



Auto Collision Specialists, LLC

"Mercedes-Benz Certified Collision Repair Facility"

Arnold Jablon, Esq.
Deputy Administrative Officer
Director, Department of Permits, Approvals and Inspections
111 West Chesapeake Ave.
County Office Bldg
Towson, Maryland 21204

Re: Case No 93-355 SPH
12918 Gores Mill Road

Dear Mr. Jablon:

My wife and I are the owners of Auto Collision Specialists, LLC, which is located at 12918 Gores Mill Road, Reisterstown, Maryland 21136. In the above matter, we requested approval of an existing nonconforming service garage on our property.

The request was granted on 21 June 1993, and, was limited to an area of 1.9498 acres as depicted on a site plan submitted at that time. A 50' buffer was required around the north, east and southern boundaries and a 25' buffer on the westernmost boundary. These buffers were to remain undisturbed—no improvements within the buffers, not trees or foliage then existing removed. On or about 21 July 1993, an amended order was issued, by which the original conditions were amended, to provide "no expansion of the nonconforming use or *erection of any new structures beyond those portions of the building or parking and storage areas currently being utilized on the subject site.*" (italics added.) A revised site plan was submitted subsequently to the issuance of the amended order. A copy of the site plan is attached hereto.

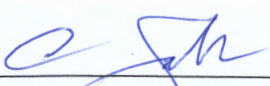
Presently there exist a number of buildings on site, as shown on the approved amended site plan. We propose to demolish the building marked as "storage building", which is a 2 story building, and replace it with a one story building. It may be longer but would have no greater square footage than presently exists. The proposed building will in no way impact the buffers referred to above and as shown on the site plan attached hereto. It would extend into the existing parking lot, also shown on the attached site plan. It would not expand or intensify the existing nonconforming use nor would it extend beyond the "parking or storage area currently being utilized..."

We are asking confirmation that our proposal would not conflict with the terms and conditions of the decision rendered in Case No. 93-355 SPH.

Sincerely,


Chuck Scilipote

Approved:

 2/6/15
Arnold Jablon, Deputy Administrative Officer and
Director, Department of Permits, Approvals and Inspections

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2/6/15 ucr

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Gores Mill Road, 752' S * DEPUTY ZONING COMMISSIONER
of Westminster Pike
(12918 Gores Mill Road) * OF BALTIMORE COUNTY
4th Election District
3rd Councilmanic District * Case No. 93-355-SPH
Daniel D. F. Yellott, III
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owner of the subject property, Daniel D. F. Yellott, III. The Petitioner seeks approval, pursuant to Section 104.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) of the nonconforming use of a service garage on the subject property, which consists of a 1.6 acre parcel from a total tract of land totalling 10.934 acres, zoned R.C. 4, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Daniel D.F. Yellott, III, property owner, and several nearby neighbors, including Marjorie Gill, the immediately adjoining property owner. Mr. Yellott was represented by Howard L. Alderman, Jr., Esquire. Appearing in opposition to the Petitioners' request were Celeste and Karl A. W. Heymann, nearby property owners. Robert A. Hoffman, Esquire, appeared in opposition on behalf of another nearby property owner.

Testimony indicated that the subject property, known as 12918 Gores Mill Road, consists of a total area of 10.934 acres, more or less, zoned R.C. 4, of which 1.9498 acres are improved with two garages, a storage building, and a shed in accordance with Petitioner's Exhibit 1. The Petitioner is desirous of establishing the nonconforming use of this 1.9498 acre parcel as a service garage operation. Mr. Yellott testified

that the entire 10.934 acre tract has been in his family since 1881. He testified that at that time, his family serviced horse-drawn carriages. Mr. Yellott testified that his familiarity with the property dates back to the early 1940s and that he purchased the property from his uncle in the 1970s. He stated that the property has always been used for the service and maintenance of automobiles and farm tractors and that such use has continued through the years without interruption.

Further testimony by Mr. Yellott revealed that the service garage use on the 1.9498 acre parcel was actually located approximately 50 feet from the boundary line as depicted on Petitioner's Exhibit 1. Mr. Yellott stated that this 50-foot buffer contains a significant amount of trees and was set aside as a buffer to provide screening of the service garage use. His testimony was that only the land within this 50-foot buffer, which encompasses all of the existing buildings on the site and the land between those buildings, was actually used for the service garage operation and that a 50-foot buffer was always maintained for screening purposes. This factor is important in determining the actual nonconforming use area in which the subject service garage business has operated.

Also appearing and testifying on behalf of the Petition was Mary Schlott. Ms. Schlott testified that she was born in 1929 and has been familiar with the subject property since she was a child. She has specific memory of this site since 1934 and testified that the subject property has always been used for automotive repair, storage and vehicle reconstruction. She also stated that there has never been any interruption of this use.

Ms. Carey Silipote appeared and testified in support of the Petition. Ms. Silipote is Mr. Yellott's daughter. Ms. Silipote and her husband currently operate the service garage business on the subject site.

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More specifically, their business concentrates on body and fender work. Ms. Silipote described the present day operation on the site and testified that the business complies with all environmental requirements imposed by the State of Maryland. She further testified that she and her husband only seek to legitimize the use of the property as it currently exists and that they have no intention of expanding the business nor any of the buildings located on the site. Ms. Silipote also stated that they have no intention of erecting any advertising signs on the property.

Appearing and testifying in opposition to the relief requested were Celeste and Karl Heymann, nearby property owners. The Heymanns testified regarding the operation of the subject business and raised several issues with which they are concerned. Mr. Heymann testified that on several occasions, he has witnessed tractor-trailers dropping off vehicles for body and fender repair. He testified that the tractor-trailers are unable to negotiate the turn into the driveway to the subject site and as a result, they stop on Gores Mill Road to unload any vehicles that are to be delivered to the site. He testified that this is a dangerous situation and causes a traffic problem.

Mr. Robert Hoffman, who represents the contract purchasers of a nearby parcel of land, cross-examined the various witnesses who testified. The concerns raised on behalf of Mr. Hoffman's clients was the potential for any expansion of the current use on the site, and the identification of that area on the property which was actually used for a service garage.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the effective date in which the zoning regulations governing such use were established. In this case, the controlling date is 1945.

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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 McKemy 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."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a service garage since prior to 1945, and as such, enjoys a legal nonconforming use.

- 4 -

Although I am satisfied that the Petitioner has met his burden of proof, I believe a revised site plan for the subject site is necessary. The site plan submitted into evidence as Petitioner's Exhibit 1 indicates the nonconforming use area includes a 50-foot wooded buffer area around the perimeter of this parcel, excluding the westernmost boundary, which actually consists of a 25-foot wide buffer area. As was testified to by the Petitioner, this buffer area was included on the site plan but was never actually used as part of the service garage operation. Mr. Yellott stated that this buffer area is heavily wooded and provides screening of the service garage operation. I believe that maintaining this tree-lined buffer is an excellent idea for screening purposes; however, a revised site plan is necessary to accurately distinguish the area which encompasses the nonconforming service garage use from the buffer area. This buffer shall remain undisturbed and I shall so order as a condition of the relief granted. That is, there shall be no improvements located within the buffer area and all trees and foliage that currently exist within this buffer shall remain undisturbed. Therefore, the Petitioners' use of the subject property for the service garage operation shall be limited to that area surrounded by or located within said buffer. It is to be noted that there is only a 25-foot setback between the western boundary and the garage. Therefore, the buffer area along the western property line shall be depicted on the plan as being 25 feet from the western boundary line, while the remaining boundary lines shall be depicted on the plan as having a 50-foot buffer. The Petitioner shall submit a landscape plan identifying all trees and bushes located on this site and, more specifically, within the 50-foot buffer.

