

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

GIS Attribute Table ID

(SEARCH ON THIS FIELD):

Case Type Prefix: Case Year: Case Number Case Type Suffix:

Existing Use:

19940001GF

GF

1994

0001GF

Commercial

Legal Owners/Petitioner

(SEARCH ON THIS FIELD):

House/St. Number: House/Street Number Range: House/St. No. Prefix Dir.: Pre. Type: Street Name (SEARCH ON THIS FIELD): Suf. Type: Dir.: Suite/Apt./Unit Number:

10000

Pulaski

Hwy

Property Description (SEARCH ON THIS FIELD):

NW Corner of Pulaski Highway and Mohrs Lane

Existing Zoning Classification ML & MH

Area:

Election District: 15th

Councilmanic District

Critical Area

Floodplain:

Historic Area:

Related (Prior and Future) Cases: 66-281-RX; 78=176-RXA

Violation Cases:

Concurrent Cases:

Tax Account ID:

Deed Liber #:

Deed Folio #:

Miscellaneous Notes

1.)

1.)

2.)

2.)

3.)

3.)

GRANDFATHERING IN THE ML ZONE PLAN - NOT A ZONING CASE

Contract Purchaser:

Attorney:

Petition Reviewer: JLL

Petition Reviewer 2:

Petition Filing Date: 04/04/1994

Day of Week:

Hearing Date:

Hearing Time:

Hearing Location:

Closing Date:

Commissioner Hearing Continued Fro

Commisioner Hearing Resceduled From

Formal Request For Hearing

Case Number

G 1994 0001GF

Petition Type # 1: GRANDFATHERING IN THE ML ZONE - NOT A ZONING CASE

Petition Request # 1: GRANDFATHERING IN THE ML ZONE PLAN - NOT A ZONING CASE

Petition Type # 2:

Petition Request # 2:

Petition Type # 3:

Petition Request # 3:

Petition Type # 4:

Petition Request # 4:

200 Foot

Scale Map

Reference:

1000 Foot

Scale Map

Reference:

Existing Use:

Proposed Use:

Existing Zoning Classification

Requested Zoning Classification:

Existing District:

Requested District:

Commercial

Commercial

ML & MH

ML & MH

North/South Coordinate:

East/West Coordinate:

Census Tract:

Commissioner Case Number
Zon. Comm. or Dep. Zon. Comm
Commissioner Order Dat
Commissioner Decision
Commissioner Order Restrictions

Circuit Court Case Number
Circuit Court Filing Date:
Circuit Court Decision Date
Circuit Court Decision:

MD Court of Special Appeals Filing Date
MD Court of Special Appeals Decision Date:
MD Court of Special Appeals Decision

Board of Appeals Case Number
Appeal to Board of Appeals?:
Appellant:
Board of App. Description
Board of Appeals Filing Date
Date Case Sent To Board:
Board of Appeals Hearing Date:
Board of Appeals Decision Date:
Board of Appeals Decision

MD Court of Appeals Filing Date
MD Court of Appeals Decision Date:
MD Court of Appeals Decision:

U.S. Supreme Court Filing Date
U.S. Supreme Court Decision Date
U.S. Supreme Court Decision

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 7, 1994

Mr. Jerome N. Biller
10,000 Pulaski Highway
Baltimore, MD 21220

RE: Zoning Verification
Grandfather plan approval
American Truck and Equipment Co.
NW Corner Pulaski Highway and
Mohr's Lane
15th Election District

Dear Mr. Biller:

This letter and attached zoning approved grandfather plan for vehicle sales and display in an M.L. zone and a service garage in a M.H. zone concludes our ongoing meetings, conversations, and detailed correspondence review. The copies of this plan, dated March 30, 1994 and approved as of the date of this letter, and your letter of April 4, 1994, detailing the above sites zoning history and abandoning of the special exceptions for a truck terminal and junk yard (Case Nos. 66-281-RX and 78-176-RXA respectively), as requested by this office, will be kept and microfilmed as part of our permanent records.

