

IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY  
E/S Harford Rd. & NE/S Duncan La. 9212 Harford Road - Watkins Ice 9th Election District  
4th Councilmanic District  
Owners: Richard H. Hughes, et ux Contract Purchaser: David Watkins Petitioner  
Case No. 94-196-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Zoning Variance and Petition for Special Hearing for that property located at 9212 Harford Road in the Carney section of Baltimore County. As to the Petition for Special Hearing, approval is sought to permit business or industrial parking in a Residential Transition Area (RTA) pursuant to Section 409.8.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Also, special hearing relief is sought to amend the site plan approved in that case for that portion of the property leased by the Petitioner.

Within the Petition for Variance, numerous variances are requested. These are:

1. A variance from Sections 409.8.A.2 and 409.8.A.6 of the B.C.Z.R. to permit a parking and maneuvering area without a durable and dustless surface, and permanent striping, in lieu of the requirement that the surface be durable, dustless and permanently striped.
2. A variance from Section 409.8.A.1 of the B.C.Z.R. to permit no landscaping in the parking area, in lieu of the landscaping as required in the Landscape Manual.
3. A variance from Sections 238.1, 238.2 and 102.2 of the B.C.Z.R. to permit rear and side yard setbacks for structures and storage areas, in lieu of the required 30 ft., and to permit a setback as little as 0 ft. between structures located within the building envelope in lieu of the

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Date 12/7/93  
By Dr. Harak

maximum 60 ft.

4. A variance from Section 409.8.A.4 of the B.C.Z.R. to permit an offstreet parking setback to the street right of way of 3 ft. in lieu of the required 10 ft., for both existing and proposed parking areas.

5. A variance from Section 1B01.1.B.1.c.(1) and e(5) of the B.C.Z.R. to permit 0 ft. Residential Transition Area buffers and setbacks in lieu of the required 50 ft. buffer and 75 ft. setbacks.

6. A variance from Section 409.4.A of the B.C.Z.R. to permit a two way driveway width of 12 ft. in lieu of the required 22 ft.

All of the relief requested is more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petitions for Special Hearing and Variance.

Appearing at the requisite public hearing held for this case was David M. Watkins, proprietor of the business which leases a portion of the subject property. Also present was Bruce E. Doak, a surveyor from the firm of Gerhold, Cross and Etzel, who prepared the site plan. Ed Dudderar, Bernadine Dudderar and Ed Watkins also appeared on behalf of the Petition. Appearing in opposition to the Petition were numerous residents of the surrounding locale. They included Frances and Donald Chenoweth, who reside immediately to the rear of the property at 2927 Chenoak Avenue. Other Protestants who reside on Chenoak Avenue included Nellie D. Keimig, Letitia A. Theiss and Aloha Murray. Also testifying in opposition was Wilma L. Short.

Testimony and evidence offered by the Petitioner was that the subject area is part of a larger tract that fronts Harford Road not far from its junction with the Baltimore Beltway (I-695). The total site is roughly square shaped and appears to measure approximately 170 ft. wide by approximately 165 ft. deep. Previously, the site was used as an Exxon Gas Sta-

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tion. A special exception for the service station use was approved in 1982 (case No. 82-51-A). However, the gas station closed in approximately 1990. The service station building remains but is unoccupied and boarded up.

Mr. Watkins testified that he became involved with the property around the time that the service station was closed. He is the owner and proprietor of Watkins Ice Company, a family business which delivers and sells ice. Mr. Watkins described his business and noted that he purchases ice from a supplier in Southern Pennsylvania. Ice is then shipped to the subject site by refrigerated trucks owned by the Petitioner. Thereafter, ice is briefly stored on the site and delivered to Mr. Watkins' customers. These include restaurants, liquor stores, caterers and similar businesses. Further, some ice is sold from the site directly on a retail basis. Mr. Watkins further noted that he originally leased the site as a place to store his trucks. Later, the retail ice machines were added.

Mr. Watkins also testified that his lease is but for only a portion of the site. Specifically, a rectangularly shaped portion comprising the southern part of the lot has been leased by Mr. Watkins from Exxon. The area leased by him encompasses the entire depth of the property (approximately 170 ft.) and is 65 ft. wide. It does not include the former service station building.

Originally, Mr. Watkins stored only his refrigeration trucks on the site. He noted that he works this business out of his home and maintains an office offsite. The trucks stored on the property include two large refrigeration trucks which are depicted on numerous photos as well as a smaller pick up truck. Mr. Watkins also noted that in this past Summer, the nature of his use of this property expanded. One large freezer unit was placed on the site and smaller retail soda machines and ice machines

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were also added. Moreover, the Petitioner proposes further expansion on the site. Both the existing and proposed improvements are shown on the site plan. Although somewhat difficult to decipher, the Petitioner apparently proposes eventually placing two walk-in freezers on the site as well as four retail ice machines. Further, there will be a proposed storage building and parking area both for the Petitioner's trucks and to accommodate drive-in customers. The proposed storage building will apparently replace a storage trailer presently on site. Employee parking will be in the rear of the site which is not paved or striped.

Although these improvements are all shown on the plan, they are not in place at this time. The photographs of the site show somewhat of a cluttered and unkempt property, notwithstanding Mr. Watkins' assertions that he has upgraded the lot. Large freezer units, vehicles, etc., are shown in the numerous photographs submitted by both the Petitioner and the Protestants. Many of the freezer units appear old and the vehicles abandoned.

Although lacking any definitive testimony on this issue, it appears that the Petitioner's business has been operating on the site as a warehouse. Warehouses are permitted as of right in a B.R. zone (see Sections 236.1 and 233.2 of the B.C.Z.R.). Apparently, since the ice was stored on site until delivery to the Petitioner's customers, the Zoning Enforcement Division of the Office of Zoning Administration and Development Management considered the property to be used as a warehouse. However, it is to be noted that a warehouse definition within the B.C.Z.R. requires that the use must be within a building or part of a building (see Section 101 of the B.C.Z.R.). At least in the past, there was no building on the part of the site leased by the Petitioner, and the trucks cannot be considered buildings. Thus, whether this business use is a use permitted on this site is questionable.

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In any event, the issue presented before me does not relate to the use of the property, per se, but the request within the Petitions for Special Hearing and Variances. As noted heretofore, many of the requests deal with the area and setback requirements related to the parking regulations contained with the B.C.Z.R. The other relates to the required distances which need be maintained and uses within an R.T.A. Clearly, if the Petitions for Special Hearing and Variance are denied, the business cannot operate on site in its present fashion, or in the manner proposed.

In this respect, the Protestants' testimony was combative and forceful. The Protestants all strongly object to the loud noises, dust and traffic generated by this site. These Protestants all reside near the property and testified that the freezer units maintained on the site run continuously during the Summer. Apparently, many of the units are quite old and the motors which drive the refrigeration units make excessive noise. The Protestants also object to the in and out truck traffic and dust raised on this site. They also question the Petitioner's credibility. For example, Mr. Watkins first testified that he runs the ice business during the Summer and an oil delivery business during the Winter. He initially testified that the oil business was not conducted from this site. Later, after the Protestants' testimony, however, he admitted that an oil delivery truck had been stored on the property.

In considering any Petition for Zoning Variance, I am obligated to adjudge the request in light of the standards enunciated in Section 307.1 of the B.C.Z.R. Specifically, that section lists the criteria which must be applied to any Petition for Zoning Variance. A three prong test is offered in that section. First, the Petitioner must prove that strict compliance with the zoning regulations would result in a practical difficulty or unreasonable hardship. McLean v. Soley, 270 Md. 208 (1973) To

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prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The second test to be met is whether the relief can be granted in strict harmony with the spirit and intent of the said regulations. Lastly, a variance can be approved only if there will be no injury to the public health, safety and general welfare.

In applying the last of these tests, as it relates to potential detriment to the public welfare, I am persuaded that the Petitioner has not met his burden. Thus, the other two standards need not be considered. The testimony of the Protestants in this case was convincing and credible. Although Harford Road is a commercial corridor at this location, residential communities lie immediately to the interior of that road. In fact, the subject property is split zoned, B.R.-C.S-2 and D.R.5.5. The D.R.5.5 zoning encompasses roughly the last third of the rear of the property. Moreover, farther towards the interior are numerous residences. To protect these residences, the County Council has adopted the RTA buffer requirements from which the Petitioner seeks variance relief. However, in my view, these standards should be protected and enforced in this instance

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and not varied. The nature of the proposed use is such that the buffering requirements imposed should be maintained. Without strict buffering of this business, the neighboring properties will be harmed.

