. HEIGHT
4. AREA
5. VOLUME

ALVIN PARLETT 1-16-80
1004 EARLS BEACH RD - BALTO., MD. 21220
ALVIN PARLETT 1-16-80
1004 EARLS BEACH RD - BALTO., MD. 21220

Post # Put Ex # 6

INSPECTION RECORD
No. 84861

Form No. 1
Type: 1004 Earls Beach Rd
Inspector: M. L. Houlton
Date: 3/1/80

DATE: 3/1/80
INSPECTOR: M. L. Houlton

COMMENTS
Not ready to be taken down
- 1861 notes

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

ARNOLD J. HATCH
ZONING COMMISSIONER

February 18, 1985

RE: Building Permit No. 84861 MB
1004 Earls Beach Road
800 East Street of Eminent Domain
15th Election District

Dear Mr. Parlett:

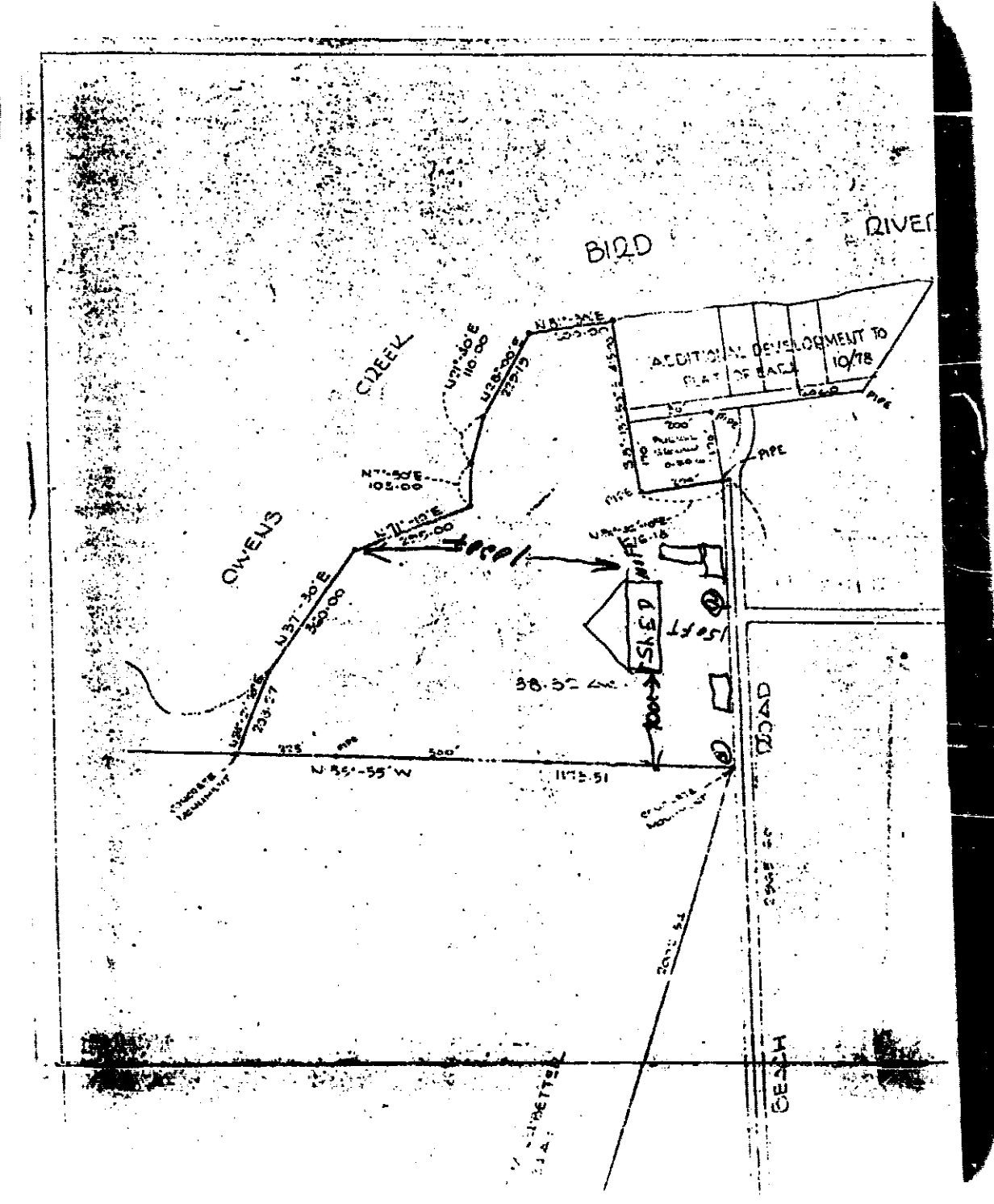
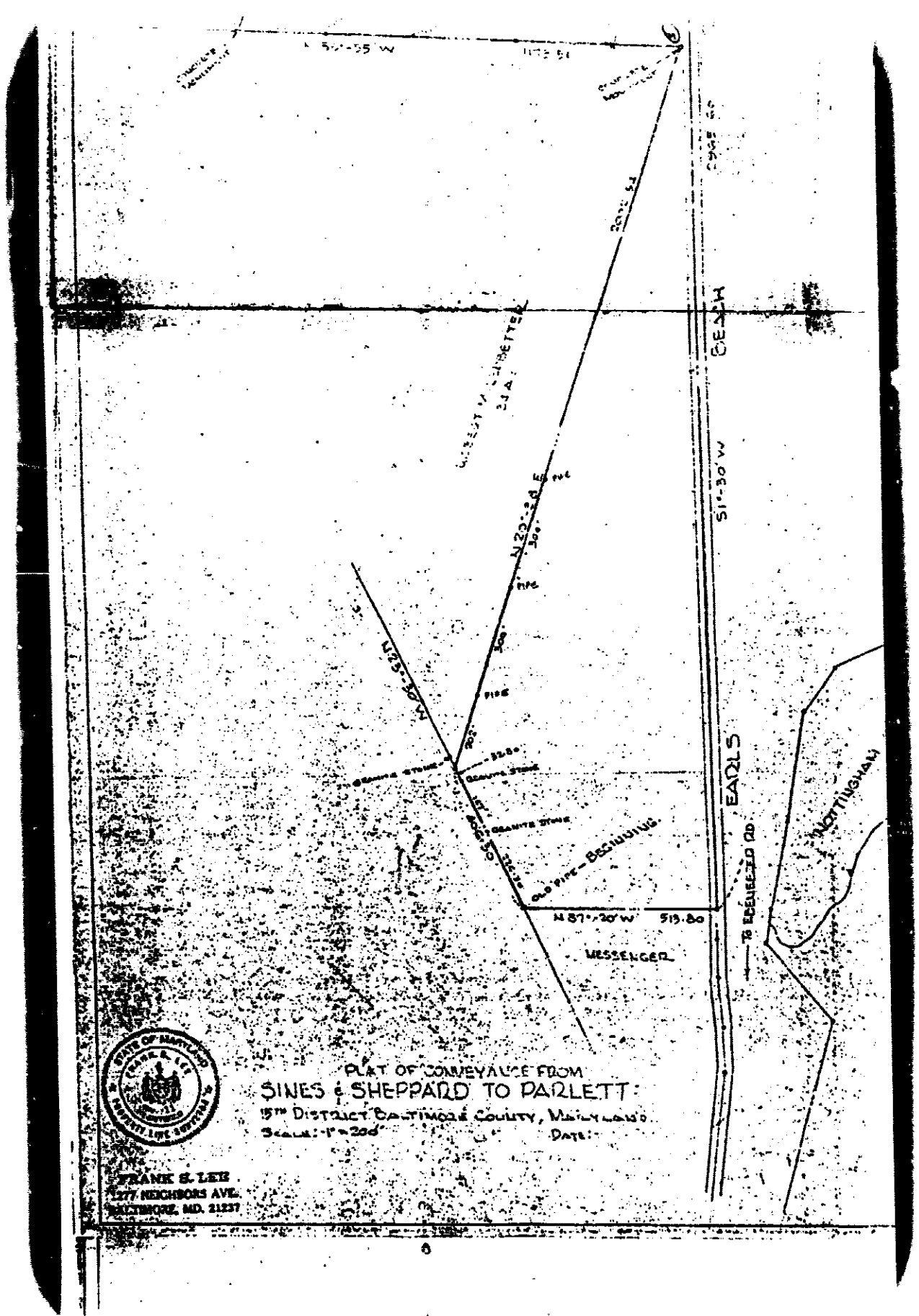
The Zoning Office cannot approve the above referenced building permit application for the following reasons:

Improper setbacks
Improper use
Insufficient information on permit
Needs average sheet in order to determine front setbacks
Fence (improper height-corner lot only)
Revised plans
Other (side Plans should be revised to show a specific scale for dimensions of lot size, dwelling size, and setbacks).

