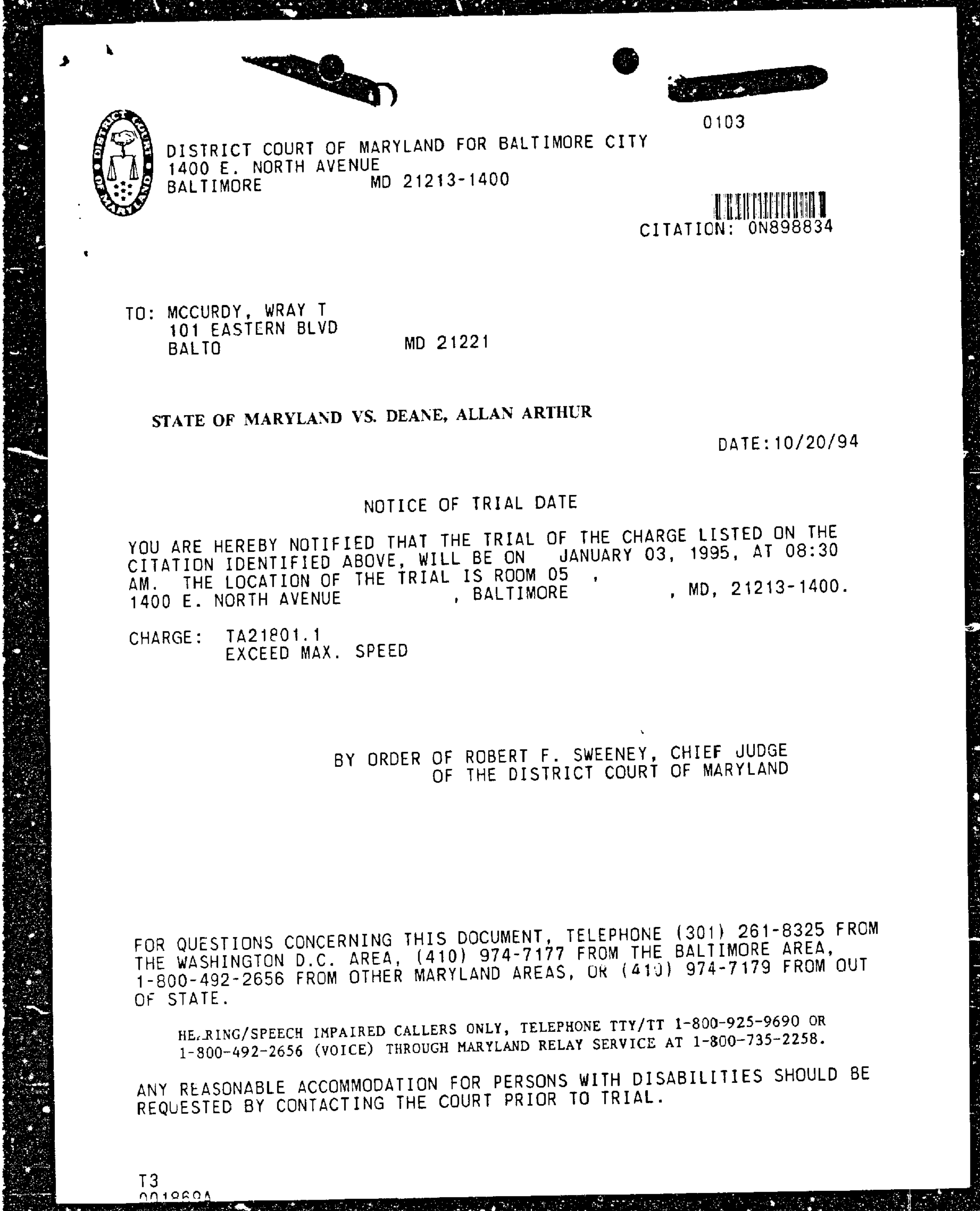


0103

DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY
1400 E. NORTH AVENUE
BALTIMORE MD 21213-1400

CITATION: 0N898834

TO: MCCURDY, WRAY T
101 EASTERN BLVD
BALTO MD 21221

STATE OF MARYLAND VS. DEANE, ALLAN ARTHUR

DATE:10/20/94

NOTICE OF TRIAL DATE

YOU ARE HEREBY NOTIFIED THAT THE TRIAL OF THE CHARGE LISTED ON THE CITATION IDENTIFIED ABOVE, WILL BE ON JANUARY 03, 1995, AT 08:30 AM. THE LOCATION OF THE TRIAL IS ROOM 05 , 1400 E. NORTH AVENUE , BALTIMORE , MD, 21213-1400.

CHARGE: TA21801.1
EXCEED MAX. SPEED

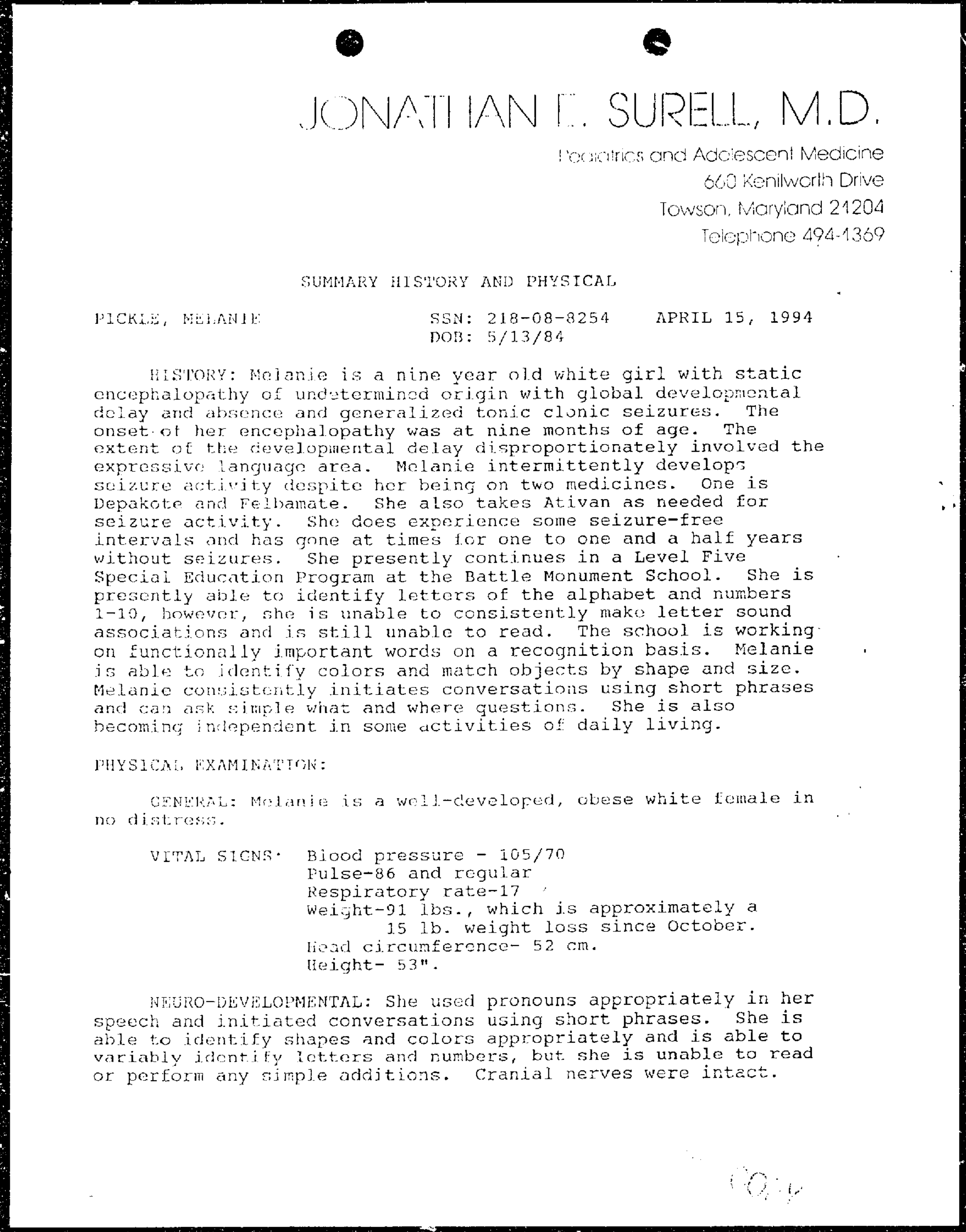
BY ORDER OF ROBERT F. SWEENEY, CHIEF JUDGE
OF THE DISTRICT COURT OF MARYLAND

FOR QUESTIONS CONCERNING THIS DOCUMENT, TELEPHONE (301) 261-8325 FROM THE WASHINGTON D.C. AREA, (410) 974-7177 FROM THE BALTIMORE AREA, 1-800-492-2656 FROM OTHER MARYLAND AREAS, OR (410) 974-7179 FROM OUT OF STATE.

HEARING/SPEECH IMPAIRED CALLERS ONLY, TELEPHONE TTY/TT 1-800-925-9690 OR 1-800-492-2656 (VOICE) THROUGH MARYLAND RELAY SERVICE AT 1-800-735-2258.

ANY REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES SHOULD BE REQUESTED BY CONTACTING THE COURT PRIOR TO TRIAL.

T3



JONATHAN E. SURELL, M.D.
Pediatrics and Adolescent Medicine
660 Kenilworth Drive
Towson, Maryland 21204
Telephone 494-1369

SUMMARY HISTORY AND PHYSICAL

PICKLE, MELANIE SSN: 218-08-8254 APRIL 15, 1994
DOB: 5/13/84

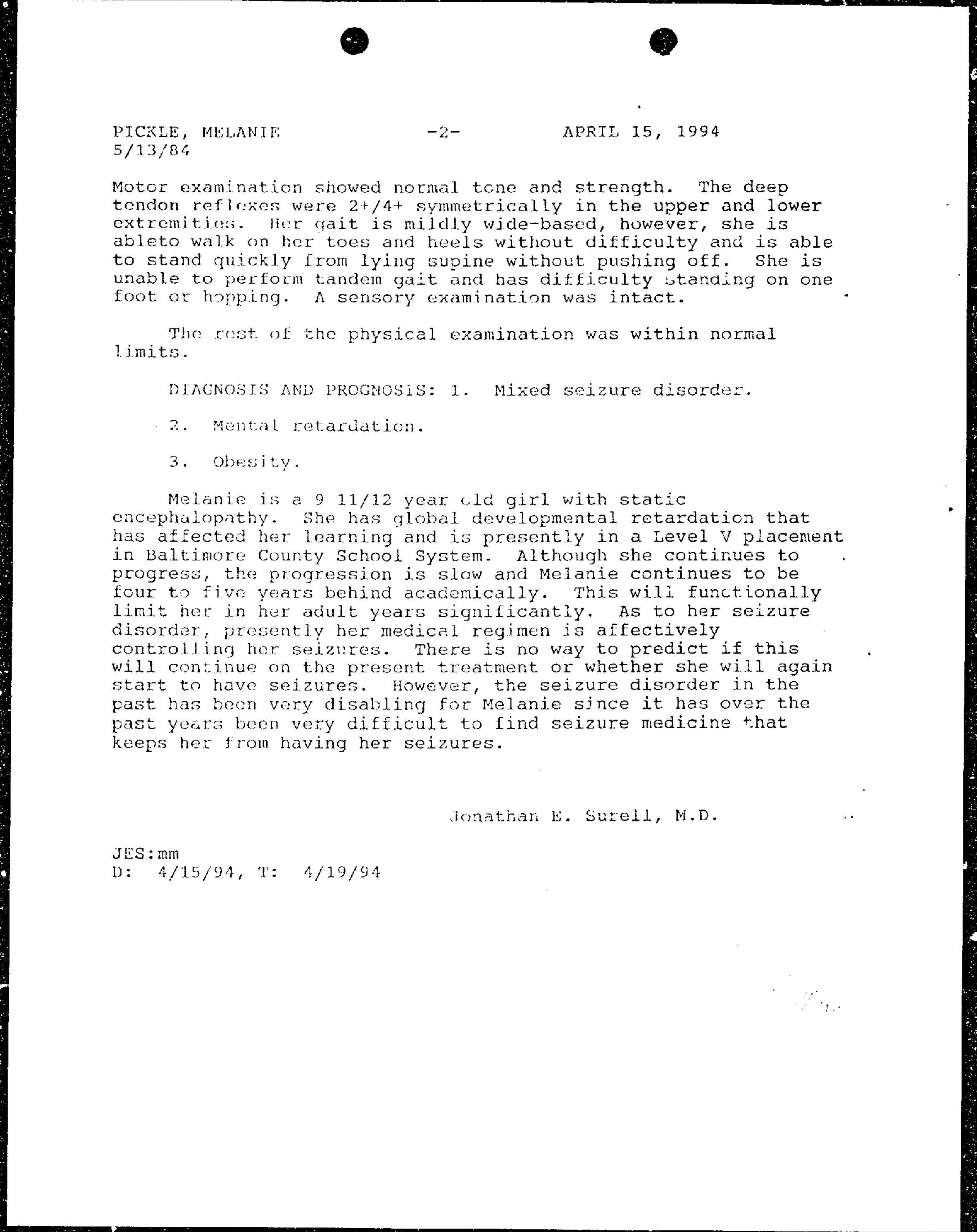
HISTORY: Melanie is a nine year old white girl with static encephalopathy of undetermined origin with global developmental delay and absence and generalized tonic clonic seizures. The onset of her encephalopathy was at nine months of age. The extent of the developmental delay disproportionately involved the expressive language area. Melanie intermittently develops seizure activity despite her being on two medicines. One is Depakote and Felbamate. She also takes Ativan as needed for seizure activity. She does experience some seizure-free intervals and has gone at times for one to one and a half years without seizures. She presently continues in a Level Five Special Education Program at the Battle Monument School. She is presently able to identify letters of the alphabet and numbers 1-10, however, she is unable to consistently make letter sound associations and is still unable to read. The school is working on functionally important words on a recognition basis. Melanie is able to identify colors and match objects by shape and size. Melanie consistently initiates conversations using short phrases and can ask simple what and where questions. She is also becoming independent in some activities of daily living.