Moreover, I am also troubled by the division of this property to support more than one commercial use. The Petitioner has leased only a small portion of the parcel on which to conduct his business. Why the entire parcel was not leased or converted to this use is not clear. However, by restricting himself to a plot 65 ft. by 170 ft. deep, the Petitioner has caused a situation where few of the setback and area regulations can be observed. Without due regard to the sound principals of site development and use management, it appears that the Petitioner has attempted to crowd his business on a lot of insufficient acreage without due regard to the residential community to the rear. Perhaps, if the Petitioner leased the entire property and developed a comprehensive site plan for the parcel, certain variances might be appropriate. However, the proposed site plan is not viable. Thus, the requested relief should and must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17th day of December, 1993 that, pursuant to the Petition for Special Hearing approval to permit business or industrial parking in a Residential Transition Area (RTA) zone under Section 409.8.B.1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Sections 409.8.A.2 and 409.8.A.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking and maneuvering area without a durable, dustless surface and perma-

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nent striping in lieu of the requirement that the surface be durable, dustless and permanently striped, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.1 of the B.C.Z.R. to permit no landscaping in the the parking area in lieu of the required landscaping as identified in the Landscape Manual, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Sections 238.1, 238.2 and 102.2 of the B.C.Z.R. to permit rear and side yard setbacks for structures and storage areas as little as 0 ft. in lieu of the required 30 ft. and to permit a setback as little as 0 ft. between structures located within the building envelope in lieu of the maximum 60 ft., be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 of the B.C.Z.R. to permit offstreet parking setback to the street right of way of 3 ft. in lieu of the required 10 ft. for both existing and proposed parking areas, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.1.B.1.c.(1) and e(5) of the B.C.Z.R. to permit 0 ft. Residential Transition Area buffers and setbacks in lieu of the required 50 ft. buffer and 75 ft. setbacks, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4.A of the B.C.Z.R. to permit a two way driveway of 12 ft., in lieu of the required 22 ft., be and is hereby DENIED.

Lawrence E. Schmitt  
Zoning Commissioner for  
Baltimore County

LES:man

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

December 15, 1993

Mr. David M. Watkins  
2 Greenleaf Road  
Baltimore, Maryland 21234

RE: Petitions for Special Hearing and Variances  
Case No. 94-186-SPHA  
Legal Owner: Richard Hughes and wife  
Contract Purchaser: David M. Watkins  
Property: 9212 Harford Road

Dear Mr. Watkins:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date 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 Clerk at 897-3391.

Very truly yours,  
*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:smm  
att.  
cc: Mr. Bruce E. Doak, Gerhold, Cross and Etzel  
cc: Mr. and Mrs. E. Dudderar, 3316 Summit Avenue, 21234  
cc: Ms. Nellie D. Keising, 2736 Chenoak Avenue, 21234  
cc: Mr. and Mrs. Don Chenseth, 2927 Chenoak Avenue, 21234  
cc: Mrs. Letitia A. Theiss, 2917 Chenoak Avenue, 21234  
cc: Ms. A. Murray, 2924 Chenoak Avenue, 21234  
cc: Ms. Wilma L. Short, 2901 Church Road, 21234

# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9212 Harford Road  
which is presently zoned BC 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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 Variance from Section (SEE ATTACHED)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE ESTABLISHED AT THE HEARING

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

Correct Purchaser/Owner  
Name: Richard H. Hughes  
Address: Baltimore MD 21234  
City: Baltimore State: MD Zip: 21234

Legal Owner(s)  
Name: Richard H. Hughes  
Address: 115 N Pine  
City: Cummary State: IL Zip: 62821

Attorney for Petitioner  
Name: Gerhold, Cross & Etzel, Bruce Doak  
Address: 330 E Towsontown Blvd  
City: Towson State: MD Zip: 21286

ESTIMATED LENGTH OF HEARING: 1 HR

REVIEWED BY: JET DATE: 12/20/93

# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9212 Harford Rd  
which is presently zoned BC 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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 Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve (SEE ATTACHED)

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.

Correct Purchaser/Owner  
Name: David Watkins  
Address: 2 Greenleaf Rd  
City: Baltimore State: MD Zip: 21234

Legal Owner(s)  
Name: Kathleen R. M. Holmes  
Address: 115 N Pine  
City: Cummary State: IL Zip: 62821

Attorney for Petitioner  
Name: Gerhold, Cross & Etzel, Bruce Doak  
Address: 330 E Towsontown Blvd  
City: Towson State: MD Zip: 21286

ESTIMATED LENGTH OF HEARING: 1 HR

REVIEWED BY: JET DATE: 12/20/93

## VARIANCES

- 409.8 A 2 and 409.8 A 6 - to permit parking and maneuvering area without a durable, dustless surface and permanent striping in lieu of durable, dustless surface and striping required.
- 409.8 A 1 - to permit no landscaping in lieu of required landscaping as set forth in the Landscape Manual.
- Sec. 23B 1, 23B 2, 102.2 - to permit rear and side yard setbacks for structures and storage area for as little as 0' in lieu of the required 50' and to permit a setback of as little as 0' between structures located within the building envelope in lieu of the maximum 50'.
- 409.8 A 4 - to permit an offset rear setback to street E/W of B' in lieu of the required 10' setback for the existing and proposed parking.
- Sec 1801.1 B.1 C (1) and 6(e) - to permit 0' Residential Transition Area buffers and setbacks in lieu of the required 50' buffer and 75' setbacks.
- 409.4 A - to permit a two way driveway of 12' in lieu of the required 22'.

## SPECIAL HEARINGS

- Pursuant to Sec 409.8 B 1 - to permit business or industrial parking in a Residential Transition Zone.
- To abandon the previous zoning special exception # BC 51 A and to amend the approved plan from this portion of the subject property as described in said Special Exception.

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 9th Date of Posting: 11/12/93

Posted for: Special Hearing to Variance

Petitioner: Kathleen R. M. Holmes

Location of property: 9212 Harford Rd, 9th. Howard St - 2nd. Greenleaf Ave

Location of Signs: 115 N Pine St, Cummary, IL

Remarks:

Posted by: JET Date of return: 11/12/93

Number of Signs: 2

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 11, 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 1 successive weeks, the first publication appearing on 11, 1993

THE JEFFERSONIAN,  
*A. Henrickson*  
LEGAL AD. - TOWSON  
Publisher

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318  
410-823-4470  
FAX 410-823-4473

74-186-SPHA  
October 28, 1993

Description  
To Accompany Variance and Special Hearing Request  
9301 Square Feet or 0.21 Acre Parcel  
Northwest Side of Harford Road  
Northwest Side of Duncan Lane  
Ninth Election District, Baltimore County, Maryland

Beginning for the same at a point in the center of Harford Road, 60 feet wide, and on a line which is an extension of the northeastern side of Duncan Lane, thence with said centerline (1) North 38 degrees East 65 feet, thence leaving said centerline and running (2) North 46 minutes 30 minutes West 144 feet to the B.R. CS 2/D.R. 5.5 zoning line, thence with said line (3) South 38 degrees West 65 feet to said northeastern side of Duncan Lane, thence with (4) South 46 degrees 30 minutes East 123 feet and (5) South 46 degrees 30 minutes East 21 feet to point of beginning, containing 9301 square feet or 0.21 of an acre of land.

*Bruce E. Doak*

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318  
410-823-4470  
FAX 410-823-4473

October 28, 1993  
74-186-SPHA

Description  
To Accompany Variance and Special Hearing Request  
3380 Square Feet or 0.08 Acre Parcel  
Northwest of Harford Road  
Northeast side of Duncan Lane  
9th Election District, Baltimore County, Maryland

Beginning for the same at a point on the northeastern side of Duncan Lane 196 feet from the centerline of Harford Road and on the B.R. CS 2/D.R. 5.5 zoning line, thence with said line (1) North 38 degrees East 65 feet, thence running (2) North 46 degrees 30 minutes West 52 feet, (3) South 38 degrees West 65 feet to said northeastern side of Duncan Lane, thence with (4) South 46 degrees 30 minutes East 52 feet to the point of beginning, containing 3380 square feet or 0.08 of an acre of land.

*Bruce E. Doak*

receipt  
74-186-SPHA  
Number: 186  
Date: 10/28/93

Case 020 10 MINUTES FOR PLANNING \$ 370.00  
040 1 MINUTE SPHA 240.00  
080 2 SLABS FOR SIGNAGE 70.00  
TOTAL 680.00

Covered by  
9212 HARFORD RD.