If you have any further questions, you may contact me at 494-3391.

Very truly yours,
Rodney L. Houlton
Rodney L. Houlton
Planning & Zoning Associate I

cc: Mrs. Sherry Hehl
Office Engineering Assistant I



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
DUPLICATE

TO: Randolph B. Rosencrantz through
Thorton M. Mouring
FROM: Charles E. Farley

SUBJECT: Residential Refuse Collection Route #60
John Daniels
Bauerschmidt Manor Road
Baltimore, Maryland 21220

Mr. John Daniels is desirous of relinquishing his refuse collection route comprising 2,976 units.

It is, therefore, recommended that Alvin Parlett & Son, Inc., 1004 Earls Beach Road, Baltimore, Maryland 21220, be assigned to service this route, effective February 28, 1979, receiving the following compensation:

Annual Compensation: \$60,755.12
Bi-Weekly Compensation: \$2,336.74

(SIGNED) THORNTON M. MOURING
THORNTON M. MOURING
Director of Public Works

(SIGNED) CHARLES E. FARLEY
CHARLES E. FARLEY
Chief, Bureau of Sanitation

APPROVED: R. B. Rosencrantz
County Administrative Officer
CEF/ms

RECEIVED
MAR - 3 1979
BUREAU OF SANITATION

PROTESTANT'S
EXHIBIT 2

91-450 SPH

Baltimore County Government
Department of Public Works

111 West Chesapeake Avenue
Towson, MD 21204

Bureau of Sanitation
County Office Building - Rm. 223
111 Chesapeake Avenue
Towson, Maryland 21204

INVOICE

John O. Hennegan
Attorney at Law
814 Eastern Boulevard
Essex, Maryland 21221

July 22, 1991

FOR SERVICES RENDERED:

Copies of documents from Bureau of Sanitation files:

ROLAND PARLETT (13) @ \$1.00 \$13.00
ALVIN PARLETT & SON, INC. (15) @ \$1.00 \$15.00

TOTAL DUE: \$28.00

Please make check payable to BALTIMORE COUNTY, MARYLAND and mail to above address.

Diary - Expenses
IRS letter
Miscellaneous
Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William F. Laudeman, Acting Director
Office of Finance
Attention: James Svec
Date: March 1, 1979
FROM: Charles E. Farley, Chief
Bureau of Sanitation
SUBJECT: Claimed Commercial Deductions

This is to advise that effective February 28, 1979, the John Daniels, Route #60, was transferred to Alvin Parlett & Son, Inc. Mr. Parlett does not claim any commercials at this time.

CLARENCE H. LONE
Refuse Collection Superintendent
CHARLES E. FARLEY
Chief, Bureau of Sanitation

CEP/CH/ms

RECEIVED

MAR 20 1979
BUREAU OF SANITATION

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Stanley Guild, Jr. through
Thomas H. Hamer
Date: January 11, 1990
FROM: Charles K. Weiss
SUBJECT: Residential Refuse Collection Route # 59 & #60
Alvin Parlett & Son, Inc.
1004 Karle Beach Road
Baltimore, MD 21220

A recent survey of the above refuse collection route shows the following:

		INCREMENTAL CHANGE	NEW VALUE
		Increase	Decrease
Number of Units	Rce. #59		3,072
	Rce. #60		4,967
Unit Rate	Rce. #59	\$5.21	
	Rce. #60	\$41.87	
New Compensation	Rce. #59	169,605.12	
Annual	Rce. #60	\$123,390.89	\$292,996.01 (total)
Bi-Weekly	Rce. #59	6,523.27	
	Rce. #60	\$4,745.80	\$11,269.07 (total)
Effective Date		January 10, 1990	

It is recommended that the above revision(s) be made on this route.

