

IN THE MATTER OF THE
THE APPLICATION OF
WHITE GMC TRUCKS -Legal-
Owners/ BIO-GRO SYSTEMS, INC.
Lessee/Petitioners
FOR A SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED
ON THE NORTH WEST SIDE BALTI-
MORE STREET AT CITY LINE
OPPOSITE OVERVIEW WAY
1704 BALTIMORE STREET
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

OPINION

This matter comes before this Board on appeal from a decision of the Zoning Commissioner for Baltimore County, Lawrence E. Schmidt, dated April 21, 1994, wherein Petition for Special Exception and Petition for Variance were granted with restriction..

The Petitioner in the case, Bio-Gro Systems, Inc. seeks a special exception to utilize property zoned M.L.-I.M., previously used illegally as a heavy truck repair facility. Bio-Gro's use will be as a maintenance facility to store and do minor maintenance on the company's vehicles. The site is 5.9 acres in area and is zoned M.L.-I.M. at the Baltimore City/Baltimore County boundary.

A large one-story building containing 13 service garage bays and an administrative office wing fronts on the 7000 block of Baltimore Street, 75 ft. from an established community of row houses in a D.R.-10.5 zone. Variance relief is requested by Petitioner to permit this proposed use within 100 ft. of the right-of-way of Baltimore Street, as required in Section 253.4 of the Baltimore County Zoning Regulations (B.C.Z.R.)

Counsel for the Petitioner acknowledged in his opening remarks that Bio-Gro is confronted by years of friction between the Eastwood Community and the legal owner of the subject property,

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 94-294-XA
*
* * * *

Case No. 94-294-XA White GMC Trucks; Bio-Gro Systems, Inc. 2
most recently Volvo-White. They operated a twenty-four hour repair and service facility for large trucks. Bio-Gro emphasizes it will service only their own vehicles.

Sharon Hogan, Technical Service Coordinator of Bio-Gro Systems, Inc. testified to the business of her company in the recycling of sludge and similar waste products. Ms. Hogan described the delivery of sludge to farms in a five-state area from the Back River Treatment Facility. The trucks and equipment are cleaned at the location of delivery and Bio-Gro will never bring sludge-laden or tainted trucks to the site. Any mechanical breakdowns during delivery will be repaired in place, or at the company's repair garage in Prince George's County. The Baltimore Street facility is to be used to house the vehicles overnight until the morning hours to make their run to the sludge disposal facility. Only routine maintenance will be performed on Bio-Gro's vehicles. Since all vehicles and equipment are required to be washed at the farm location, there will be no such activity of service at the subject site. Ms. Hogan further testified that there will be no noise or odor emanating from the facility, and that equipment will be parked and positioned in an orderly, systematic arrangement in the rear yard. All trucks and equipment will enter and depart via the rear gate and road. Only company employees will be permitted to drive personal vehicles from the Baltimore Street entrance and park in front of the building.

Ms. Hogan remarked that the total building will be rehabilitated and improved in appearance. She anticipated that Bio-Gro would service 12 vehicles/equipment a week as contrasted to 15 vehicles a day by Volvo-White.

Case No. 94-294-XA White GMC Trucks; Bio-Gro Systems, Inc. 3
Mr. Walter H. Naylor, an environmental sanitarian with the Department of Environmental Protection and Resource Management (DEPRM) for 10 years recalled his knowledge of the site and noise violations in 1985. Mr. Naylor remarked that he perceives no air quality problems at the site and that noise problems can be abated by closing bay doors. He further responded that the use of existing roof fans could remove the need for the opening of both doors to a bay. Mr. Naylor affirmed that sludge residue in the bed of trucks brought back to the subject site would be a nuisance to air quality; a violation which the county and state would jointly address.

Mr. Robert Wilson, a resident of the neighborhood long before the existence of the truck facility and past president of the Eastwood Civic Association, reviewed the detrimental nuisances that emanated from the truck repair service for many years. Noise and fumes of diesel engines at all hours were daily incursions on the health and well being of the Eastwood community, contrasted with the positive effects of other industrial facilities of the area. Mr. Wilson recounted how violations and corrective measures were mostly through the actions of the Civic Association. He assumed that the equipment of Bio-Gro is similar to Volvo-White and that the noise and odors will continue.

Mr. William Ritter recounted how the previous truck facility operated all night, emitting diesel fumes and loud equipment noise, unabated by the open doors of the repair bays.

Joseph and Frances D'Anna testified that the Bio-Gro operation is the same as in the past but since operations began in January, 1994, they feel the facility is quieter. They abhorred the smell

Case No. 94-294-XA White GMC Trucks; Bio-Gro Systems, Inc. 4
of diesel fuel that penetrated their home for years.

In consideration of the Special Exception for a service garage in the M.L. zone, pursuant to Section 253.2B.3, the use is a quasi public service rendered by Bio-Gro Systems, Inc. to the metropolitan area, and, therefore, the Board feels the service garage is permissible in the M.L. zone as a special exception. The subject site is appropriate with a location near the Back River Waste Treatment Plant, and provides necessary storage and maintenance areas. The hours of operation will be limited with no activities beyond 6 p.m., unlike the legal owner's 24 hour round-the-clock service. The building and its bays will be used for routine maintenance and to store vehicles and equipment used in the sludge disposal process. Outside storage to the rear of the building will be orderly and planned.

Of primary consideration is the testimony that Bio-Gro intends to address the concerns of the community and that its operations will not be detrimental to the residents, as noted in Section 502.1 of the B.C.Z.R. With restrictions, the Board is persuaded that the petition for Special Exception should be granted.

It is obvious that Variance relief permitting a building in an M.L. zone less than 100 ft. from a D.R. zone is essential to legitimize the existing location of the building constructed in 1973. Although People's Counsel raised doubts as to the plat's 75 ft. set back from the Baltimore Street right-of-way to the office wing of the building, the Board concurs that denial of the variance would result in practical difficulty upon the Petitioner and his property, but would not be detrimental to the community.

In granting the Petitioner's request for a variance the Board

Case No. 94-294-XA White GMC Trucks; Bio-Gro Systems, Inc. 5
is concerned that within the 75 ft. of the setback measuring from the center line of Baltimore Street is a strip of land running the length of the Bio-Gro property that is "government owned." Unattended by Volvo-White and a community eye-nore that appears to be Bio-Gro property, requirements for a landscaping plan of the subject property should include the public strip also, which the Board suggests be under the continuous care and attention of Bio-Gro Systems, Inc.

Testimony in this case had centered on the status of the large doors to the thirteen service bays as to whether they should always be closed to suppress noise at the facility. Bio-Gro witnesses concur that they will abide by the decision of the Zoning Commissioner to ingress and egress only from the rear or northwest side of the building, but would open the front doors to enhance cross ventilation in the garage. President Joseph D'Anna claimed that one door left open creates a nuisance. With front doors closed the facility still has two fire doors on either side of the building (although additional screening and landscaping is required, trees do not dispel noise).