111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 186  
 Petitioner: Kathleen Ruth Hughes  
 Location: 215 Harbor Road  
 PLEASE FORWARD ADVERTISING BILL TO:  
 NAME: David Watkins  
 ADDRESS: 2 Greenleaf Lane  
Baltimore, Md. 21224  
 PHONE NUMBER: \_\_\_\_\_

All:ggg (Revised 04/09/93)

TO: PUPPETRY PUBLISHING COMPANY  
November 11, 1993 Issue - Jeffersonian

Please forward billing to:

David Watkins  
2 Greenleaf Road  
Baltimore, Maryland 21224  
410-823-4470

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

Room 118, Old Courthouse, 800 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-186-SPHA (Item 186)  
 9212 Harford Road - Watkins Inc.  
 215 Harbor Road and W/S Duncan Lane  
 9th Election District - 4th Councilmanic  
 Owner/Petitioner: Kathleen Ruth Hughes and Richard H. Hughes  
 Contract Purchaser/Petitioner: David Watkins  
 HEARING: THURSDAY, DECEMBER 2, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special hearing to permit business or industrial parking in a residential transition zone; and to amend the previous zoning special exception #82-51-A and to amend the approved plan from this portion of the subject property.

Variance to permit parking and maneuvering area without a durable, dustless surface and permanent striping in lieu of durable, dustless surface and striping required; to permit no landscaping in lieu of required landscaping as set forth in the Landscape Manual; to permit rear and side yard setbacks for structures and storage area for as little as zero feet in lieu of the required 30 feet and to permit a setback of as little as zero feet between structures located within the building envelope in lieu of the maximum 40 feet; to permit an off-street setback to street right-of-way of 3 feet in lieu of the required 10 foot setback for the existing and proposed parking; to permit zero foot residential transition area buffers and setbacks in lieu of the required 50 foot buffer and 75 foot setbacks; and to permit a two-way driveway of 12 feet in lieu of the required 22 feet.

LAURENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

NOVEMBER 5, 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

Room 118, Old Courthouse, 800 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-186-SPHA (Item 186)  
 9212 Harford Road - Watkins Inc.  
 215 Harbor Road and W/S Duncan Lane  
 9th Election District - 4th Councilmanic  
 Owner/Petitioner: Kathleen Ruth Hughes and Richard H. Hughes  
 Contract Purchaser/Petitioner: David Watkins  
 HEARING: THURSDAY, DECEMBER 2, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special hearing to permit business or industrial parking in a residential transition zone; and to amend the previous zoning special exception #82-51-A and to amend the approved plan from this portion of the subject property.

Variance to permit parking and maneuvering area without a durable, dustless surface and permanent striping in lieu of durable, dustless surface and striping required; to permit no landscaping in lieu of required landscaping as set forth in the Landscape Manual; to permit rear and side yard setbacks for structures and storage area for as little as zero feet in lieu of the required 30 feet and to permit a setback of as little as zero feet between structures located within the building envelope in lieu of the maximum 40 feet; to permit an off-street setback to street right-of-way of 3 feet in lieu of the required 10 foot setback for the existing and proposed parking; to permit zero foot residential transition area buffers and setbacks in lieu of the required 50 foot buffer and 75 foot setbacks; and to permit a two-way driveway of 12 feet in lieu of the required 22 feet.

*Arnold Jablon*  
Arnold Jablon  
Director

cc: Kathleen and Richard Hughes  
David Watkins  
Bruce Deak/Serbold, Cross & Eitel

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper



111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

November 19, 1993

Mr. and Mrs. Richard D. Hughes  
115 North Pine  
Centralia, Illinois 62901

RE: Case No. 94-186-A, Item 186, 186  
Petitioner: Richard H. Hughes, et al.  
Petition for Variance

Dear Mr. and Mrs. Hughes:

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 October 28, 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.

- 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.

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

11-5-93

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

Re: Baltimore County  
Item No.: #186 (JLL)

Dear Ms. Minton:

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 project.

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*  
 DAVID N. KATZEY, ACTING CHIEF  
 JOHN CONTESSABILE, Chief  
 Engineering Access Permits  
 Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 787 North Calvert Street • Baltimore, Maryland 21208

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: November 17, 1993

SUBJECT: 9212 Harford Road

INFORMATION:

Item Number: 186  
 Petitioner: David Watkins, Contract Purchaser  
 Property Size: \_\_\_\_\_  
 Zoning: D.R. 5.5  
 Requested Action: \_\_\_\_\_  
 Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

- Based upon a site inspection, staff offers the following conditions should the applicant's request be granted.
- All delivery trucks should be stored at least 30 feet from the D.R. 5.5 zone line to minimize the noise impact to the adjacent residences. Some commercial vehicles are currently stored on the D.R. 5.5 portion of the site.
  - All unlicensed and/or inoperable motor vehicles and debris should be removed from the site.
  - No on-site vehicles shall be stored or parked near the intersection of Duncan Lane and Harford Road so as to obstruct the view of motor vehicles entering Harford Road.

Since no landscaping is being provided and the existing fence along the property line to the Chenoweth property is in poor condition, a six-foot high wooden post on board fence should be installed to screen this commercial site.

Prepared by: *Jeffery W. Long*  
 Division Chief: *Campbell*  
 PK/JLW



111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3610

NOVEMBER 10, 1993

MEETING OF NOVEMBER 8, 1993

- Property Owner: Dori Eisenacher and Rick Eisenacher  
 Location: 47512 Gilley Terrace  
 Item No.: \*178 (jjs)
- Property Owner: Harry H. Stierhoff, Jr. & Melanie K. Stierhoff  
 Location: 4305 Lenora Avenue  
 Item No.: \*179 (RT)
- Property Owner: Perry Hall Courts II Joint Venture  
 Location: #6 Meadowbank Court  
 Item No.: 180 (RT)
- Property Owner: Regent Development Company  
 Location: #1600 York Road  
 Item No.: \*182 (JLLS)
- Property Owner: Rolling Road Plaza, Inc.  
 Location: #1100 North Rolling Road  
 Item No.: \*183 (JCM)
- Property Owner: Frederic W. Shaffer & Cynthia A. Shaffer  
 Location: #1218 Second Road  
 Item No.: \*184 (JLL)
- Property Owner: Martin Thalia Resnick & Thalia D. Resnick  
 Location: #11111 Verdant Road  
 Item No.: \*185 (JJS)
- Property Owner: Kathleen Ruth Hughes & Richard H. Hughes  
 Location: #9212 Harford Road  
 Item No.: \*186 (JLL)
- Property Owner: Garrison Forest Associates, L.P.  
 Location: #10300 Reisterstown Rd. Garrison Forest Plaza  
 Item No.: \*187 (WCR)
- Property Owner: Eric H. Wilderson & Kathleen Wilderson  
 Location: #2276 Monocacy Road  
 Item No.: \*188 (RT)
- Property Owner: Joseph E. Buchanan, II  
 Location: Proposed #9712 A & B Mayledt Road  
 Item No.: \*189 (JJS)



111 West Chesapeake Avenue  
Towson, MD 21284

November 30, 1993

(410) 887-3353

Mr. and Mrs. Richard H. Hughes  
115 North Pine  
Centralia, Illinois 62801

RE: Case No. 94-186-A, Item No. 186  
Petition for Variance  
9212 Harford Road

Dear Mr. and Mrs. Hughes:

Enclosed are copies of comments received from the Department of Environmental Protection and Resource Management on November 30, 1993 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

*Charlotte Minton*  
Charlotte Minton

Enclosure

cc: Bruce Doak  
David Watkins

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

November 29, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #186 - Watkins Ice  
9212 Harford Road  
Zoning Advisory Committee Meeting of November 8, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

We recommend rejection of the variance to permit parking and maneuvering areas without a durable, dustless surface. The existing site is already paved and a regression to a non-paved area in a high density traffic area is inappropriate.

JLP:SR:sp

WATKINS/DEPRM/TXTSPB

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

DATE: November 8, 1993

TO: Owen Stephens  
Zoning Administration

FROM: James H. Thompson  
Zoning Enforcement Coordinator

RE: Case No. 94-186-SPHA  
9212 Harford Road  
9th Election District

The enforcement division currently has an active district court violation case involving the referenced property, Case No. 94-38AB.

Your file records do indicate that a public hearing has been scheduled for December 2, 1993 with the hearing notices issued on November 5, 1993.

I have already gone to the extent to notify the complainants in our case.