THOMAS H. HAMER
Deputy Director of Public Works
CHARLES K. WEISS
Chief, Bureau of Sanitation

APPROVED:

STANLEY GUILD, JR.
Deputy County Administrative Officer
CKW/ms
CC: S. Guild, Jr.
J. R. Gibson, Jr.
T. H. Hamer
J. Mackley
C. K. Weiss

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Stanley Guild, Jr. through
Thomas H. Hamer
Date: April 18, 1990
FROM: Charles K. Weiss
SUBJECT: Residential Refuse Collection Route # 59
Alvin Parlett & Son, Inc.
1004 Karle Beach Road
Balto., MD 21220

A recent survey of the above refuse collection route shows the following:

		INCREMENTAL CHANGE	NEW VALUE
		Increase	Decrease
Number of Units	Rce. #59	63	3135
Unit Rate		\$55.21	
New Compensation		\$173,083.35	
Annual		123,390.89	\$296,474.24
Bi-Weekly		\$4,745.80	
Effective Date		April 25, 1990	

It is recommended that the above revision(s) be made on this route.

THOMAS H. HAMER
Deputy Director of Public Works
CHARLES K. WEISS
Chief, Bureau of Sanitation

APPROVED:

(SIGNED) FRANK O. FOSTER, JR.
ADMINISTRATIVE OFFICER
STANLEY GUILD, JR.
Deputy County Administrative Officer
CKW/ms
CC: S. Guild, Jr.
J. R. Gibson, Jr.
T. H. Hamer
J. Mackley
C. K. Weiss

BUREAU OF SANITATION Baltimore County, Maryland

REQUEST FOR RESIDENTIAL REFUSE ROUTE CHECK

COLLECTOR: Alvin A. ROUTE NO.: 60
REQUESTED BY: Collector REASON: ☒ Change of Units
☐ Change of on-route mileage
☒ Other () Change of off-route mileage
Route Change, No. 60

DATE REQUESTED: _____

APPROVAL OF REQUEST:

Signature: Alvin A.
Date: 1-5-89

REVISION (S) RESULTING FROM ROUTE CHECK

DATE OF ROUTE CHECK: _____

	Total No. of Units	On-route (weekly)	Off-route
PREVIOUS DATE 7-1-89	9617		
INCREMENTAL REVISION	+1402	None at this time	
REVISED DATA	11019		

REASON FOR REVISION: Raising trash routes due to dismissal of George Zahradka

EFFECTIVE DATE OF REVISED DATA: 1-10-90

APPROVAL OF REVISION (S)
Signature: _____

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Charles K. Weiss
Date: January 5, 1990
FROM: William Horn
SUBJECT: Route 60-Change
A. Parlett

On December 12, 1989, George Zahradka, route 42 was dismissed by Baltimore County for failure to efficiently pick up his trash route. Baltimore County has been picking up this route and will continue until January 10, 1990.

This route was split with other collectors, and seven other routes were redistributed giving these routes boundaries preventing collectors from having to cross other routes to collect their own.

The above route 60 was redistributed and units from route 42, 40, 45, and 60 now comprise this route.

Mr. Parlett will pick up an additional 1,402 units, 2,947 at a rate of \$41.87 and 3,072 at a rate of \$55.21.

The routes boundaries are Eastern Avenue to Wilson Point Road, Old Eastern Avenue to Stemmers Run Road to Eastern.

This route will take effect on January 10, 1990.

BUREAU OF SANITATION Baltimore County, Maryland

REQUEST FOR RESIDENTIAL REFUSE ROUTE CHECK

COLLECTOR: Alvin Parlett ROUTE NO.: 60
REQUESTED BY: Collector REASON: ☒ Change of Units
☒ Change of on-route mileage
☐ Other () Change of off-route mileage

DATE REQUESTED: 2-1-89

APPROVAL OF REQUEST:

Signature: Charles K. Weiss
Date: 2-1-89

REVISION (S) RESULTING FROM ROUTE CHECK

DATE OF ROUTE CHECK: 2-15-89

	Total No. of Units	On-route (weekly)	Off-route
PREVIOUS DATE	4592	69	11
INCREMENTAL REVISION	25		
REVISED DATA	4617	69	11

REASON FOR REVISION: ADDITIONAL UNITS DUE TO NEW HOMES BUILT ON VACANT LOTS ADJACENT TO DWELLINGS AND ADDITIONAL PICK UP DUES ON COUNTY INSTALLATIONS

EFFECTIVE DATE OF REVISED DATA: _____

APPROVAL OF REVISION (S)
Signature: _____

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Charles K. Weiss
Date: 3/3/89
FROM: Charles V. Farr
SUBJECT: Full Count on A. Parlett

On Feb. 15, 1989, William Horn, Charles Farr, Robert McCormick and Alvin Parlett counted Route #60. During this audit we found that his route had increased by 25 units. The breakdown is as follows:

Dwelling Units:	+12
County Facilities:	+10
Apt. in Dwellings:	+3
	+25

The increase in dwelling units was due to building on vacant lots and mis-counting of corners. The additional County facilities was a dumpster at Utilities yard on Riverside Drive and increased days at the Multi-Government building.