Staff strongly suggests that you maintain the approved grandfather plan copy being forwarded to you for your company records. In the future, reference this approval on all plans and correspondence pertaining to this site. Also, this approval is for zoning only and is not intended to supercede the approval requirements of any other agency.

Should you have any further questions, please do not hesitate to contact me at 887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Lewis".

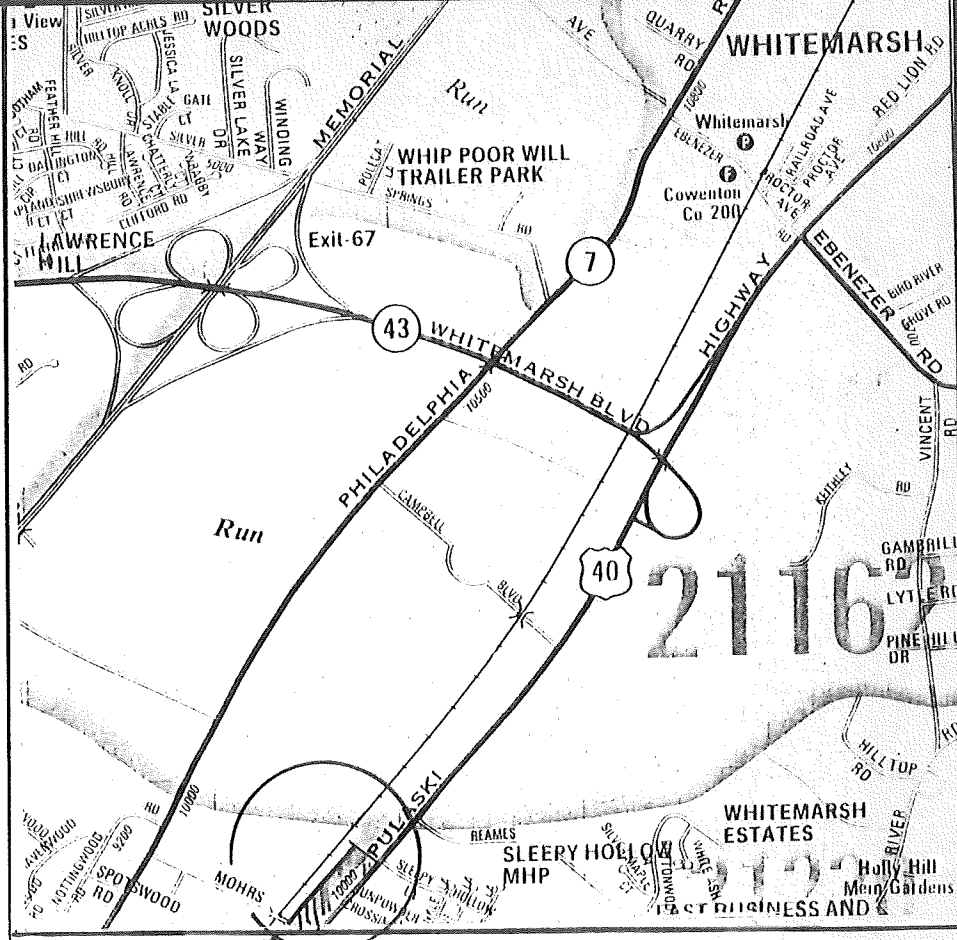
JOHN L. LEWIS
Planner II

JLL/jaw



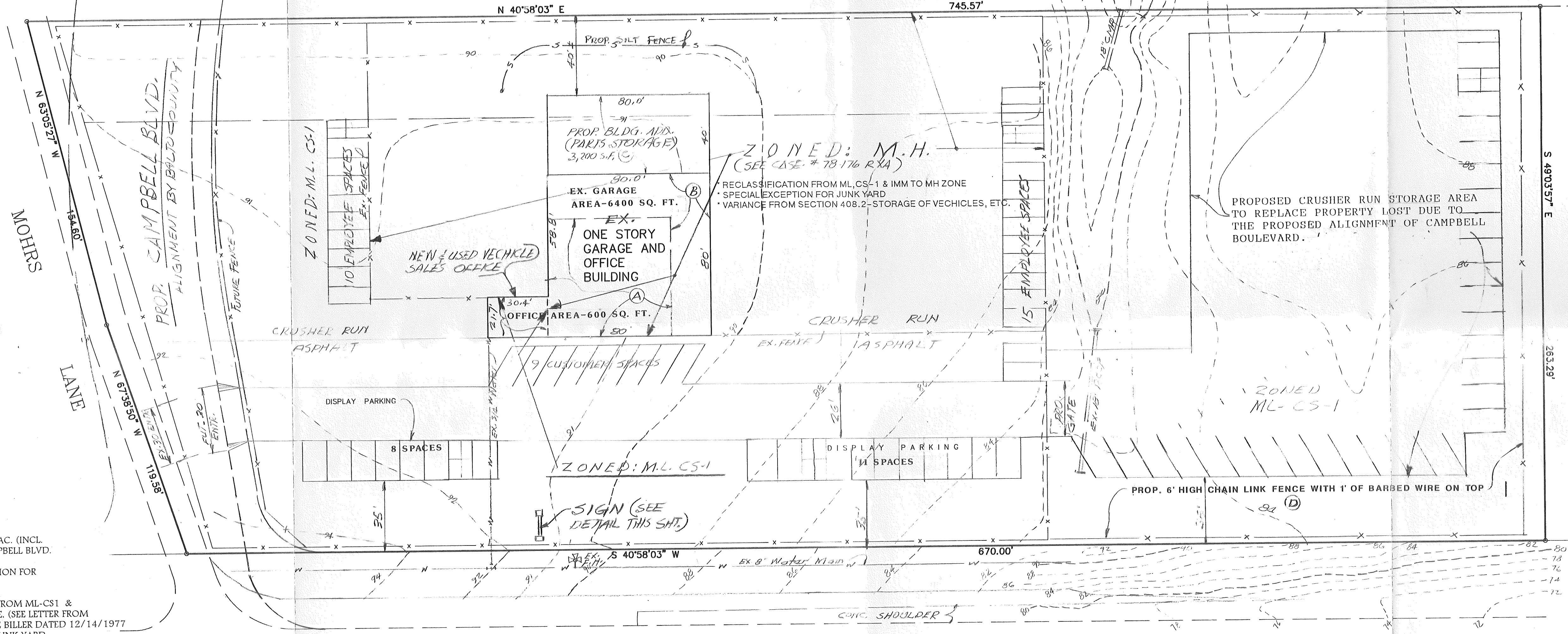
PERMIT INFORMATION			
BUILDING	PERMIT NO.	CON'TROL NO.	DATE
EXIST. ORIGINAL BUILDING	5907	732-68	12-28-68
EXIST. GRADING-ORIGINAL BLDG.	*4303	789-68	12-30-68
EXIST. REVISED ORIGINAL BLDG.		086-69	2-13-69
EXIST. BUILDING ADDITION	N/A	*402-85	4-25-85
PROP. BLDG. ADDITION			
PROP. FENCE			

* COMMERCIAL BUILDING APPROVAL
 ** ADDITION ON EX. REMARK GARAGE & TRUCK SALES, JUNK YARD.