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Furthermore, the revised site plan shall show an area set aside for the storage of damaged and disabled vehicles. Ms. Silipote testified that they allow approximately 8 to 10 vehicles to accumulate on the site before having them towed to a metal reclamation yard. This practice is permitted to continue, however, the Petitioners shall be prohibited from storing any more than 10 damaged and/or disabled vehicles on the property at any one time. Further, at such time as the Petitioners accumulate 10 damaged and/or disabled vehicles, it shall be their responsibility to have them removed from the subject site. It is not the desire of this Deputy Zoning Commissioner to see the subject property become a junk yard. Therefore, regular removal of damaged and/or disabled vehicles shall be required as a condition of this Order.

Lastly, testimony revealed that some vehicles in need of repair are delivered to this service garage by way of tractor trailer. Said tractor trailer will stop on Gores Mill Road and effectively block one lane of travel while making a delivery. This constitutes a dangerous traffic situation and shall not be permitted to continue in the future. The Petitioner must provide appropriate accommodations which will permit deliveries by tractor trailer to be performed in a safe manner without impeding the flow of traffic on Gores Mill Road. Therefore, as a condition of the relief granted herein, the Petitioners shall submit a plan for review and approval by this Deputy Zoning Commissioner which shows how they intend to safely accommodate tractor trailer deliveries to this site.

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

- 6 -

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27 day of June, 1993 that the Petition for Special Hearing seeking approval of the nonconforming use of 1.9498 acres of the subject property, zoned R.C. 4, as a service garage, in accordance with Petitioner's Exhibit 1, be and 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 relief granted herein shall be rescinded.
- 2) The nonconforming use granted herein is limited to the 1.9498 acre parcel depicted on Petitioner's Exhibit 1, excluding the 50-foot buffer around the north, east and southern boundaries, and the 25-foot buffer on the westernmost boundary. As a condition of the relief granted, the Petitioner shall submit a revised site plan within thirty (30) days of the date of this Order which clearly distinguishes the nonconforming use area from the 50-foot and 25-foot buffer area.
- 3) The buffer which surrounds the nonconforming use area described herein shall remain undisturbed. That is, there shall be no improvements made within the buffer area and none of the trees or foliage existing therein shall be removed. Within thirty (30) days of the date of this Order, the Petitioner must submit a landscape plan showing all trees and bushes located on this site, especially those located within the buffer area.
- 4) The nonconforming use granted herein is limited to a service garage operation for the maintenance and repair of automobiles and small trucks.
- 5) Within thirty (30) days of the date of this Order, the Petitioners shall submit for review and approval by this Deputy Zoning Commissioner a plan addressing tractor trailer deliveries to this site and the safe accommodations for same.
- 6) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

- 7 -

- 7) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TWK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

- 8 -



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 21, 1993

Howard L. Alderman, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
W/S Gores Mill Road, 752' S of Westminster Avenue
(12918 Gores Mill Road)
4th Election District - 3rd Councilmanic District
Daniel D. F. Yellott, III - Petitioner
Case No. 93-355-SPH

Dear Mr. Alderman:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, 210 Allegheny Ave., Towson, Md. 21204

Mr. & Mrs. Karl A. W. Heymann
1006 Green Hill Farm Road, Reisterstown, Md. 21136

People's Counsel

File

IN RE: PETITION FOR SPECIAL HEARING
W/S Gores Mill Road, 752' S of Westminster Avenue
(12918 Gores Mill Road)
4th Election District
3rd Councilmanic District
Daniel D. F. Yellott, III
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-355-SPH

AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owner of the subject property seeking approval, pursuant to Section 104.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) of the nonconforming use of a service garage on the subject property, which consists of a 1.6 acre parcel from a total tract of land totalling 10.934 acres, zoned R.C. 4, in accordance with Petitioner's Exhibit 1; and,

WHEREAS, the relief requested was granted subject to certain terms and conditions, by Order issued June 21, 1993; and,

WHEREAS, subsequent correspondence from Robert A. Hoffman, Esquire, attorney for the Protestants in this matter, requesting additional restrictions be added to limit the nonconforming use on the subject site; and,

WHEREAS, subsequent correspondence was received from Howard L. Alderman, Jr., Esquire, attorney for the Petitioner, in which the Petitioner acknowledges and agrees to the additional restrictions requested by the Protestants,

NOW THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of July, 1993 that the Order issued June 21, 1993 be AMENDED to add the following restrictions:

ORDER RECEIVED FOR FILING

Date 7/13/93 By [Signature]

Yellot Parcel
April 7, 1993

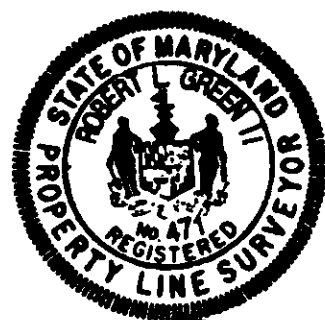
93-355-SPH

**METES AND BOUNDS DESCRIPTION
NON-CONFORMING USE AREA
CONTAINING 1.9498 ACRES**

BEGINNING for the same at a point in the existing paving of Gores Mill Road, said point being on the westerly side of said road, and being at a distance of 752 feet, more or less, measured in a southerly direction from the center line of Maryland Route 140, also known as Westminster Pike; thence leaving said point and running in said existing paving

- 1) South 17°22'00" West 40.15 feet; thence leaving said paving
- 2) North 77°38'44" West 222.76 feet; thence
- 3) North 64°59'52" West 157.16 feet; thence
- 4) South 12°07'53" West 19.40 feet; thence
- 5) South 81°33'56" West 203.00 feet; thence
- 6) South 88°03'56" West 127.00 feet; thence
- 7) North 07°03'56" East 247.00 feet; thence
- 8) South 82°56'04" East 236.00 feet; thence
- 9) South 76°56'04" East 100.00 feet; thence
- 10) South 12°07'53" West 102.63 feet; thence
- 11) South 64°59'52" East 161.86 feet; thence
- 12) South 77°38'44" East 221.84 feet to the point of beginning.

CONTAINING 1.9498 acres of land more or less.



[Signature]

260 4/13/93

ITEM # 363

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 93-355-SPH
Towson, Maryland

District: 114 Date of Posting: 5/11/93
Posted for: Daniel D. F. Yellott, III
Petitioner: Daniel D. F. Yellott, III
Location of property: W/S Gores Mill Rd. 752' S of Westminster Pike
Location of Sign: Facing road on property of petitioner
Remarks: [Blank]
Posted by: [Signature] Date of return: 7/14/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/29, 1993

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 4/29, 1993

THE JEFFERSONIAN,

[Signature]
Publisher

"8. There shall be no expansion of the nonconforming use or erection of any new structures beyond those portions of the buildings or parking and storage areas currently being utilized on the subject site.