PHYSICAL EXAMINATION:

GENERAL: Melanie is a well-developed, obese white female in no distress.

VITAL SIGNS: Blood pressure - 105/70
Pulse-86 and regular
Respiratory rate-17
Weight-91 lbs., which is approximately a 15 lb. weight loss since October.
Head circumference- 52 cm.
Height- 53".

NEURO-DEVELOPMENTAL: She used pronouns appropriately in her speech and initiated conversations using short phrases. She is able to identify shapes and colors appropriately and is able to variably identify letters and numbers, but she is unable to read or perform any simple additions. Cranial nerves were intact.



PICKLE, MELANIE -2- APRIL 15, 1994
5/13/84

Motor examination showed normal tone and strength. The deep tendon reflexes were 2+/4+ symmetrically in the upper and lower extremities. Her gait is mildly wide-based, however, she is ableto walk on her toes and heels without difficulty and is able to stand quickly from lying supine without pushing off. She is unable to perform tandem gait and has difficulty standing on one foot or hopping. A sensory examination was intact.

The rest of the physical examination was within normal limits.

DIAGNOSIS AND PROGNOSIS: 1. Mixed seizure disorder.

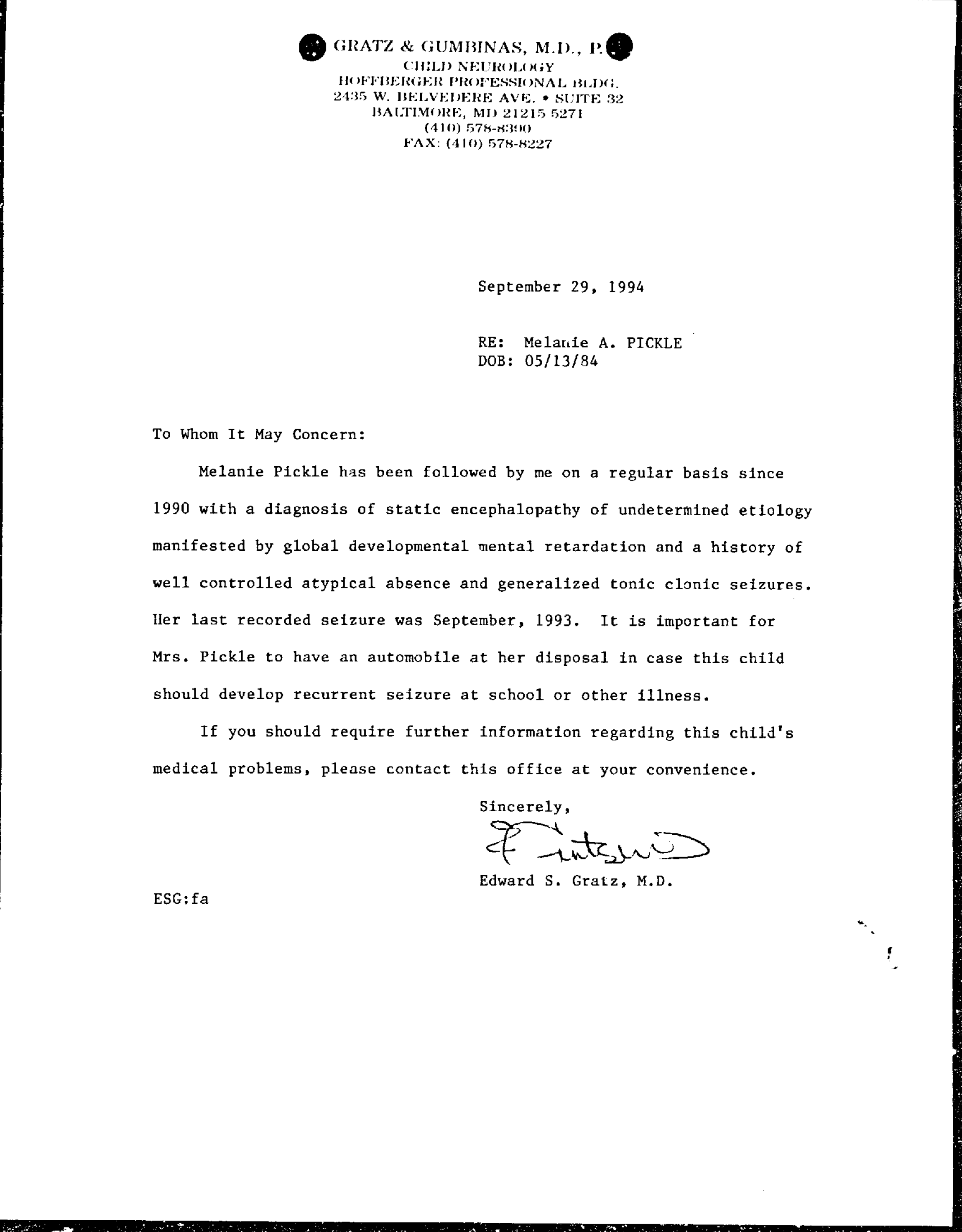
2. Mental retardation.

3. Obesity.

Melanie is a 9 11/12 year old girl with static encephalopathy. She has global developmental retardation that has affected her learning and is presently in a Level V placement in Baltimore County School System. Although she continues to progress, the progression is slow and Melanie continues to be four to five years behind academically. This will functionally limit her in her adult years significantly. As to her seizure disorder, presently her medical regimen is affectively controlling her seizures. There is no way to predict if this will continue on the present treatment or whether she will again start to have seizures. However, the seizure disorder in the past has been very disabling for Melanie since it has over the past years been very difficult to find seizure medicine that keeps her from having her seizures.

Jonathan E. Surell, M.D.

JES:mm
D: 4/15/94, T: 4/19/94



GRATZ & GUMBINAS, M.D., P.A.
CHILD NEUROLOGY
HOFFBERGER PROFESSIONAL BLDG.
2435 W. BELVEDERE AVE. • SUITE 32
BALTIMORE, MD 21215 5271
(410) 578-8390
FAX: (410) 578-8227

September 29, 1994

RE: Melanie A. PICKLE
DOB: 05/13/84

To Whom It May Concern:

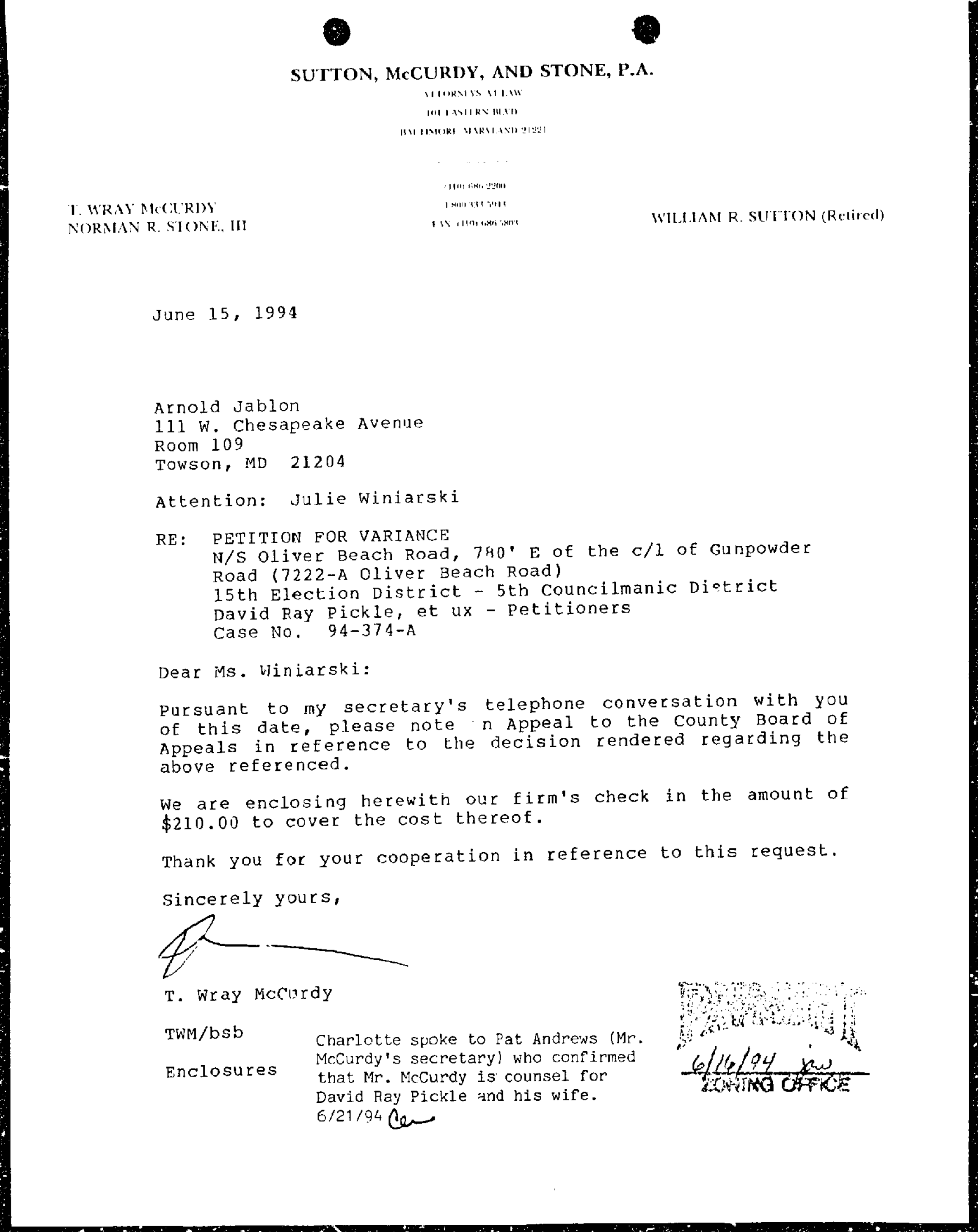
Melanie Pickle has been followed by me on a regular basis since 1990 with a diagnosis of static encephalopathy of undetermined etiology manifested by global developmental mental retardation and a history of well controlled atypical absence and generalized tonic clonic seizures. Her last recorded seizure was September, 1993. It is important for Mrs. Pickle to have an automobile at her disposal in case this child should develop recurrent seizure at school or other illness.

If you should require further information regarding this child's medical problems, please contact this office at your convenience.

Sincerely,

Edward S. Gratz, M.D.

ESG:fa



SUTTON, McCURDY, AND STONE, P.A.
ATTORNEYS AT LAW
101 EASTERN BLVD
BALTIMORE MARYLAND 21221

T. WRAY McCURDY
NORMAN R. STONE, III

(410) 686-2200
[illegible]
FAX [illegible]

WILLIAM R. SUTTON (Retired)

June 15, 1994

Arnold Jablon
111 W. Chesapeake Avenue
Room 109
Towson, MD 21204

Attention: Julie Winiarski

RE: PETITION FOR VARIANCE
N/S Oliver Beach Road, 780' E of the c/l of Gunpowder Road (7222-A Oliver Beach Road)
15th Election District - 5th Councilmanic District
David Ray Pickle, et ux - Petitioners
Case No. 94-374-A

Dear Ms. Winiarski:

Pursuant to my secretary's telephone conversation with you of this date, please note n Appeal to the County Board of Appeals in reference to the decision rendered regarding the above referenced.

We are enclosing herewith our firm's check in the amount of $210.00 to cover the cost thereof.

Thank you for your cooperation in reference to this request.