The Board agrees that the front service bay doors should be kept closed at all times as an adjunct to the restriction that ingress and egress may only be via the rear doors. This is an additional restriction to those stipulated by the Zoning Commissioner, but it is imposed as a measure to assure the residential community that there should be no recurrence of the noise nuisance of the past two decades.

The Board does not define closed doors as "sealed doors" and understands there will be occasions when a door(s) will be open for

Case No. 94-294-XA White GMC Trucks; Bio-Gro Systems, Inc. 6
reasons of service by public utilities or assurances for the safety of employees.

For the reasons given above the Board feels that the petitions requested should be granted.

ORDER

IT IS THEREFORE this 22nd day of September, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception to permit a service garage and/or construction equipment storage yard for the repair, maintenance and temporary storage of equipment, farm implements and motor vehicles in an M.L.-I.M. zone be and the same is hereby GRANTED, and it is further ORDERED that a variance from Section 253.4 of the B.C.Z.R. to permit an M.L. use within 100 ft. of an edge of a right-of-way, located in a D.R. zone, in lieu of permitted M.R. uses, be and the same is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The service garage use permitted by the granting of the special exception shall be utilized by the proposed tenant only, namely, Bio-Gro Systems, Inc., and is personal to that entity.
- 3) There shall be no commercial/industrial traffic entering the site from Baltimore Street. The Petitioner's/Lessee's vehicles shall enter the property from the rear access road.
- 4) There shall be no exterior changes or additions to the building. The proposed special exception shall incorporate the site plan marked as Petitioner's Exhibit 1 as it depicts the present state of the property and

Case No. 94-294-XA White GMC Trucks; Bio-Gro Systems, Inc. 7
improvements thereon.

- 5) There shall be no storage of equipment and commercial vehicles on the front of the property. The front of the property shall be utilized only for employee parking of their personal automobiles, pick-up trucks and similar type vehicles.
- 6) Ingress and egress from the repair bays by commercial vehicles will be from the northwest (rear) side of the building. Access to the service garage repair facilities will be from the rear portion of that building.
- 7) The front service bay doors shall remain closed at all times, except on occasions of service by public utilities or emergency situations affecting the safety of employees.
- 8) Bio-Gro shall comply with the Zoning Plans Advisory Committee (ZPAC) comments from the Department of Public Works, dated 2/16/94 and the Office of Planning and Zoning dated 2/24/94. A final plan for additional screening/buffering shall be submitted to the County's Landscape Architect for approval.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Mackett, Chairman
Robert O. Schueta
Harry E. Buckhalter, Jr.
Mary E. Buchhalter, Jr.



County Board of Appeals of Baltimore County

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

September 22, 1994

Rob Ross Hendrickson, Esquire
309 Cathedral Street
Baltimore, MD 21202

RE: Case No. 94-294-XA
WHITE GMC TRUCKS /Legal Owners/
BIO-GRO SYSTEMS, INC. /Lessee -
Petitioners

Dear Mr. Hendrickson:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

encl.

cc: Sharon Hogan and Stephen R. Hoff /
Bio-Gro Systems, Inc.
Mr. Joe Danna
Mr. William Ritter
Ms. Linda Nash
Mr. Robert Wilson
Louis L. DePasso, Esquire
People's Counsel for Baltimore County
Pat Baller
Lawrence E. Schmidt
Timothy R. Rotundo
W. Carl Richards, Jr. /EADM
Docket Clerk /EADM
Arnold Jablon, Director /EADM

Very truly yours,
Kathleen C. Waldenham
Administrative Assistant

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE
NO. 1 Baltimore St., at city line * ZONING COMMISSIONER
appears Overview Map * OF BALTIMORE COUNTY
7014 Baltimore Street
12th Election District
7th Councilmanic District
Legal Owner: White GMC Trucks * Case No. 94-294-XA
(Volvo GM Heavy Trucks Corp.)
Lessee: Bio-Gro Systems, Inc.
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property located at 7014 Baltimore Street in the eastern section of Baltimore County. The Petition is filed by White GMC Trucks of Baltimore (Volvo GM Heavy Trucks Corp.), property owner, and Bio-Gro Systems, Inc., Lessee. Special Exception relief is requested to permit a service garage and/or construction equipment storage yard for the repair, maintenance and temporary storage of equipment, farm implements and motor vehicles in an M.U.-1.M. zone. Variance relief is requested in the Petition from Section 253.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an M.U. use within a 100 ft. of an edge of a right of way which is located in a D.R. zone, in lieu of the permitted M.U. uses; and from Section 253.2.B. to permit direct access to a street other than a Class I commercial roadway. However, the Petition was amended at the hearing to delete the request for relief from Section 253.2.B.

Appearing at the public hearing held for this case were Sharon Hogan and Stephen R. Toft, on behalf of Bio-Gro Systems, Inc., Lessee. Also appearing was T.A. Church, the professional engineer who prepared the site plan. Mr. Church is employed with Development Engineers Consultants, Inc.

The site plan, which depicts the property and requested relief, was submitted as Petitioner's Exhibit No. 1. Also present on behalf of the Petition was A.J. Astell III. The Petitioners were represented by Rob Ross Hendrickson, Esquire. Numerous individuals from the surrounding residential community known as Eastwood were also present. They included Linda Nash, President of the Eastwood Community Civic Association and Robert Wilson, a long time resident. Mr. Wilson and Ms. Nash acted as spokespeople for their association and community. A number of residents from that community attended the hearing.

Mr. Church testified and presented the site plan which describes the subject property and environs. The site is 5.9617 acres in area and is zoned M.U.-1.M. This is a triangularly shaped parcel which fronts on Baltimore Street near the intersection of Baltimore Street and Pambroke Boulevard. The property abuts the Baltimore City/Baltimore County boundary line. Presently, the property is improved with an existing one story masonry block and panel building. This building is approximately 221 feet wide and contains a depth of anywhere from 90 to 155 feet. The building has 7 service garage bays but is now vacant. The balance of the site is improved with a macadam parking area.

Mr. Church also testified that the building was constructed in 1972 by the owners of the property, White GMC Trucks of Baltimore. That company used the site as its headquarters for a sales/service facility. This use continued since the construction of the building in 1973 until approximately 3 or 4 years ago. Additionally, there has been been an active zoning history involving this property. Although located on property zoned M.U. and near other commercial/industrial uses, the property sits immediately across from Eastwood. This is an established neighborhood of row homes which was described by its residents as a small residential enclave among

- 2 -

commercial and industrial uses in this section of Baltimore County. Apparently, this community has waged a long struggle with this property owner and similar business in the vicinity to retain the residential character of its neighborhood and limit commercial/industrial intrusion into this community. The prior sales/service garage use by Volvo White GMC was particularly problematic for this community due to the nature of that business.

Since the property became vacant, the property owner and Baltimore County has been seeking another tenant. Indeed, it seems entirely appropriate that the property should be used to support a business rather than becoming vacant and attracting vandalism and other elements which could negatively affect the locale.