9. There shall be no loading or unloading of vehicles on or off any tractor trailer along Gores Mill Road in connection with this use."

IT IS FURTHER ORDERED that within thirty (30) days of the date of this Order, the Petitioners submit a revised site plan incorporating the restrictions set forth above as Notes 8 and 9 thereon; and,

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued June 21, 1993 shall remain in full force and effect.

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Howard L. Alderman, Esquire
305 W. Chesapeake Avenue, Suite 113, Towson, Md. 21204

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, 210 Allegheny Ave., Towson, Md. 21204

Mr. & Mrs. Karl A. W. Heymann
1006 Green Hill Farm Road, Reisterstown, Md. 21136

People's Counsel; File

ORDER RECEIVED FOR FILING

Date 7/13/93 By [Signature]

- 2 -

Petition for Special Hearing
93-355-SPH
to the Zoning Commissioner of Baltimore County

For the property located at 12918 Gores Mill Rd. (Map 48, Parcel 295) which is presently zoned R.C. 4.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property above 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 102.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve pursuant to B.C.Z.R. Section 104.1 The establishment of a non-conforming use for a service garage on 1.6 acres out of a total tract of land totalling 10.934 acres in an R.C. 4 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of 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.

With the undersigned and affix under the penalty of perjury, that I am the legal owner of the property which is the subject of this Petition.

Legal Owner(s)

Daniel D. F. Yellott, III
(Type or Print Name)

[Signature]
Signature

(Type or Print Name)

Signature

Address

City State Zipcode

Address

City State Zipcode

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111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 23, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-355-SPH (Item 363)

12918 Gores Mill Road
W/S Gores Mill Road, 752' S of Westminister Pike
4th Election District - 3rd Councilmanic
Petitioner(s): Daniel D. F. Yellott, III
HEARING: WEDNESDAY, MAY 26, 1993 at 10:00 a.m. in Room 106, Office Building.

Special Hearing to approve the establishment of a non-conforming use for a service garage on 1.6 acres out of a total tract of land totalling 10.934 acres.

Carl Jablon
Arnold Jablon
Director

cc: Daniel D. F. Yellott, III
Howard J. Alderman, Jr., Esquire

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 20, 1993

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. 93-355-SPH, Item No. 363
Petitioner: Daniel D. F. Yellott, III
Petition for Special Hearing

Dear Mr. Yellott:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 April 13, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

4-22-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 4363 (LEO)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 7, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Senior Engineer
Development Plan Review

RE: Zoning Advisory Committee Meeting
for May 3, 1993
Item No. 363

The Development Plan Review Section has reviewed the subject zoning item and we recommend that the site be brought into compliance with the Landscape Manual as a condition of approval.

RWB:DAK:12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
Captain Jerry Pfeiffer
FROM: Fire Department
SUBJECT: Comments for 05/03/93 Meeting

April 29, 1993

Item 361 No Comments
Item 362 No Comments
Item 363 No Comments
Item 364 No Comments
Item 365 No Comments
Item 366 No Comments
Item 367 No Comments
Item 368 No Comments
Item 369 No Comments
Item 370 Fire Hydrants are required on site. State law requires townhouses, where permit is issued after 07/01/92, to be sprinklered.
Item 371 No Comments
Item 372 No Comments
Item 373 Existing exits shall be maintained to a public way.

RECEIVED
APR 30 1993

ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
DATE: May 26, 1993

SUBJECT: 12918 Gores Mill Road

INFORMATION:

Item Number: 363

Petitioner: Daniel D. F. Yellott, III

Property Size: _____

Zoning: R.C. 4

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The 1.949 acre site is centrally located within a larger 10.934 acre parcel owned by the Yellott family. A field inspection of this property on May 14, 1993 revealed that the property is improved with several utility buildings that are used in connection with an automotive service garage. The service garage area is accessed by a 12' driveway from Gores Mill Road. The driveway is lined with large shade trees and the land on either side is in an agricultural use.

While at the property, I met with Mr. Yellott's daughter who provided me with access to a series of documents which appear to verify the existence of this use as far back as 1927. Incredibly one document was a receipt for a carriage which was there in 1888.

A service garage use is not one that we would normally support in an R.C. 4 zone. However, the owners have maintained this use in very low profile manner. It is not visible from Gores Mill Road and is well screened from the rest of the Yellott property. The only critical comment would be that some portions of the yard area are a "bit messy."

Assuming the petition can legally establish a non-conforming use, this office has no objection to the use, provided it is maintained essentially in the same manner as it exists today.

The following conditions are recommended:

1. No external sign on Gores Mill Road.
2. Maintain the tree lined driveway.
3. Maintain the screen fencing and landscape screening around the perimeter of the service garage area.
4. The service garage should be limited to automobile and small truck repair and service.
5. Additional landscaping may be necessary if the Yellott property is developed.

Prepared by: *Jeffrey W. Long*

Division Chief: *Dennis West*

PK/JL:lw



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

July 21, 1993

(410) 887-4386

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
12918 Gores Mill Road
Daniel D. F. Yellott, III - Petitioner
Case No. 93-355-SPH

Dear Mr. Alderman:

In response to your letter dated July 13, 1993 and Mr. Robert A. Hoffman's letters of June 25, 1993 and July 19, 1993 concerning the above-captioned matter, the following language is to be added onto the revised site plan as Notes 8 and 9:

"8. There shall be no expansion of the nonconforming use or erection of any new structures beyond those portions of the buildings or parking and storage areas currently being utilized on the subject site.

9. There shall be no loading or unloading of vehicles on or off any tractor trailer along Gores Mill Road in connection with this use."

I believe the addition of Notes 8 and 9 to the revised site plan will adequately address the concerns raised by Mr. Hoffman and satisfy the requirements of Restriction No. 5 of my Order.

Thank you for your attention in this matter and should you have any questions on the subject, please feel free to contact me.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Md. 21204

People's Counsel: FJK

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 NORTH PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-536-3700
TELECOPIER 410-425-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0800
TELECOPIER 410-290-2801

ELIS LEVIN (1800-8800)

HOWARD L. ALDERMAN, JR.

July 13, 1993

HAND DELIVERED

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
Suite 113 - Courthouse
Towson, MD 21204

RE: Petition for Special Hearing - 12918 Gores Mill Road
Daniel D.F. Yellott, III, Petitioner

Dear Mr. Kotroco:

I have reviewed with my client, the Petitioner in the above-referenced case, your decision of June 21, 1993 and Rob Hoffman's letter to me of June 25, 1993 regarding his client's concerns. My client agrees, consistent with his testimony at the hearing, that there will be no further expansion of the existing non-conforming use. Additionally, my client advises that he will agree that there is to be no off- or on-loading of vehicles from tractor trailers on Gores Mill Road in connection with this use. I believe that this voluntary restriction will address adequately the concerns raised at the hearing and Restriction No. 5 of your decision.