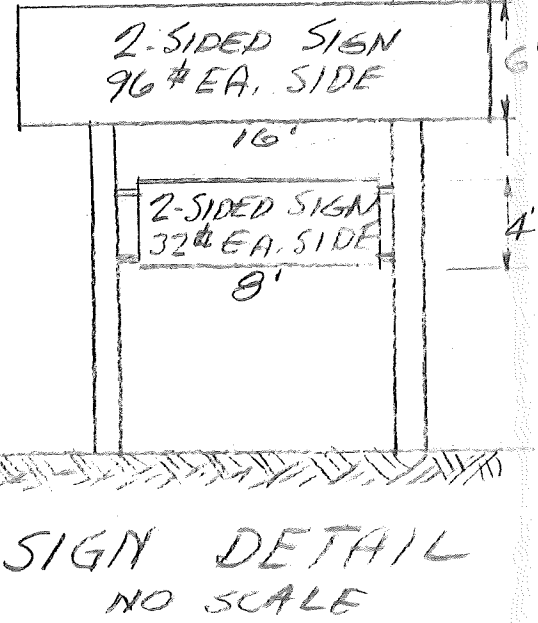
B & O RAILROAD R/W

ZONED: M.L., IM.



- GENERAL NOTES:**
1. AREA OF SITE: 4.36 AC. (INCL. 0.38 AC. RELOCATION OF CAMPBELL BLVD.)
 2. EXISTING ZONING: +M.L. CS-1 WITH SPECIAL EXCEPTION FOR TRUCK TERMINAL +M.H. AS PER CASE #78-176 RXA ++RECLASSIFICATION FROM FROM ML-CS1 & IMM ZONE TO M.H. ZONE. (SEE LETTER FROM ERIC DINENNA TO JEROME BILLER DATED 12/14/1977) ++SPECIAL EXCEPTION FOR JUNK YARD ++VARIANCE FROM SECTION 408.2-STORAGE OF VEHICLES
 3. EXISTING USE OF PROPERTY: TRUCK SALES AND SERVICE
 4. PROPOSED ZONING: SAME AS EXISTING EXCEPT THE RELINQUISHMENT OF SPECIAL EXCEPTION FOR JUNK YARD.
 5. PROPOSED USE: CONTINUED USE AS TRUCK SALES AND SERVICE AS ALLOWED UNDER THE "GRANDFATHERING IN M.L. POLICY" PER SECTION 101.1.B OF THE ZONING MANUAL
 6. OFFSTREET PARKING REQUIRED: +EXIST. OFFICE SPACE: 600 SQ. FT. @ 1SPACE/300=2 +EXIST. GARAGE AREA: 6,400 SQ. FT./300=22 +PROP. GARAGE ADDITION AREA: 1,600 SQ. FT./330=6 +PROP. PART STORAGE ADDITION: 3 EMPL/1=1
 7. TOTAL PARKING SPACES REQUIRED: 31 SPACES
 8. TOTAL PARKING PROVIDED: +EMPLOYEE: 25 SPACES +CUSTOMER: 9 SPACES +DISPLAY: 19 SPACES
 9. TOTAL PROVIDED: 53 SPACES
 10. OBSTRUCTIONS SHOWN ON THE PLAN ARE FOR THE CONVENIENCE ONLY. THE CONTRACTOR TO VERIFY ALL INFORMATION TO HIS SATISFACTION PRIOR TO CONSTRUCTION.
 11. CONTRACTOR SHALL RESTORE ALL DISTURBED PAVING, SIDEWALKS, OR LAWN AREAS AFFECTED BY CONSTRUCTION SHOWN HEREON TO A CONDITION COMPARABLE TO THE EXIST. PRIOR TO CONSTR.
 12. SEDIMENT CONTROL DEVICES WILL BE INSTALLED IN ACCORDANCE WITH BALTO COUNTY SOIL CONSERVATION SERVICE STANDARDS AND SPECIFICATIONS AND AS DIRECTED BY THE BALTIMORE COUNTY SEDIMENT CONTROL INSPECTOR.
 13. C.R.G. WAIVER #W-92-41 APPROVED MARCH 26, 1992.

