The Petitioner herein requests a variance from Section 256.3 of the Saltimore County Zoning Regulations (B.C.Z.R.) to permit a wood-recycling facility as close as 480 ft. from a residential zone boundary (c/l of Baltimore Beltway) in lieu of the required 1,000 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, Transway Recycling, Inc., by Gerald W. Ruth, President, appeared and was represented by Robert A.Hoffman, Esquire. Also appearing on behalf of the Petition was William Kirwin, Engineer/Land Planner, Mickey Cornelius, Traffic Expert and Joseph DiCara, Baltimore County Economic Development Commission. Appearing as interested parties was Catherine Page and Theresa Lowry, representing the closest residential community associations In that there were no Protestants present, Mr. Hoffman proffered the

testimony of the Petitioner and its expert witnesses. He described the site as consisting of 5.11 acres (+/-) zoned M.H. The property is located adjacent to the Baltimore Beltway (Interstate 695) near the Carling Brewery landmark in Halethorpe. The Petitioner is in the business of recycling wood products. In essence, discarded tree limbs and similar wooden

ery, these products are ground into wood chips for conversion into wood by-products. The Petitioner proposes to operate its business on site and has entered into a contract with the Estate of Joseph I. Smuck, the curwest title holder to the property for the purchase of the property

Mr. Hoffman further testified that all of the machinery necessary for the business operation is movable and that the only fixture to the property will be a small office building. The layout of the machinery to be compound is clearly shown on Detitioner's Exhibit No. 1.

A review of Section 256.3 of the B.C.Z.R. indicates that any industrial manufacturing use, except those shown in Section 256.4, must be located at least 1 000 ft from any residential zone. Burther, a recycling busiin Section 256.4. As Mr. Hoffman noted, there is no residential community within 1,000 ft. of the subject property. Indeed, the closest residential dualling is over 2 500 ft. from the site. However, located across from the Baltimore Beltway, which is immediately adjacent to the property, is the Patapaco Valley State Park. This parcel is zoned R.C.20, thereby constitution a residential zone, which is located within 1,000 ft. of the subject property. Thus, the need for the variance

Further testimony was proffered that the Petitioner would suffer practical difficulty if the variance was not granted. The most compelling argument in support of that proffer is that the entire site is within 1,000 ft. of the centerline of I-695. Thus, unless, the variance was granted, there could be no industrial manufacturing use at this locale

As to any potential detrimental effect on the surrounding locale, the proffered testimony of Mr. Kirwin and Mr. Cornelius was significant. Both

opined that the site sits within the heavy industrial/manufacturing core along the Baltimore Beltway. The proposed use at this site is entirely consistent with the surrounding businesses. Additionally, the representatives from the local community associations do not object to the proposal. They favor the present use which would generate employment and job opportunties in this area. Particuarly, since it is located a significant distance from the closest residential use, they believe that there will be no detrimental affect on the surrounding locale.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Peti-

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Beltimore County this 13th day of Garagery , 1992 that a variance from Section 256.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a wood-recycling facility as close as 480 ft. from a residential zone boundsry (c/l of Baltimore Beltway) in lieu of the required 1,000 ft., in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject. however, to the following restriction which are conditions precedent to the relief granted bergin:

The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made execu-tiant proceeding at this time is at its own risk that proceeding at this time is at its own risk from this Order has expired. The process reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAMPENCE E. SCHOLDT

92.232 - 8

LES/mmn cc: Peoples Counsel

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 13, 1992

Bohart Hoffman Persilve 210 Allegheny Avenue Towson, Maryland 21204

RE: Petition for Zoning Variance Case No. 92-232-A Estate of Joseph I. Smuck, Legal Owner Transway Recycling, Inc., Contract Purchases

Enclosed please find the decision rendered in the above captioned b. The Petition for Zoning Variance has been granted, in accordance

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (10) days of the data of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Cirks at 807-3391.

