IN THE HATTER THE RICHARD M. GOLABIESKI FOR A SPECIAL HEARING ON

. BEFORE . COUNTY BOARD OF APPEALS MODTH . OF

FOR A SPECIAL HEADMAN FOR THE PROPERTY EXECUTION OF PROPERTY EXECUTION 1.285."

EAST OF C/L OF CHERLYN ROAD (810-H ESEX AVENUE).

15TH ELECTION DISTRICT CASE NO. 94-296-5 . CASE NO. 94-296-SPHA

OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner in which the special hearing and variances were granted with some restrictions. At the onset of the hearing, Mr. Golabieski, the Appellant /Petitioner, made a special note that his appeal was only to the order requiring that the four trailers in question be removed within 90 days. The Board will note that there was no one at all present for the hearing except the Appellant /Petitioner.

Mr. Golabieski stated to the Board that he now has the proper zoning on the property that would permit the four storage containers in question to remain. The Board will amend the plan to delete the words "to be removed" from the four storage containers in question so shown on the plan. Mr. Golabieski further testified that at some time in the future he proposes a 12,000 sq. ft. storage building, and that he would be agreeable to removing all the trailers once he receives an occupancy permit for the proposed storage building. He further testified as to the screening that was already in place, and that it was his intention to install the additional screening. He made a special note that there were absolutely no protestations from any of the neighbors adjoining the site.

In open deliberation, the Board agreed to allow Mr. Golabieski to keep the four storage containers in question for a limited period of time and will so order.

This property was the subject of prior Case No. 76-245-V in which the Petitioner was granted a nonconforming use of the property as a Contractor's Storage and Equipment Yard on March 28, 1978 by the Board of Appeals. The Petitioner is desirous of constructing a one-story building of 12,000 sq.ft. to provide inside storage space for his construction equipment. Mr. Golobieski testified that the proposed building would not only be an improvement to the site but would protect expensive construction equipment from the elements. Due to the size of the lot and its location immediately adjacent to a residential community, the relief requested is necessary in order to develop the site as proposed. Access to the property is by way of a narrow driveway which is approximately 20 feet wide and extends approximately 440 feet to the property. It is significant to note that the Petitioner's family owned much of the property which surrounds the site and over the years, they subdivided the property for residential uses.

As to the relief requested for a variance to front yard setback requirements, this is an internal variance in that the front property line from which it is measured is leased by the Petitioner and will therefore not affect any other property. If the variance were denied, the Petitioner could not proceed with the proposed improvements. The other variances are necessary for the internal parking layout and the surface of the lot. The Petitioner indicated that the requested variances were necessary in that the heavy machinery he stores on the site would destroy a macadam paved parking lot, thus, a crusher run or stone paved parking lot seems appropriate in terms of the intended use of the site. However, in response to the Department of Public Morks' comments dated February 15, 1994, the Petitioner agreed to pave the driveway entrance to the site.

RECEIVED FOR 1

Case No. 94-29-SPHA Richard N. Golabiaki -Petitioner ORDER

> IT IS THEREFORE this 1st day of September , 1994 by the

County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing be and is hereby GRANTED subject to the following restrictions:

- The four storage containers (originally marked on Petitioner's Plan "to be removed"), which were the subject of this hearing, shall be permitted to remain for a period this hearing, shall be permitted to remain for a period 5 years or until an occupancy permit has been granted the proposed storage building, whichever is shorter.
- 2) If at the cermination of the 5-year limitation on these four storage containers an occupancy permit has not been obtained, Appellant /Pettioner must petition Beltimore County for an extension of the time limit for the four storage containers which were the subject of this hearing;
- The four storage containers marked "to remain" on Petitioner's Plan (marked Petitioner's Exhibit No. 1) shall be permitted to remain on the site until such time as the proposed building is completed;
- No more than eight trailers, as shown on the plan, shall be permitted on this site;
- Prior to the issuance of any use permits, the Petitioner shall submit a Landscape Plan for review and approval by the Beltimore County Landscape Architect; and
- When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

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



After due consideration of the testimony and evidence presented it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. As noted herein, the subject property has been used as a contractor's equipment storage yard for many years. As to the storage containers, Petitioner' site, four of which are to be removed. The Petitioner indicated that he would like to retain the other four (4) trailers for storage space until such time as construction of the building has been completed. It does not appear that the granting of this relief will be detrimental to the health. safety or general welfare of the surrounding community, and thus, the Petition for Special Hearing shall be granted to permit four (4) containers to remain on the property until such time as construction of the new building is completed. However, as a condition of this relief, the Petitione shall remove the other four (4) containers within ninety (90) days of the date of this Order. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular percel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the moning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To 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 nurses or reader conformance unnecessarily