Sincerely yours,

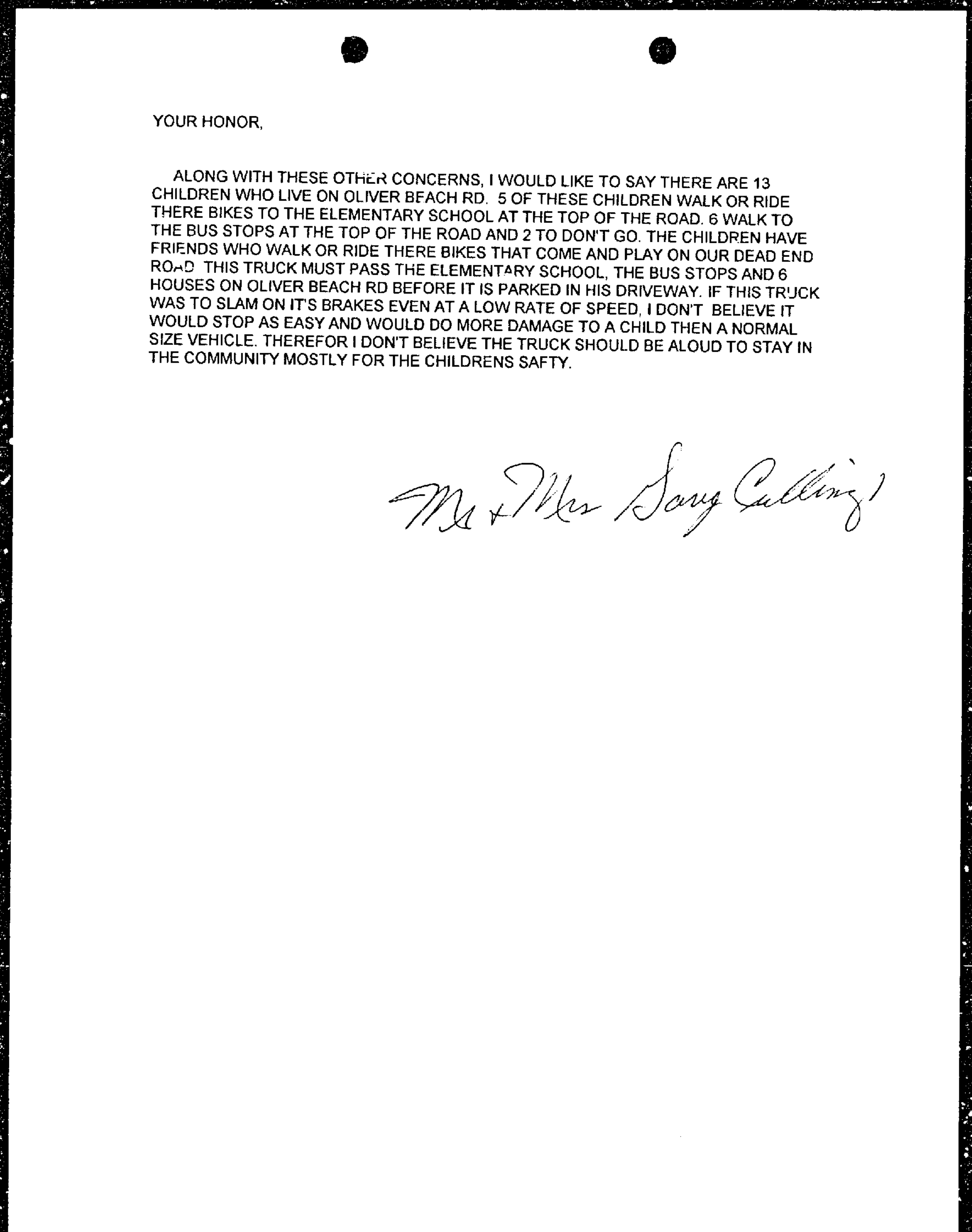
T. Wray McCurdy

TWM/bsb

Enclosures

Charlotte spoke to Pat Andrews (Mr. McCurdy's secretary) who confirmed that Mr. McCurdy is counsel for David Ray Pickle and his wife.
6/21/94 Ca

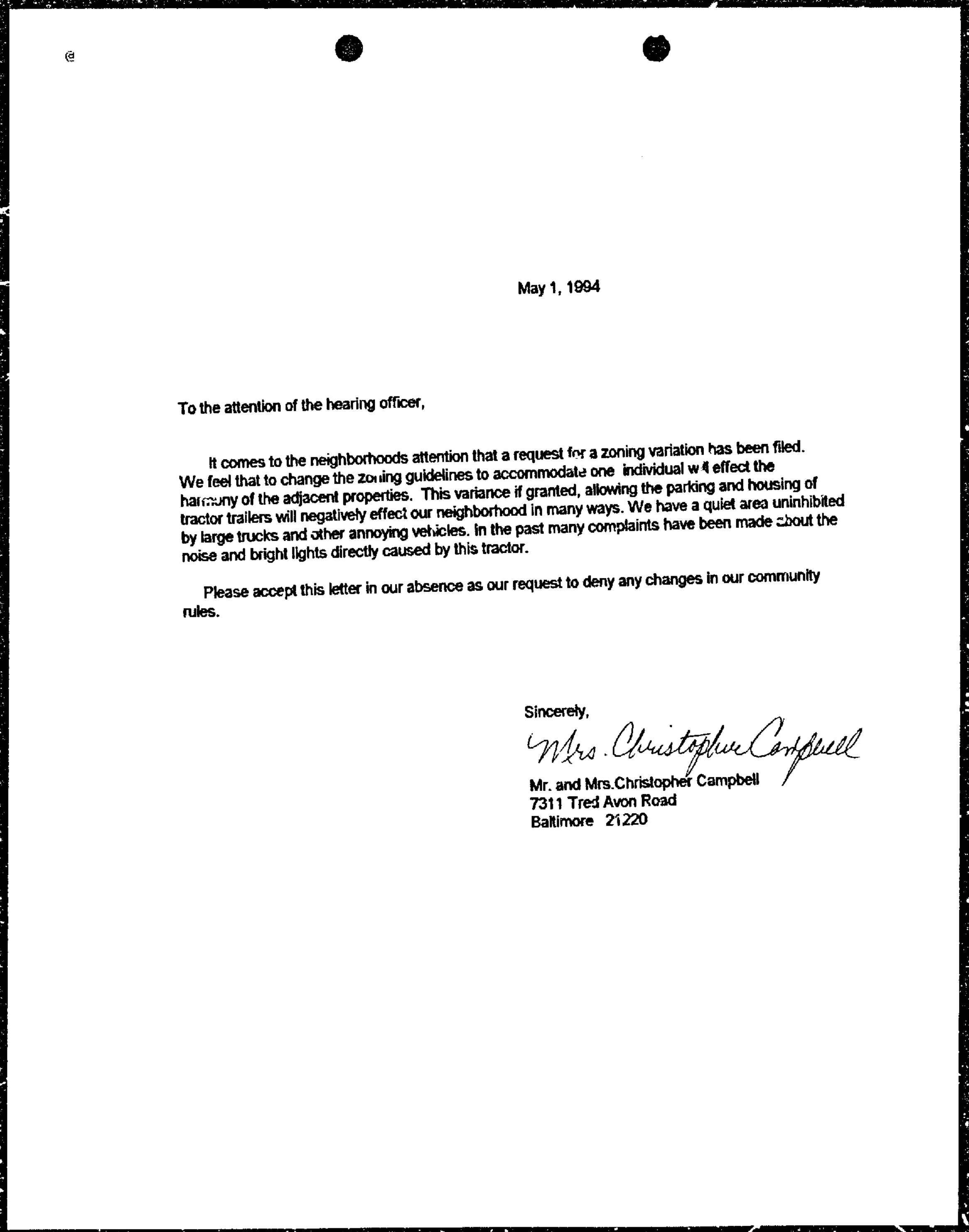
6/16/94
ZONING OFFICE



YOUR HONOR,

ALONG WITH THESE OTHER CONCERNS, I WOULD LIKE TO SAY THERE ARE 13 CHILDREN WHO LIVE ON OLIVER BEACH RD. 5 OF THESE CHILDREN WALK OR RIDE THERE BIKES TO THE ELEMENTARY SCHOOL AT THE TOP OF THE ROAD. 6 WALK TO THE BUS STOPS AT THE TOP OF THE ROAD AND 2 TO DON'T GO. THE CHILDREN HAVE FRIENDS WHO WALK OR RIDE THERE BIKES THAT COME AND PLAY ON OUR DEAD END ROAD THIS TRUCK MUST PASS THE ELEMENTARY SCHOOL, THE BUS STOPS AND 6 HOUSES ON OLIVER BEACH RD BEFORE IT IS PARKED IN HIS DRIVEWAY. IF THIS TRUCK WAS TO SLAM ON IT'S BRAKES EVEN AT A LOW RATE OF SPEED, I DON'T BELIEVE IT WOULD STOP AS EASY AND WOULD DO MORE DAMAGE TO A CHILD THEN A NORMAL SIZE VEHICLE. THEREFOR I DON'T BELIEVE THE TRUCK SHOULD BE ALOUD TO STAY IN THE COMMUNITY MOSTLY FOR THE CHILDRENS SAFTY.

Mr + Mrs Gary Calling



May 1, 1994

To the attention of the hearing officer,

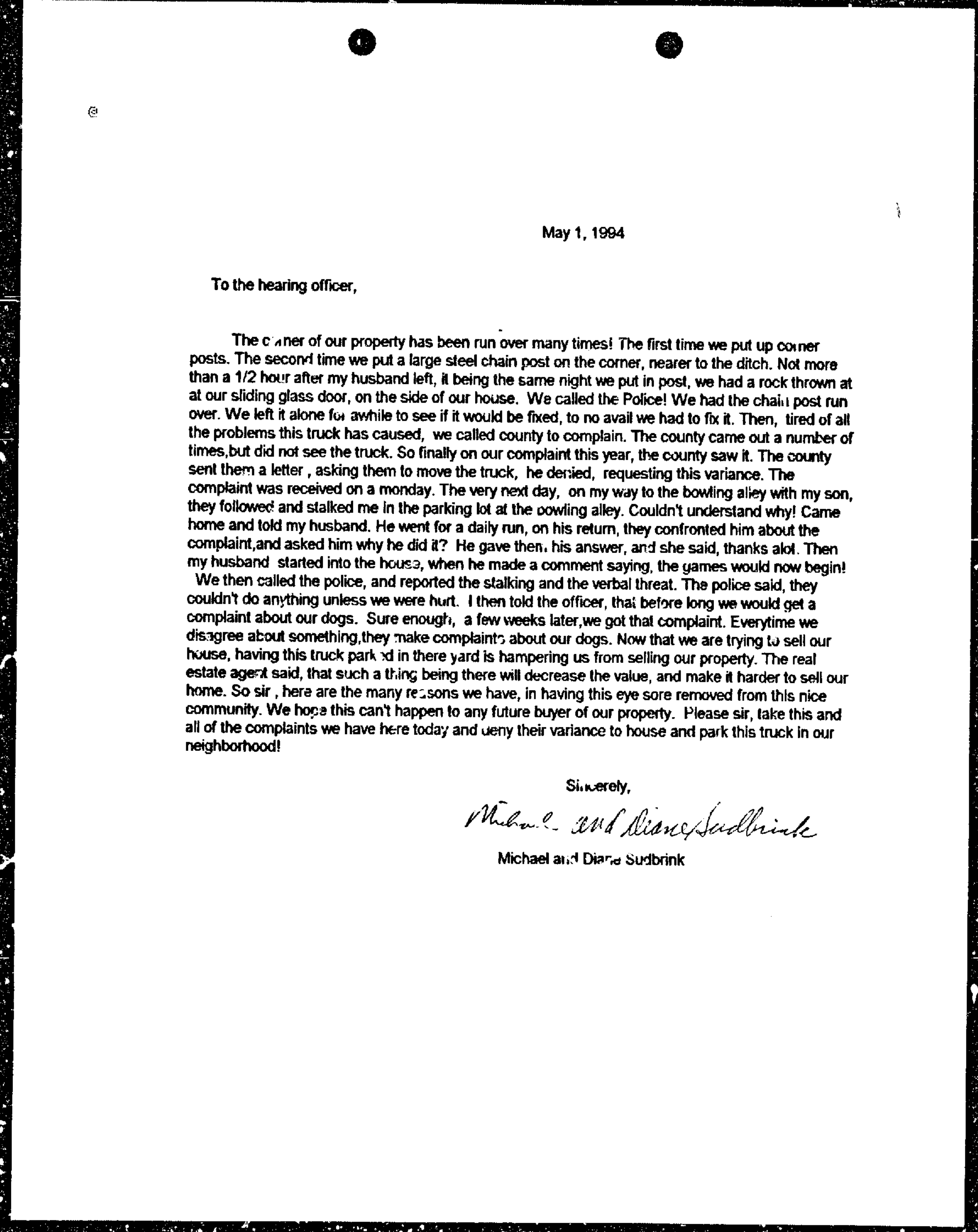
It comes to the neighborhoods attention that a request for a zoning variation has been filed. We feel that to change the zoning guidelines to accommodate one individual will effect the harmony of the adjacent properties. This variance if granted, allowing the parking and housing of tractor trailers will negatively effect our neighborhood in many ways. We have a quiet area uninhibited by large trucks and other annoying vehicles. In the past many complaints have been made about the noise and bright lights directly caused by this tractor.

Please accept this letter in our absence as our request to deny any changes in our community rules.