NOTE: EXEMP FROM LETTER-ERIC DINENNA (ZONING COMMISSIONER) TO JEROME N. BILLER: (Letter date Dec. 17, 1977) "AFTER A MORE THOROUGH REVIEW OF OUR FILES IT WAS DISCOVERED THAT A RECLASSIFICATION AND SPECIAL EXCEPTION (CASE #66-281-RX) WAS GRANTED TO UTILIZE THIS SITE FOR THE SALE OF TRUCKS UNDER THE CLASSIFICATION OF A TRUCK TERMINAL. THE SITE PLAN FILED WITH THAT CASE SPECIFICALLY MENTIONS THE PROPOSED USE AS TRUCK SALE AND MAINTENANCE BUILDING. BASED UPON MR. JOHN ROSE'S INTERPRETATION AT THAT TIME THAT THIS USE WOULD BE ALLOWED, I SEE NO PROBLEM WITH THE CONTINUATION OF SAME."



Drafting	DATE	REVISIONS
771	9-4-92	AS PER PUBLIC SERV. COMMENTS
771	6-10-92	AS PER DEV. REV. COMMITTEE COMMENTS
771	3-3-92	GENERAL

MAISTE & WATTS, INC.
 SURVEYORS & ENGINEERS
 2923 CHENOA AVE. BALTIMORE MARYLAND 21234 (301) 882-0321

DEED REF: L-9699 F-413
 TAX ACCT. N°15-02-371390

OWNER:
 THE BILLER FAMILY PARTNERSHIP
 C/O JEROME N. BILLER
 10220 PULASKI HWY. BALTO MD. 21220

GRANDFATHER PLAT
 VEHICLE SALES AND DISPLAY IN M.L. ZONE
 AND A SERVICE GARAGE IN M.H. ZONE
 AMERICAN TRUCK & EQUIPMENT CO
 10000 PULASKI HIGHWAY
 15-TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

PLANS APPROVED
 OFFICE OF PLANNING & ZONING
 BY: [Signature]
 DATE: 4/6/94

SHEET 1 OF 1		
DATE: REV. 3-30-94 FEB. 19, 1994	SCALE: 1"=30'	JOB NUMBER: 90-195

1744-94
JEROME N. BILLER
10,000 PULASKI HIGHWAY - BALTIMORE, MARYLAND 21220

4/4/94
8

RECEIVED

APR 4 1994

ZADM

April 4, 1994

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Townson, Md. 21204
Att: Mr. John L. Lewis

RE: 10,000 Pulaski Highway
American Truck & Eqt. Co.

Dear Mr. Lewis:

Per your letter, dated October 12, 1993, requesting a letter which outlines the above captioned properties zoning history and use pre 1970, I am submitting for your review the following:

In the early 1960's, we were notified that our property at Pulaski Hwy. and Moravia Rd., occupied by our family business since 1922, was to be condemned for an I95 Interchange. We immediately investigated sites to relocate our business. Although our primary operation was sales, the incidental operations involved were not compatible with the zoning of many attractive sites. Our requirements dictated the following property usage:

- (1) Storage and display of trucks, truck bodies, and trailers for resale
- (2) Heavy maintenance and repair of all types and sizes of trucks and equipment.
- (3) Storage of damaged or disabled trucks in various stages of repair
- (4) Incidental storage of trucks, truck bodies, and equipment for reclamation of components, which is normally associated with a Dealership operation

We were able to utilize our old location at 7001 Pulaski Highway in this manner, and we expected to relocate on a site offering the same type of land utilization and zoning.

Late in 1965, we became interested in a site at Pulaski Highway and Mohr's Lane; however, it was zoned R-6, with the exception of the Mohr's Lane corner which was ML.

JEROME N. BILLER
10,000 PULASKI HIGHWAY - BALTIMORE, MARYLAND 21220

We engaged the services of Mr. Harry Swartzwelder to investigate the zoning classifications required, and review with the Zoning Office the possibility of having the property reclassified.