CVP/ms

CPS-008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Stanley Guild, Jr. through
Thomas H. Hamer
Date: March 9, 1989

FROM: Charles K. Weiss

SUBJECT: Residential Refuse Collection Route #60
Alvin Parlett & Son, Inc.
1004 Earls Beach Road
Baltimore, MD 21220

A recent survey of the above refuse collection route shows the following:

	INCREMENTAL CHANGE		NEW VALUE
	Increase	Decrease	
Number of Units	25		4,617
Unit Rate		\$ 40.26	
New Compensation Annual		\$ 185,880.42	
Bi-Weekly		\$ 7,149.25	
Effective Date		March 15, 1989	

It is recommended that the above revision(s) be made on this route.

THOMAS H. HAMER
Deputy Director of Public Works

APPROVED:

STANLEY GUILD, JR.
Deputy County Administrative Officer

CC: S. Guild, Jr.
J. R. Gibson, Jr.
T. H. Hamer
J. Markley
C. K. Weiss

CPS-008

Baltimore County
Department of Public Works
Townson, Maryland 21204

Gene L. Neff, P.E.
Director

June 14, 1988

Alvin Parlett & Son
1004 Earls Beach Road
Baltimore Maryland 21220

Dear Alvin:

I am pleased to inform you that the Administration recommended in the spring of 1988, a 4% across-the-board pay increase for each refuse collector. The County Council approved this increase in the new FY 1989 budget, to become effective on July 1, 1988. As usual, we have applied that 4% increase directly to your unit rate.

Below is shown your old rate and annual compensation and your new rate and annual compensation, effective July 1, 1988.

60 PARLETT, A.	\$ 37.22
Old Unit Rate:	\$ 177754.24
Old Annual Compensation:	\$ 38.71
New Unit Rate:	\$ 40.26
New Annual Compensation:	\$ 184873.92

Sincerely yours,

Charles K. Weiss
Charles K. Weiss, Chief
Bureau of Sanitation

CKW/ms

Baltimore County
Department of Public Works
Townson, Maryland 21204

Gene L. Neff, P.E.
Director

December 18, 1987

PARLETT, ALVIN & SON, INC.
1004 EARLS BEACH ROAD
BALTIMORE MARYLAND 21220

I am pleased to inform you that the Administration recommended in the spring of 1987, a 4% across-the-board pay increase for each refuse collector. The County Council approved this increase in the new FY 1988 budget to become effective on January 1, 1988. Therefore, we have applied that 4% increase directly to your unit rate.

Below is shown your old rate and annual compensation and the new rate and annual compensation, effective January 1, 1988.

60 PARLETT, A.	\$ 37.22
Old Unit Rate:	\$ 177754.24
Old Annual Compensation:	\$ 38.71
New Unit Rate:	\$ 40.26
New Annual Compensation:	\$ 177754.24

I would like to extend my personal wishes for a Merry Christmas and a Happy New Year to you, your family and your employees.

Sincerely yours,

Charles K. Weiss
Charles K. Weiss, Chief
Bureau of Sanitation

CKW/ms

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, R.E.
DIRECTOR

BUREAU OF SANITATION
Room 223
County Office Building
Townson, Maryland 21204
May 21, 1985

Alvin Parlett & Son, Inc.
1004 Earls Beach Road
Baltimore, MD 21220

Re: Revised Data Relevant to Your
Baltimore County Residential Refuse Route #60

Dear Mr. Parlett:

For your information, listed below is your route data: revisions from your previous data listing are indicated by an X in the left-hand margin.

EFFECTIVE DATE OF PREVIOUS LISTING: 4/3/85
EFFECTIVE DATE OF THIS DATA LISTING: 5/1/85

ITEM	NEW VALUE
Total number of units	4,617
Number of dwelling units	4,322
Theoretical weekly residential and institutional generation (tons)	95.4
Mileage	
Off-route (round-trip per load)	69.2
On-route (weekly)	
Annual compensation (total)	\$54,053.41
Mileage (total)	
Off-route	\$29,615.14
On-route	\$24,438.27
Tonnage	\$112,895.25
Bi-weekly compensation	\$ 6,421.14

Additional breakdowns of data and tabulation sheets are available in the Bureau office. If you have any questions on this data, please call the Bureau (494-3195) as soon as possible.