Sincerely,

Mrs. Christopher Campbell

Mr. and Mrs.Christopher Campbell
7311 Tred Avon Road
Baltimore 21220



May 1, 1994

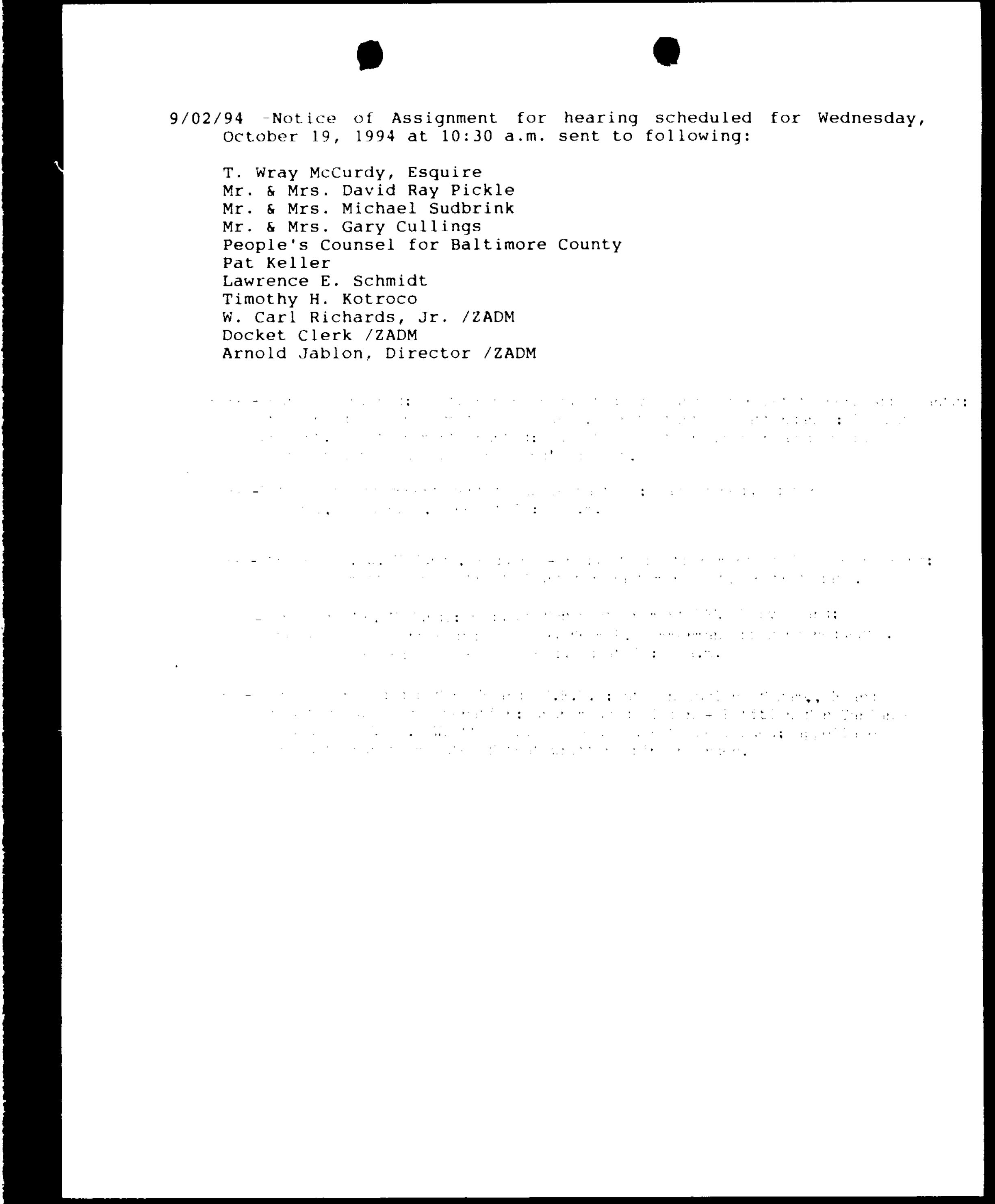
To the hearing officer,

The corner of our property has been run over many times! The first time we put up corner posts. The second time we put a large steel chain post on the corner, nearer to the ditch. Not more than a 1/2 hour after my husband left, it being the same night we put in post, we had a rock thrown at at our sliding glass door, on the side of our house. We called the Police! We had the chain post run over. We left it alone for awhile to see if it would be fixed, to no avail we had to fix it. Then, tired of all the problems this truck has caused, we called county to complain. The county came out a number of times,but did not see the truck. So finally on our complaint this year, the county saw it. The county sent them a letter , asking them to move the truck, he denied, requesting this variance. The complaint was received on a monday. The very next day, on my way to the bowling alley with my son, they followed and stalked me in the parking lot at the bowling alley. Couldn't understand why! Came home and told my husband. He went for a daily run, on his return, they confronted him about the complaint,and asked him why he did it? He gave them his answer, and she said, thanks alot. Then my husband started into the house, when he made a comment saying, the games would now begin!
We then called the police, and reported the stalking and the verbal threat. The police said, they couldn't do anything unless we were hurt. I then told the officer, that before long we would get a complaint about our dogs. Sure enough, a few weeks later,we got that complaint. Everytime we disagree about something,they make complaints about our dogs. Now that we are trying to sell our house, having this truck parked in there yard is hampering us from selling our property. The real estate agent said, that such a thing being there will decrease the value, and make it harder to sell our home. So sir , here are the many reasons we have, in having this eye sore removed from this nice community. We hope this can't happen to any future buyer of our property. Please sir, take this and all of the complaints we have here today and deny their variance to house and park this truck in our neighborhood!

Sincerely,

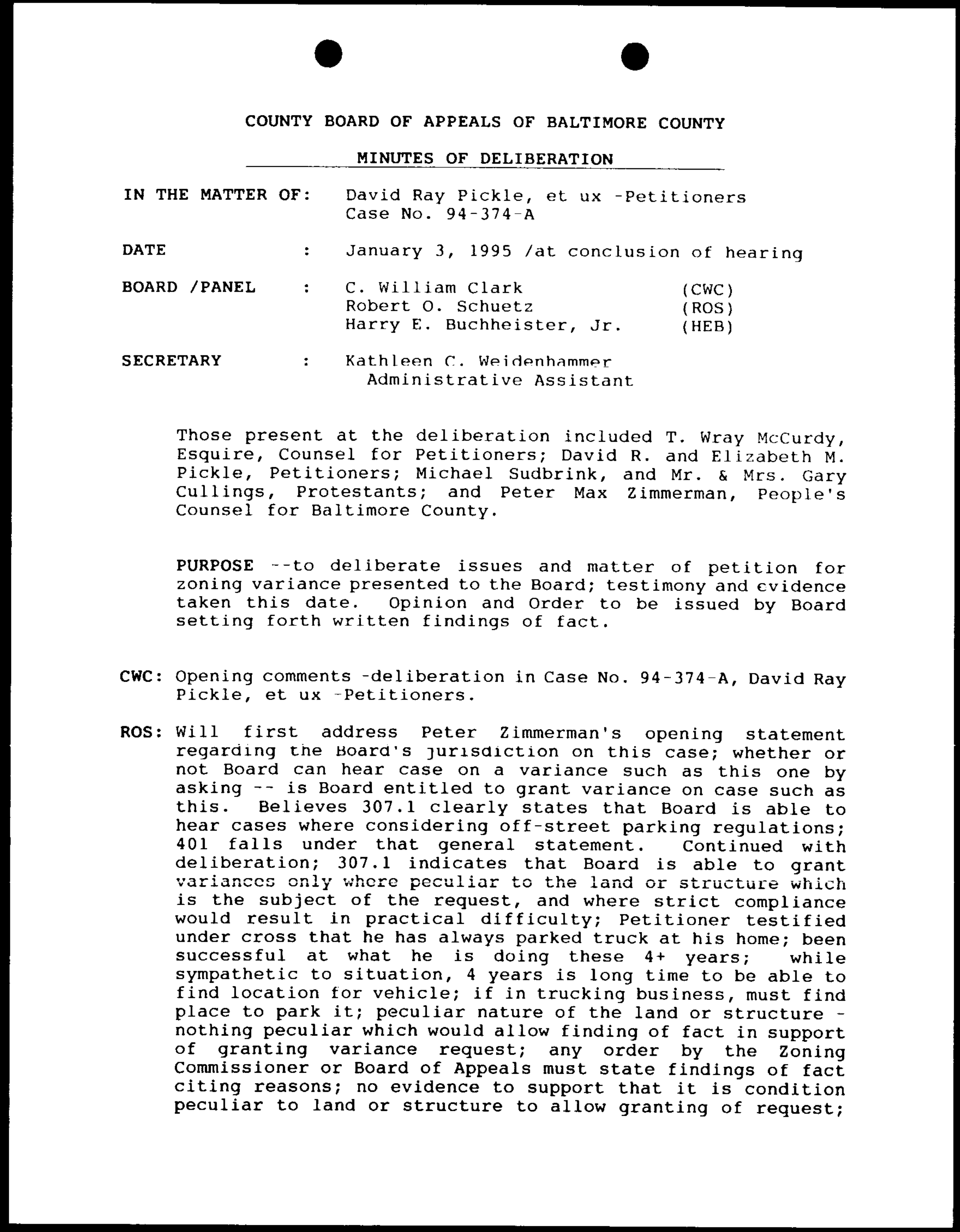
Michael and Diane Sudbrink

Michael and Diane Sudbrink



9/02/94 -Notice of Assignment for hearing scheduled for Wednesday, October 19, 1994 at 10:30 a.m. sent to following:

T. Wray McCurdy, Esquire
Mr. & Mrs. David Ray Pickle
Mr. & Mrs. Michael Sudbrink
Mr. & Mrs. Gary Cullings
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: David Ray Pickle, et ux -Petitioners
Case No. 94-374-A

DATE : January 3, 1995 /at conclusion of hearing

BOARD /PANEL : C. William Clark (CWC)
Robert O. Schuetz (ROS)
Harry E. Buchheister, Jr. (HEB)

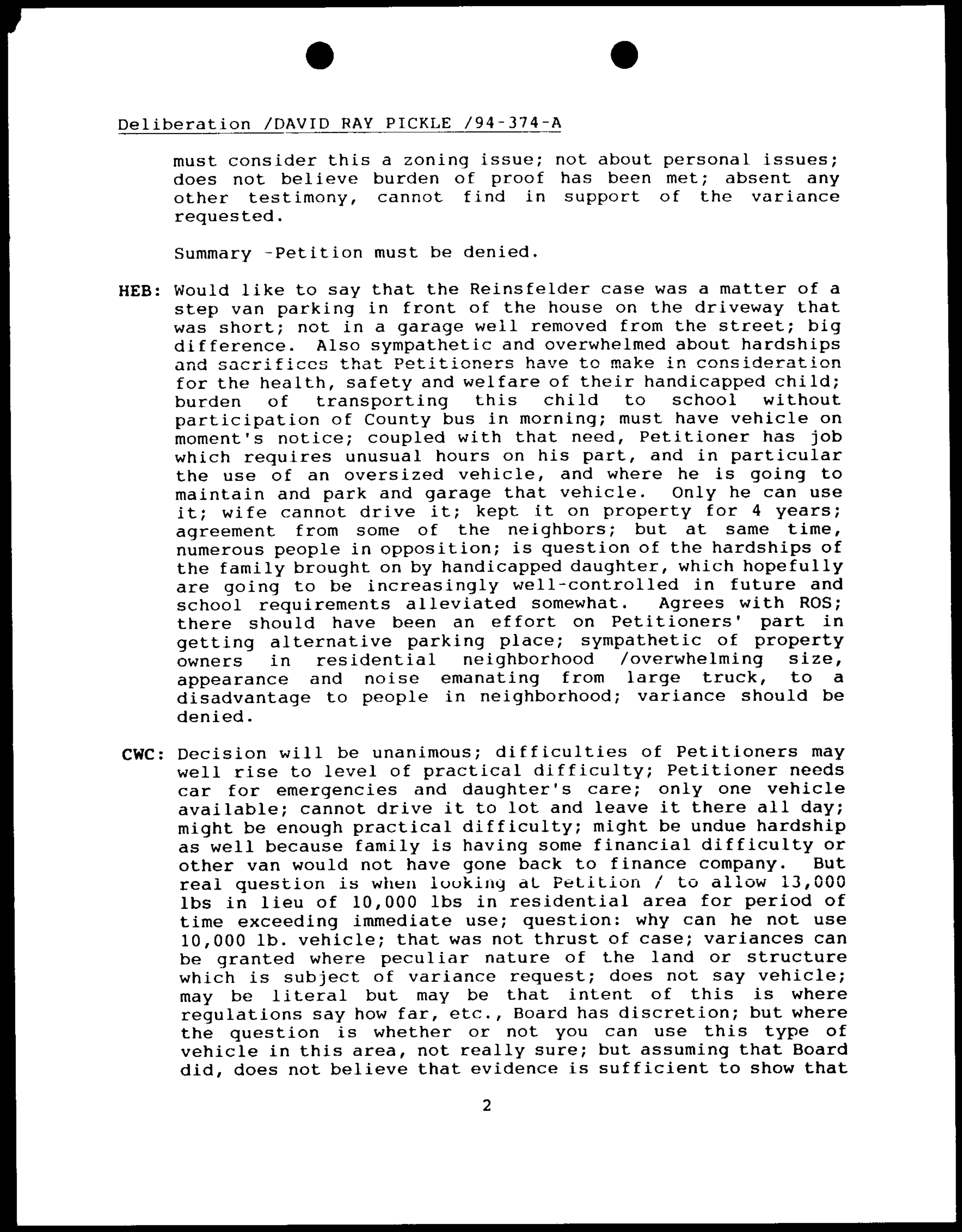
SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present at the deliberation included T. Wray McCurdy, Esquire, Counsel for Petitioners; David R. and Elizabeth M. Pickle, Petitioners; Michael Sudbrink, and Mr. & Mrs. Gary Cullings, Protestants; and Peter Max Zimmerman, People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter of petition for zoning variance presented to the Board; testimony and evidence taken this date. Opinion and Order to be issued by Board setting forth written findings of fact.