Ms. Sharon Hogan, the Technical Service Coordinator of Bio-Gro Systems, Inc., testified that her company is prepared to lease the property. The business of Bio-Gro Systems, Inc. is the recycling of sludge and similar waste products. The business maintains a fleet of approximately 22 tractors, trailers and other farm equipment to conduct its business. Routinely, the vehicles owned by the company leave their place of business in the morning hours to make their runs to the sludge disposal facilities. From those locations, the loaded sludge is then delivered to farms and other agricultural areas to treat the soil as fertilizer. It is particularly significant to note that the trucks do not visit Bio-Gro's headquarters as part of their daily routine. That is, the sludge is not brought to the site for treatment. Rather, the site is proposed to be used to house the vehicles overnight, as well as the company's offices. It is expected that routine maintenance will be performed on Bio-Gro's vehicles while they are housed at the site. Thus, the property will be used strictly as a maintenance facility to store and maintain the company's vehicles so that they are available on a daily basis to make their runs from the sludge disposal

- 3 -

facilities to the agricultural customers. Moreover, the proposed hours of operation of the business will be 7:00 A.M. to 6:00 P.M. during regular business week and 7:00 A.M. to 3:00 P.M. on Saturday. Ms. Hogan believes that the subject site is appropriate for her company's business, in view of the existing building, repair bays and its central location near the Back River Sludge Plant.

The residents of the community are concerned about any business which occupies the site. Their testimony noted the long standing problems experienced by the community with the owners of the property and prior business. The residents are concerned about noise, traffic and similar issues.

In considering the merits of the Petitions before me, attention is first given to the Petition for Special Exception. Therein, relief is requested to permit a service garage and/or construction equipment storage yard on the subject site, zoned M.U. A construction equipment storage yard is permitted as of right in an M.U. zone, pursuant to Section 253.1.B.3 of the B.C.Z.R. A service garage is permitted by a special exception, pursuant to Section 253.2.B.3. Moreover, Section 101 defines these uses. A service garage is defined as a garage, other than a residential garage, where motor driven vehicles are stored, equipped for operation, repaired, or kept for demonstration, hire or sale. A construction equipment storage yard is defined as the use of any space, whether inside or outside of a building, for the storage of construction equipment or machinery, including landscaping equipment and associated materials.

Based upon the testimony and evidence presented, it appears that the predominant use of the site by Bio-Gro Systems, Inc. will be that of a service garage. That is, the testimony from Ms. Hogan was that the building and bays therein will be used to perform repair and storage of the motor vehicles. Although, some of Bio-Gro's equipment might well be consid-

- 4 -

ered either construction equipment or landscaping equipment, it is the maintenance and storage of these vehicles on this site which is the predominant use.

As with all special exceptions, the subject Petition must be considered in light of Section 502.1 of the B.C.Z.R. Although special exceptions are considered presumptively permitted uses within the zoning scheme, the Petitioner bears the burden of producing testimony and evidence that the proposed use will not detrimentally affect the surrounding locale. (See Schultz v. Priddy, 291 Md. 1, 432 A.2d 1319 (1981)). The factors to be considered in making such a determination are set forth within Section 502.1 of the B.C.Z.R. In considering the testimony and evidence offered in this case, I am persuaded that the Petition should be granted. Properly restricted, I believe that the proposed use will not detrimentally affect the surrounding locale, particularly the Eastwood community which is located nearby. Thus, the Petition for Special Exception should and will be granted.

As to the requested zoning variance, relief is sought from Section 253.4 of the B.C.Z.R. as set forth above. Moreover, as is well settled, the Petitioner must satisfy the burden set forth in Section 307 of the B.C.Z.R. in order for variance relief to be granted. Therein, it is provided that the Petitioner must adduce testimony that the denial of the variance would result in practical difficulty upon the Petitioner and his property. Moreover, variance relief can be granted only if in strict harmony of the regulations and so as not to detrimentally affect the surrounding community. As with the special exception, I am persuaded that the variance should be granted. In large part, this variance relief is necessary to legitimize the existing location of the building on this lot. As shown on

the site plan, the front portion of the building envelope is located 75 feet from the right of way line.

Notwithstanding my approval of the Petitions, the relief requested will be restricted. Several restrictions will be added so as to ensure the safety of the surrounding community. First, I will limit the special exception relief to the proposed tenant only, namely, Bio-Gro Systems, Inc. In my view, the nature of specific operations contemplated by Bio-Gro Systems, Inc. is significant. It is of particular note that Bio-Gro intends on using this facility to service its own fleet which will largely be on the road during the day. Although Bio-Gro's service garage is specific to its business, the service garage definition, itself, is broad. Other service garage uses operated by other individuals or corporations might cause dramatically different impacts on the surrounding locale. For this reason, I will limit the special exception relief to Bio-Gro Systems, Inc.

Second, there was a great amount of testimony about the community's prior efforts which led to the construction of a vehicular access road to the rear of the property. Apparently, several businesses, including the adjacent Continental Can Company operation, utilize this rear access road. The access road was constructed some time ago so as to prevent truck traffic from entering and accessing these commercial properties from Baltimore Street. As has been the case in the past, this order shall be restricted so as to prohibit traffic other than employee vehicular access from Baltimore Street and/or visitor parking. All of the commercial/industrial vehicles utilized by the Petitioner in any fashion shall enter or exit the property from the rear access road.

Third, there shall be no exterior changes or additions to the building. The Petitioner indicated that the building was acceptable in its present form. The proposed special exception shall incorporate the site

plan marked as Petitioner's Exhibit 1 as it depicts the present state of the property and improvements thereon.

Fourth, there shall be no storage of equipment and commercial vehicles on the front part of the property facing Baltimore Street. Rather, the front of the property shall be utilized only for employee parking of their personal automobiles, pick-up trucks and similar type vehicles.

Fifth, ingress and egress from the repair bays by commercial vehicles will be from the northwest (rear) side of the building. The building is equipped with bay doors on both sides of the building. However, consistent with the restriction allowing commercial/industrial vehicles only on the rear portion of the property, access to the service garage repair facilities will be from the rear portion of that building.

Sixth, Bio-Gro shall comply with ZAC comments from the Office of Planning and Zoning and the Department of Public Works. These comments collectively suggest additional screening and buffering of the property. I will require the Petitioner to submit a landscape plan addressing these concerns for approval by the County's Landscape Architect.

Lastly, the neighbors requested some restriction regarding the front service bay doors. Specifically, they want them kept closed at all times to eliminate noise. I do not believe that is necessary. As noted above, additional screening is required. Moreover, the Petitioner must comply with State and E.P.A. noise regulations. These facts render an additional restriction unnecessary.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of April, 1994 that, pursuant to the Petition for Special

- 5 -

Exception, approval to permit a service garage and/or construction equipment storage yard for the repair, maintenance and temporary storage of equipment, farm implements and motor vehicles in an M.U.-1.M. zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 253.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an M.U. use within a 100 ft. of an edge of a right of way, located in a D.R. zone, in lieu of the permitted M.U. uses, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The service garage use permitted by the granting of the special exception shall be utilized by the proposed tenant only, namely, Bio-Gro Systems, Inc., and is personal to that entity.
3. There shall be no commercial/industrial traffic entering the site from Baltimore Street. The Petitioner's/Lessee's vehicles shall enter the property from the rear access road.
4. There shall be no exterior changes or additions to the building. The proposed special exception shall incorporate the site plan marked as Petitioner's Exhibit 1 as it depicts the present state of the property and improvements thereon.
5. There shall be no storage of equipment and commercial vehicles on the front part of the property. The front of the property shall be utilized only for employee parking of their personal automobiles, pick-up trucks and similar type vehicles.
6. Ingress and egress from the repair bays by commercial vehicles will be from the northwest

- 6 -

(rear) side of the building. Access to the service garage repair facilities will be from the rear portion of that building.