However, should this hearing be postponed, please notify the following of the new date:

A. Councilman William A. Howard, IV

B. Ms. Frances Chenoweth  
2927 Chenoak Avenue  
Baltimore, Maryland 21234

C. Ms. Nellie Kiemig  
2926 Chenoak Avenue  
Baltimore, Maryland 21234

D. Mrs. William J. Theiss  
2917 Chenoak Avenue  
Baltimore, Maryland 21234

JHT/hok



111 West Chesapeake Avenue  
Towson, MD 21284

NOVEMBER 5, 1993

(410) 887-3353

Bruce Doak  
Gerhold, Cross & Elzei  
120 E. Towson Town Boulevard  
Towson, Maryland 21286

Re: CASE NUMBER: 94-186-A  
ITEM NUMBER: 186  
LOCATION: 9212 Harford Road

Dear Mr. Doak:

Pursuant to review by Mr. Richards and/or his staff, the above matter has been completely rendered. Nevertheless, if it was processed through the system, enclosed you will find either a "Notice of Hearing" or "Notice of Case Number Assignment".

Be advised that the closing/hearing date, as indicated on the enclosed "Notice", will stand only if proper documentation is received within two weeks of the date of this letter. Alternatively, this case will be moved four to five weeks further out. To avoid such a delay, you must provide the following:

New petition forms (signed by all parties) listing "hardship" on the front of the forms or, alternatively, an attachment to the petition listing same.

*Call John*

ARNOLD JABLON  
DIRECTOR

Ad:egs

Cleared up property -

Originally whole property was gas station

~~Gas~~ gas station closed - 1990

leaved ~~the~~ 65 ft wide strip

65 x 165 - Sub lease

been in ice business since 1986 - took over from father

~~Shop~~ Restaurant, liquor stores, furniture

to use as make York Pa

Storage on property - used to deliver directly from York

now have storage

① 2 refrigerator trucks - red, photo #7

go back + forth from York for product

480 ~~lbs~~ 40 16 bag

distributor with a manufacturer

② pick up truck

storage - walk in freezer

will have fork lift -

to put ice from truck in freezer

Now walk in freezer + storage trailer

see soda kept in storage trailer, stools for trucks

~~3~~ 3 offices - Baltimore City accounting office  
His house

No office here

Sell Ice + Sodas

③ Des prevent location

shaded as proposed -

1 employee full time

Sell 40 16 bag of ice  
sell sodas

peak time is 3 cars at any one time

7:00 to 12:00 or 3:00

Have heating oil burners - does shut in the winter they are not parked here -

Cross -

fuel oil trucks will not be there -

Not to admit that now they are not there now

Admits to problem w/ freezer fans

will face Pencon Lane -

Ice will be stored in trucks + freezer

Electric

Variances-

- #1 site has macadam up to back of Exxon bldg  
dusty surface toward rear
- #2 Request for variance landscaping all around site
- #3 small building envelope allowed  
~~see plan~~
- #4 in front + rear
- #5 parking in DA zone
- #6 driveway

Protestants-

Leticia Trice

2917 Chenook  
6 houses on ~~the~~ left side -  
moved in in 1970

have to keep process of manufacturing noise

Bruce Poock -  
property has sewer -

MU

- = drives me out of my mind
- droning
- 250 feet away -  
machines in residential area
- orange hunk of junk -
- very concerned -  
all of the ~~refrigeration~~ refrigeration equipment makes alot of noise
- wants to use every inch of property
- Complaint as noise from manufacturing

Aloha Murray

very disturbing

Refrigeration trucks make alot of noise

Has bulldozed them

Wilma Short

Not been cooperative

Chenoweth

Shelborn on property

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DAVID M. WATKINS WATKINS ICE	320 E. TOWERMAN BLVD. TOWSON, MD. 21286
ED. DUBBERLIN	7112 HARFORD RD 21236
BERNARD J. WATSON	3316 SVAWIT AVE.
ED WATKINS	3316 SVAWIT AVE.
	2920 PELHAM AVE.

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
James J. Yermig	2921 Chenook Ave
Jessie Chenoweth	2922 Chenook Ave
Don Chenoweth	
Leticia Trice	2917 Chenook Ave
Wilma Short	2921 Chenook Ave

PETITION TO THE ZONING COMMISSIONER

This petition has been signed by the residents on Chenook Avenue and the surrounding areas, concerning the property, at 2912 Harford Road, leased by Mr. Watkins and owned by Kathleen and Richard Hughes.

We the undersigned are requesting that the Zoning Commissioner hold firm to all of the existing rules and regulations now in effect for the above mentioned property. This piece of property should not be made an exception, since all the other businesses in this area have been subject to, and have had to abide by the same regulations that Mr. Watkins and Mr. & Mrs. Hughes are asking you to do away with.

The refrigeration truck motors run day and night causing a continuous droning and vibrating sound which disturbs the neighbors in this area, most of which are of long standing. As if this isn't disturbing enough, Mr. Watkins and Mr. & Mrs. Hughes who do not reside in this area, want to infringe upon the residential sections of this property which separates business from residential. This is not right or fair to do to a resident that attains a business or to a neighborhood.

We are asking you to do the right thing by denying any changes to the property at 2912 Harford Road. We have always relied upon the Zoning and Planning Commission to make the laws and enforce those laws to protect both business and residents.

NAME	ADDRESS	SIGNATURE
1. CHENOWETH	2927 Chenook Ave	Don Chenoweth
2. KEIMIG	2926 Chenook Ave	Frances Chenoweth
3. LANKEARD	2921 CHENOOK AVE	William P. Keimig
4. KEMPA	2919 CHENOOK AVENUE	Margaret K. Lankeard
5. THEISS	2917 CHENOOK AVENUE	Stanley D. Kempa
6. SIEMASKO	2913 Chenook Avenue	Jessie A. Theiss
7. Lewis	2911 Chenook Ave	Tracey Siemasko
8. Bush	2909 Chenook Ave	Anna Lewis
9. Trappman	2907 Chenook Ave	Jerry Bush
10. Aarasa	2903 Chenook Ave	Melissa Trappman
11. Chenoweth	2820 Chenook Ave	Elizabeth Aarasa
12. CARL	2812 Chenook Ave	Margaret Chenoweth
13. BAWE	2823 Chenook Avenue	Richard W. Carl
14. SANTIAGO	2806 CHENOOK AVE	Paul C. Bawe
15. Bawn	2814 Chenook Ave	Mark Santiago
16. KIRKPATRICK	2910 Chenook Ave	Julie Bawn
17. NAJSTE	2923 CHENOOK AVE	George N. Kirkpatrick
18. Burt	2929 Chenook Ave	Wm. Najste
19. Tullis	2925 Chenook Ave	Valia Burt
20. MORGAN	2913 Chenook Ave	W. Tullis

NAME	ADDRESS	SIGNATURE
21. MURRAY	2924 CHENOOK AVE	Aloha Murray
22. McManus Clayton	2920 Chenook Ave	Clayton McManus
23. Gallagher Chris	2918 Chenook Ave	Chris Gallagher
24. MOREIKA ANNA	2821 CHENOOK AVE	Anna Moreika
25. Heddenway	2818 Chenook Ave	Beth Heddenway
26. KEINE	2814 CHENOOK AVE	Kathleen Keine
27. Bosley	2901 Chenook Ave	Charles Bosley
28. Bosley	2901 Chenook Ave	Charles Bosley
29. Paparelli	2819 Chenook Ave	John Paparelli
30. RANDOLPH	2816 CHENOOK AVE	Howard Randolph
31. Koller	2812 CHENOOK AVE	Bruce Koller
32. Gallatin	2915 Chenook Ave	Robert W. Gallatin
33. Rowan	2925 Chenook Ave	Don Rowan