CWC: Opening comments -deliberation in Case No. 94-374-A, David Ray Pickle, et ux -Petitioners.

ROS: Will first address Peter Zimmerman's opening statement regarding the Board's jurisdiction on this case; whether or not Board can hear case on a variance such as this one by asking -- is Board entitled to grant variance on case such as this. Believes 307.1 clearly states that Board is able to hear cases where considering off-street parking regulations; 401 falls under that general statement. Continued with deliberation; 307.1 indicates that Board is able to grant variances only where peculiar to the land or structure which is the subject of the request, and where strict compliance would result in practical difficulty; Petitioner testified under cross that he has always parked truck at his home; been successful at what he is doing these 4+ years; while sympathetic to situation, 4 years is long time to be able to find location for vehicle; if in trucking business, must find place to park it; peculiar nature of the land or structure - nothing peculiar which would allow finding of fact in support of granting variance request; any order by the Zoning Commissioner or Board of Appeals must state findings of fact citing reasons; no evidence to support that it is condition peculiar to land or structure to allow granting of request;



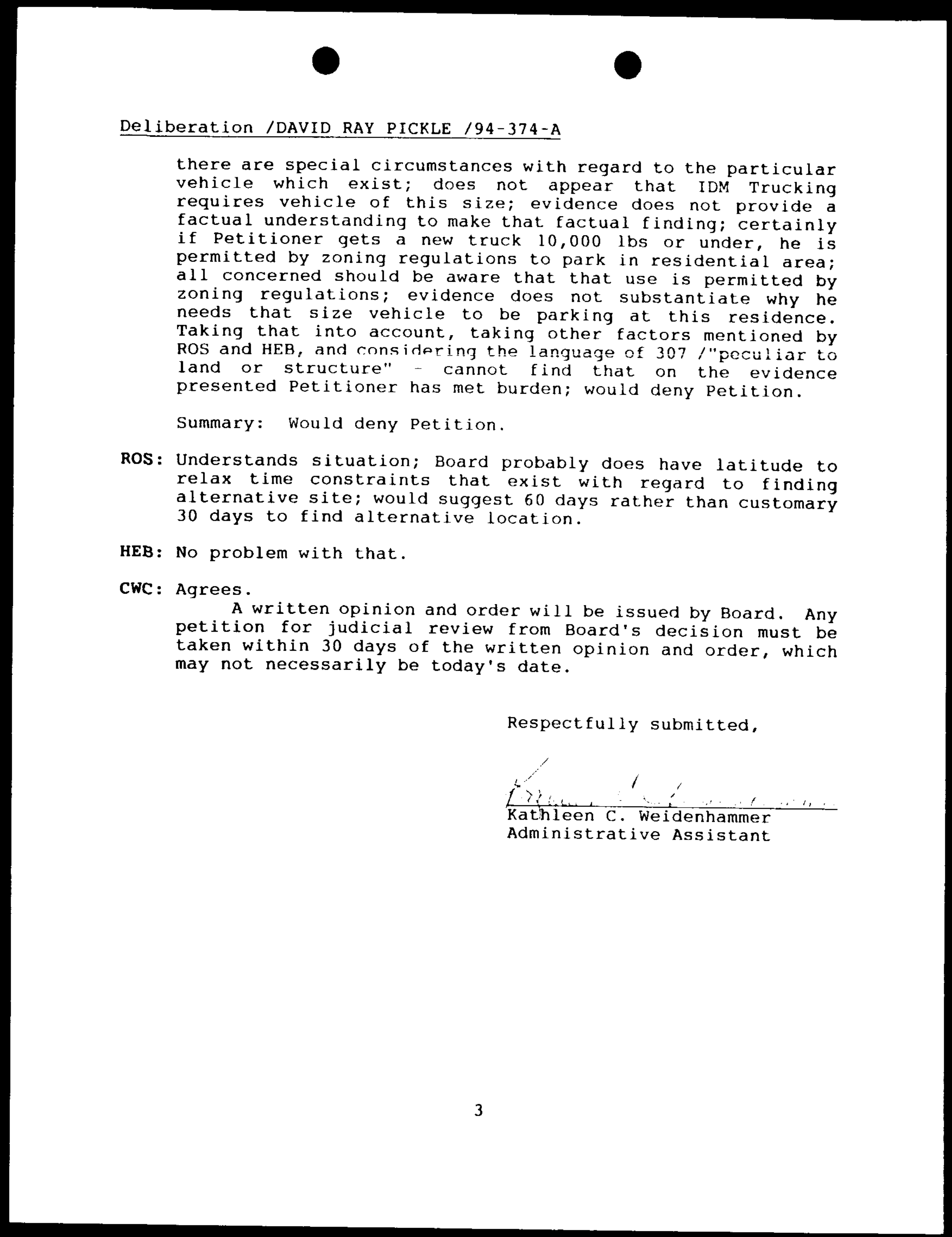
must consider this a zoning issue; not about personal issues; does not believe burden of proof has been met; absent any other testimony, cannot find in support of the variance requested.

Summary -Petition must be denied.

HEB: Would like to say that the Reinsfelder case was a matter of a step van parking in front of the house on the driveway that was short; not in a garage well removed from the street; big difference. Also sympathetic and overwhelmed about hardships and sacrifices that Petitioners have to make in consideration for the health, safety and welfare of their handicapped child; burden of transporting this child to school without participation of County bus in morning; must have vehicle on moment's notice; coupled with that need, Petitioner has job which requires unusual hours on his part, and in particular the use of an oversized vehicle, and where he is going to maintain and park and garage that vehicle. Only he can use it; wife cannot drive it; kept it on property for 4 years; agreement from some of the neighbors; but at same time, numerous people in opposition; is question of the hardships of the family brought on by handicapped daughter, which hopefully are going to be increasingly well-controlled in future and school requirements alleviated somewhat. Agrees with ROS; there should have been an effort on Petitioners' part in getting alternative parking place; sympathetic of property owners in residential neighborhood /overwhelming size, appearance and noise emanating from large truck, to a disadvantage to people in neighborhood; variance should be denied.

CWC: Decision will be unanimous; difficulties of Petitioners may well rise to level of practical difficulty; Petitioner needs car for emergencies and daughter's care; only one vehicle available; cannot drive it to lot and leave it there all day; might be enough practical difficulty; might be undue hardship as well because family is having some financial difficulty or other van would not have gone back to finance company. But real question is when looking at Petition / to allow 13,000 lbs in lieu of 10,000 lbs in residential area for period of time exceeding immediate use; question: why can he not use 10,000 lb. vehicle; that was not thrust of case; variances can be granted where peculiar nature of the land or structure which is subject of variance request; does not say vehicle; may be literal but may be that intent of this is where regulations say how far, etc., Board has discretion; but where the question is whether or not you can use this type of vehicle in this area, not really sure; but assuming that Board did, does not believe that evidence is sufficient to show that

---



there are special circumstances with regard to the particular vehicle which exist; does not appear that IDM Trucking requires vehicle of this size; evidence does not provide a factual understanding to make that factual finding; certainly if Petitioner gets a new truck 10,000 lbs or under, he is permitted by zoning regulations to park in residential area; all concerned should be aware that that use is permitted by zoning regulations; evidence does not substantiate why he needs that size vehicle to be parking at this residence. Taking that into account, taking other factors mentioned by ROS and HEB, and considering the language of 307 /"peculiar to land or structure" - cannot find that on the evidence presented Petitioner has met burden; would deny Petition.

Summary: Would deny Petition.

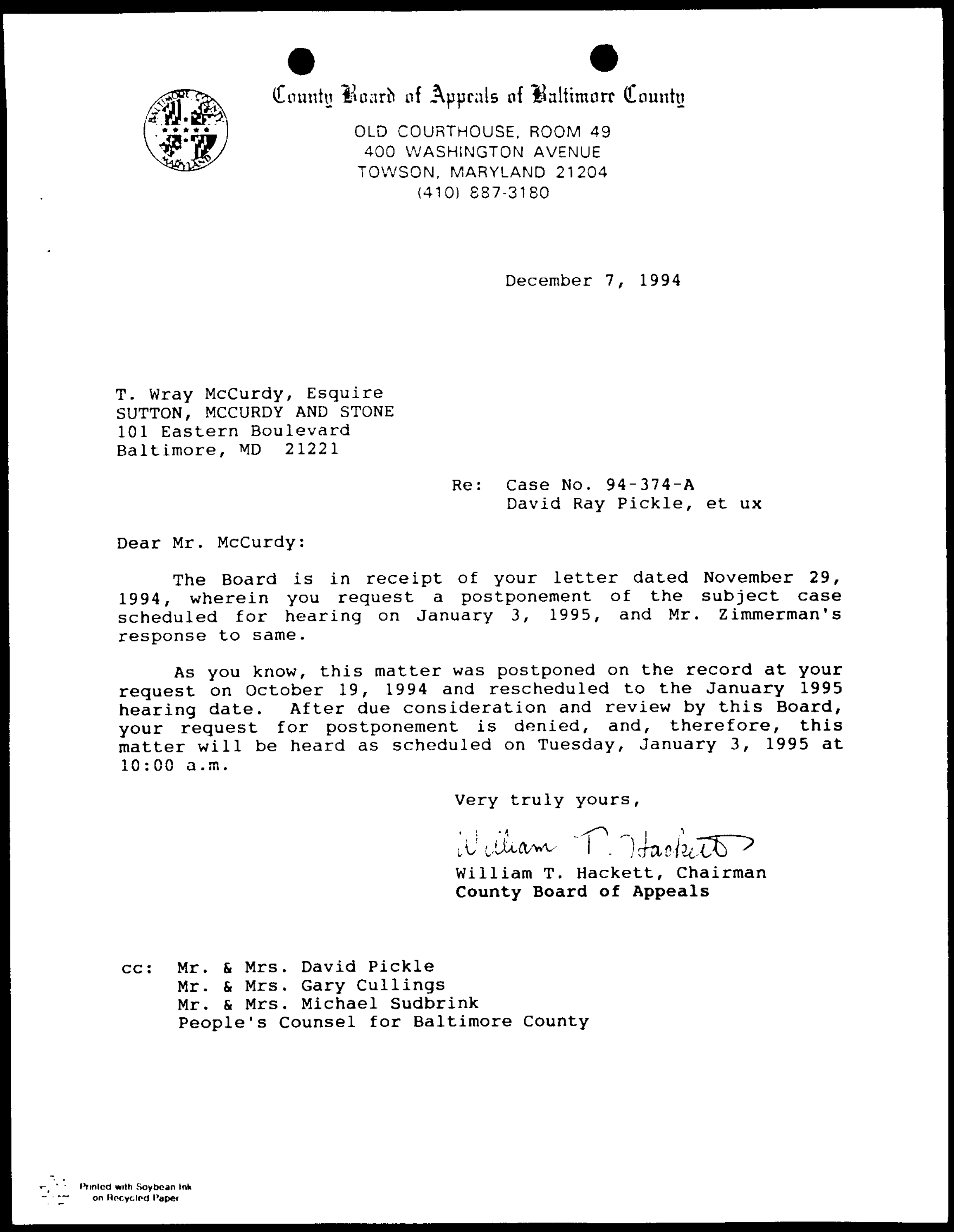
ROS: Understands situation; Board probably does have latitude to relax time constraints that exist with regard to finding alternative site; would suggest 60 days rather than customary 30 days to find alternative location.

HEB: No problem with that.