Sincerely yours,

Charles K. Weiss
Charles K. Weiss, Chief
Bureau of Sanitation

CKW/ms

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Charles Weiss
Date: April 25, 1985

FROM: Leonard Cockey/William Horn

SUBJECT: Route Count Alvin Parlett #60

On 4/2/85, 1492 units were given to Alvin Parlett due to a route split of W.J. Buttons, Rte. # 57. These units were transferred off of Buttons route book and Bonolis route book, and mileage was not run.

On 4/26/85 a complete count of the new units given to Parlett was counted and new mileage was run. Parlett picked up an additional 85 units due to new construction and additional county installations. He also picked up an additional 44 on route miles, however, when put into effect, he will lose 27.5 off route miles.

Due to the route split, Mr. Parlett gained a total of 1575 units and 44 on route miles. This will bring Mr. Parlett's grand total to 4592 units.

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, R.E.
DIRECTOR

4N

BUREAU OF SANITATION
Room 223
County Office Building
Townson, Maryland 21204

December 11, 1984

Alvin Parlett & Son, Inc.
1004 Earls Beach Road
Baltimore, Md. 21220

Re: Revised Data Relevant to Your
Baltimore County Residential Refuse Route

Dear Sirs:

For your information, listed below is your route data: revisions from your previous data listing are indicated by an X in the left-hand margin.

EFFECTIVE DATE OF PREVIOUS LISTING: 7/1/84
EFFECTIVE DATE OF THIS DATA LISTING: 7/1/84

ITEM	NEW VALUE
Total number of units	4,617
Number of dwelling units	4,322
Theoretical weekly residential and institutional generation (tons)	62.7
Mileage	
Off-route (round-trip per load)	16.8
On-route (weekly)	
Annual compensation (total)	\$108,320.20
Mileage (total)	
Off-route	\$32,599.74
On-route	\$ 1,616.25
Tonnage	\$74,175.21
Bi-weekly compensation	\$4,162.85

Additional breakdowns of data and tabulation sheets are available in the Bureau office. If you have any questions on this data, please call the Bureau (494-3195) as soon as possible.

Sincerely yours,

Charles K. Weiss
Charles K. Weiss, Chief
Bureau of Sanitation

CKW/ms

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Charles K. Weiss
Date: November 14, 1984

FROM: James Mattheu - W. Horn

SUBJECT: Alvin Parlett Route Count - Present: J.E. Mattheu
W. Horn
Alvin Parlett

On 10/10/84 Alvin Parlett requested a full route count.

On 10/25/84 a full route count was given Alvin Parlett and he lost 26 units in Edgewater Apartments due to changing apartments into townhouses. However, 65 additional units were transferred from George Zahradka. These units are Essex Town Houses on Stammers Run Road.

Complete mileage was run on Alvin Parlett and he lost a net 16.8 miles. The original mileage was 42 and the new count showed 25.2. Original mileage was transferred from when Mr. Daniels retired - new mileage was not run at that time. Units were transferred from Zahradka due to Parlett losing 26 units in Edgewater and he has no possibility for expansion on his route.

JEN/WH/ms

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: B. Melvin Cole through
Harry J. Pistel
Date: July 2, 1980

FROM: Charles E. Farley

SUBJECT: Residential Refuse Collection Routes
Off-Route Mileage Revisions

The following revisions are being made in the off-route mileage of the refuse collectors listed below due to re-routing of trucks for disposal of refuse from the Morris Farm Landfill to the Baltimore County Resource Recovery Facility - effective: July 2, 1980-