County Board of Appeals of Baltimore County OLD COURTHOUSE, ROOM 49 WASHINGTON AVENUE ON, MARYLAND 21204

September 1, 1994

Mr. Richard M. Golabieski, Jr. 810 Morth Essex Avenue Baltimore, MD 21221

RE: Case No. 94-296-SPHA Richard M. Golabieski -Petitioner

Dear Mr. Golabieski:

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

> Very truly yours, Martin Church

encl.

cc: People's Counsel for Baltimore County Pat Keller Lawrence E. Schmidt Timothy H. Kotroco W. Carl Richards, Jr., /RADM Docket Clerk /RADM Arnold Jablon, Director /RADM

B----

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 whether relief can be granted in such fashion t 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

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented. it is clear that practical difficulty or unreasonable hardship will result if the variances were not granted. It has been established that special es or conditions exist that are peculiar to the land or struc ture which is the subject of this request and that the require which the Petitioner secks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and hearing on these Petitions held, and for the reasons given above

County this WHCday of March, 1994 that the Petitioner shall be multted to retain four (4) storage containers on the subject property

IN RE: PETITIONS FOR SPECIAL HEARING . BEFORE THE AND VARIANCE - N/S OF EBBOX AVE. · ZONING COMMISSIONER 285' E of the c/l Cherlyn Road OF PALITIMORE COUNTY Case No. 94-296-000a

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 810-H Essex Avenue, located in the Essex area of southeastern Baltimore County. The Petitions were filed by the owner of the property, Richard M. Golobieski, Jr., through his attorney, John B. Gont.rum, Esquire. The Petitioner seeks a special hearing to approve existing storage containers on the property, and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 255.2 to permit a front yard setback of 59 feet in lieu of the required 75 feet; from Section 409.8.A.2 to permit a stone paving in lieu of the required durable and dustless surface; and from Section 409.8.A.6 to permit an unstriped parking area in liqu of the required striped parking spaces. The subject property and relief requested are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1

Appearing on behalf of the Petitions were Richard Golobieski, Jr., property owner, and his attorney, John B. Contrum, Esquire. There were no Protestants present

Testimony and evidence presented revealed that the subject property consists of a gross area of 2.3631 acres, split zoned D.R. 5.5 and M.L. and is the site of a Contractor's Storage and Equipment Maintenance yard

in accordance with Petitioner's Exhibit 1, and as such, the Petition for Special Hearing, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 255.2 to permit a front yard setback of 59 feet in lieu of the required 75 feet; from Section 409.8.A.2 to permit a stone paying in lieu of the required durable and dustless surface; and from Section 409.8.A.6 to permit an unstriped parking area in lieu of the required striped parking spaces, in accordance with Petitioner's Exhibit 1. he and is hereby GRAMTED, subject to the following restrictions:

The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are heavy made sware that pro-ceedings at this time is at their own trisk until such time as the 30-day appulate process from this Order has expired. If, for whitever reason, this Order is reversed, the ruleif granted betein shall be reached.

2) The special hearing relief granted herein is insisted to the property of the property of the Politiconer's Exhibit 1. which shallows presented to remain on the site until such time as the proposed building is completed. However, the four (4) contains and building. The other four (4) containers as and building. The other four (4) containers make a fact that the property of the property of the property of the days of the date of this review and/or prior to the days of the date of this review and/or prior to the

Prior to the issuance of any use permits, the Petitioner shall submit a Landscape Plan for review and approval by the Beltimore County Landscape Archi-tect.

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

LAWRENCE E. SCHRIDT Zoning Cramination

- 2-

SEVED BOR FILING

- 3-

- 4-

FILING

SINED FOR F

- 5-

Zoning Commissioner Office of Planning and Zoning 1

Suita 113 Courthouse 400 Washington Avenue Towson, MD 21204

March 14, 1994

(410) 887-4386

John B. Gontrum, Esquire Romadka, Gontrum & Hennegan 814 Eastern Boulevard Baltimore, Maryland 21221

RE: FETITIONS FOR SPECIAL HEARING AND VARIANCE N/S of Essex Avenue, 285' E of the c/l Cherly: Road [1810-H_Essex Avenue] - 715 Councillantic District Fichard M. Golobieski, Jr. - Petitioner Came No. 94-796-1970.

Enclosed please find a copy of the decision rendered in the above-captioned patter. The Petitions for Special Hearing and Variance shave been granted in accordance with the attacked Order.

in the event any party finds the Jecision rendered is unfavor-mable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filling an appeal, please contact the Zenimy Administration and Development Management office at 807-3395.