CWC: Agrees.
A written opinion and order will be issued by Board. Any petition for judicial review from Board's decision must be taken within 30 days of the written opinion and order, which may not necessarily be today's date.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 7, 1994

T. Wray McCurdy, Esquire
SUTTON, MCCURDY AND STONE
101 Eastern Boulevard
Baltimore, MD 21221

Re: Case No. 94-374-A
David Ray Pickle, et ux

Dear Mr. McCurdy:

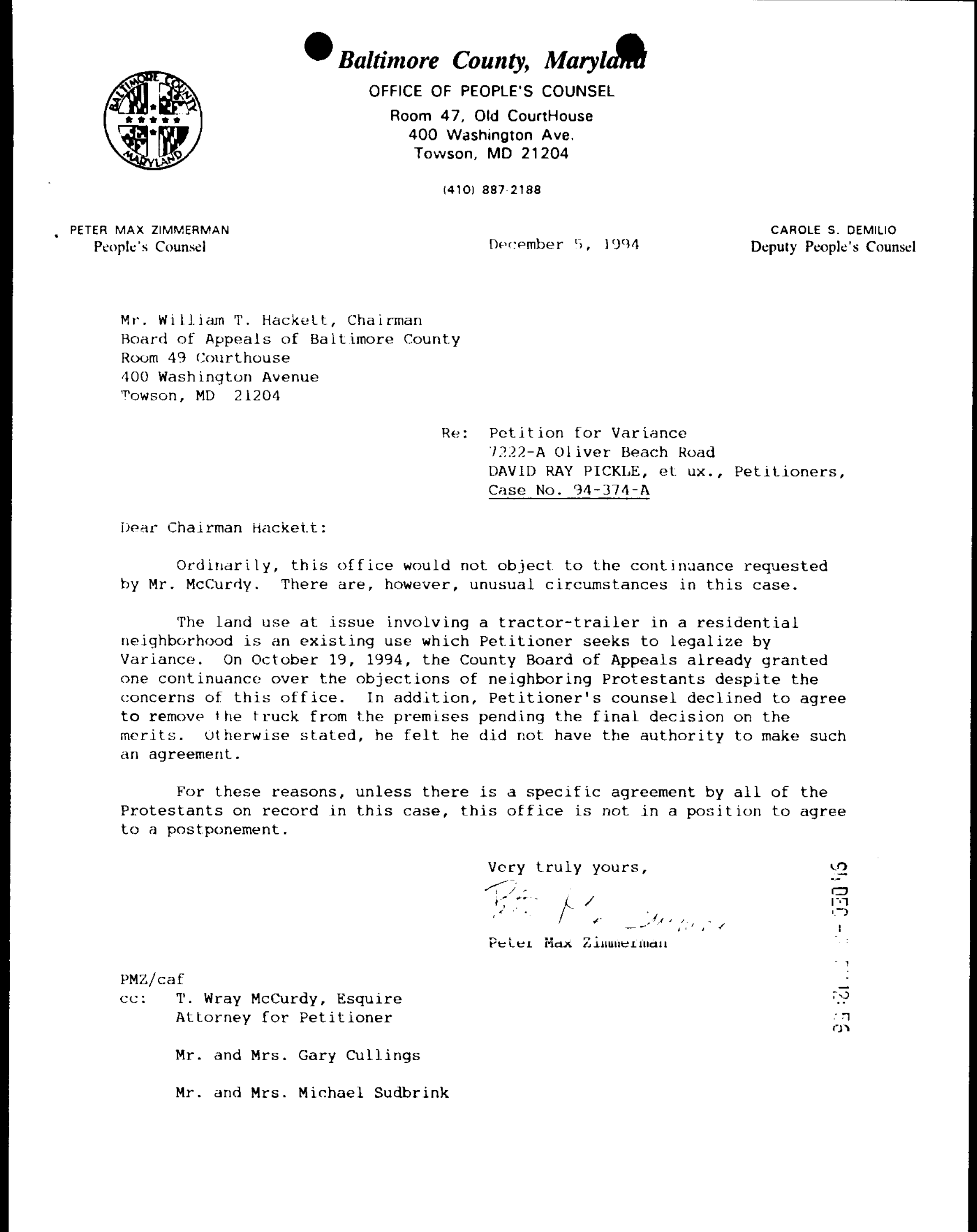
The Board is in receipt of your letter dated November 29, 1994, wherein you request a postponement of the subject case scheduled for hearing on January 3, 1995, and Mr. Zimmerman's response to same.

As you know, this matter was postponed on the record at your request on October 19, 1994 and rescheduled to the January 1995 hearing date. After due consideration and review by this Board, your request for postponement is denied, and, therefore, this matter will be heard as scheduled on Tuesday, January 3, 1995 at 10:00 a.m.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

cc: Mr. & Mrs. David Pickle
Mr. & Mrs. Gary Cullings
Mr. & Mrs. Michael Sudbrink
People's Counsel for Baltimore County



Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 5, 1994

Mr. William T. Hackett, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Petition for Variance
7222-A Oliver Beach Road
DAVID RAY PICKLE, et ux., Petitioners,
Case No. 94-374-A

Dear Chairman Hackett:

Ordinarily, this office would not object to the continuance requested by Mr. McCurdy. There are, however, unusual circumstances in this case.

The land use at issue involving a tractor-trailer in a residential neighborhood is an existing use which Petitioner seeks to legalize by Variance. On October 19, 1994, the County Board of Appeals already granted one continuance over the objections of neighboring Protestants despite the concerns of this office. In addition, Petitioner's counsel declined to agree to remove the truck from the premises pending the final decision on the merits. Otherwise stated, he felt he did not have the authority to make such an agreement.

For these reasons, unless there is a specific agreement by all of the Protestants on record in this case, this office is not in a position to agree to a postponement.

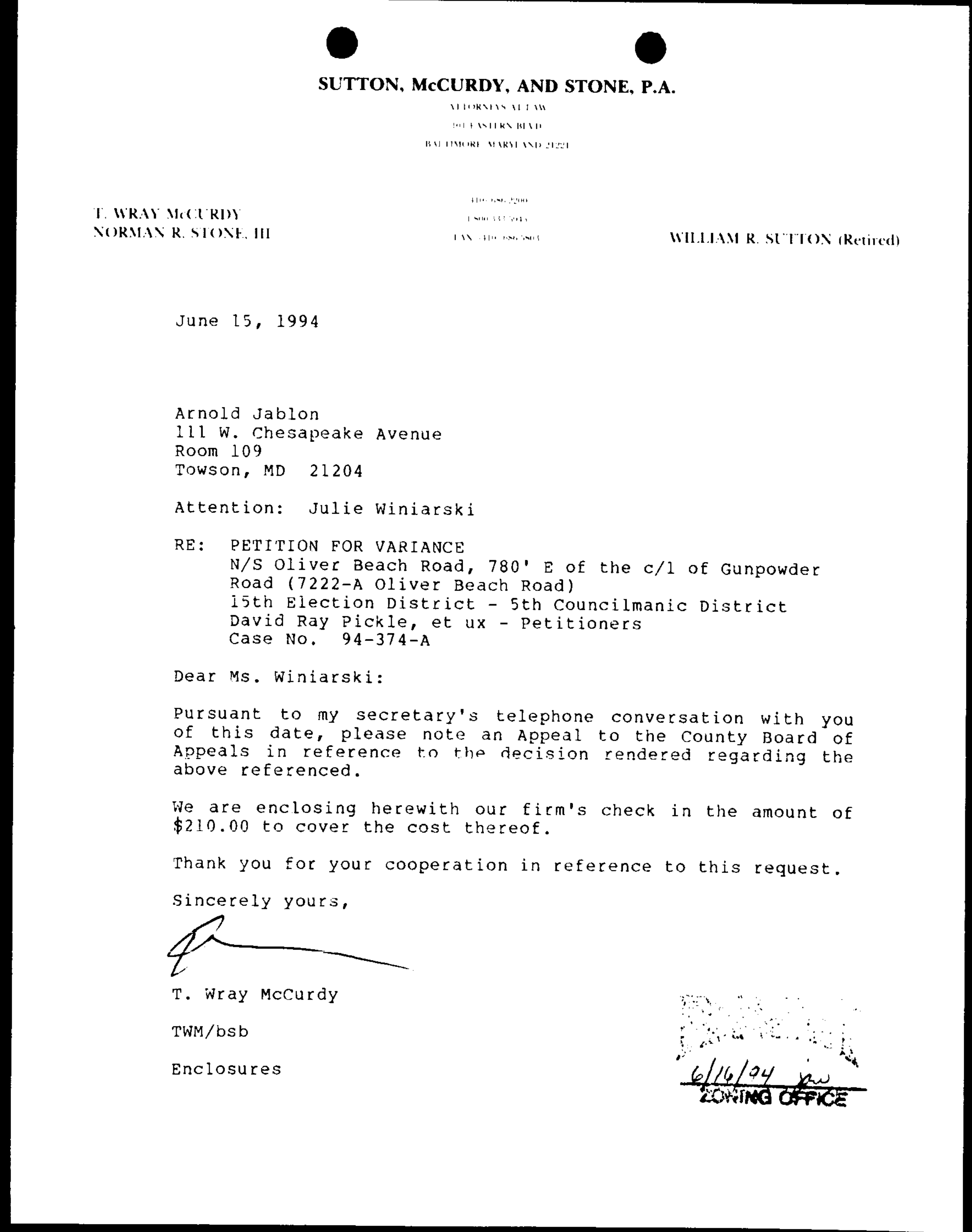
Very truly yours,

Peter Max Zimmerman

PMZ/caf
cc: T. Wray McCurdy, Esquire
Attorney for Petitioner

Mr. and Mrs. Gary Cullings

Mr. and Mrs. Michael Sudbrink



SUTTON, McCURDY, AND STONE, P.A.
ATTORNEYS AT LAW
101 EASTERN BLVD
BALTIMORE, MARYLAND 21221

T. WRAY McCURDY
NORMAN R. STONE, III

WILLIAM R. SUTTON (Retired)

June 15, 1994

Arnold Jablon
111 W. Chesapeake Avenue
Room 109
Towson, MD 21204

Attention: Julie Winiarski

RE: PETITION FOR VARIANCE
N/S Oliver Beach Road, 780' E of the c/l of Gunpowder Road (7222-A Oliver Beach Road)
15th Election District - 5th Councilmanic District
David Ray Pickle, et ux - Petitioners
Case No. 94-374-A

Dear Ms. Winiarski:

Pursuant to my secretary's telephone conversation with you of this date, please note an Appeal to the County Board of Appeals in reference to the decision rendered regarding the above referenced.

We are enclosing herewith our firm's check in the amount of $210.00 to cover the cost thereof.

Thank you for your cooperation in reference to this request.

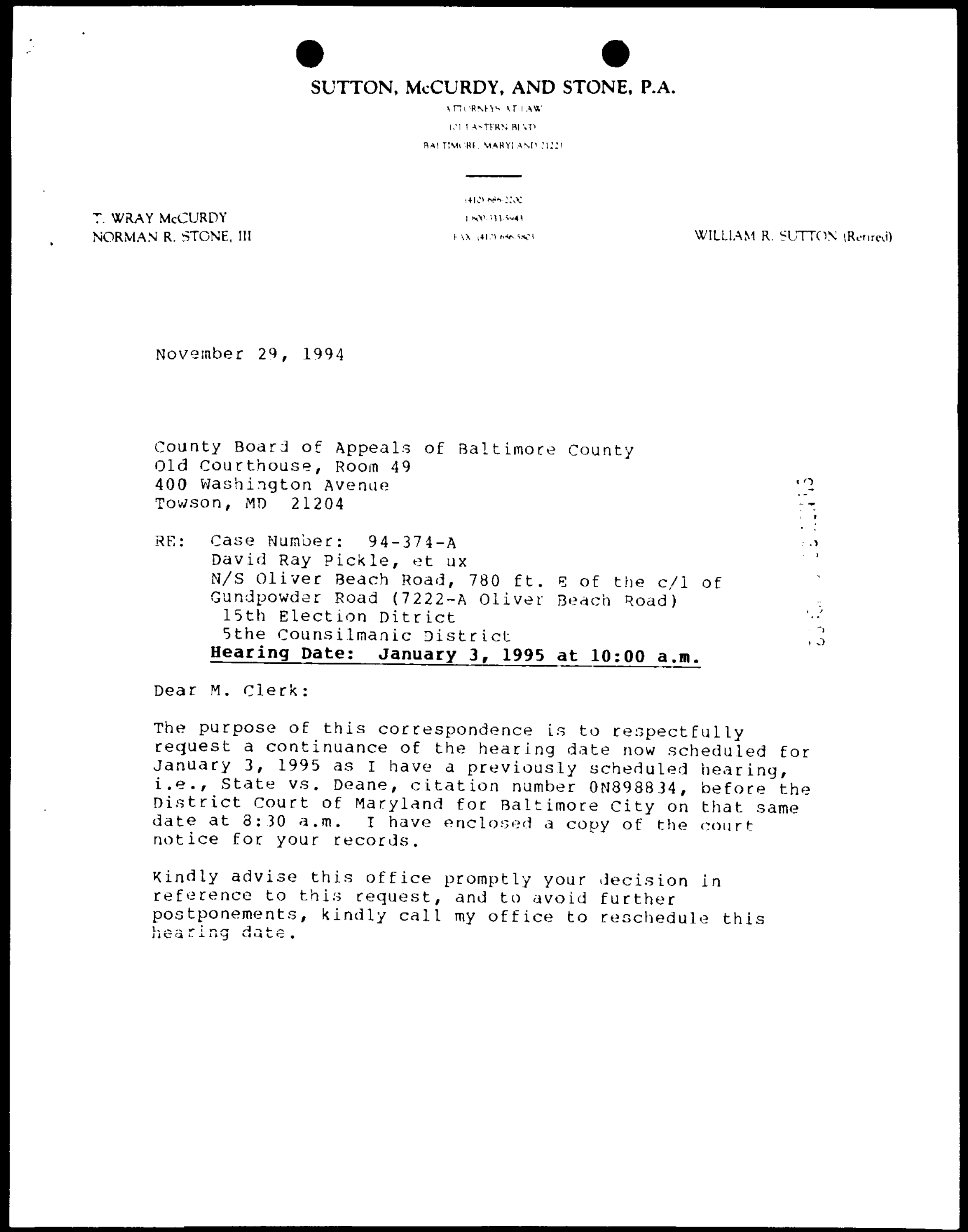
Sincerely yours,

T. Wray McCurdy

TWM/bsb

Enclosures

6/16/94
ZONING OFFICE



SUTTON, McCURDY, AND STONE, P.A.
ATTORNEYS AT LAW
101 EASTERN BLVD
BALTIMORE, MARYLAND 21221

T. WRAY McCURDY
NORMAN R. STONE, III

WILLIAM R. SUTTON (Retired)

November 29, 1994

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RE: Case Number: 94-374-A
David Ray Pickle, et ux
N/S Oliver Beach Road, 780 ft. E of the c/l of
Gundpowder Road (7222-A Oliver Beach Road)
15th Election Ditrict
5the Counsilmanic District
Hearing Date: January 3, 1995 at 10:00 a.m.