January Sikme It

encl. cc: Mr. Bill Kirwin Mr. M. Cornelius Joseph DiCara

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 herete and ande a part faceod, hereby petition for a Variance from Section _256.3 to permit a wood-recycling facility as gloss _____ as 480 feet from a residential zone boundary (centerline of Baltimore Beltsay) in lieu of the 1,000 feet required of the Zoning Regulations of Skilmore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) To be determined at hearing Property is to be posted and advertised as prescribed by Zoning Regulations or we, agree to pay expenses of above Variance advertising, porting, etc., upon filing of this
position, and note agree to and see to be bound by the zoning regulations and restrictions of
positions and note advantage or command to the Zonina Law Per Bollimon Country. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(a) of the property which is the subject of this Petition. Estate of Joseph I .. Smuch Transway Recycling, Inc. Topi Eng 4040 North Point Blyd. Baltimore, MD 21222 789-7602 Attorney for Publicaner: Robert A. Hoffman. 2000 M Street N.W. Suite 700 Venable, Bastjer and Howard Washington, D.C. 20036-3113 Came, obtices and phone number of tegal owner, one tract perchaser or representative to be contacted 210 Allegheny Ave. TOMBON, Md. 21285 Robert A. Hoffman 210 Allegheny Ave. 823-4111 y's Tolophone No.: 323-4111 OFFICE USE COLY

WELL TO OLINE

Petition for Variance 12-232-A

#245

92-232 A A245

November 15, 1991

Transery Bood Recycling Center

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Electrical Transmission Right of May (vertable width) of the Batteore

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Recorded or County, Neryland in Liber 5.M. 7884 folio 112 and

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County, Neryland in Liber 5.M. 7884 folio 112

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1.8.S. 1880 folio 284, action of the Stone County, Neryland in Liber

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Transmission Right of May and binding reversely on part of said 5th

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Transmission Right of May and binding reversely on part of said 5th

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surveyed,
2) South 63 degrees 57 minutes 21 seconds East 588.44 feet,
running thence leaving said last mentioned Right of Way Line, binding
on the 3rd and part of said 4th line of the herein first mentioned

Containing 5.1106 acres of land more or less.

(NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS)



BAT OF BALTIMONS COUNTY Dana 13 th Date of Pasting December 16, 1991 Transvey acayeling be Lames of property 56/5 Transming Board, Sof Harbor Tunnel Approach warm a new Shis Tunning Road in fort of autical property Passed by S.J. Breater Date at return Possember 27, 1991

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was publish ed in the ARBUTUS TIMES, a weekly newspaper published in Baltimore 12/19

> ARBUTUS TIMES S. Zefe Orlan

> > \$60.32

2.6.

receipt

119,000,295 PORT OF HEAVING FEED

OCO - JUNIO VARIANCE CONTROL

LOST MARK OF OWNERS SCIOUL

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r x (175,00 DUDAL \$175.00

Zoning Commissioner County Office Emilding 111 West Chesqueake Avenue Invited 21204

92 232

Please Make Checks Payable To Baltimore County 195. 32

BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF PUBLICATION

TOWSON, MD., 19

THE JEFFERSONIAN,

S. Zehe Orlins

\$ 60.32

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 _____ successive weeks, the first publication appearing on

INTER-OFFICE CORRESPO

Arnold Jablon, Director Date December 9, 1991 Zoning Administration Ken Nohe, Director KM* Economic Development Commission 92-232-A

SUBJECT Setback variance request Item #245

Hearing 1/8/92

DNC, Inc., at the request of their client, Transway Recycling Inc., has filed a variance request. Transway is a wood recycling firm that winhes to utilize a five-area fist near biolina Perry had on Transway Road, Landdowns. A public hearing meeting with a question and nameer community of the Recycling firm of the Recycling firm

This operation will aid the county in implementing its recycling program for yard waste and other debris. Economic Development is assisting, and would appreciate a quick decision on this request.

If I can be of any assistance, please contact my office.

BEETLYED ZONING OFFICE BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: January 3, 1992

Pat Keller, Deputy Director Office of Planning and Zoning SUBJECT: Smuck Property, Item No. 245

In reference to the applicant's request, the office's CRG ments of December 13, 1991 are attached.