I do not think that a modified decision is necessary. I would ask that this letter be incorporated therein as part of the site plan required by Restriction No. 2 and as the plan to address the requirement of Restriction No. 5.

The plan, required by Restriction Nos. 2 and 3, is enclosed for your review and approval and inclusion in the official file. Should you need any additional information in this regard, please contact me at your earliest convenience.

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA/gk

cc (w/encl): Mr. Daniel D.F. Yellott, III
Robert A. Hoffman, Esquire



BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
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TOWSON, MARYLAND 21204
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TELECOPIER 410-290-2801

ELIS LEVIN (1800-8800)

HOWARD L. ALDERMAN, JR.

July 28, 1993

HAND DELIVERED

Timothy Kotroco, Esquire
Deputy Zoning Commissioner
Office of the Baltimore County Zoning Commissioner
Old Courthouse, Room 115
Towson, MD 21204

RE: 12918 Gores Mill Road
Daniel D.F. Yellott, III, Petitioner
Case No. 93-355-SPH

Dear Mr. Kotroco:

In accordance with your letter of July 21, 1993, and your Amended Order of even date in the above-referenced case, I am pleased to provide you with two (2) copies of the required revised site plan. Notes No. 8 & 9 have been added per your Amended Order.

Under a copy of this letter I am providing a copy of the revised site plan to Mr. Hoffman. Should you need any additional information in this regard, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA, Jr./gk

Enclosures (2)

cc: Mr. Daniel D.F. Yellott, III
cc (w/encl.): Robert A. Hoffman, Esquire

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 8817
TOWSON, MARYLAND 21288-8817
410-484-8200
FAX 410-881-0147

BALTIMORE, MD
WASHINGTON, D.C.
HILLSIDE, VA
ROCKVILLE, MD
BETHESDA, MD

ROBERT A. HOFFMAN

June 25, 1993

VIA TELECOPY

Howard L. Alderman, Esquire
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Re: Case No. 93-355-SPH
Daniel D. F. Yellott, III, Petitioner

Dear Howard:

I have reviewed the Deputy Zoning Commissioner's Order dated June 21, 1993 and, on behalf of my client, am essentially satisfied with its content. However, it is of concern that there is no restriction in the Order consistent with Mr. Yellott's statement that there would be no further expansion of the non-conforming use.

As you may have gleaned from my questioning, I believe there is a good argument that the construction of the more recent buildings on site has eliminated any future expansion possibility. I am hopeful that you will agree to and by copy of this letter I am requesting a modification of the Order to include a restriction that would limit the use of the 1.9 acre tract to the building or portions of buildings and parking areas that now comprise the service garage use.

Additionally, I am reserving any comment on Restriction No. 5 and ask that you please forward a copy of the plan for tractor trailer deliveries to me when it is available.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman



RAH/tls

cc: Timothy M. Kotroco, Deputy Zoning Commissioner

ZADM

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 8817
TOWSON, MARYLAND 21288-8817
410-484-8200
FAX 410-881-0147

BALTIMORE, MD
WASHINGTON, D.C.
HILLSIDE, VA
ROCKVILLE, MD
BETHESDA, MD

ROBERT A. HOFFMAN

July 19, 1993

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Daniel D.F. Yellott, III, Petitioner
Case No. 93-355-SPH - Request for Amended Order

Dear Mr. Kotroco:

I have spoken with Paige Wingert of my office regarding the additional notes (# 8 and 9) that you have proposed for the Site Plan. We agree to the language of note # 9 as written, but would request that note # 8 be slightly modified to read as follows:

8. There shall be no expansion of the non-conforming use or erection of any new structures beyond those portions of the buildings or parking and storage areas currently being utilized on the site.

In addition, we would request that you add these notes as restrictions on an Amended Order, rather than on the Site Plan.

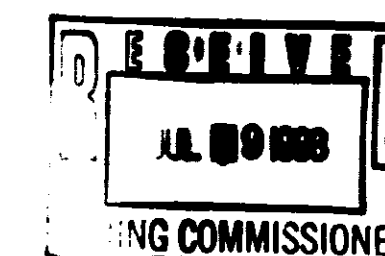
Should you have any questions concerning this request, please do not hesitate to call me.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

GPW/pr
enclosure

cc: Mr. Howard L. Alderman, Jr., Esquire



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

<i>Daniel D. F. Yellott, III</i>	12918 Gores Mill Rd
<i>Robert A. Hoffman</i>	1006 Green Hill Farm Rd
<i>Phyllis L. Dunn</i>	1008 Green Hill Farm Rd 21136
<i>Christine A. Heyman</i>	1006 Green Hill Farm Rd
<i>Mary G. Hill</i>	2525 Brite Blvd Towson
<i>Magdalena L. Hill</i>	12920 Gores Mill Rd 21136

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

<i>Rob Hoffman</i>	210 Allegany Ave, 21204
--------------------	-------------------------

*Petitioner's
Exhibit 2A -
VE
photographs
Case 93-355-SPH*

**PETITIONER'S
EXHIBIT NO. 3**

AFFIDAVIT CONCERNING USES OF THE PROPERTY
of Daniel D.F. Yellott, III, located on
Gores Mill Road, approximately 500 feet west of
Westminster Pike in the Fourth Election District
of Baltimore County, Maryland

The undersigned Affiants, residents of the Fourth Election District of Baltimore County, respectively residing presently at the addresses given under our names, do hereby certify and affirm under penalties of perjury that we have personal knowledge, since the date entered to the left of our signatures respectively to the present time, of the following facts, viz:

That, since 1940 (or since the date entered respectively to the left of affiant's signature hereunder) and continuously since said date to the present time, the approximate one and one-half acre portion, with the buildings and improvements thereon located, of the ten acre, more or less, tract or parcel of land now owned by Daniel D.F. Yellott, III, and formerly owned by Daniel D.F. Yellott, Jr., which approximately one and one-half acre portion is improved by three (3) buildings and screened by shrubbery and trees on the southwest and southeast sides and bounded on the northwest and northeast sides by the lands of Marjorie Gill, has been used for materials storage and automotive equipment and machinery construction, repair and storage.

IN WITNESS WHEREOF, we have hereunto signed our names and written our respective addresses where we now respectively reside, and indicated to the left of our signatures the date since which we have been familiar with the property described above and the uses made thereof, and have further written the

PETITIONER'S EXHIBIT NO. 4

401 Bosley Avenue
Towson, MD 21204
Bureau of Air Quality and Waste Management
300 East Towson Boulevard
Towson, Maryland 21204
(301) 887-3775
(301) 887-4817
FAX

February 13, 1991

Mr. Charles Scillipote, Jr.
12918 Gores Mill Road
Reisterstown, Maryland 21136

Dear Mr. Scillipote:

We have reviewed your application for registration of the following installation(s):

INSTALLATION: (1) Nova Verde Downdraft Booth
PREMISE NUMBER: 03-2061
REGISTRATION NUMBER: 6-1603-85

LOCATION: 12918 Gores Mill Road, Reisterstown, MD 21136

We are pleased to inform you that this installation has been registered with the Maryland Air Management Administration and has been assigned the registration number listed above. The registration number is also on the green copy of your application form, which is enclosed.