Very truly yours, James Shuff LAWRENCE E. SCHMIDT Zoning Commissioner for Ba'timore County

cc: Mr. Richard M. Golobieski, Jr. 817 N. Essex Avenue, Baltimore, Md. 21221

6.0



627 9N 2945PHA

BIO WESSEX AVENE ZONING DESCRIPTION LOT 2

RECIMITED at a point on the existing north side of ESSEX AVENUE, 30 foot wide, at the distance of 281.00' east of the center line of Cherlyn R ad, 50 feet wide, thense the following courses and distances:

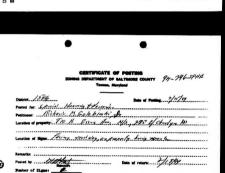
1, 19 on 11.75. a distance of 434.74 feet to a point; thence 1, 70 55 43 74. a distance of 132.70 feet to a point; thence 1, 70 55 43 74. a distance of 300.00 feet to a point; thence 5, 70 39 11.75. a distance of 300.00 feet to a point; thence 5, 70 39 11.75. a distance of 300.00 feet to a point; thence 1, 70 55 4474. a distance of 154.32 feet to a point; thence 5, 19 06 15.75. a distance of 154.32 feet to a point; thence 5, 19 06 15.75. a distance of 154.32 feet to a point; thence 8, 19 06 15.75. a distance of 130.00 feet to a point; thence 15, 19 06 15.75. a distance of 130.00 feet to a point; thence 15, 19 06 15.75. a distance of 130.00 feet to a point; thence 15, 19 06 15.75. a distance of 130.00 feet to a point; thence 15, 19 06 15.75. a distance of 130.00 feet to a point; thence 15, 19 06 15.75. a distance of 130.00 feet to a point; thence 15, 10 06 15.75. a distance of 130.00 feet to a point; thence 15, 10 06 15.75. a distance of 130.00 feet to a point; thence 15, 10 06 15.75. a distance of 130.00 feet to a point; thence 15, 10 06 15.75. a distance of 150.00 feet to a point; thence 15, 10 06 15.75. a distance of 150.00 feet to a point; thence 15, 10 06 15.75. a distance of 150.00 feet to a point; thence 15, 10 06 15.75. a distance of 150.00 feet to a point; thence 15, 10 06 15.75. a distance of 150.00 feet to a point; thence 150.00 fee

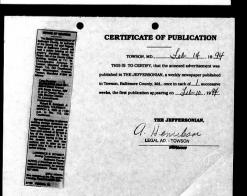
Being the tract of land conveyed to Sichard M. Golabieaki, Jr. by deed dated August 12, 1997 and recorded in Liber 94/20 at Polio 223, in the Baltimore County Lamp Records. Also known as 610M Essex Avenue and Deathed in the 15th Election District.

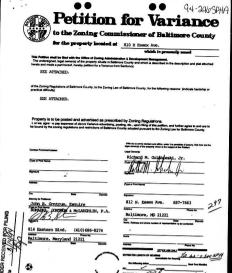


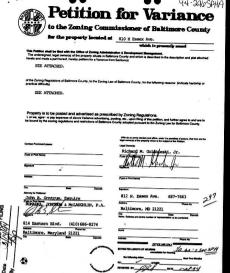
Petition for Special Hearing 94 296 SPHA to the Zoning Commissioner of Baltimore County The undersigned, legal owner(s) of the property allusts in Baltimore County and which is described in the description and palt attacked hereto and made a part hereof, hereby petition for a Special Hearing metre Section 507 or the Baltimore County Coning Regulations, so determine whether or not the Zoning Commissioner and/or Depaity Zoning Commissioner should approxeexisting strong cate des for strong of can ever tex site elm Property is to be posted and advertised as prescribed by Zoning Regulations w. we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon fil-ing of his Petition, and further agree to and are to be bound by the zoning regulations and ...itric-tions of Baltimore County adopted purpagant to the Zoning Law for Baltimag and ...itric-tions of Baltimore County about purposes. rgal Owner(s): Relief m. Golobies ki Richard M. Polatoid

City and State	Signature
Attorney for Petitioner:	
Type or Print Named	Address Phone No.
Signature M=	City and State
SIN FOSTER Blad	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted 297
City and State	Name
Attorney's Telephone No.: 686-5229	Address Phone No.
160°	OFFICE USE ONLY
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Page 1	REVIEWED BY: DATE
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•	CERTIFICATE C CHING DEPARTMENT OF Torons, M	BALTIMORS COUNTY 9H-194-SPBH
District 15 th	eParl	Date of Penting. 4/25/94
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Location of property:	O. H. Eller Arm	M/s.
Location of Signa. Exercise	end of priels	end way of henning page
Banada		
Posted by Mathe	(u	Dade of return: 4 /29 / 94





From: Section 255.2 to permit a front yard setback of 59' in lieu of the required 75'; 2 to permit stone paving in lieu of a durable and dust free surface. The first stone paving in lieu of a Section 400.8A.6 to allow an unstriped area in lieu of required scriping.