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 887-2211.

PK/JL:rdn

ITEM245/TXTROZ

(410) 887-3353

yr. 1.3-92

111 West Chesapeake Avenue Towson, MD 2120+

ASE MINORS: 12-202-8 SV/S Transey Road, S of Marbor Turnel Approach 15th Election District - 1st Councilments Logal Owner(s): Estate of Joseph J. Smock Contract Purchaser(s): Transey Recycling. Inc.

THIS FILE MIGHT NO PAID, ALSO, THE MOMENT SIGN & FORT SET(S) MIGHT NO RETURNED ON THE DAY OF THE MARKING OF THE ORDER CHALL NOT ESSUE. TO NOT RESERVE THE SIGN & FORT SET(S) FROM THE PROPERTY CHITE. THE DAY OF THE

Flower forward pour check via return must to the Zoniny Office, County Office huilding, 111 is. Theospeaks stream, Room 113, Treece, Rayland 21204. It should have your case number noted thereon and be made speaks to ballatives County, Respind. In credit to prevent dealy of the insusance of proper credit and/or your Order, Immediate attention to this matter is supported.

· 1/2 232-4

LAST WILL AND TESTAMENT OF JOSEPH 1. SMUCK

I, JOSEPH I. SHUCK, of Baltimore County, in the State of Maryland, do hereby make, publish and declare this Instrument as and for my Last Will and Testament, and I hereby revoke all other and former wills and Codicils by me at any time heretofore made.

ITEM 1. I direct my Executor named to pay all of my just debts, the expenses of my funeral, including the cost of a suitable marker for my grave, without the necessity of the prior or subsequent approval of the Circuit Court for Baltimore County or any other Court as to the amount thereof and without regard to any limit prescribed by law, and the expenses of administration of my estate, as soon as practicable after my death.

ITEM 2. All my household and personal effects, including furniture and furnishings, all my jewelry and any automobiles of which I may die possessed, I give and bequeath unto my wife, Mary Elizabeth, provided that if she should predecease me, her share shall be divided equally among my children living at the time of my death. Any division to be made by the Executor hereunder shall be subject, to the fullest extent possible, to the wishes of my said children, but any such decision as to division by my Executor shall be final and binding upon all persons and subject to question by no one. ITEM 3. After the payment of all expenses of administration and other charges and obligations properly payable therefrom, all the rest of my estate and property, whether in possession, expectancy or remainder, including real

Baltimore County Governme Office of Zoning Administrati and Development Manageme Office of Planning & Zonin

111 West Chesapeake Avenue Towson, MD 21204 SECTION 11. 1991

NOTICE OF HEARING

(410) 887-3353

The Ioning Commissioner or Saltimore County, by authority of the Joning Lot and Regulations of Saltimore
County will sold a public beering on the property identified herein in
Ross 115, Mailtance County Courthouse, 400 Nashington Revenue, Tomono, Maryland 72204 or follows:

CASE MEMORIE: 92-212-8
5//5 Transmay Road, 5 of Martor Tunnel Approach
13/6 Election District - int Concilentic
ispa) Comer(s): fartate of Joseph 1. Smack
ispa) Comer(s): fartate of Joseph 1. Smack
ispa) Comer(s): fartate of Joseph 1. Smack
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NEARING: WINDIANY, LINEWS 8, 1972 at 19010 a.m.

riance to parmit wood recycling facility as close as MOD feet from a residential no entarline of Baltimore Beltmey) in lieu of the 1,000 feet required.

Interested furties (6) SIGN-IN SHEET

NAME	ADDRESS
allernifad Pros. CT	201 Landroller it 212 21327
Theresa Lowry Pres. GBIR	2517 Howmonds Ferry Rd 21727

ADDRESS
- lu Allegium, fre
BE SUGDAVE CHEA
40 W CHESAPEARS AVE
Mr. Daniel Br. Land
gove Snotstane Dr.
8812 Harren Ave
Bell Cata EDC
658 Kerlinosty

#245