Dear M. Clerk:

The purpose of this correspondence is to respectfully request a continuance of the hearing date now scheduled for January 3, 1995 as I have a previously scheduled hearing, i.e., State vs. Deane, citation number 0N898834, before the District Court of Maryland for Baltimore City on that same date at 8:30 a.m. I have enclosed a copy of the court notice for your records.

Kindly advise this office promptly your decision in reference to this request, and to avoid further postponements, kindly call my office to reschedule this hearing date.

PETITION FOR VARIANCE : BEFORE THE
N/S Oliver Beach Road, 780' E of
Gunpowder Road (7222-A Oliver : ZONING COMMISSIONER
Beach Road), 15th Election Dist.,
5th Councilmanic Dist. : OF BALTIMORE COUNTY

PETITIONER : : CASE NO: 94-374-A

DAVID RAY PICKLE
ELIZABETH M. PICKLE :

: : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the 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
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 4th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to David Ray Pickle and Elizabeth M. Pickle, 7222-A Oliver Beach Road, Baltimore, MD 21220, Petitioners.

Peter Max Zimmerman

5/9/94
jw

PETITION FOR VARIANCE : BEFORE THE
N/S Oliver Beach Road, 780' F of
Gunpowder Road (7222-A Oliver : ZONING COMMISSIONER
Beach Road), 15th Election Dist.,
5th Councilmanic Dist. : OF BALTIMORE COUNTY

PETITIONER : : CASE NO: 94-374-A

DAVID RAY PICKLE
ELIZABETH M. PICKLE :

: : : : : :

AMENDED
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the 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
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 5th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to David Ray Pickle and Elizabeth M. Pickle, 7222-A Oliver Beach Road, Baltimore, MD 21220, Petitioners.

RECEIVED
MAY 6 1994
ZADM

Peter Max Zimmerman

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 20, 1994

Mr. & Mrs. Michael Sudbrink
7222 Oliver Beach Road
Baltimore, MD 21220

Mr. & Mrs. Gary Cullings
7224 Oliver Beach Road
Baltimore, MD 21220

RE: Petition for Variance
N/S Oliver Beach Road, 780 ft. E
of the c/l of Gunpowder Road
(7222-A Oliver Beach Road)
15th Election District
5th Councilmanic District
David Ray Pickle, et ux-Petitioner
Case No. 94-374-A

Dear Mr. & Mrs. Sudbrink and Mr. & Mrs. Cullings:

Please be advised that an appeal of the above-referenced case was filed in this office on June 16, 1994 by T. Wray McCurdy, Esquire. 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 Winiarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: People's Counsel

APPEAL

Petition for Variance
N/S Oliver Beach Road, 780 ft. E
of the c/l of Gunpowder Road
7222-A Oliver Beach Road
15th Election District - 5th Councilmanic District
David Ray Pickle, et ux-PETITIONER
Case No. 94-374-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

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

Petitioner's Exhibits: 1 - Plan to Accompany Petition for Variance

Nine photographs (not marked exhibit)

Eight miscellaneous letters

Deputy Zoning Commissioner's Order dated May 17, 1994 (Denied)

Notice of Appeal received on June 16, 1994 from T. Wray McCurdy, Esquire.

c: Mr. & Mrs. David Pickle, 7222-A Oliver Beach Road, Baltimore, MD 21220

Mr. & Mrs. Michael Sudbrink, 7222 Oliver Beach Road, Baltimore, MD 21220

Mr. & Mrs. Gary Cullings, 7224 Oliver Beach Road, Baltimore, MD 21220

T. Wray McCurdy, Sutton, McCurdy, and Stone, 101 Eastern Blvd, Baltimore, MD 21221

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

Request Notification: Patrick Keller, Director, Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Manager
Docket Clerk
Arnold Jablon, Director of ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: March 31, 1995

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 94-374-A
DAVID RAY PICKLE, ET UX
15Th E; 5th C

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

March 31, 1995

T. Wray McCurdy, Esquire
SUTTON, MCCURDY AND STONE
101 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. 94-374-A
DAVID RAY PICKLE, ET UX

Dear Mr. McCurdy:

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 (ZADM), along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in this case can contact Gwen Stephens in Zoning Administration at 887-3391 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. Please note that exhibits will not be released by ZADM until after the file has been microfilmed. Therefore, there may be a considerable time lapse between the date of this letter and actual retrieval of exhibits.

Sincerely,
Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Mr. & Mrs. David Ray Pickle
Mr. & Mrs. Michael Sudbrink
Mr. & Mrs. Gary Cullings
People's Counsel for Baltimore County

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

September 2, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. 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. 94-374-A

DAVID RAY PICKLE, ET UX
N/s Oliver Beach Road, 780 ft. E of the c/l of Gunpowder Road (7222-A Oliver Beach Road)
15th Election District
5th Councilmanic District

VAR -To permit commercial vehicle of 13,000 lbs in lieu of maximum permitted 10,000 lbs in residential area (tractor/trailer)

5/17/94 -D.Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR: **WEDNESDAY, OCTOBER 19, 1994 at 10:30 a.m.**

cc: T. Wray McCurdy, Esquire — Counsel for Petitioners
Mr. & Mrs. David Ray Pickle — Petitioners

Mr. & Mrs. Michael Sudbrink
Mr. & Mrs. Gary Cullings

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

PP'd on record
10/19/94

Kathleen C. Weidenhammer
Administrative Assistant

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

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

November 22, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. 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. 94-374-A

DAVID RAY PICKLE, ET UX
N/s Oliver Beach Road, 780 ft. E of the c/l of Gunpowder Road (7222-A Oliver Beach Road)
15th Election District
5th Councilmanic District

VAR -To permit commercial vehicle of 13,000 lbs in lieu of maximum permitted 10,000 lbs in residential area (tractor/trailer)

5/17/94 -D.Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR: **TUESDAY, JANUARY 3, 1995 at 10:00 a.m.**

cc: T. Wray McCurdy, Esquire — Counsel for Petitioners
Mr. & Mrs. David Ray Pickle — Petitioners

Mr. & Mrs. Michael Sudbrink
Mr. & Mrs. Gary Cullings

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

Kathleen C. Weidenhammer
Administrative Assistant

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

TO: PUTUXENT PUBLISHING COMPANY
April 7, 1994 Issue - Jeffersonian

Please foward billing to:

David and Elizabeth Pickle
7222A Oliver Beach Road
Baltimore, Maryland 21220
335-3051

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-374-A (Item 356)
7222-A Oliver Beach Road
N/S Oliver Beach Road, 780' E of c/l Gunpowder Road
15th Election District - 5th Councilmanic
Legal Owner(s): David Ray Pickle and Elizabeth M. Pickle
Contract Purchaser(s): David Ray Pickle
HEARING: TUESDAY, MAY 3, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow commercial vehicle of 13,000 pounds in lieu of 10,000 pounds to be parked in a residential area for a period exceeding the time essential to its immediate use.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 31, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-374-A (Item 356)
7222-A Oliver Beach Road
N/S Oliver Beach Road, 780' E of c/l Gunpowder Road
15th Election District - 5th Councilmanic
Legal Owner(s): David Ray Pickle and Elizabeth M. Pickle
Contract Purchaser(s): David Ray Pickle
HEARING: TUESDAY, MAY 3, 1994 at 9:00 a.m., in Rm. 118, Old Courthouse.

Variance to allow commercial vehicle of 13,000 pounds in lieu of 10,000 pounds to be parked in a residential area for a period exceeding the time essential to its immediate use.

Arnold Jablon
Director

cc: David and Elizaveth Pickle

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 22, 1994

Mr. and Mrs. David R. Pickle
7222A Oliver Beach Road
Baltimore, Maryland 21220

RE: Case No. 94-374-A, Item No. 356
Petitioner: David R. Pickle, et ux.
Petition for Variance

Dear Mr. and Mrs. Pickle:

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

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 18, 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 feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-1-94

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

Re: Baltimore County
Item No.: ¢ 356 (JKA)

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
for DAVID N. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is ______________

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 12, 1994

RECEIVED
APR 13 1994
ZADM

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 356
Pickle Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 7222A Oliver Beach Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME David and Elizabeth Pickle

APPLICANT PROPOSAL

The applicant has requested a variance from section 431A of the Baltimore County Zoning Regulations "To allow a commercial vehicle of 13,000 lbs. in lieu of 10,000 lbs. to be parked in a residential area for a period exceeding the time essential to its immediate use.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.O>.

REGULATIONS AND FINDINGS

DEFINITIONS

"Development Activities" means the construction or substantial alteration of residential, commercial, industrial, or transportation facilities or structures <COMAR 14.15.01.01.A(21)>.

Finding: The storage of a 13,000 lb. commercial vehicle on this property is not considered a "Development Activity" as defined above. Therefore, this project shall not need a Chesapeake Bay Critical Area findings.

CONCLUSION

This project proposal does not require a Chesapeake Bay Critical Area Findings for the reasons stated above.

If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

J. James Dieter, Director
Department of Environmental Protection
Land Resource Management

KK
JJD/KDK/tmm

c: Mr. and Mrs. Pickle

OLIVER/DEPRM/WQCBCA

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/30/94

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.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 356,357,360,362,363, 364 AND 365.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

ZC

May 3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: April 11, 1994

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

94-374-A

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

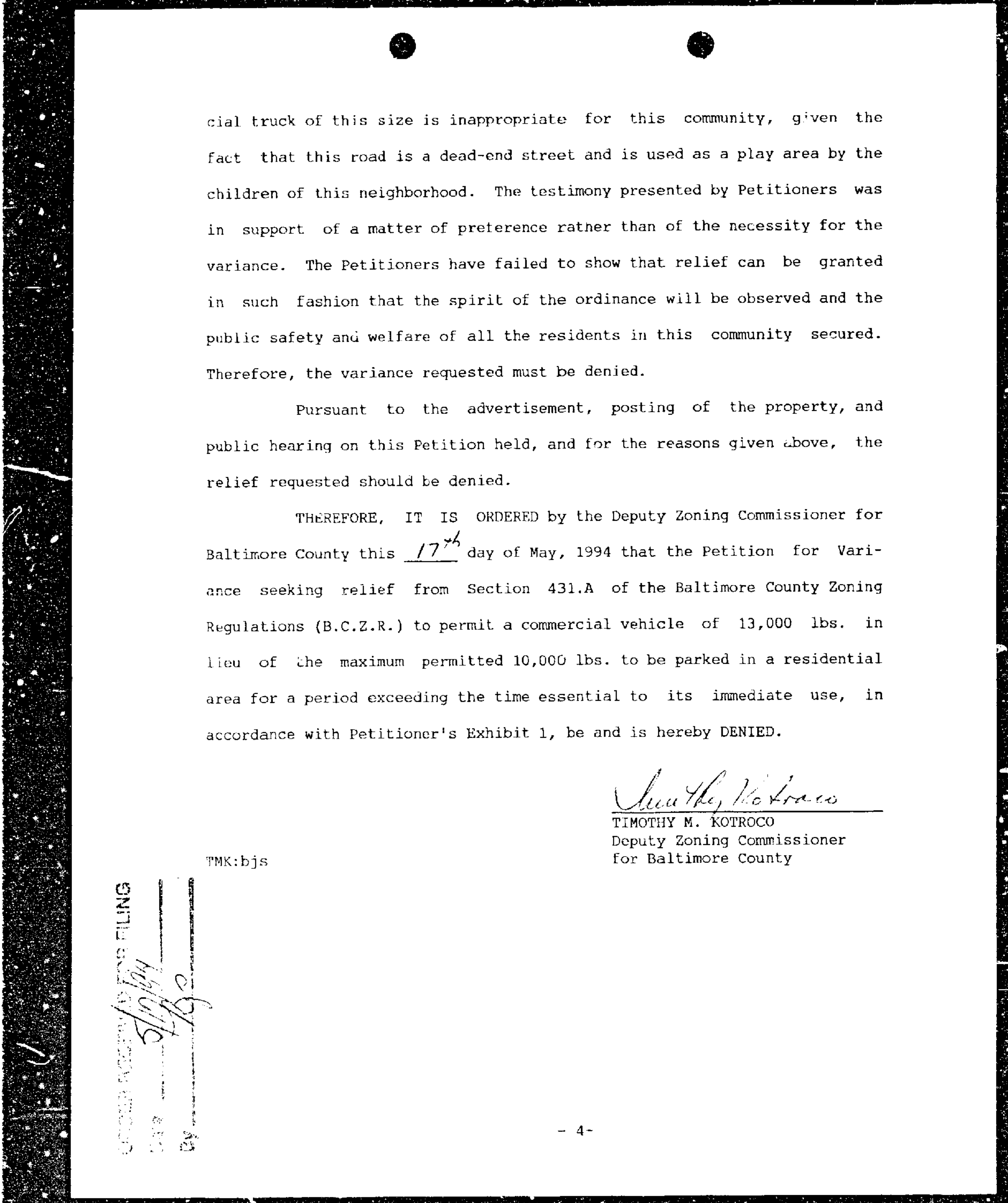
Item Nos. 356, 367, 369, 370, 372 and 375.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W Long
Division Chief: Gary Kerns

PK/JL:lw

ZAC356/PZONE/ZAC1



cial truck of this size is inappropriate for this community, given the fact that this road is a dead-end street and is used as a play area by the children of this neighborhood. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that relief can be granted in such fashion that the spirit of the ordinance will be observed and the public safety and welfare of all the residents in this community secured. Therefore, the variance requested must be denied.