74-186-SPHA

Watkins has had business here since no violation notice

Have been cooperative + also active - w/ Bullo Co

Paved ballers-

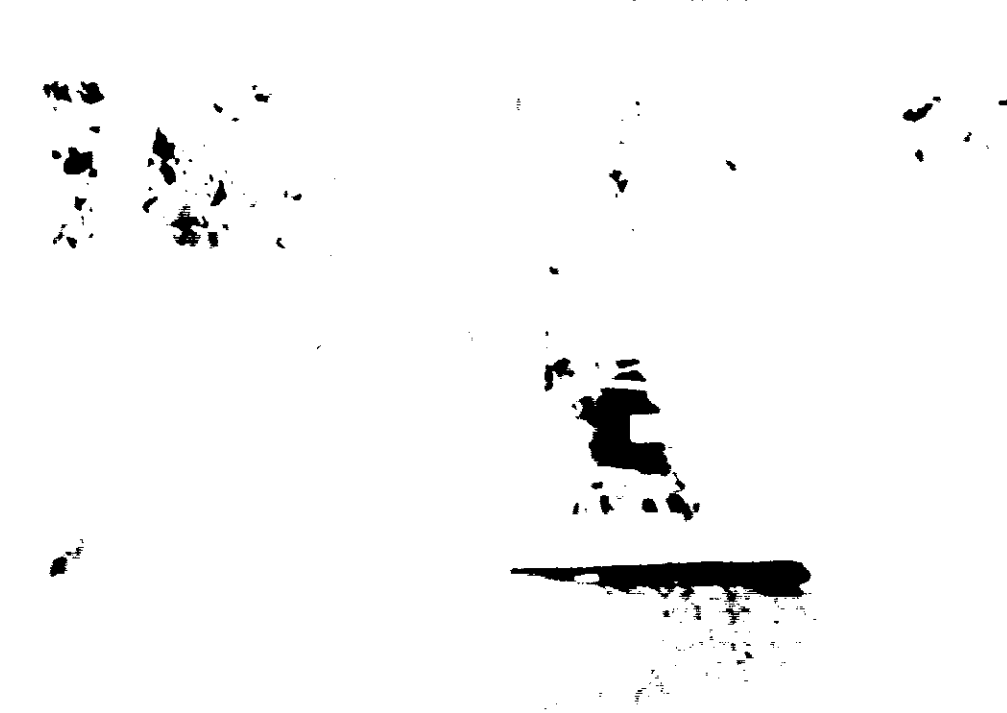
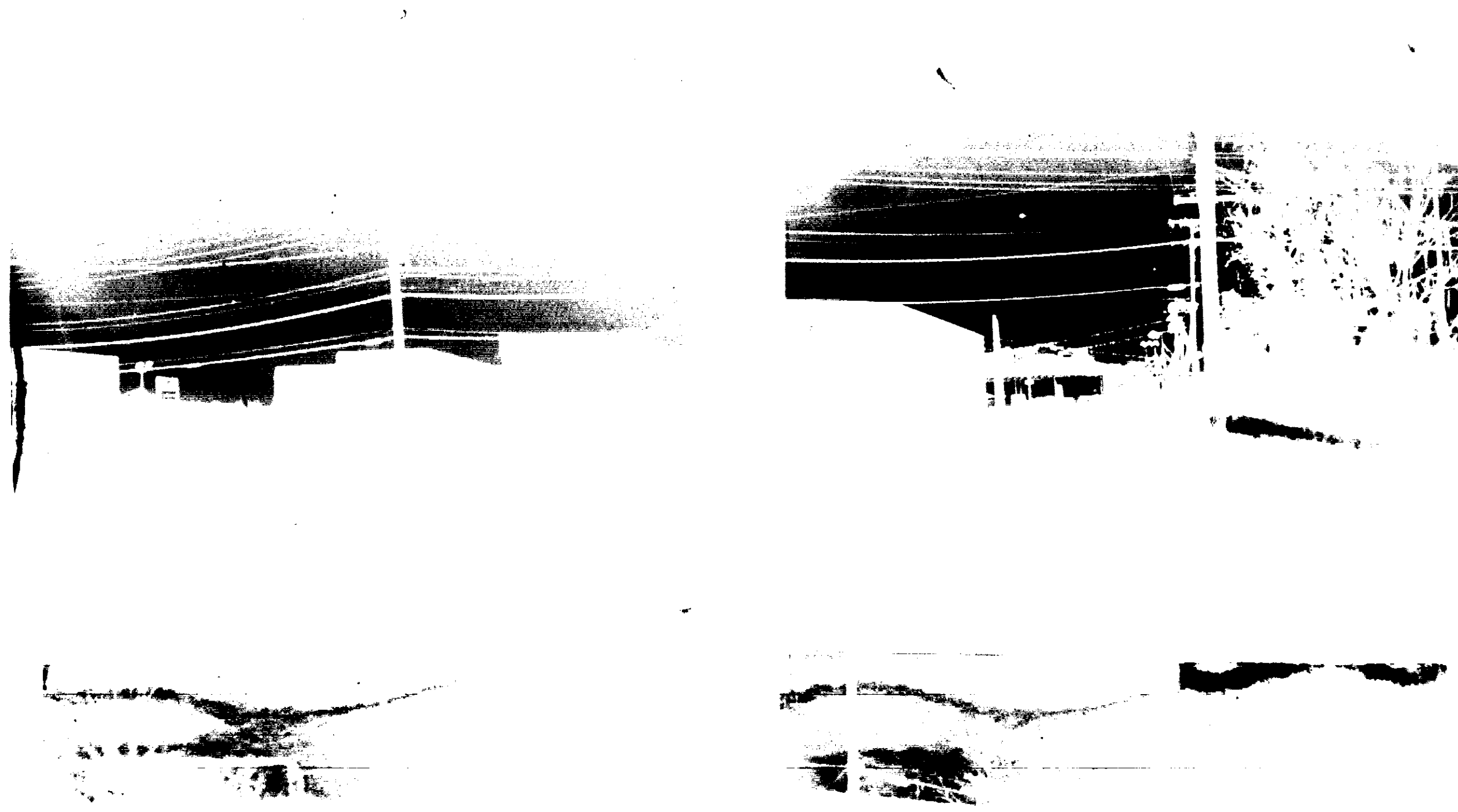
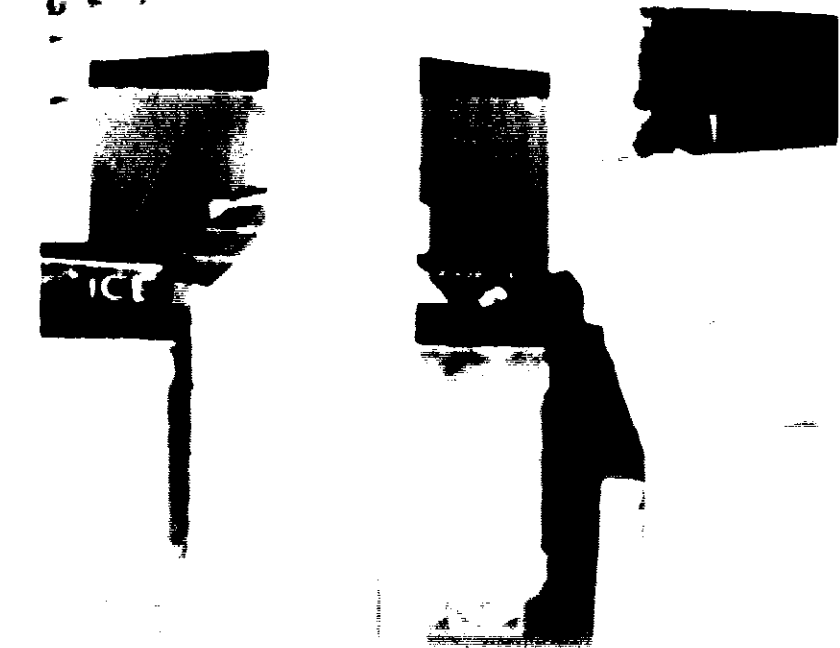
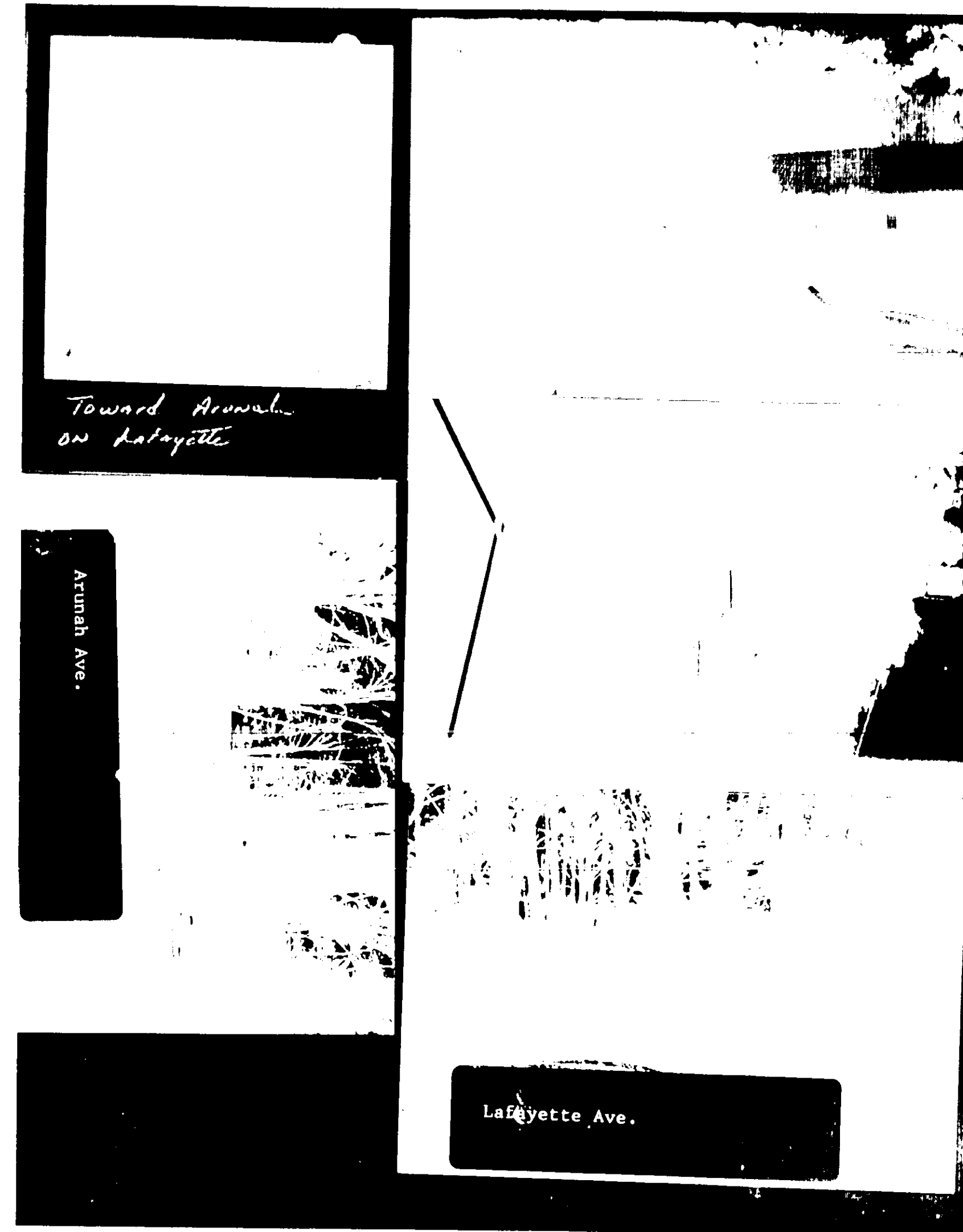
cleared 2/9/92 parked trucks 1989-91