7. Bio-Gro shall comply with the Zoning Plans Advisory Committee (ZAC) comments from the Department of Public Works, dated 2/16/94 and the Office of Planning and Zoning dated 2/24/94. A final plan for additional screening/buffering shall be submitted to the County's Landscape Architect for approval.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Subj: 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 18, 1994

R.R. Hendrickson, Enquire
309 Cathedral Street
Baltimore, Maryland 21202

RE: Petitions for Special Exception and Zoning Variance
Case No. 94-294-XA
Property: 7014 Baltimore Street
Legal Owner: White GMC Trucks
Lessee: Bio-Gro Systems, Inc., Petitioner

Dear Mr. Hendrickson:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restrictions, 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 887-3391.

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

LES:mm

att:

cc: Ms. Sharon Hogan
Stephen R. Toft, 180 Admiral Cochran Drive, Suite 305, Annapolis 21401
cc: Ms. Linda Nash, President, Eastwood Community Civic Assoc.
cc: Mr. Robert Wilson, 301 SouthEastern Terrace, 21221

295
Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at 7014 E. BALTIMORE STREET which is presently zoned MU-1H
94-294-XA
The undersigned, legal owner of the property above is Baltimore County and wishes to describe in the description and plat attached hereto and make a plat hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for SERVICE GARAGE AND ON-COUPLED ON-COUPLED STORAGE WARD FOR THE REPAIR, MAINTENANCE, AND TEMPORARY STORAGE OF OCCUPANTS EQUIPMENT, PARTS INVENTORY AND MOTOR VEHICLES.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception 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 relating pursuant to the Zoning Law for Baltimore County.

With this petition, statement and affidavit, the petitioner of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County relating pursuant to the Zoning Law for Baltimore County.

BIO-GRO SYSTEMS, INC.
Redmond Stevens, Inc.
180 ADMIRAL COCHRAN DRIVE
SUITE 305
ANNAPOLIS, MD 21401
FOR ROSS HENDRICKSON (AGENT)
309 CATHEDRAL ST. 727-5770
BALTIMORE, MD 21202
SALE
7/2/94

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-294-XA

Dated: 12/23
Filed for: Special Exception
Petitioner: White GMC Trucks of Baltimore
Location of property: 7014 E. BALTIMORE ST., BALTIMORE, MARYLAND
Location of Sign: 7014 E. BALTIMORE ST., BALTIMORE, MARYLAND
Remarks: [Signature]
Number of Signs: 1
Date of return: 7/2/94

CERTIFICATE OF PUBLICATION

TOWSON, MD: July 14, 1994

THIS IS TO CERTIFY that the aforesaid 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 July 11, 1994.

THE JEFFERSONIAN
A. Henricson
LEGAL AD - TOWSON

295
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 7014 E. BALTIMORE STREET which is presently zoned MU-1H
The Petitioner shall file with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property above is Baltimore County and wishes to describe in the description and plat attached hereto and make a plat hereof, hereby petition for a Variance from Baltimore County Zoning Regulations 253.4 TO PERMIT AN MU USE WITHIN 160 FT. OF AN EDGE OF RIGHT-OF-WAY WHICH IS LOCATED IN A DR ZONE IN LIEU OF THE PERMITTED MU USES, AND SECTION 253.2.B TO PERMIT DIRECT ACCESS TO A STREET OTHER THAN A CLASS I COMMERCIAL MOTORWAY.

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 relating pursuant to the Zoning Law for Baltimore County.

With this petition, statement and affidavit, the petitioner of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County relating pursuant to the Zoning Law for Baltimore County.

BIO-GRO SYSTEMS, INC.
Redmond Stevens, Inc.
180 ADMIRAL COCHRAN DRIVE
SUITE 305
ANNAPOLIS, MD 21401
FOR ROSS HENDRICKSON (AGENT)
309 CATHEDRAL ST. 727-5770
BALTIMORE, MD 21202
SALE
7/2/94

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-294-XA

Dated: 12/23
Filed for: Special Exception
Petitioner: White GMC Trucks of Baltimore
Location of property: 7014 E. BALTIMORE ST., BALTIMORE, MARYLAND
Location of Sign: 7014 E. BALTIMORE ST., BALTIMORE, MARYLAND
Remarks: [Signature]
Number of Signs: 1
Date of return: 7/2/94

94-294-XA

ZONING DESCRIPTION

WHITE GMC TRUCK OF BALTIMORE
7014 BALTIMORE STREET

Beginning at a point on the northwest side of Baltimore Street, 30 feet more or less, from the center of said street and 1,300 feet more or less southwesterly from the center of Old North Point Road, said beginning point being on the eastern boundary line of Baltimore City, running thence around the outline of the property 5 courses, the 1st. along the city line: Due north 338 feet more or less, then (2) North 09 degrees 30 minutes 23 seconds East 247 feet, more or less (3) North 54 degrees 23 minutes 52 seconds East 274 feet, more or less (4) South 58 degrees 57 minutes 00 seconds East 497 feet, more or less to the northwest side of Baltimore Street and then along the northwest side of Baltimore Street (5) South 54 degrees 53 minutes 00 seconds West 842 feet, more or less.

93-157
01-28-94



94-294-XA

NOTES AND SOUND DESCRIPTION
PROPERTY OF WHITE GMC TRUCK CORPORATION
CONTAINING 5.8617 ACRES

- BEING: for the same of a concrete monument found at the intersection of the northerly right of way line of the sixty (60) feet wide right of way for Baltimore Street and the westerly boundary line of Baltimore City, said concrete monument also being at the end of the 2nd or Due South 880.35 feet line of a quitclaim deed from White Motor Corporation to White Motor Corporation dated August 28, 1981 and recorded among the Land Records of Baltimore County, Maryland in Liber 4325, folio 475, thence leaving said concrete monument, and also leaving said northerly right of way line of Baltimore Street, and binding on said eastern boundary line of Baltimore City, and also binding reversely in part on said 2nd or Due South 880.35 feet deed line, with meridian reference to due North as established in said Liber 4325, folio 475, so as to be surveyed by the William T. Bellard Company
- 1) Due North 337.78 feet to a point at the end of the said North 09°30'23" East 246.78 feet plot line as shown on Baltimore County Right of Way Plat No. 70-263-18 recorded among the aforesaid Land Records in Liber 8875, folio 212; thence leaving said point and eastern boundary line of Baltimore City, and binding reversely on said South 09°30'23" East 246.78 feet plot line to the beginning thereof
 - 2) North 09°30'23" East 246.78 feet to a point at the said North 54°23'52" East 281.17 feet plot line as shown on Baltimore County Right of Way Plat No. 70-263-18 recorded among the aforesaid Land Records in Liber 8875, folio 212, at a distance of 7.00 feet from the beginning thereof; thence leaving said point and binding in part on said North 54°23'52" East 281.17 feet plot line to the beginning thereof
 - 3) North 54°23'52" East 274.90 feet to a point on the 1st or North 58°57'00" West 800.23 feet line of the aforesaid deed recorded in Liber 4325, folio 475, at a distance of 486.43 feet from the beginning thereof; thence leaving said point and East mentioned plot line, and binding reversely on said 1st deed line to the beginning thereof
 - 4) South 58°57'00" East 486.43 feet to a point on the aforesaid northerly right of way line of the sixty (60) feet wide right of way for Baltimore Street, said point also being at the end of the 2nd or Due South 880.35 feet line of the aforesaid deed recorded in Liber 4325, folio 475, thence leaving said point, and binding on said northerly right of way line, and also binding reversely in part on said 2nd deed line to the beginning thereof
 - 5) South 54°53'00" East 842.32 feet to the point at beginning.