Mr. Swartzwelder subsequently advised us of the following:

- (1) A new zoning map was being drawn and the entire subject property was proposed for ML; however, final acceptance of the map was not anticipated until late 1966 or early 1967. This time frame did not coincide with the expiration of our option to purchase with the Stambaugh's property.
- (2) New petitions would only be accepted under extraordinary circumstances, with the approval of the Zoning Commissioner

Mr. Swartzwelder and I met with Mr. John Rose, the Zoning Commissioner, explained our predicament (condemnation and forced relocation) and reviewed our zoning needs. We were advised that we would require an ML Classification, with a Special Exception, and, under the circumstances, our petition would be accepted for review. We examined with Mr. Rose the various special exception classifications and, in his interpretation, our required usage for the sale of trucks, together with incidental requirements, would be covered best under the classification of a truck terminal.

On February 23, 1966, we entered into a contract to purchase the subject property, contingent on a favorable rezoning of the property. Mr. Swartzelder, after additional consultation with the Zoning Office and the Commissioner filed a Petition for ML Zoning, with a Special Exception for the entire tract. The engineering work was done by Evans, Hagen, and Associates.

Present at the hearing were Mr. Rose, Mr. Swartzwelder, Mr. Hagen, and myself. There were no protestants present, and the zoning change was approved, under Case #66-281-RX). Mr. Swartzwelder sent me a copy of the order on October 10, 1966. We subsequently filed plans for development of the property, which were approved by Zoning and the other Baltimore County Departments required to review the plans, on December 20, 1968, identified a #789-68.

JEROME N. BILLER
10,000 PULASKI HIGHWAY - BALTIMORE, MARYLAND 21220

In 1975, our company, The American Truck & Equipment Co., received a periodic Motor Vehicle Administration dealer's records audit, which includes a phone call to the zoning office in the subdivision where the dealership is located as to proper land use.

In our case, the MVA investigator was informed by the zoning office that the zoning was ML, without reference to the Special Exception. I promptly contacted the Zoning Office and was told that there was no record of the Special Exception, and I was to provide dates and data concerning the zoning order. I supplied the requested information and was told that after consultation with the Zoning Commissioner, I would be advised of the decision.

I was notified that everything was in order, and the Motor Vehicle Administration would be notified accordingly. We were informed by the MVA Investigator that the Zoning Office had been in touch, and the zoning of the property was proper and correct.

In 1977, our zoning was, once again, questioned in the course of review of pending reclassification request for the rear of the site, questioning the truck sale operation in a ML Zone. At Mr. Nick Commodari's suggestion, I wrote the Zoning Commissioner, Mr. S. Eric Dinenna, a letter giving a chronological zoning history for the site and American Truck and Equipment Co.'s dealership operation.

I have attached a copy of letter, dated December 14, 1977, from Mr. S. Eric Dinenna, the Zoning Commissioner, in which he states,

"After a more thorough review of our files, it was discovered that a Reclassification and Special Exception (Case #66-281-RX), was granted to utilize the site for the sale of trucks under the classification of truck terminal. The site plan filed with the case specifically mentions the proposed use as "truck sale and maintenance building." Based upon John Rose's interpretation at the time this use would be allowed, I see no problem with the continuation of same."

On March 15, 1978, the Zoning Commissioner granted the Reclassification and Variance (Case #78-176 -RXA, Reclassification from ML-CS1 & IMM Zone to M.H. Zone, Special Exception for Junk Yard, and Variance from Sect. 408.2-Storeage of Vehicles); however, the decision was appealed by the Peoples' Counsel, which on my agreement to reduce the size of the area to be reclassified, was dismissed by the Board of Appeals, and the Order of the Zoning Commissioner was amended and reaffirmed.