3/93 started distributing ice from site

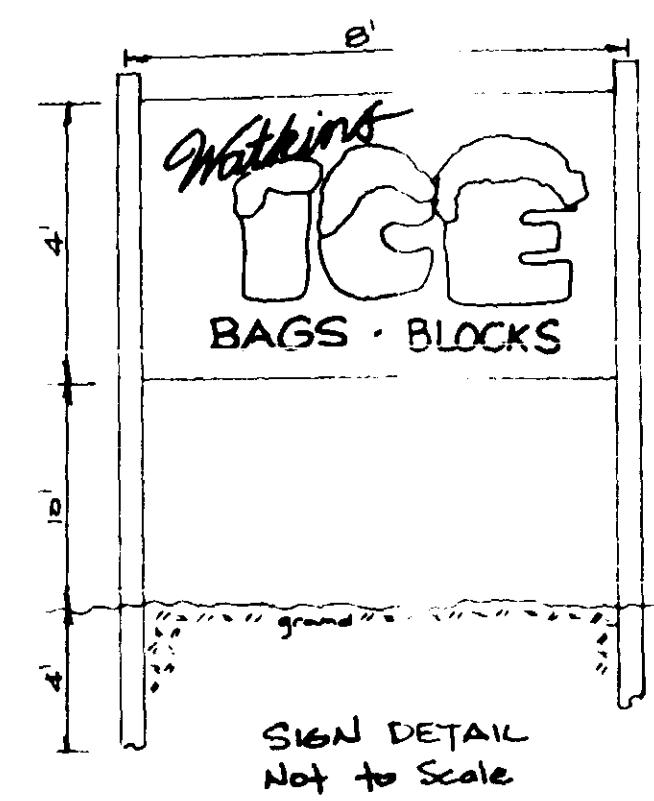
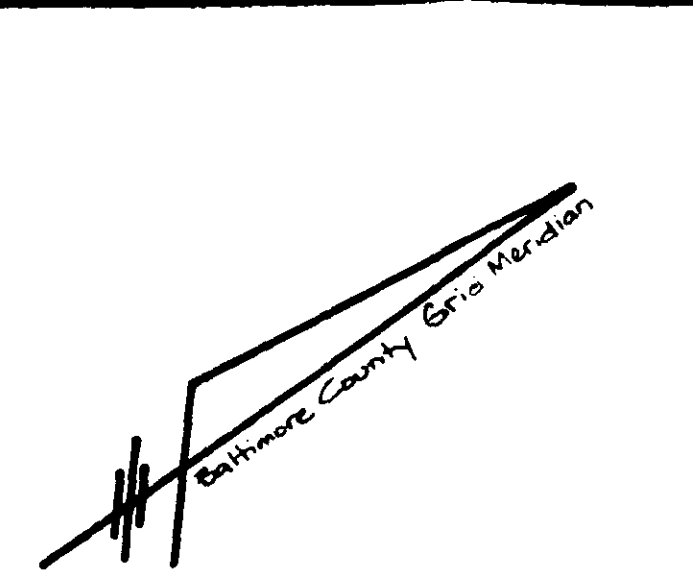
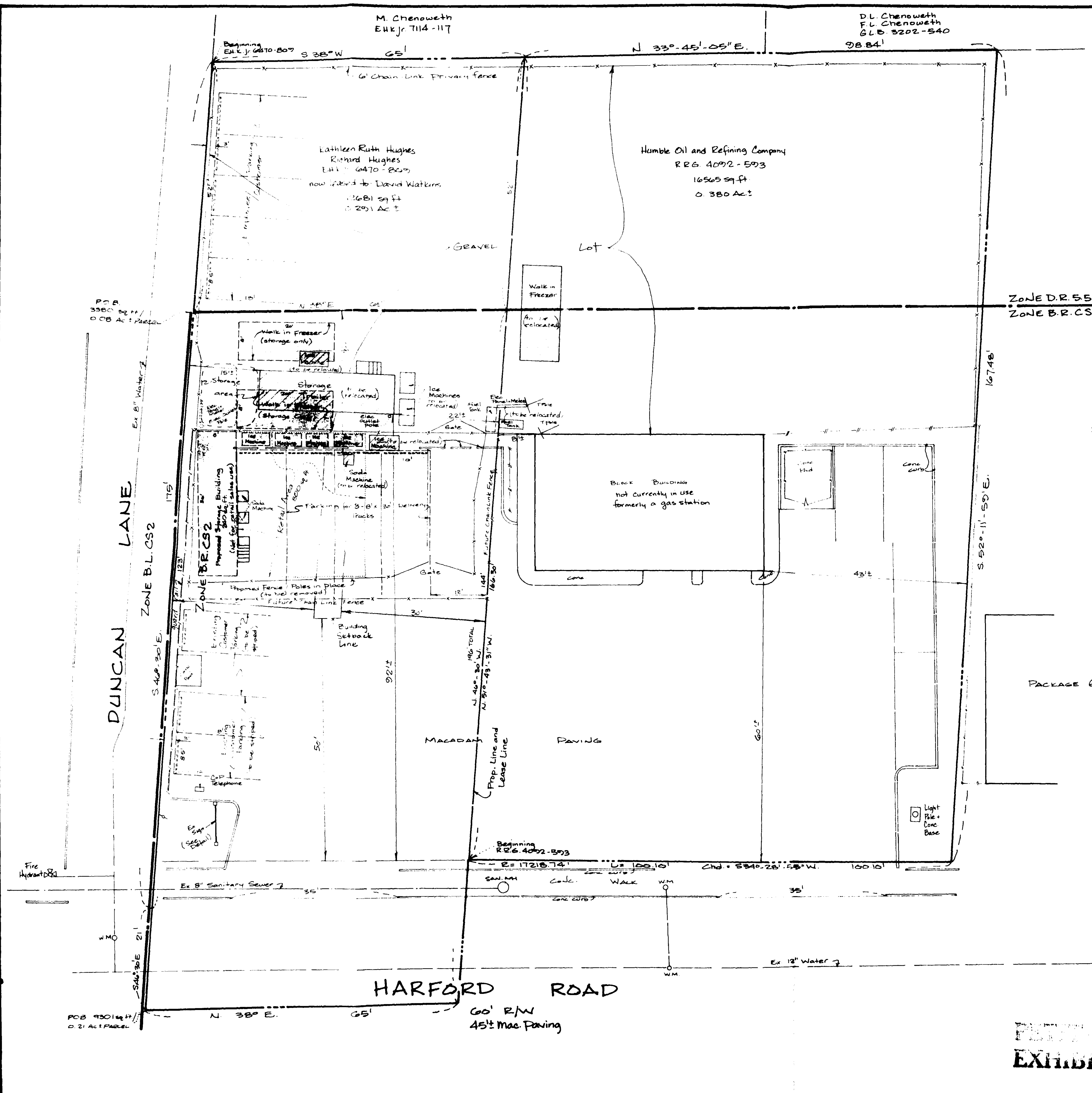
7:00 AM to 11:00