REASONS CITED.

Use has existed on site for many years as non-conforming. Zoning granted on site allows some construction without variance but of equipment and improve placement indoors of subtrantial amount of equipment and improve placement indoors of subtrantial amount of the interest property on front of site. Paviling not suitable for equipment used.



MALTIMORIS COUNTY, NA PITICE OF MANCE - REVEN MISCELLANIEOUS CASH R	UE DIVISION		139787
4/18/94	ACCOUNT	R-001-6	150
	AMPUNT B	35.00	
Holco Eq.			
Appeal - p	"		
	01A01#0083HIC		135.00



ZAC.297/PROME/ZAC1

(410) 887-3353

April 18, 1994

Mr. Richard Golabieski, Jr. 810 North Essex Avenue Baltimore, Maryland 21221

RE: Petitions for Variance and Special Hearing
Myocial Hearing Onty Portion Only) Polynous, Janz
Myo of Essex Avenue - 285 E of the c/l Cherlyn Bond
(18th Election District
Th Commellinate District
Richard M. Golabieski - Petitioner
Come No. 94796-67978

Dear Mr. Golabieski:

Please be advised that an appeal of the above-referenced case was filed in this office on April 18, 1994. 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 te to contact Charlotte Minton at 887-3391.

ARCHOLD JABLON Director

A.D. comm

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cc. People's Counsel

Petitions for Variance and Special Hearing (SPECIAL HEARING PORTION GOLT) N/S of Essex Wavenue - 285 : G of the c/l Cherlyn Road 810-H Essex Wavenue 15th Election District - Th Councilsanic District RICHARD N. COLABIESKI - PETITIONER Case No. 94-295-57NA

Petitions for Variance and Special Hearing

Description of Property Contificate of Posting

Certificate of Publication

Petitioner's Exhibits: 1 - Plan to Accompany Zoning Special Hearing and Variance

County Board of Appeals Opinion - Case No. 76-245-V (C-76-483) Zoning Comm'ssioner's Order dated March 14, 1994 (Granted)

Hotice of Appeal received on April 13, 1994 from Richard Golabieski, Jr.

co: Richard Golabieski, Jr., 810 North Esser Avenue, Balto., MD 21221

People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Pields, Director of Planning & Zoning Patrick Keller, Office of Planning & Zoning Lawrence E. Schmidt, Zoning Commissioner Tookst Clark Docket Clerk Arnold Jablon, Director of ZADM

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

February 1, 1995

Richard Golabieski, Jr. 810 North Essex Avenue Baltimore, MD 21221

RE: Case No. 94-296-SPHA RICHARD M. GOLABIESKI 15th District

Dear Mr. Golabieski:

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 Gwen Stephens in Ioning Administration at 887-3391 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.

Charletto E. Rolling Charlotte E. Radcliffe Legal Secretary

cc: People's Counsel for Baltimore County

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE NATTER OF: Richard M. Golabieski -Petitioner Case No. 94-296-SPHA

: August 11, 1994 /at conclusion of hearing

William T. Hackett Harry E. Buchheister, Jr. Judson H. Lipowitz

Kathleen C. Waldenhammer Administrative Assistant

Present at the deliberation was Richard M. Golabieski, Appellant /Petitioner.

PURPORE --to deliberate issues and matter of petition for special hearing as appealed by Petitioner and presented to the Board; testimony and evidence taken at hearing this date. Written Opinion and Order to be issued by the Board.

Opening comments by Chairman Hackett as to case name and number, and issues to be deliberated in this matter.

WITH Hear reviewed this matter; will present his to leap the trailers for 5 years for a total of eight teallers as them of of the fourth year, if he has not gotten started on the building, he will have to apply through Mr. Schmidt for an extension—week lamant great that it would be granted but for mose, will now trailers can be added "Nexty sight" is maximum emabur; no new trailers can be added "Nexty sight" is maximum emabur; no

JHL: Agrees with Chairman; no further comments to offer.

HEB: No additional comment; agrees with other two Board members.