Route #	Refuse Collector	REVISION		NEW COMPENSATION	
		Off-Route Mileage Increase	New Value	Annual	Bi-Weekly
34	Eurice Bros.	21	43	\$219,292.28	\$8,434.32
40	Schuman, W.	26	38	119,002.53	4,577.02
41	Mickey, S.	21	26	198,165.76	7,621.76
42	Zahradka, G.	25	40	249,106.14	9,581.01
43	Marshall, Jr.	13.5	23.5	126,163.25	4,852.43
45	Pakaski, A.	25	41	115,243.31	4,432.44
46	Howell, H.	22.5	30.5	192,703.17	7,411.66
47	Buttons, W.	34.5	40.5	100,967.64	3,883.37
48	Schafer Bros.	23	39	177,072.37	6,810.48
49	Bonolis	31	41	152,436.68	5,862.95
51	Meusel	16	26	179,240.07	6,893.85
53	Marshall, Sr.	16	26	180,510.54	6,942.71
60	Parlett, A.	27.5	37.5	88,108.16	3,388.78

Original Signed By:
H. J. PISTEL
HARRY J. PISTEL
Director of Public Works

CHARLES E. FARLEY
Charles E. Farley
Chief, Bureau of Sanitation

APPROVED:

B. MELVIN COLE
County Administrative Officer

CC: B. M. Cole
H. J. Pistel
R. E. Rosenkrantz
G.L. Neff
C. E. Utermahe
C. E. Farley

CPS-008

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

FROM: Charles E. Farley Date: December 15, 1961
TO: Mr. William E. Fornoff through Mr. Albert B. Kaltbach
SUBJECT: Roland Parlett, Chase, Maryland

A recent survey of the refuse collection route serviced by Mr. Roland Parlett shows the unit count to be 1,965 or a decrease of 215 dwelling units from his present total of 2,200. Mr. Parlett is taking over 237 units from the former William Vogler route which we recommend be added to his current count of 1,965 for a grand total of 2,200.

We further recommend that due to the distance traveled on this route, many dead end streets and poor service roads to shore front properties, a \$0.25 unit rate increase be given Mr. Parlett changing his present unit rate of \$7.15 to \$7.40, effective December 15, 1961.

(SIGNED) ALBERT B. KALTENBACH
ALBERT B. KALTENBACH
Director of Public Works

Charles E. Farley
CHARLES E. FARLEY
Chief, Bureau of Sanitation

APPROVED:

(Signed) W. E. FORNOFF JAN 9 - 1962

WILLIAM E. FORNOFF
Administrative Officer
CET/m

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
DUPLICATE

TO: Randolph B. Rosencrantz through Jackson M. Mouring Date: March 6, 1979
FROM: Charles E. Farley

SUBJECT: Residential Refuse Collection Route #60
John Daniels
Bauerschmidt Manor Road
Baltimore, Maryland 21220

Mr. John Daniels is desirous of relinquishing his refuse collection route comprising 2,976 units.

It is, therefore, recommended that Alvin Parlett & Son, Inc., 1004 Earls Beach Road, Baltimore, Maryland 21220, be assigned to service this route, effective February 28, 1979, receiving the following compensation:

Annual Compensation: \$60,755.12
Bi-Weekly Compensation: \$2,336.72

(SIGNED) THORNTON M. MOURING
THORNTON M. MOURING
Director of Public Works

CHARLES E. FARLEY
CHARLES E. FARLEY
Chief, Bureau of Sanitation

APPROVED:

RANDOLPH B. ROSENCRANTZ
County Administrative Officer

CC: B. B. Rosencrantz
T. M. Mouring
C. E. Utermohle
C. E. Farley

RECEIVED

MAR 8 1979
BUREAU OF SANITATION

Parlett River

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Charles E. Farley Date: January 10, 1962
FROM: William E. Fornoff through Mr. Albert B. Kaltbach
SUBJECT: Roland Parlett, Chase, Maryland

A recent survey of the refuse collection route serviced by Mr. Roland Parlett shows a decrease of 215 dwelling units.

We recommend a transfer of 237 dwelling units from the former William Vogler route to Mr. Parlett's route for a net increase of 22 dwelling units and a grand total of 2,230 dwelling units.

We, further, recommend Mr. Parlett's present unit rate of \$7.15 be increased to \$7.50, both recommendations to become effective January 15, 1962.

(SIGNED) ALBERT B. KALTENBACH
ALBERT B. KALTENBACH
Director of Public Works

Charles E. Farley
CHARLES E. FARLEY
Chief, Bureau of Sanitation

APPROVED: JAN 17 1962

(Signed) W. E. FORNOFF

WILLIAM E. FORNOFF
Administrative Officer

CET/m

16,725.00
Annual
Increase = 696.88
\$7.15 to \$7.50
1/15/62

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Thomas Nichols Date: January 17, 1962
FROM: William E. Fornoff
SUBJECT: Roland Parlett, Chase, Maryland

Mr. Roland Parlett is due one day's pay for services rendered under date of December 17, 1961, as refuse collector for Baltimore County.