Friday 7:00 AM to 3:00 PM

has had vandalism -

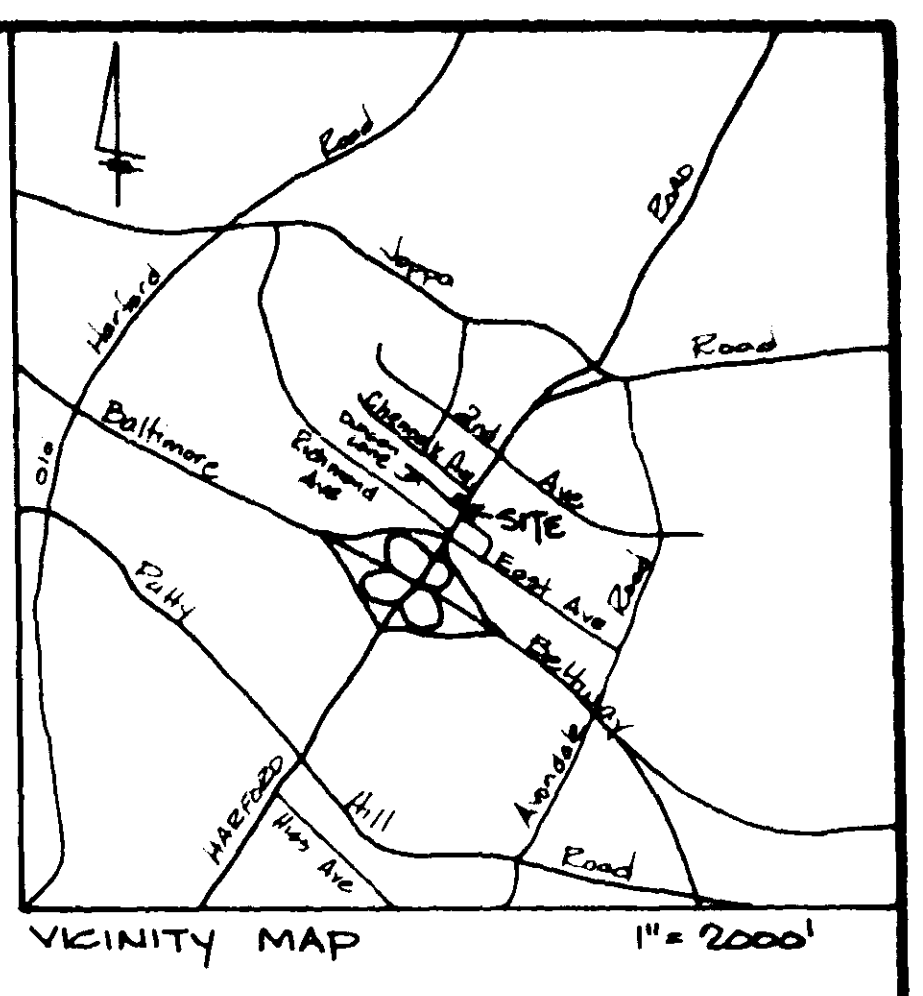


94-186-5PAA



**Sec 404.082 Requirements**  
 In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:  
 a) The land so used must adjoin or be across an alley or street from the business or industry involved.  
 b) Only passenger vehicles, excluding buses, may use the parking facility.  
 c) No loading, service, or any use other than parking shall be permitted.  
 d) Lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity, as required.  
 e) A satisfactory plan showing parking arrangement and vehicular access must be provided.  
 f) Method and area of operation, provision for maintenance, and permitted hours of use shall be specified, and regulated as required.  
 g) Any condition not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.

PACKAGE GOODS STORE  
 E.C. COVANEY, JR.  
 V.F. BOOZER  
 E.H.K., Jr. 6554-052



1. Site Zoned BR CS 2 and DR 55
  2. Zoning taken from 1992 Zoning Map NE 9-E
  3. Prior Zoning Case B2-E1-XA Special Exception for Service station granted and variance 409.4.2A to permit a frontyard setback of 5 feet from the right of way in lieu of required 10 feet
  - Order Granted Sept 10, 1991  
 "subject to the approval of the aforementioned site plan by the Dept of Public Works and the Office of Planning and Zoning"
  4. Area in DR 55 0.1566 Ac.  
 Area in BR CS 2 0.478 Ac.
  5. Due to lease expiration caused by non-payment of rent the western portion of site is being deleted from the former Special Exception Use Area.
  6. Buildings shown are for illustration only and may shift in building envelope. (See Variance Notes)
  7.
    - Existing Bldgs & Features
    - Proposed Bldgs & Features
  8. FAR 200 sq ft = 12601 sq ft = 0.02
  9. 800 sq ft (total Area) = 1 required parking space per 200 sq ft = 4 spaces
- VARIANCE**
1. 409.8.A.2 and 409.8.A.6 - to permit parking and maneuvering area without a durable, dustless surface and permanent striping in lieu of durable, dustless surface and striping required.
  2. 409.8.A.1 - to permit no landscaping in lieu of required landscaping as set forth in the Landscape Manual.
  3. Sec. 23B.1, 23B.2, 102.2 - to permit rear and side yard setbacks for structures and storage area for as little as 0' in lieu of the required 50' and to permit a setback of as little as 0' between structures located within the building envelope in lieu of the maximum 50'.
  4. 409.8.A.4 - to permit an offstreet setback to street R/W of 5' in lieu of the required 10' setback for the existing and proposed parking.
  5. Sec. 1501.1.B.1.c.(1) and 8(f) - to permit 0' Residential Transition Area buffers and setbacks in lieu of the required 50' buffer and 75' setbacks.
  6. 409.8.A - to permit a two way driveway of 12' in lieu of the required 22'.

**SPECIAL HEARING**  
 1. Pursuant to Sec 409.8.B.1 - to permit business or industrial parking in a Residential Transition Zone  
 2. To abandon the previous zoning special exception #B2.51.A and to amend the approved plan from this portion of the subject property as described in said Special Exception

**Plan to Accompany Variance and Special Hearing**  
**WATKINS ICE**  
 9812 HARFORD ROAD  
 Liber E.H.K., Jr. 6470 Folio 009  
 Acct. No. 09-23-157000  
 9th ELECTION DISTRICT  
 6th COUNCILMANIC DISTRICT  
 BALTIMORE COUNTY, MARYLAND