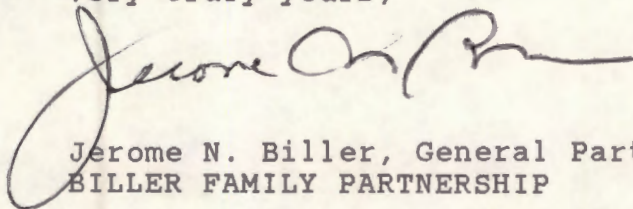
JEROME N. BILLER
10,000 PULASKI HIGHWAY - BALTIMORE, MARYLAND 21220

Although the storage of dismantled vehicles is incidental to our sales, service, and parts operation, we do store damaged and disabled vehicles for service and reconditioning for resale. This type of steerage is a normal condition associated with an auto or truck dealership. Our need for the Reclassification and Special Exception granted in 1978 for the "Junk Yard" predicated on our attempt to pacify the MVA.

As requested in your letter of October 12, 1993, pending zoning approval of our grandfathering plan, we would abandon the special exception zoning hearings in case 66-182RX, which was granted for the truck terminal and 78-176-RXA, which was granted for a junk yard.

Hoping the above meets with your approval, I am

Very truly yours,



Jerome N. Biller, General Partner
BILLER FAMILY PARTNERSHIP

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 12, 1993

Mr. Jerome Biller, President
American Truck and Equipment Co.
10,000 Pulaski Hwy
Baltimore, MD 21220

RE: Zoning Review for Verification
of Zoning Conditions for a
proposed expansion of uses on
a M.L. and M.H. zoned lot
American Truck & Equipment Co.
10,000 Pulaski Hwy
15th Election District

Dear Mr. Biller:

This letter references your submitted correspondence and subsequent meetings with this office over the past two months concerning the above referenced site.

Based on the information you have provided staff has undertaken a detailed review of the site in question as it relates to the existing zoning history and current Baltimore County Zoning Regulations and policies. Staff has determined that your site can qualify for "Grandfathering" under the Grandfathering in M.L. policy as defined in the Zoning Office Policy Manual, Section 103.1.B (copy attached) subject to the following requirements.

A. An engineer or surveyors sealed site plan titled "M.L.-Grandfathering plan for vehicle sales and display in M.L. and a service garage in M.H. zones" must be submitted to this office for review and final approval. (This office strongly suggest that this person be familiar with zoning checklist requirements, for building permit approval) The plan must contain information which:

1. Substantiates the uses as approved existing prior to 1970. This can be done by providing detailed reference to zoning approved plans and issued permits which predate 1970.
2. Shows existing (as built) conditions and proposed changes or expansion which must be clearly indicated.

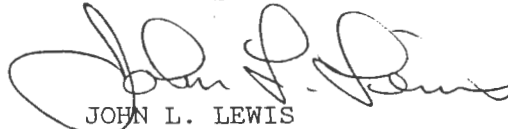


Mr. Jerome Biller
October 12, 1993
Page 2

3. Provides commercial (attached blue) checklist information. This information can be used for any subsequently issued building permits.
- B. In addition to these general plan requirements the following is also necessary for zoning approval.
 1. Provide a letter to this office which outlines the properties zoning history and use since pre 1970 noting particularly that the uses have been existing and approved prior to 1970 and (pending zoning approval on a grandfathering plan) abandoning the special exception zoning hearings in case 66-182-RX which was granted for a truck terminal and 78-176-RXA which was granted for a junk yard.
 2. Provide a sales trailer in the M.L. zone with appropriate setbacks and designated for "New and Used Vehicle Sales in the M.L. zone".

A reduced sample copy of grandfathering site plan is provided with this letter for your convenience. Please provide this information attention to myself at this office at your convenience. Should you require further information or explanation, please do not hesitate to call me at 887-3391.

Sincerely,


JOHN L. LEWIS
Planner II

JLL/jaw

Baltimore County Government
Office of Zoning Administration
and Development Management

TO ZONING
LTR. FILE



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 10, 1993

Mr. Jerome Biller, President
American Truck and Equipment Co.
10,000 Pulaski Hwy
Baltimore, MD 21220

RE: Zoning Review for Verification
of Zoning Conditions for a
proposed expansion of uses
on a M.L. and M.H. zoned lot
American Truck & Equipment Co.
10,000 Pulaski Hwy
15th Election District

Dear Mr. Biller:

This letter references your correspondence and a meeting with myself on July 13, 1993 in which you requested approval of proposed plan amendments to zoning cases 66-281-RX (to place storage of new and used trucks and truck bodies on a crusher run surface) and 78-176-RXA (to expand on existing building). Also, requested was a confirmation by this office that the special exception for a truck terminal, with provisions for truck sales and maintenance building (as approved in zoning case 66-281-RX) remains in effect as confirmed in a letter from Zoning Commissioner, Eric DiNenna dated December 14, 1977.