Closing statement by Chairman Hackett: Board will issue written Opinion and Order; will alleviate problems with removal of trailers.

Note: appellate period runs from date of written Opinion and Order and not from today's date.

Respectfully submitted.

Rathleen C. Meidenhammer Administrative Assistant

6/24/94 -Notice of Assignment for hearing scheduled for Thursday, August 11, 1994 at 10:00 a.m. sent to following:

Mr. Richard Golabieski, Jr.
People's Counsel for Batto. County
Pat Meller
Learence Schmidt
Learence N. Kottoco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

8/11/94 -Hearing concluded; matter deliberation by Board immediately following conclusion of hearing: Metitioner's request to be granted w/restrictions; written Order and Opinion to be issued. H.B.L.!

County Board of Appeals of Baltimore County

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

June 24. 1994

MOTICE OF ASSIGNMENT

NO POSTFONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTFONEMENTS MUST BE IN WRITING AND IN STRICT COMPLANCE WITH MULE 2(b). NO POSTFONEMENTS WILL BE GRANTED WITHIN FUTTEEN (15) DAYS OF SCHOOLID REALING DAYE WILLESS IN WILL COMPLANCE WITH NULE 2(c), COUNTY COMPLETE OWNERS.

NO. 59-79. CASE NO. 94-296-SPHA

RICHARD M. GOLABIESKI -Petitioner M/s of Essex Ave., -285' E of the c/l of Cherlyn Road (810-H Essex Avenue) 15th Election District 7th Councilmanic District SPM -To approve existing storage containers; VAR -front yard setback; stone paving; unstriped parking area.

3/14/94 -5.C.'s Order in which Petitions for Special Hearing and Variances were GRAWTED with restrictions. Appeal taken from special hearing portion only.

Appellant /Petitioner

THURSDAY, AUGUST 11, 1994 at 10:00 a.m. ASSIGNED FOR: cc: Mr. Richard Golabieski, Jr. People's Counsel for Balto. County

Pat Keller Lawrence E. Schmidt Timothy H. Kotroco W. Carl Richards, Jr. /EADM Docket Clerk /EADM Arnold Jablon, Director /EADM

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

I woold like to Appeal CASE # 94-296-SPHA. I'AM IN TOTAL AGREEMENT WITH THE SETANCK'S AND THE STONE Pavine, However I would like To TALK TO THE COMMISSIONER ABOUT THE STORAGE TRAILER'S, I WOULD LIKE MY HEARING FEE'S ONLY TO Reflect THE TRAILERS, (SPH BATTON ONLY) THANK YOU Richard Goldbieski JR

TO WHOM IT MAY CONGERN

County BOARD OF Appeals

ANY QUESTION'S PLEASE CALL Home 687-7663 DAYS LINE

PAGER # 712-8974

APRIL 13, 1994

RE: ALLEGED ZONING VIOLATION : BEFORE on property located at 810 Exex Avenue : COUNTY BOARD OF APPEALS 15th District : OF Richard Golabieski Defendant - Appellant : BALTIMORE COUNTY : No. 76-245-V (C-76-483)

OPINION

This case comes before the Board of Appeals on appeal of Richard Golabieski fraom an Order of the Deputy Zonina Commissioner, dated May 27, 1976, finding a zoning violation to exist, namely, contractor's storage yard, trailer, junk, etc.

The subject property is located at 810 Essex Avenue, in the 15th Election
District of Baltimore County, and contains approximately 4.5 acres.

It was stipulated by the Defendant through counsel that a contractor's
storage yard does exist on the subject property, and the existing zoning is D.R. 5.5, the

Defendant's contention being that said storage yard is a legal nonconforming use.

The Defendant and five other witnesses from the neighborhood, some of them immediately adjacent to the subject property, produced overwhelming and uncontroverted testimony that the contractor's storage yard did, in fact, exist at the subject property long before the option of the Baltimore County Zoning Regulations.

The County's witnesses consisted of Gary Freund, zoning inspector, who indicated to the Board that the junk and debris part of the violation has been creeted, and that other than the issue of nonconforming use, the only other matters are the location of two containers which the Defendant wishes to use in place of the two trailers which are being used by the contractor's storage equipment. The trailers which Mr. Golobieski sought to replace with the new containers were approximately thirty years old and were deteriorating and badly dilapidated. These trailers incidentally, had replaced old truck bodies some thirty years prior which had also been used for storage of contractors' equipment. The new containers sought to be used do not, as suggested, comply as an accessory building. However, it is the Defendant's position, and the position accepted by the majority of this Board, that these are merely a modernization of the type of vehicle which was a permitted