CONTAINING 5.8617 acres of land more or less.
BEING a part or portion of that land described in the aforesaid quitclaim deed from White Motor Corporation to White Motor Corporation dated August 28, 1981 and recorded among the Land Records of Baltimore County, Maryland in Liber 4325, folio 475.
SUBJECT TO any and all rights of way, easements, restrictions and encumbrances to the herein described parcel that may be of record.

BALTIMORE COUNTY, MARYLAND
OFFICE OF ZONING ADMINISTRATION
MISCELLANEOUS CASH RECEIPT

DATE: 9/16/94 ACCOUNT: P-001-6450

RECEIVED FROM: ARNOLD M. ZERBIN

FOR: 7014 EASTVIEW DR. 1175.00

VALUATION OF SIGNATURE OF CLAIMANT

BALTIMORE COUNTY, MARYLAND
OFFICE OF ZONING ADMINISTRATION
MISCELLANEOUS CASH RECEIPT

DATE: 5/11/94 ACCOUNT: P-001-6450

RECEIVED FROM: ARNOLD M. ZERBIN

FOR: 7014 EASTVIEW DR. 1175.00

VALUATION OF SIGNATURE OF CLAIMANT

94-2944A

BALTIMORE COUNTY GOVERNMENT
Office of Zoning Administration
and Development Management

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

ZONING HEARINGS ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors 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, Director

For newspaper advertising:

Item No.: 295

Petitioner: White GMC Trucks of Baltimore

Location: 7014 Eastview Dr. 3A

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DEC. ATT. TA Church

ADDRESS: 1400 York Rd. Baltimore MD 21212

PHONE NUMBER: (410) 377-2600

AJ:99a (Revised 04/09/93)

TO: FUTURE PUBLICATION COMPANY
Feb. 10, 1994 Date - Jefferson

Please forward billing to:

S. E. C.
4601 Park Road
Baltimore, Maryland 21212
ATTN: T. A. CHURCH
377-2600

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 105 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

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

CASE NUMBER: 94-294-18 (Item 295)
7014 Baltimore Street
Baltimore County, Maryland 21204

Special Exception for service garage and/or construction equipment storage used for the repair, maintenance, and temporary storage of complete equipment, farm implements and motor vehicles.

Special Exception for service garage and/or construction equipment storage used for the repair, maintenance, and temporary storage of complete equipment, farm implements and motor vehicles.

Lawrence E. Schmitt
Zoning Commissioner for Baltimore County

BALTIMORE COUNTY GOVERNMENT
Office of Zoning Administration
and Development Management

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

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 105 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

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

CASE NUMBER: 94-294-18 (Item 295)
7014 Baltimore Street
Baltimore County, Maryland 21204

Special Exception for service garage and/or construction equipment storage used for the repair, maintenance, and temporary storage of complete equipment, farm implements and motor vehicles.

Special Exception for service garage and/or construction equipment storage used for the repair, maintenance, and temporary storage of complete equipment, farm implements and motor vehicles.

Arnold Jablon
Director

For newspaper advertising:

Item No.: 295

Petitioner: White GMC Trucks of Baltimore

Location: 7014 Eastview Dr. 3A

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DEC. ATT. TA Church

ADDRESS: 1400 York Rd. Baltimore MD 21212

PHONE NUMBER: (410) 377-2600

BALTIMORE COUNTY GOVERNMENT
Office of Zoning Administration
and Development Management

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

February 23, 1994

Rob Ross Hendrickson
30 Cathedral Street
Baltimore, Maryland 21202

RE: Case No. 94-294-0A, Item No. 295
Petitioner: White GMC Trucks of Baltimore, et al.
Petitions for Special Exception and Variance

Dear Mr. Hendrickson:

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 each zoning action requested, but to assure that all parties, i.e., zoning commission, 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 zoning file. This petition was accepted for filing on January 27, 1994, 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 have 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.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
February 14, 1994
Item No. 295

The Developers Engineering Section has reviewed the subject zoning item. Compliance with the Landscape Manual to the extent possible is required. A landscape adjacent residential buffer will be required. A Landscape Plan must be submitted to and approved by the Department of Public Works.

BWB:9

Maryland Department of Transportation
State Highway Administration

C. James Lightizer
Secretary
Hal Kessoff
Administrator

2-7-94

Re: Baltimore County
Item No: 94-295 (JLL)

Ms. Charlotte Minton
Zoning Administration
and Development Management
County Office Building
Room 105
111 W. Chesapeake Avenue
Towson, Maryland 21204

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. EATON, ACTING CHIEF
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration
and Development Management

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

DATE: February 24, 1994

SUBJECT: 7014 E. Baltimore Street

INFORMATION:

Item Number: 295

Petitioner: White GMC Trucks of Baltimore

Property Size: _____

Zoning: MC-3A

Requested Action: _____

Hearing Date: _____

REMARKS OR RECOMMENDATIONS:

Based upon a site visit and the information provided, staff recommends the following conditions should the applicant's request be granted.

- The existing screening along Baltimore Street should be extended further west to more effectively screen residences from the operation.
- The chain link fence should be improved with the placement of wood slats to provide enhanced screening.
- A note should be added to the plan to indicate that there will be no outside storage of damaged or disabled motor vehicles.

Prepared by: Jeffrey W. Long

Division Chief: Carol Lane

PK/JLL:9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman
Baltimore County Board of Appeals

FROM: Jeff Long
Office of Planning and Zoning

DATE: August 22, 1994

SUBJECT: 7014 E. Baltimore Street

Item Number: 295
White GMC Trucks of Baltimore

Pursuant to the communication received from Carrie S. DeMillo, Deputy People's Counsel, regarding the subject property, staff wishes to amend one of the recommended conditions offered in our comments of February 24, 1994. In lieu of placing wood slats into the existing fence, landscape treatment should be substituted to provide the desired buffer between the site and the residential community. This change is consistent with the desires of the community.