This route consisted of 2,230 dwelling units with a rate of \$7.50 per unit; therefore, his compensation should be figured as follows:

Based on 100 collection days per year, at \$7.50 per year per unit, Mr. Parlett would receive 7.50 per collection day per unit, or \$167.25.

In accordance with our conversation, we are attaching hereto check #05460, issued to Roland Parlett, dated January 9, 1962, in the amount of \$69.00.

WILLIAM P. SHAW
Asst. General Superintendent

Charles E. Farley
CHARLES E. FARLEY
Chief, Bureau of Sanitation

CET/m

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

FROM: Mr. Charles E. Farley Date: November 9, 1961
TO: Mr. William E. Fornoff
SUBJECT: Roland Parlett, Chase, Maryland

In accordance with your instructions, we have made a survey of the refuse collection route of Mr. Roland Parlett. The count was made in cooperation with the Office of the Budget and the County Auditor. The number of units counted totaled 1,993.

Charles E. Farley
CHARLES E. FARLEY
Chief, Bureau of Sanitation

Count Correct
Representative not available
for count.
CET

Approved:

William E. Fornoff
Collector

CET/m

DEPARTMENT OF PUBLIC WORKS
OF BALTIMORE COUNTY

BUREAU OF OPERATIONS

Inter-Office Correspondence

From: Mr. Charles E. Farley Date: March 22, 1962
To: Administration Officer
Subject: Mr. Roland Parlett, Chase, Maryland

A recent survey of the refuse route serviced by Mr. Roland Parlett shows an increase of 135 dwelling units.

We recommend that these be added to his present total of 2,073 dwelling units for a grand total of 2,208 dwelling units at his present rate of \$6.25 per dwelling unit, effective April 1, 1962.

JOHN B. RYAN
Director of Public Works

Robert J. Hajzik
ROBERT J. HAJZIK
Chief, Bureau of Operations

Charles E. Farley
CHARLES E. FARLEY
Chief, Sanitation Department

APPROVED: MAR 22 1962

(Signed) W. E. FORNOFF

ADMINISTRATIVE OFFICER

CET/m

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

FROM: Mr. Charles E. Farley Date: December 8, 1961
TO: Mr. William E. Fornoff through Mr. Albert B. Kaltbach
SUBJECT: Roland Parlett, Chase, Maryland

A recent survey of the refuse collection route serviced by Mr. Roland Parlett shows a decrease of 215 dwelling units. Since we are discontinuing Mr. William Vogler's route totaling 2,800 dwelling units, we recommend that 237 dwelling units be added to the Parlett route, thus bringing the Parlett route up to its present standard.

We further recommend that due to distance traveled, many dead end streets, and poor service roads to the shore front properties, a \$0.25 unit rate increase be given Mr. Parlett.

If the handling of the above meets with your approval, we will have the superintendent in this area transfer the dwelling units to Mr. Parlett's route and will put through a regular recommendation.

237 dwelling units
are to be given Parlett
Pre total 2,208 2,208
Add. 237 22
2,445 30

Rate 7.15
Plus 25
7.40

Charles E. Farley
CHARLES E. FARLEY
Chief, Bureau of Sanitation

(SIGNED) ALBERT B. KALTENBACH

APPROVED: JAN 9 1962

DEPARTMENT OF PUBLIC WORKS
OF BALTIMORE COUNTY

BUREAU OF OPERATIONS

Inter-Office Correspondence

From: Mr. Charles E. Farley Date: March 7, 1962
To: Administration Officer
Subject: Mr. Roland Parlett, Chase, Maryland

A recent survey of the refuse route serviced by Mr. Parlett shows an increase of 135 dwelling units.

We recommend that these be added to his present total of 1,973 dwelling units for a grand total of 2,073 dwelling units at his present rate of \$6.00 per dwelling unit, effective March 1, 1962.

JOHN B. RYAN
Director of Public Works

ROBERT J. HAJZIK
Chief, Bureau of Operations

Charles E. Farley
CHARLES E. FARLEY
Chief, Sanitation Department

APPROVED:

ADMINISTRATIVE OFFICER

MAR 12 1962

CET/m