We wish to remind you to ensure that the installation complies with all applicable emission control regulations. In addition, please be advised that any changes made to the above installation, without first re-registering with the Department, is a violation of the regulations.

If there are any questions, please contact Mr. Cliff Patterson.

Very truly yours,

Brooks H. Stafford

Brooks H. Stafford, M.H.S., Director
Division of Engineering and Enforcement
Bureau of Air Quality and Waste Management

BHS:pm
Enclosure

PETITIONER'S EXHIBIT NO. 5

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

LICENSING YEAR: 1991 (THROUGH JULY 31)
This permit is valid only if accompanied by a valid Validation Sticker.

PERMIT NO. 002193
UNIVERSITY NO. 1-16453

PERMISSION IS HEREBY GRANTED TO Auto Collision Specialists, Inc.
FOR THE CONTRIBUTION OF INDUSTRIAL WASTEWATER TO THE BALTIMORE COUNTY
SEWER LINES AT 12918 Gores Mill Road
REISTERSTOWN, MARYLAND 21136

EFFECTIVE THIS 10th DAY OF February, 19 91

APPROVED: *[Signature]*
Director, Permits & Licenses

PETITIONER'S EXHIBIT NO. 6

EPA ACKNOWLEDGMENT OF NOTIFICATION OF REGULATED WASTE ACTIVITY (VERIFICATION)

This is to acknowledge that you have filed a Notification of Regulated Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous waste, on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA ID NUMBER: 800981743594
AUTO COLLISION SPECIALISTS INC
PO BOX 27
REISTERSTOWN, MD 21136
CAREY SCILLIPOTE ADMINISTRATOR

INSTALLATION ADDRESS: 12918 GORES MILL RD
REISTERSTOWN, MD 21136

EPA Form 8700-12A (8-89)

State of Maryland

DEPARTMENT OF THE ENVIRONMENT
2800 Branching Highway, Baltimore, Maryland 21226
Area Code 301 • 801-3400

William Donald Schaefer
Governor

Robert Perciasepe
Secretary

November 28, 1990

CERTIFIED MAIL

Miss Carey Scillipote
C & R Auto Body, Inc.
12918 Gores Mill Road
Reisterstown, Maryland 21136

Dear Miss Scillipote:

This office is in receipt of your Contingency and Preparedness and Prevention plans.

Based on this review, it has been determined that the plan meets the requirements of COMAR 26.13.05.04B(1). You are hereby advised that it remains your responsibility to submit a copy of the plan to all local police and fire departments, hospitals and any other local emergency response teams that may be called upon to provide emergency services.

If you should have any further questions regarding this matter, you may call Mr. Stanley Tsai, Inspector, Hazardous Waste Enforcement Division, Hazardous and Solid Waste Management Administration, at (301) 631-3400.

Sincerely,

Richard Johnson

Richard Johnson
Section Head
Hazardous Industrial Section

RJ/st

cc: Mr. Richard W. Collins
Mr. Harold L. Dye, Jr.
Mr. Arthur O'Connell

CONTINGENCY PLAN

COMPANY: Auto Collision Specialists, Inc.
ADDRESS: P.O. Box 27, Reisterstown, Maryland 21136
LOCATION OF FACILITY: 12918 Gores Mill Road
Reisterstown, Maryland 21136
TELEPHONE: (410) 833-5697 EPA # MDD981743594
PRIMARY EMERGENCY COORDINATOR: Carey Scillipote
12730 Gores Mill Road
Reisterstown, Maryland 21136
TELEPHONE (Office): (410) 833-5697 (Home): (410) 833-7843
ALTERNATE EMERGENCY COORDINATOR: Wendi Heiser
11 Austin Road
Reisterstown, Maryland 21136
TELEPHONE (Office): (410) 833-5697 (Home): (410) 526-0412

DESCRIPTION OF WASTE HANDLED

DESCRIPTION: Waste Paint Related Material
HAZARD CLASS: Flammable Liquid
ID NUMBER: NA 1263
EPA WASTE #: EPA 7003 ERG #26
STORAGE METHOD: Drum
AVERAGE ON SITE: 3 Drums

FEDERAL, STATE & LOCAL EMERGENCY RESPONSE CONTACTS

LOCAL
Fire Department: Reisterstown Volunteer Fire Department
108 Main Street
Reisterstown, Maryland 21136
(410) 833-1379
Ambulance Service: Medical Transport Service Inc.
3150 Baltimore Boulevard
Pineburg, Maryland 21048
(410) 876-3302
State Police: Westminster State Police Barracks
1100 Baltimore Boulevard
Westminster, Maryland 21157
(410) 848-3111
STATE
State Hazardous Waste Agency: Maryland Department of Environment
(410) 631-3400
Emergency Response: (410) 333-2930
(410) 974-3551 - After 4:30 PM

Today's Date: May 12, 1992
Topic Discussed: Modules 1, 2, 3 & 4

Instructor: Tracy Yeager

Employee:

1) <u>Angelina</u>	11)
2) <u>KOSLIVERMORE</u>	12)
3) <u>Chuck Scillipote</u>	13)
4) <u>Ch</u>	14)
5) <u>Rob</u>	15)
6) <u>Tracy</u>	16)
7) <u>Tracy</u>	17)
8) <u>Tracy</u>	18)
9) <u>Tracy</u>	19)
10) <u>Tracy</u>	20)