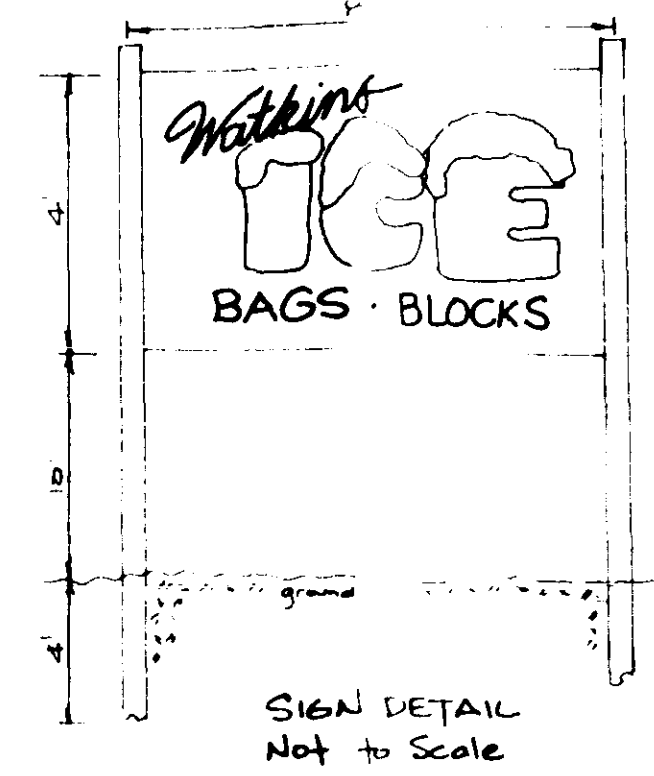
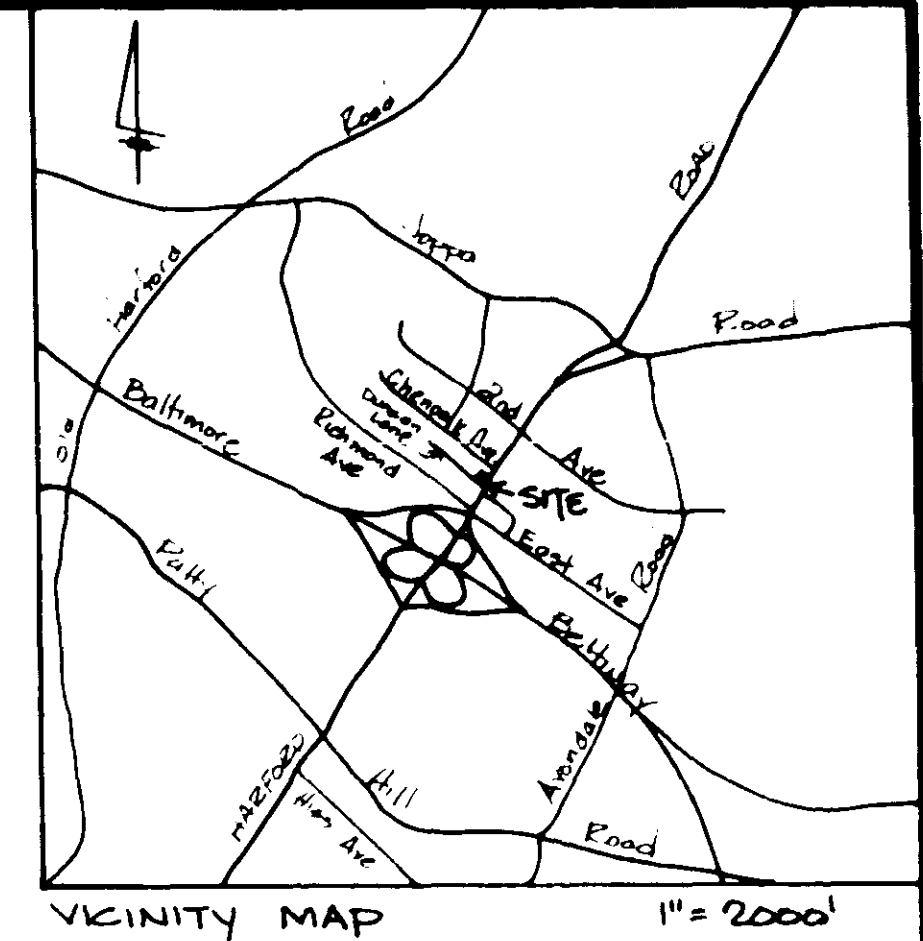
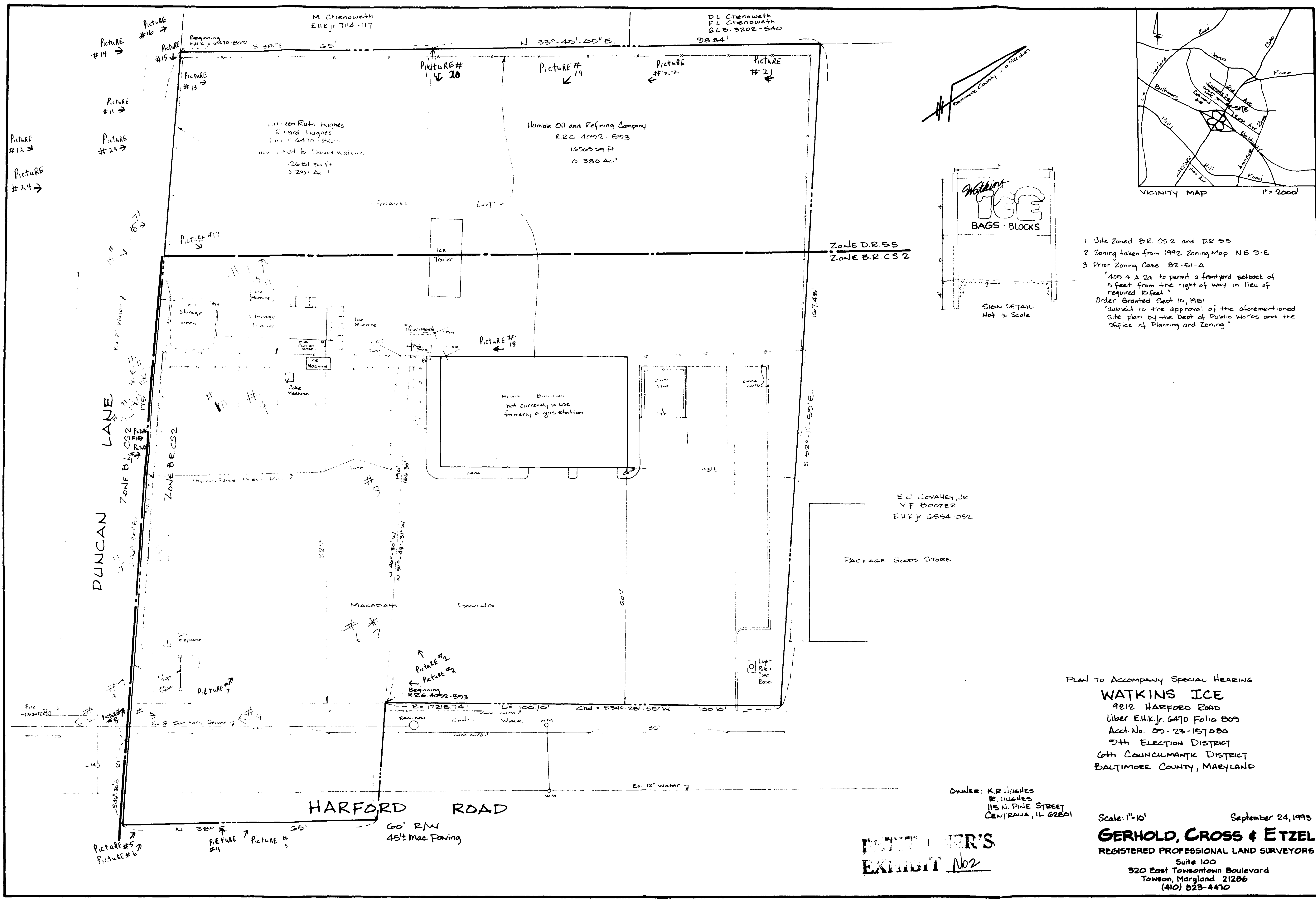
OWNER: K.R. HUGHES  
 R. HUGHES  
 115 N PINE STREET  
 CENTRALIA, IL 62801

186  
 REVISIONS & ADDENDUMS OCTOBER 28, 1993  
 Scale: 1" = 10'  
 September 24, 1993

**EXHIBIT No 1**



**GERHOLD, CROSS & ETZEL**  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 Suite 100  
 520 East Towsontown Boulevard  
 Towson, Maryland 21286  
 (410) 623-4470



1. Site Zoned BR CS 2 and DR 55
  2. Zoning taken from 1992 Zoning Map NE 9-E
  3. Prior Zoning Case B2-E1-A
- "405.4.A.2a to permit a frontyard setback of 5 feet from the right of way in lieu of required 10 feet"
- Order Granted Sept 10, 1993  
subject to the approval of the aforementioned site plan by the Dept of Public Works and the Office of Planning and Zoning

E.C. COVALEY, JR.  
V.F. BOOZER  
E.H.K. 6554-052

PACKAGE GOODS STORE

PLAN TO ACCOMPANY SPECIAL HEARING  
**WATKINS ICE**  
9212 HARFORD ROAD  
Liber E.H.K. Jr. 6470 Folio 809  
Acct. No. 05-23-157000  
9th ELECTION DISTRICT  
6th COUNCILMANTIC DISTRICT  
BALTIMORE COUNTY, MARYLAND

OWNER: K.R. HUGHES  
R. HUGHES  
115 N. PINE STREET  
CENTRAVA, IL 62801

**GERHOLD, CROSS & ETZEL**  
EXHIBIT No. 2

Scale: 1" = 10'  
September 24, 1993  
**GERHOLD, CROSS & ETZEL**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
Suite 100  
520 East Towsontown Boulevard  
Towson, Maryland 21286  
(410) 623-4470