Jeff Long
Jeff Long

JL:bjs

15-2 JUL 22 2004
15-2 JUL 22 2004

(ENCLOSURE) (2) (2) (2) (2) (2)

Baltimore County Government
Fire Department

700 East Joppa Road Suite 301
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/03/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy. THIS COMMENT APPLIES TO "ITEM NUMBERS" 290 AND 295.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-110

cc: File

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and Recycled Paper

RECEIVED
FEB 3 1994
ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3333

February 28, 1994

Rob Ross Hendrickson, Esquire
309 Cathedral Street
Baltimore, Maryland 21202

RE: Case No. 94-294-XA, Item No. 295
White GMC Trucks of Baltimore, et al.
Petitions for Special Exception and Variance

Dear Mr. Hendrickson:

Enclosed are copies of comments received from the Baltimore County Fire Department, Fire Prevention Section, on February 28, 1994 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

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and Recycled Paper

RECEIVED
MAR 1 1994
ZONING COMMISSIONER

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3333

May 13, 1994

R. S. Hendrickson, Esquire
309 Cathedral Street
Baltimore, MD 21202

RE: Petition for Special Exception and
Zoning Variance
7014 Baltimore Street
NW/5 Baltimore Street at city line opposite
Overview Way
12th Election District
7th Councilmanic District
White GMC Trucks-Legal Owners
(Volvo GM Heavy Trucks Corp.)
Lessor: Bio-Gro Systems, Inc.-Petitioner
Case No. 94-294-XA

Dear Mr. Hendrickson:

Please be advised that an appeal of the above-referenced case was filed in this office on May 11, 1994 by Louis L. DePaszo on behalf of the residents of Eastwood. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winkler at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

At:Jaw

cc: Ms. Sharon Hogan & Mr. Stephen R. Toft
Ms. Linda Hash
Mr. Robert Wilson
People's Counsel

52 JUL 19 91 1994
15-2 JUL 19 91 1994

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and Recycled Paper

APPEAL

Petition for Special Exception and Variance
NW/5 Baltimore Street at city line opposite Overview Way
(7014 Baltimore Street)
12th Election District - 7th Councilmanic District
Legal Owner: White GMC Trucks
Lessor: Bio-Gro Systems, Inc.-PETITIONER
Case No. 94-294-XA

Petition(s) for Special Exception and Variance (appealed only variance portion)

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestants(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plan to Accompany Special Exception and
Variance (no marked as exhibit)

Protestant's Exhibits: 1 - Letter from Linda Hash, Eastwood
Community Civic Association dated Mar 13, 1994

Copy of District Court of Maryland Order dated May 1, 1996

Zoning Commissioner's Order dated April 21, 1994 (Granted)

Notice of Appeal received on May 11, 1994 from Louis L. DePaszo on
behalf of the residents of Eastwood for variance portion only.

cc: R. S. Hendrickson, Esquire, 309 Cathedral Street, Baltimore, MD
21202
Ms. Sharon Hogan and Mr. Stephen R. Toft, 180 Admiral Cochran
Drive, Suite 305, Annapolis, MD 21403
Mr. Robert Wilson, 301 South Eastern Terrace, Baltimore, MD 21221
Mr. Linda Hash, President, Eastwood Community Civic
Association, 6803 Eastbrook Avenue, Baltimore, MD 21224
Louis L. DePaszo, Esquire, 39 South Dundalk Avenue, Dundalk, MD
21222
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, MD. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
M. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 94-294-XA
WHITE GMC TRUCKS /Legal Owners;
BIO-GRO SYSTEMS, INC. /Lessee
12th E; 7th C

DATE: March 3, 1995

As no further appeals have been taken regarding the subject
case, we are closing the file and returning same to you herewith.

Attachment

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

May 25, 1994

Rob Ross Hendrickson, Esquire
309 Cathedral Street
Baltimore, MD 21202

RE: Case No. 94-294-XA
White GMC Trucks -Legal Owner
Bio-Gro Systems, Inc. -Lessee/Petitioner

Dear Mr. Hendrickson:

In response to your request, enclosed is a copy of the letter:
of appeal dated May 11, 1994 filed by Louis L. DePaszo, Esquire, on
behalf of the appellants in the subject matter. Also enclosed is
a copy of Mr. DePaszo's letter of May 18, 1994.

Should you require any additional information, please don't
hesitate to call me.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Louis L. DePaszo, Esquire
Office of People's Counsel

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and Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 23, 1994

NOTICE OF DELIBERATION

As indicated at the conclusion of the hearing on August 23, 1994, the
County Board of Appeals has scheduled the following date and time for
deliberation in the matter of:

WHITE GMC TRUCKS /Legal Owners;
BIO-GRO SYSTEMS, INC. -Lessee -PETITIONERS
CASE NO. 94-294-XA

DATE AND TIME: Friday, September 5, 1994 at 9:00 a.m.

LOCATION: Room 48, Basement, Old Courthouse

cc: R. S. Hendrickson, Esquire
Sharon Hogan and Stephen R. Toft /
Bio-Gro Systems, Inc.

Counsel for Petitioner
Petitioner

Mr. Joe Danna
Mr. William Ritter
Ms. Linda Hash

Appellant /Protestant
"

Mr. Robert Wilson
Louis L. DePaszo, Esquire
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Rotundo

M. Carl Richards, Jr. /EADM
Docket Clerk /EADM
Arnold Jablon, Director /EADM

Kathleen C. Weidenhammer
Administrative Assistant

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and Recycled Paper

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: White GMC Trucks -Legal Owners;
Bio-Gro Systems, Inc. -Lessee /Petitioner
Case No. 94-294-XA

DATE : September 9, 1994 8:00 a.m.

BOARD /PANEL : William T. Hackett (WTH)
Robert O. Schmitt (ROS)
Harry E. Buchheiser, Jr. (BBH)

SECRETARY : Kathleen C. Weidenhamer
Administrative Assistant

Counsel: R. R. Hendrickson, Esquire
Those present at the deliberation included Peter Max Zimmerman,
People's Counsel for Baltimore County, and Carole S. DeMillo,
Deputy People's Counsel.

PURPOSE --to deliberate issues and matter of petitions for
special exception and variance presented to the Board;
testimony and evidence taken at hearing on August 23, 1994.
Written Opinion and Order to be issued by the Board.

Opening comments by Chairman Hackett as to matter before Board,
including case number and case name; deliberated pursuant to law,
under which Board members cannot confer with each other prior to
these deliberations; also, sole participants in these deliberations
are Board members; no further input as far as testimony and
evidence from parties.

ROS: Found case to be interesting in many respects; cited BCER and
uses permitted as matter of right and uses by special
exception; discussed to what extent public use; discussed
operations of Bio-Gro as to collection of sanitized waste and
operations of agricultural uses, etc.; upon review of BCER, finds
that this quasi-public use is allowed by special exception.
Turned to remaining question, that of variance for this
particular property. Discussed testimony of Petitioner's
expert; reviewed testimony as it related to use by Bio-Gro;
minor maintenance and repairs; no engine work to be performed;
expressed understanding for concerns of neighbors,
particularly in light of prior use; obligation of Board to
determine if 502.1 and 307 have been met; does believe that
they have been met; however, also believes that restrictions
should be put on this particular use to protect residents;
enumerated those restrictions; would find in favor of
petitioner.