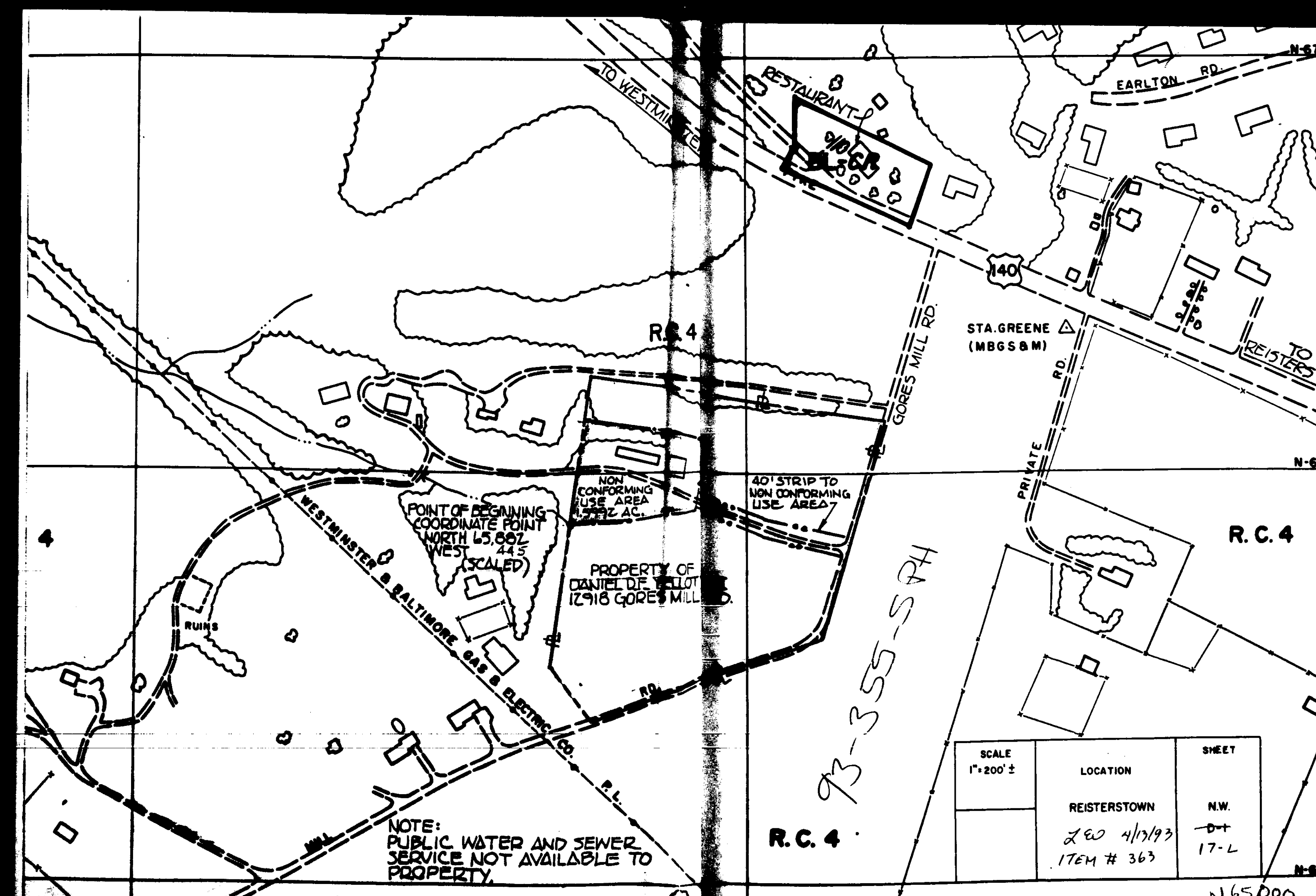
Note: Use additional sheets if needed or prepare a sheet that contains the information requested above.

File in the "Employee Training Modules" Section - Manager's binder

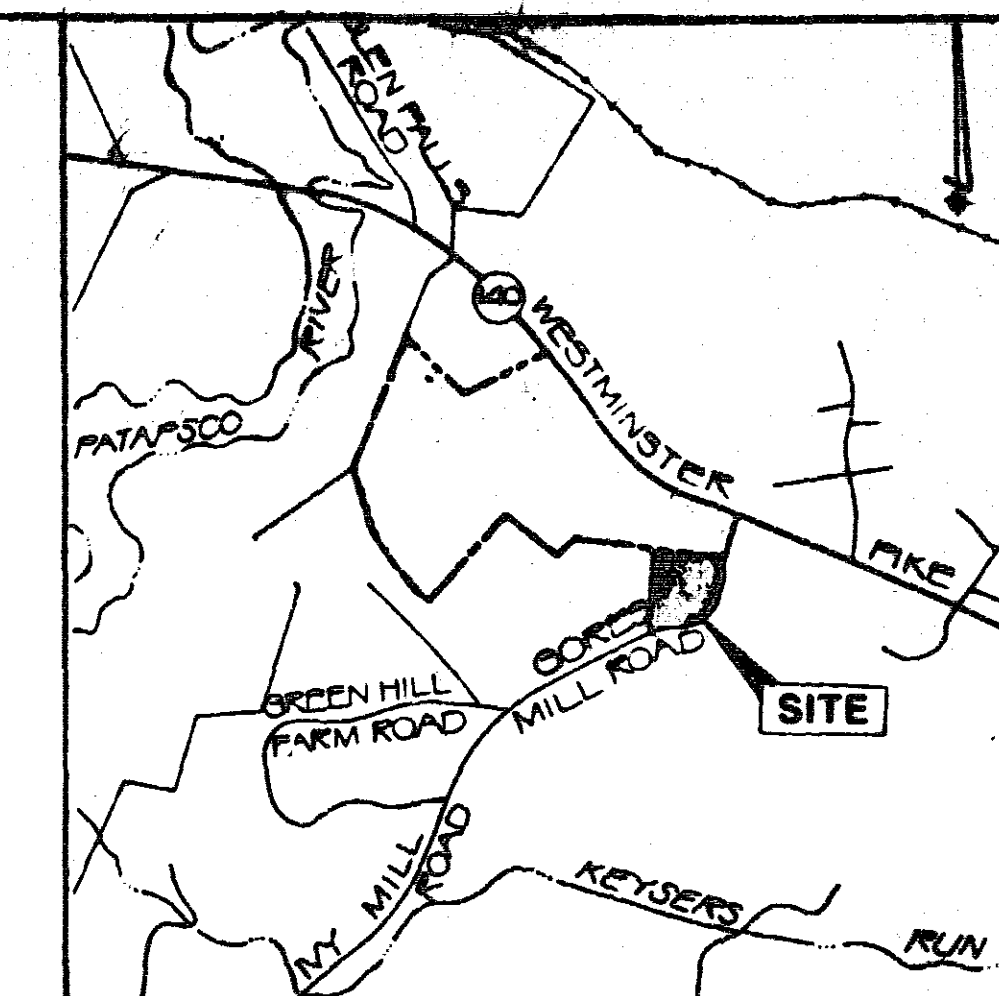
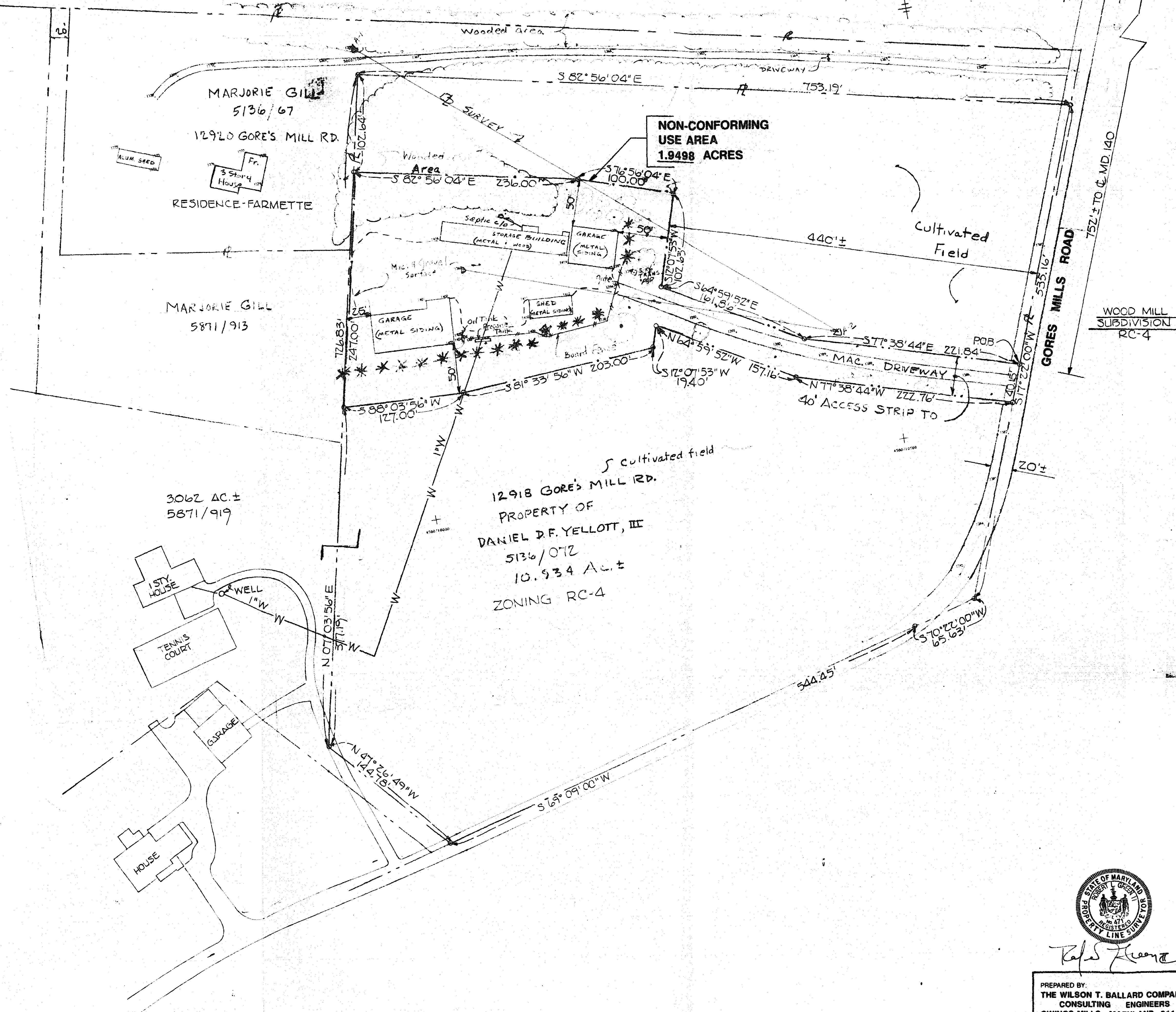
TOPICS: Module 1 - The Employee's "Right to Know"
Module 2 - Product Labels and MSDS Sheets
Module 3 - Handling Hazardous Materials
Module 4 - Storage and Mixing of Hazardous Materials