Based on the information provided and a review of the zoning office records the following has been determined.

1. The Truck Terminal (zoning case 66-281-RX). In 1977 the Zoning Office Enforcement Section cited and required compliance for all sites in Baltimore County which by appearance were truck terminals and which had not complied with Section 410 of the Baltimore County Zoning Regulations. Required was a submittal and approval of plans for all trucking facilities existing on the effective date of Bill 18, 1976.

The Zoning Office files contain no record of a plan approved under the above section of the BCZR. Therefore, in the absence of an approved corroborating site plan complying with Section 410 BCZR and documenting the existing uses on the site a zoning special hearing to confirm the existing and proposed uses and amend the approved zoning hearing plan is



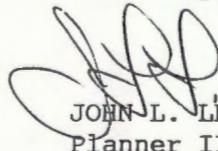
Mr. Jerome Biller
10,000 Pulaski Hwy
August 10, 1993
Page 2

necessary before the above referenced amendments can be approved.

2. The Junk Yard (zoning case 78-176-RXA). Due to the overall increase (existing and proposed) in the size of the original approved structure by approximately 120% a special hearing will be required to amend the approved site plan in zoning case number 78-176-RXA. A zoning setback does not appear to be required for the proposed 30 ft. rear setback as it appears to comply with the current BCZR if the building which contains the dismantling operation is fully enclosed.

Please feel free to contact me should you have any questions. Also when you are ready to file your application for zoning hearing, please set your appointment with myself at 887-3391.

Sincerely,



JOHN L. LEWIS
Planner II

JLL/jaw



One of the Mid Atlantic's Leading Used Truck Dealers Since 1922

6262-93
7/15/93
9
WCR
To: JLC
7/16/93
78-176-R1A
MITSUBISHI
FUSO
TRUCKS

July 14, 1993

Mr. Arnold Jablon, Director
ZADM
County Office Building
111 West Chesapeake Ave.
Towson, Maryland 21204

Re: 10,000 Pulaski Hwy.
Jerome N. Biller

Dear Mr. Jablon:

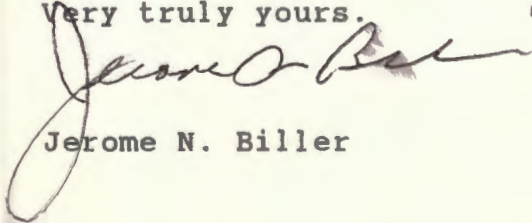
On March 26, 1992, the DRC granted a limited exemption for our proposed improvements to the above captioned property to replace storage area under threat of condemnation for the proposed Campbell Blvd.

On July 13, 1993, I met with Mr. John Louis and provided him with a detailed and documented Zoning History for the subject property.

I would be appreciative of a confirmation that the Special Exception (Case #66-281-RX), which specified use for Truck Terminal, with provision for Truck Sales and Maintenance Building, remains in effect, as confirmed in a letter from Zoning Commissioner Eric DiNenna, dated December 14, 1977 (Copy Attached). In addition, that the proposed crush and run surfacing in the proposed storage area, which is located within the bounds of the Special Exception area, may be approved for zoning.

I have attached a copy of the Zoning Plat for #66-281-RX, together with a check payable to Baltimore County, Maryland, in the amount of \$40.00.

Very truly yours,


Jerome N. Biller

RECEIVED

JUL 15 1993

ZADM

also
addition in
junkyard
SRX area