Deliberation /White GMC /Bio-Gro Systems 94-294-XA

Summary: Would grant Petitions for Special Exception and
Variance.

BBH: Expressed understanding of residents of Eastwood as a result
of prior use; commercial enterprise took advantage of
situation which caused difficulties and frustration for
neighbors; reviewed testimony and evidence and made notes;
finds that the proposed will action by Bio-Gro is a careful
operation which will address concerns; testimony of Mrs. Hogan
of Bio-Gro was persuasive in this regard; further finds that
special exception and variance should be granted, but with
restrictions; also discussed that parcel of land between Bio-
gro and Baltimore Street to which it appears County has title;
would recommend that Bio-Gro take responsibility for
maintenance of that small parcel; also discussed the front
doors /not to be opened; ingress /egress from rear doors only.
Summary: Finds that Petitions should be granted but with
restrictions.

WTH: Has listened to reasoning of other two Board members; from the
evidence and testimony, finds that burden has been met; can
think of nothing to add to comments already made; use as
proposed qualifies under 502 to be what it purports to be and
that 75' variance from 100' should be granted. Agrees that
Board will include specific restriction in Order addressing
the matter of the doors. Believes all restrictions discussed
should also be included in final Order.

Summary: Would grant Petitions with restrictions.

Closing statement by Chairman Hackett: Board will grant the
special exception to permit service garage with the conditions as
agreed to by the owner's representative, and will also grant the
requested setback variance. Written Opinion to be issued and
parties notified; appeal will run from date of that Opinion and
Order and not today's date.

Respectfully submitted,

Kathleen C. Weidenhamer
Kathleen C. Weidenhamer
Administrative Assistant

2

6/27/94 -Notice of Assignment for hearing scheduled for Tuesday,
August 23, 1994 at 10:00 a.m. sent to the following:

R. R. Hendrickson, Esquire
Sharon Hogan and Stephen R. Hoft /
Bio-Gro Systems, Inc.
Louis L. DePazzo, Esquire
(filed appeal on behalf of Appellants)
Mr. Joe Dana
Mr. William Ritter
St. Linda Nash
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /EADM
Docket Clerk /EADM
Arnold Jablon, Director /EADM

8/23/94 -hearing concluded before the Board; deliberation scheduled for Friday,
September 9, 1994 at 9:00 a.m. (H.B.S.) Notices to be sent.

8/23/94 -Notice of Deliberation sent to parties; scheduled for Friday, September 9,
1994 at 9:00 a.m.; Board notified by copy of Notice. (H.B.S.)



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
June 27, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASON. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE
GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE
UNLESS IN FULL COMPLIANCE WITH RULE 2(c). COUNTY COUNCIL BILL
NO. 59-79.

CASE NO. 94-294-XA

WHITE GMC TRUCKS -Legal Owners; BIO-GRO
SYSTEMS, INC. -Lessee /Petitioners
894/ Baltimore Street at city line opposite
Overlook Way 17014 Baltimore Street)
12th Election District
7th Councilmanic District

SE -To permit service garage and/or constn.
eqpt. storage yard for repair, etc. farm impl.
motor vehicles;
VAR -use within 100' of edge of right-of-
way located in D.R. zone in lieu of permitted
M.R. uses.
8/21/94 -E.C.'s Order in which Petition for
Special Exception and Petition for Variance
were GRANTED with restrictions.

ASSIGNED FOR: TUESDAY, AUGUST 23, 1994 at 10:00 a.m.

cc: R. R. Hendrickson, Esquire Counsel for Petitioner
Sharon Hogan and Stephen R. Hoft /
Bio-Gro Systems, Inc. Petitioner

Louis L. DePazzo, Esquire
(filed appeal on behalf of Appellants)
Mr. Joe Dana Appellant /Protestant
Mr. William Ritter " "
St. Linda Nash " "

Mr. Robert Wilson
People's Counsel for Baltimore County
Pat Keller W. Carl Richards, Jr. /EADM
Lawrence E. Schmidt Docket Clerk /EADM
Timothy H. Kotroco Arnold Jablon, Director /EADM

Kathleen C. Weidenhamer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

4 with Signatures
Respected By, etc.

County Board of Appeals of Baltimore County

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

March 3, 1995

Rob Ross Hendrickson, Esquire
309 Cathedral Street
Baltimore, MD 21202

RE: Case No. 94-294-XA
WHITE GMC TRUCKS /Legal Owners;
BIO-GRO SYSTEMS, INC. /Lessee -
Petitioners

Dear Mr. Hendrickson:

As no further appeals have been taken regarding the subject
matter, we have closed the file and returned same to the Office of
Zoning Administration and Development Management, along with any
exhibits entered in this matter. The Zoning Office maintains the
permanent file.

Anyone interested in either the file or the exhibits is
advised to contact Owen Stephens in Zoning Administration at 887-
1391 immediately upon receipt of this letter. By copy of this
letter, all parties of record that may have an interest in this
file have been notified.

Sincerely,

Charlotte E. Madeloff
Charlotte E. Madeloff
Legal Secretary

cc: Sharon Hogan and Stephen R. Hoft /
Bio-Gro Systems, Inc.
Louis L. DePazzo, Esquire
Mr. Joe Dana
Mr. William Ritter
People's Counsel for Baltimore County

PETITION FOR SPECIAL EXCEPTION : BEFORE THE
AND FOR VARIANCE : ZONING COMMISSIONER
7014 E. Baltimore Street :
OF BALTIMORE COUNTY

PETITIONER : CASE NO: 94-294-XA
WHITE GMC TRUCKS OF BALTIMORE
(VOLUME ON HEAVY TRUCKS CONF.)

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. DeMillo
Carole S. DeMillo
Deputy People's Counsel
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 27th day of January, 1994, a copy
of the foregoing Entry of Appearance was mailed to Rob Ross Hendrickson, Esq.
309 Cathedral Street, Baltimore, MD 21202.

Peter Max Zimmerman
Peter Max Zimmerman

295 94-294-XA

*Advised
Bgr. to supply Breakdown
and Permitting*

BBH

Louis L. DePazzo

Attorney at Law
38 South Dundalk Avenue • Dundalk, Maryland 21222
301-286-9303

May 18, 1994



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
ATTN: Julie
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Petitions for Special Exception and Zoning Variance
Case No. 94-294-XA
Property: 7014 Baltimore Street
Legal Owner: White GMC Trucks
Lessee: Bio-Gro Systems, Inc., Petitioner

Dear Julie:

Please be advised that the appeal hereto filed on behalf of
The Eastwood Community Association, should include the name of
Linda Nash of Eastbrook Avenue, Joe Dana, 7057 Baltimore Street,
and William Ritter, 7129 Baltimore Street, all of whom are with
The Association and reside within the immediate community in
question.

Thank you very much for processing this information with the
original appeal.