PETITIONER'S EXHIBIT NO. 8

HAZARDOUS MATERIALS TRAINING EMPLOYEE SIGN-UP SHEET



WOODLEAF SUBDIVISION
Plat Book 5M 58/63
RC-4



LOCATION MAP
SCALE: 1" = 2000'

- NOTES:
1. CURRENT ZONING: RC-4 (ZONING MAP NO. D-1, COORD. L-17)
 2. TAX MAP NO. 48
 3. TOPOGRAPHY SHOWN IS BASED ON A FIELD SURVEY
 4. BUILDINGS ARE CURRENTLY BEING USED FOR AN AUTO REPAIR SHOP, WOOD-WORKING SHOP AND FOR STORAGE OF ACCESSORY BUILDING SUPPLIES
 5. FLOOR AREA RATIO:
FLOOR AREA = 9300 SF
SITE AREA = 84933 SF = 0.1095
 6. THE BOUNDARY OF THE 10.934 ACRE PARCEL SHOWN HEREON IS BASED ON DEED INFORMATION ONLY.
 7. THE BOUNDARY OF THE 1.9498 ACRE NON-CONFORMING USE AREA SHOWN HEREON IS BASED ON A TRANSIT TAPE FIELD SURVEY BY THE WILSON T. BALLARD COMPANY.

PETITIONER'S
EXHIBIT NO. 1

93-355-SPH

OWNER'S ADDRESS
12606 GORE'S MILL ROAD
REISTERSTOWN, MD. 21136

PROPERTY OF DANIEL D.F. YELLOTT, III
COUNTY COUNCIL DISTRICT 3
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
12918 GORE'S MILL ROAD
REISTERSTOWN, MD.

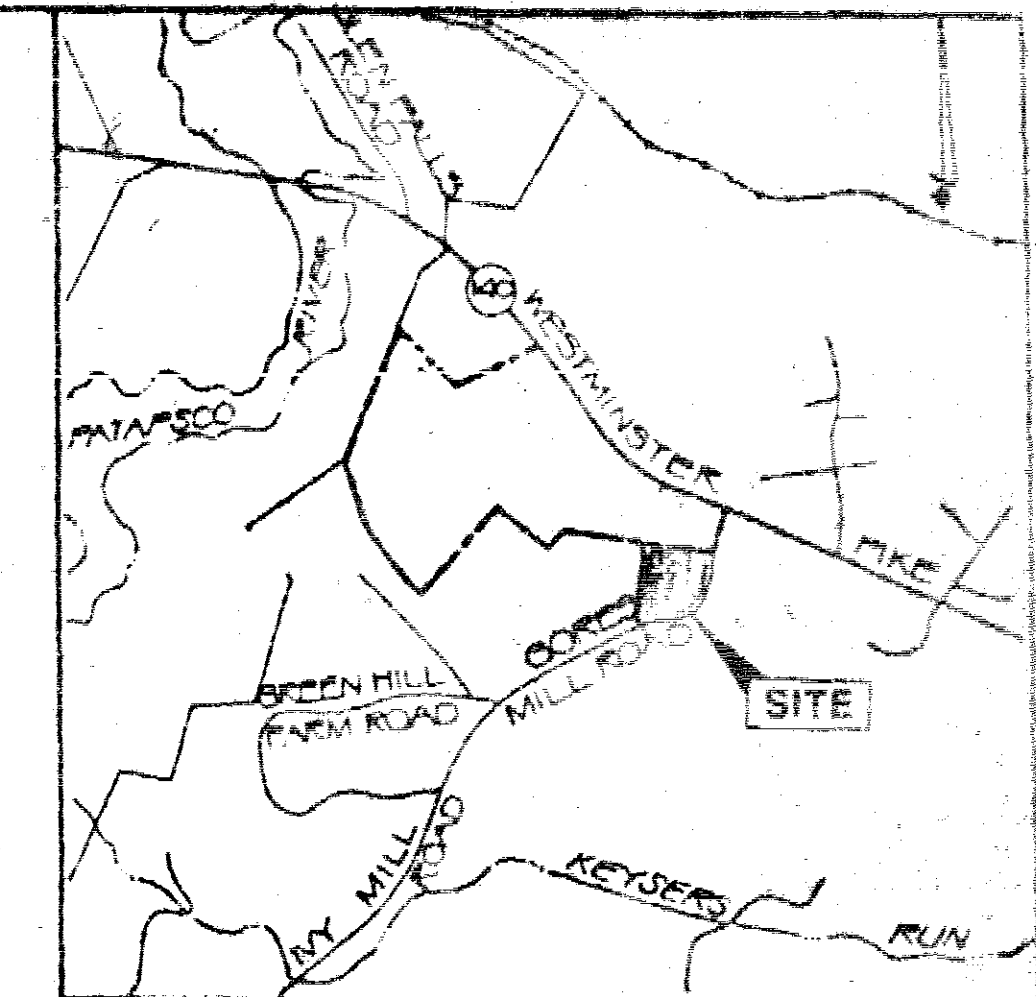
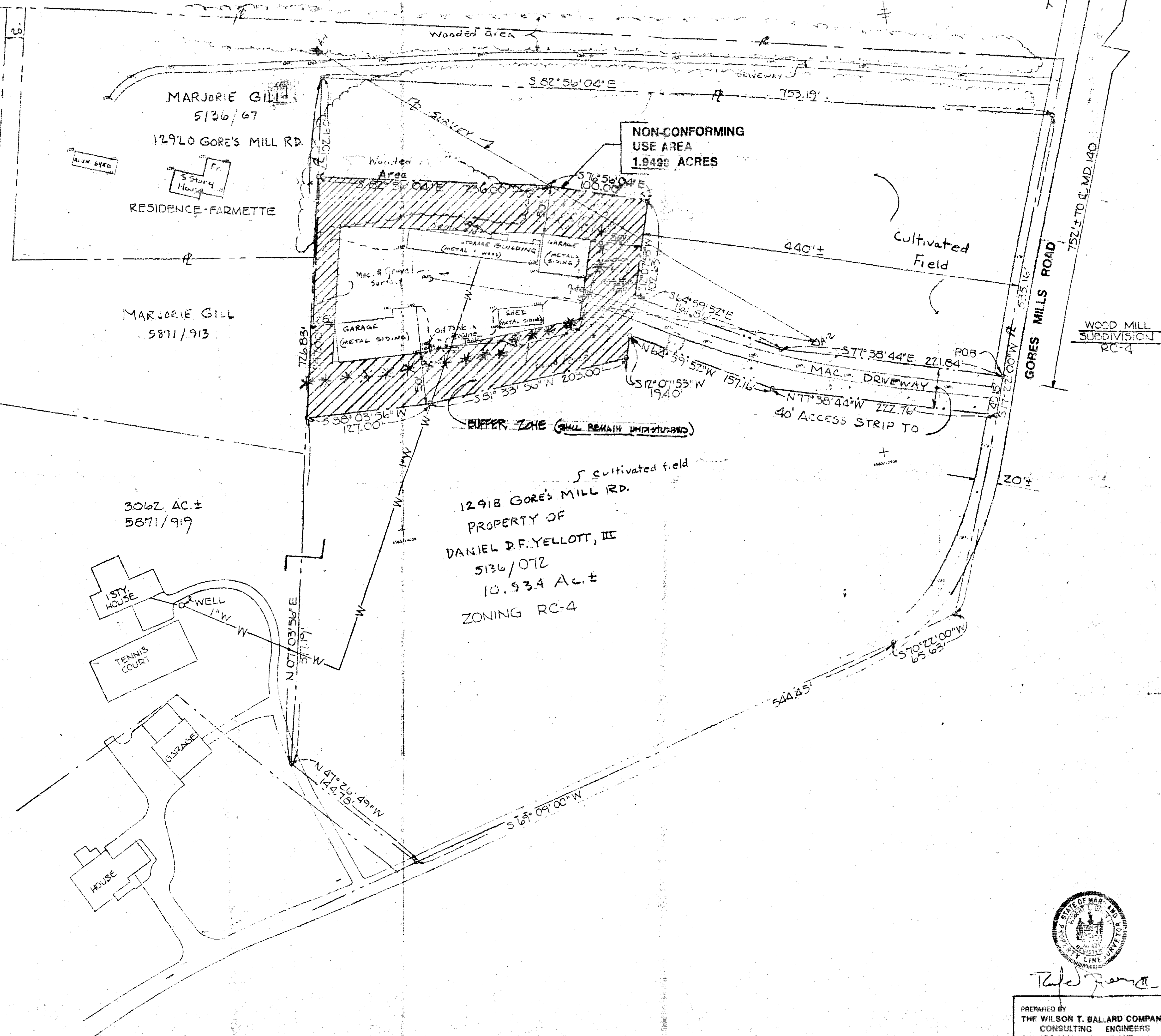
EXISTING SITE CONDITIONS IN
NON-CONFORMING USE AREA

PREPARED BY:
THE WILSON T. BALLARD COMPANY
CONSULTING ENGINEERS
OWINGS MILLS, MARYLAND 21117

SCALE: 1" = 50'

JCO 4/1/93
ITEM # 363 DATE: 4/7/93

WOODLEAF SUBDIVISION
Plat Book SM 58/43
RC-4



LOCATION MAP
SCALE 1" = 2000'

- NOTES:
1. CURRENT ZONING: RC-4 (ZONING MAP NO. D-1, COORD. L-1)
 2. TAX MAP NO. 48
 3. TOPOGRAPHY SHOWN IS BASED ON A FIELD SURVEY
 4. BUILDINGS ARE CURRENTLY BEING USED FOR AN AUTO REPAIR SHOP, WOOD WORKING SHOP AND FOR STORAGE OF ACCESSORY BUILDING SUPPLIES
 5. FLOOR AREA RATIO:
FLOOR AREA = 2,300 SF
SITE AREA = 4,493 SF = 0.1095
 6. THE BOUNDARY OF THE 10.934 ACRE PARCEL SHOWN HEREON IS BASED ON DEED INFORMATION ONLY.
 7. THE BOUNDARY OF THE 1.9498 ACRE NON-CONFORMING USE AREA SHOWN HEREON IS BASED ON A TRANSIT-TAPE FIELD SURVEY BY THE WILSON T. BALLARD COMPANY.
 8. THERE SHALL BE NO EXPANSION OF THE NON-CONFORMING USE OR ERECTION OF ANY NEW STRUCTURES BEYOND THOSE PORTIONS OF THE BUILDINGS OR PARKING AND STORAGE AREAS CURRENTLY BEING UTILIZED ON THE SUBJECT SITE.
 9. THERE SHALL BE NO LOADING OR UNLOADING OF VEHICLES ON OR OFF ANY TRAILER TRAILER ALONG GORE'S MILL ROAD IN CONNECTION WITH THIS USE.

APPROVED PER ORDER OF
Date: 7/1/93
By: *Anthony R. Basso*
Hearing Officer
Deputy County Commissioner

OWNER'S ADDRESS
12806 GORE'S MILL ROAD
REISTERSTOWN, MD. 21130

PROPERTY OF DANIEL D.F. YELLOTT, III
COUNTY COUNCIL DISTRICT 3
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
12918 GORE'S MILL ROAD
REISTERSTOWN, MD.

EXISTING SITE CONDITIONS IN
NON-CONFORMING USE AREA



PREPARED BY
THE WILSON T. BALLARD COMPANY
CONSULTING ENGINEERS
OWINGS MILLS, MARYLAND 21117

SCALE: 1" = 50'

DATE: 4/7/93