Very truly yours,

Louis L. DePazzo
Louis L. DePazzo

LLO:jtc

Copy sent to the BOA on May 19, 1994, jsv

DePazzo
LLO:jtc

Louis L. DePazzo
Attorney at Law

32 South Dundas Avenue - Dundas, Maryland 21222
301-288-9303

May 11, 1994

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
ATTN: Julie
Suite 113 Courthouse
450 Washington Avenue
Towson, MD 21204

RE: Petitions for Special Exception and Zoning Variance
Case No. 94-294-XA
Property: 7014 Baltimore Street
Legal Owner: White GMC Trucks
Lessee: Bio-Gro Systems, Inc., Petitioner

Dear Julie:

Enclosed is a check, in the amount of \$210.00, to cover the appeal concerning the variance in the above captioned case.
Per our phone conversation, the cost is \$175.00 for the variance, plus \$35.00 for sign posting.

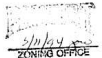
Kindly do not enter my appearance as counsel, at this time, since I am not a zoning lawyer. However, I will be helping the residents of Eastwood as much as possible, but do not feel, as an elected official, that it would be proper to have any financial interest whatsoever. Until an attorney is engaged by the residents, if any, kindly advise me of the constant status of this matter and I will act as liaison for the residents.

Very truly yours,

Louis L. DePazzo

cc: Senator Norman R. Stone, Jr.
Deputy County C. Gallardo
County Executive Roger B. Hayden
County Councilman Donald C. Mason

ENCLOSURE



BIO-GRO SYSTEMS
94-294

January 31, 1994

TO WHOM IT MAY CONCERN:

Bob Ross Handrickson is authorized by the undersigned to act for it in any and all zoning matters before the zoning commissioner of Baltimore County relative to 7014 E. Baltimore Street.

BIO-GRO SYSTEMS, INC.

By: [Signature]

WHITEGRO TRUCKS OF BALTIMORE
(VOLVO ON HEAVY TRUCKS CORP.)

By: _____

dj

ENCLOSURE

BIO-GRO SYSTEMS, INC. • 1000 Admiral Cochrane Drive • Suite 105 • Towson, MD 21204 • (301) 288-9303 • FAX (301) 288-9304
TOTAL P.02

PLEASE PRINT CLEARLY

DEFENDANT(S) SIGN-IN SHEET

NAME

ADDRESS

T.A. Chund DEC
Roo Ross HEINRICHSEN
A.T. Adell
Sharon Hagan
Stephen R. Ross

6603 York Rd. Baltimore 21212
309 CATHEDRAL
9131 Pennell Parkway Mt Airy 21771
101401 Cadence Dr. Annap. MD 21401

PLEASE PRINT CLEARLY

PROSECUTOR(S) SIGN-IN SHEET

NAME

ADDRESS

Linka Hark
Norbert Wilber
James T. Hargrave
William J. Rite
Paul M. S. Smith
Steve P. S. Smith
Sharon Hagan
Vicki G. Angelo
Mick Peltz
Jennifer Hargrave
Michael J. Temple
Rand Smith

6503 Southbrook Ave 21212
301 SOUTH EASTON 11821
6903 E. 7th Ave 21202
7109 Baltimore 21224
7109 S. Baltimore 21224
7057 C. Baltimore 21224
7109 S. Baltimore 21224
7307 Madison Way 21224
7013 E. Baltimore 21224
7019 Baltimore 21224
7047 E. Pkto 57

IN THE DISTRICT COURT OF MARYLAND FOR BALTIMORE COUNTY

ARNOLD JARSON

VS. CASE #5026-85 AP/7
VOLVO WHITE TRUCK CORP. (Certified to be a true copy of docket entry)
7014 E. Baltimore St.
Baltimore, Maryland 21222

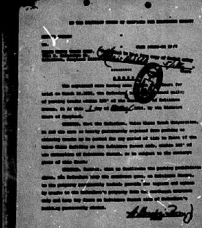
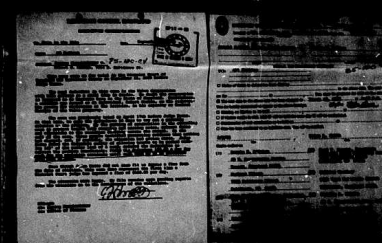
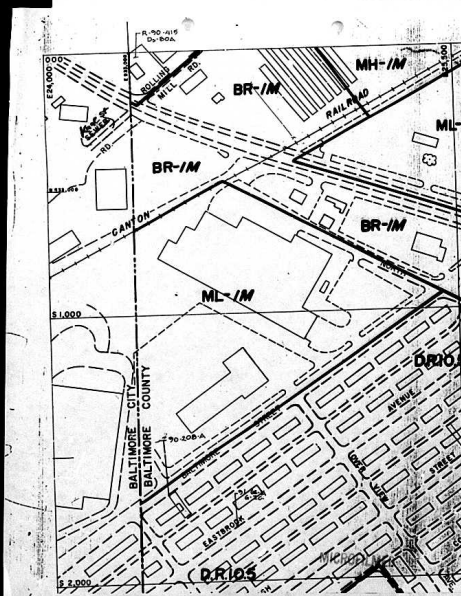
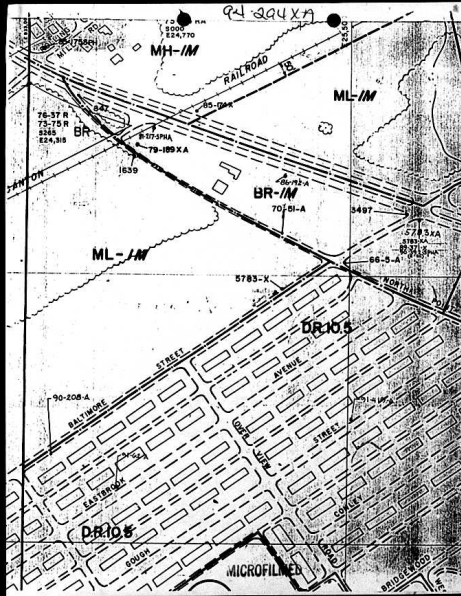
The captioned case having come on for trial on March 13, 1986, the Defendant found guilty of parking trucks within 100' of the centerline of Baltimore Avenue, it is this 1 day of June, 1986, by the District Court of Maryland

ORDERED, that the Defendant, Volvo White Truck Corporation, be and the same is hereby permanently enjoined from parking or allowing trucks to be parked for any period of time in front of the Volvo White Building on the Baltimore Street side, within 100' of the centerline of Baltimore Street, or be subject to the contempt power of this Court:

ORDERED, further, that to facilitate the parking prohibited above, the Defendant keep the southwest gate, on Baltimore Street, to the property permanently locked; provide for ingress and egress by trucks to the Defendant's property from the northeast entrance only and keep Bay doors on Baltimore Street side of Defendant's building permanently closed.

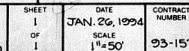
A. H. [Signature]
JUDGE

MICROFILMED



☒

BALTIMORE STREET IS NOT A CLASS I MOTORWAY.





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

(SHEET NO. 2-3)
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

III Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-

William A. Howard IV
Chairman, County Council

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

EASTPOINT

SHEET

S. E.