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

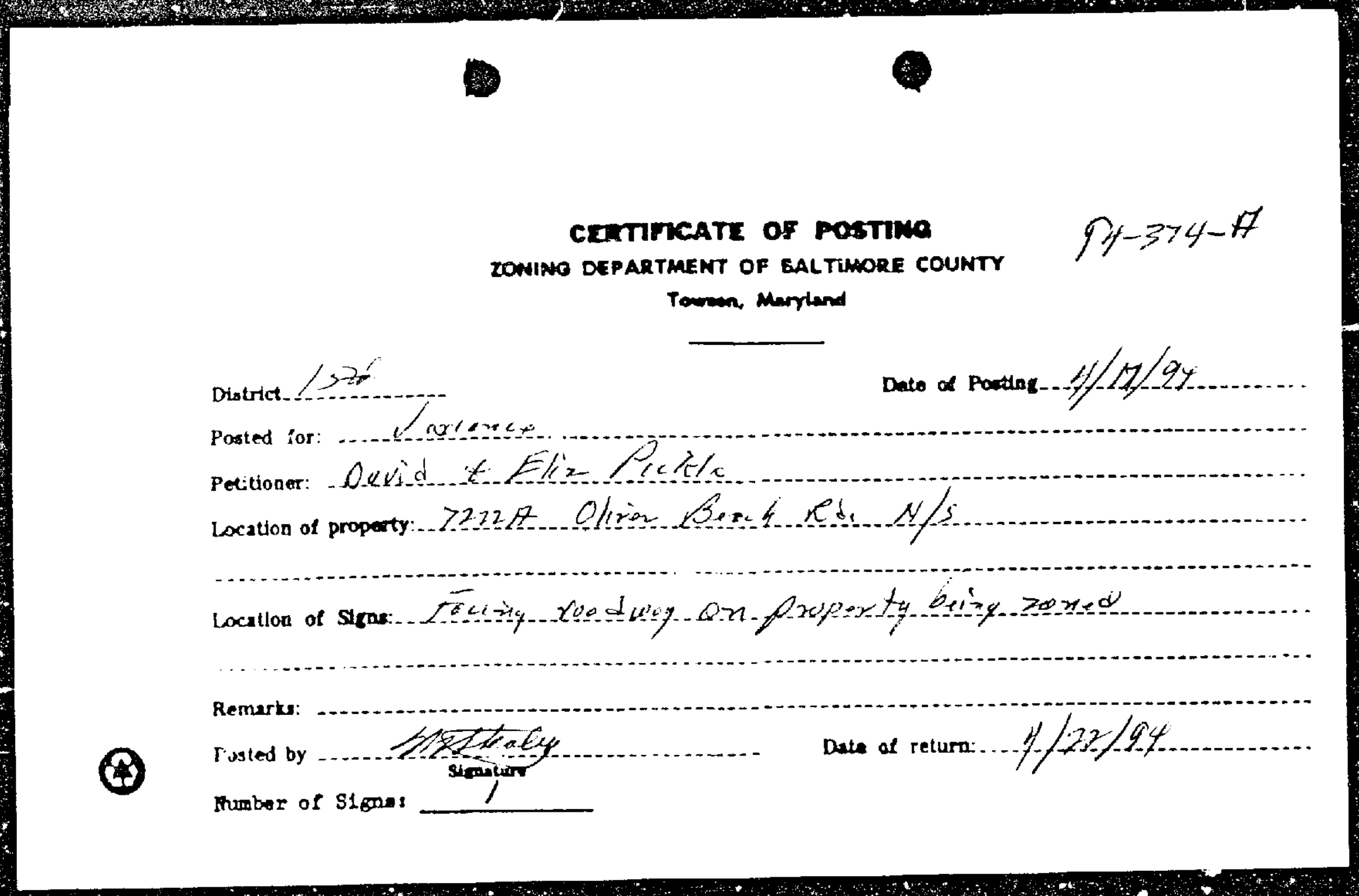
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of May, 1994 that the Petition for Variance seeking relief from Section 431.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a commercial vehicle of 13,000 lbs. in lieu of the maximum permitted 10,000 lbs. to be parked in a residential area for a period exceeding the time essential to its immediate use, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

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

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/17/94
By

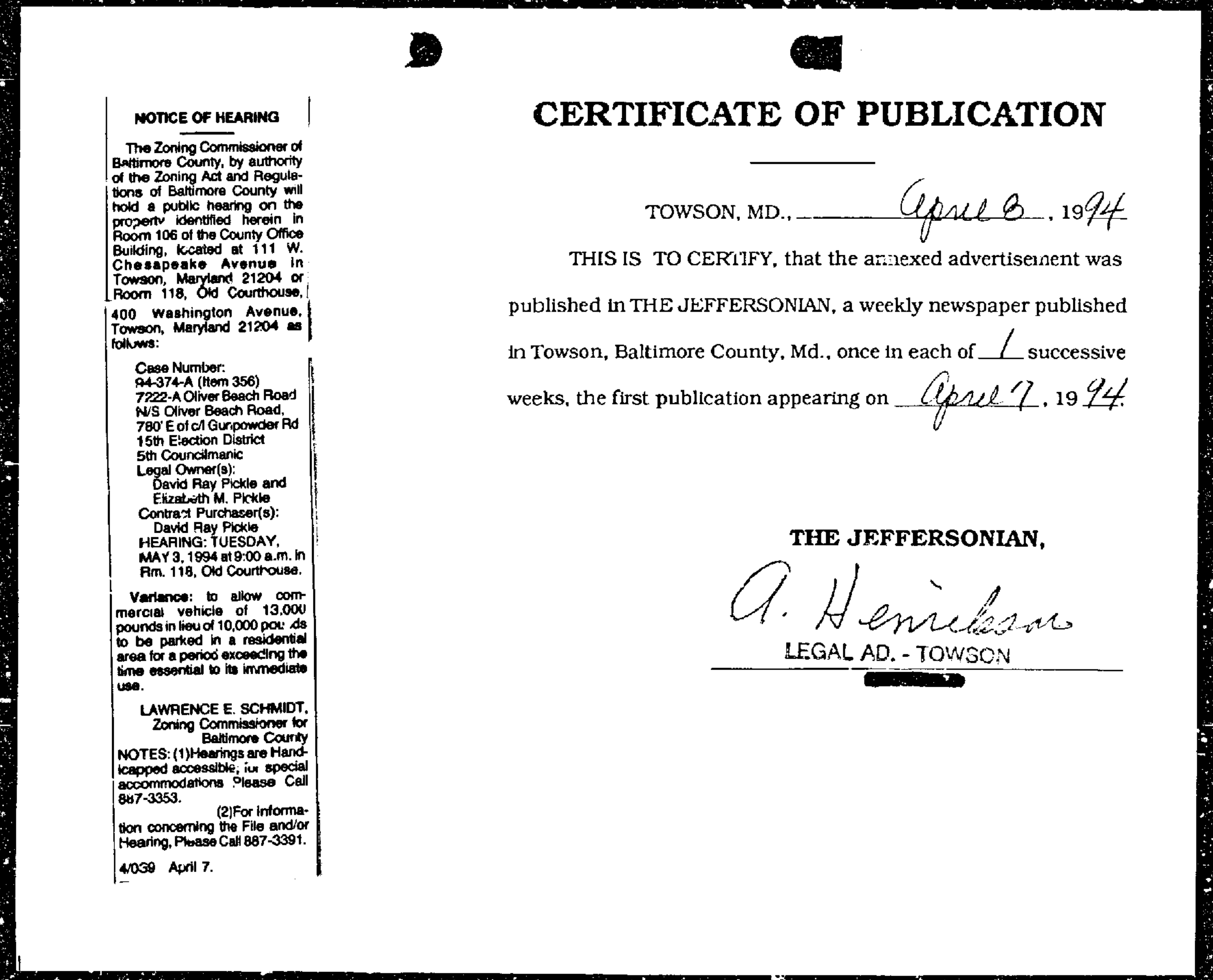
- 4-



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-374-A

District 15th
Date of Posting 4/17/94
Posted for: Variance
Petitioner: David & Eliz Pickle
Location of property: 7222A Oliver Beach Rd. N/S
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by M. Haley
Signature
Date of return: 4/22/94
Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
94-374-A (Item 356)
7222-A Oliver Beach Road
N/S Oliver Beach Road,
780' E of c/l Gunpowder Rd
15th Election District
5th Councilmanic
Legal Owner(s):
David Ray Pickle and
Elizabeth M. Pickle
Contract Purchaser(s):
David Ray Pickle
HEARING: TUESDAY,
MAY 3, 1994 at 9:00 a.m. in
Rm. 118, Old Courthouse.

Variance: to allow commercial vehicle of 13,000 pounds in lieu of 10,000 pounds to be parked in a residential area for a period exceeding the time essential to its immediate use.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1)Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2)For information concerning the File and/or Hearing, Please Call 887-3391.

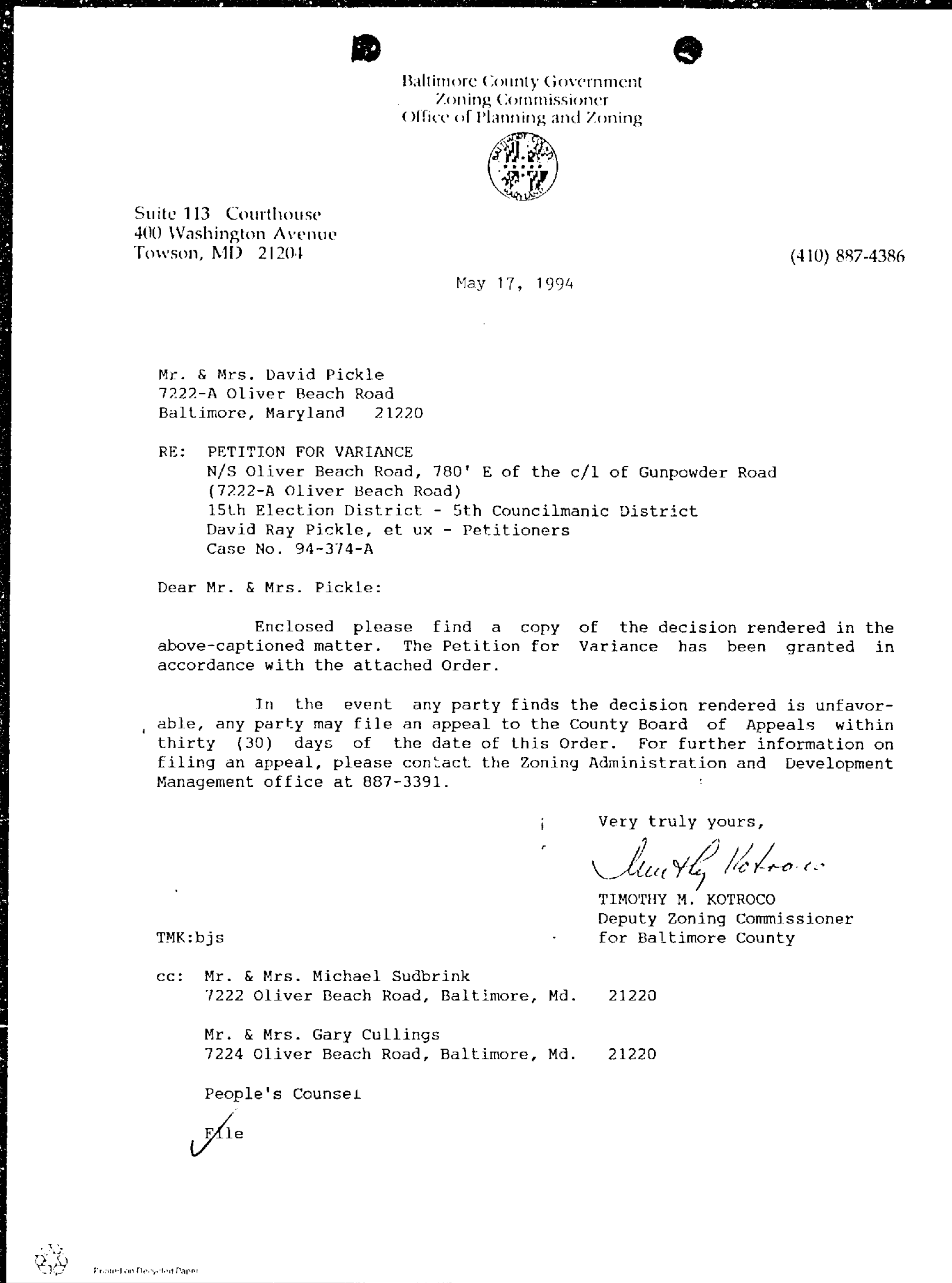
4/039 April 7.

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 8, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 7, 1994.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 17, 1994

Mr. & Mrs. David Pickle
7222-A Oliver Beach Road
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE
N/S Oliver Beach Road, 780' E of the c/l of Gunpowder Road
(7222-A Oliver Beach Road)
15th Election District - 5th Councilmanic District
David Ray Pickle, et ux - Petitioners
Case No. 94-374-A

Dear Mr. & Mrs. Pickle:

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

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

Very truly yours,
Timothy Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

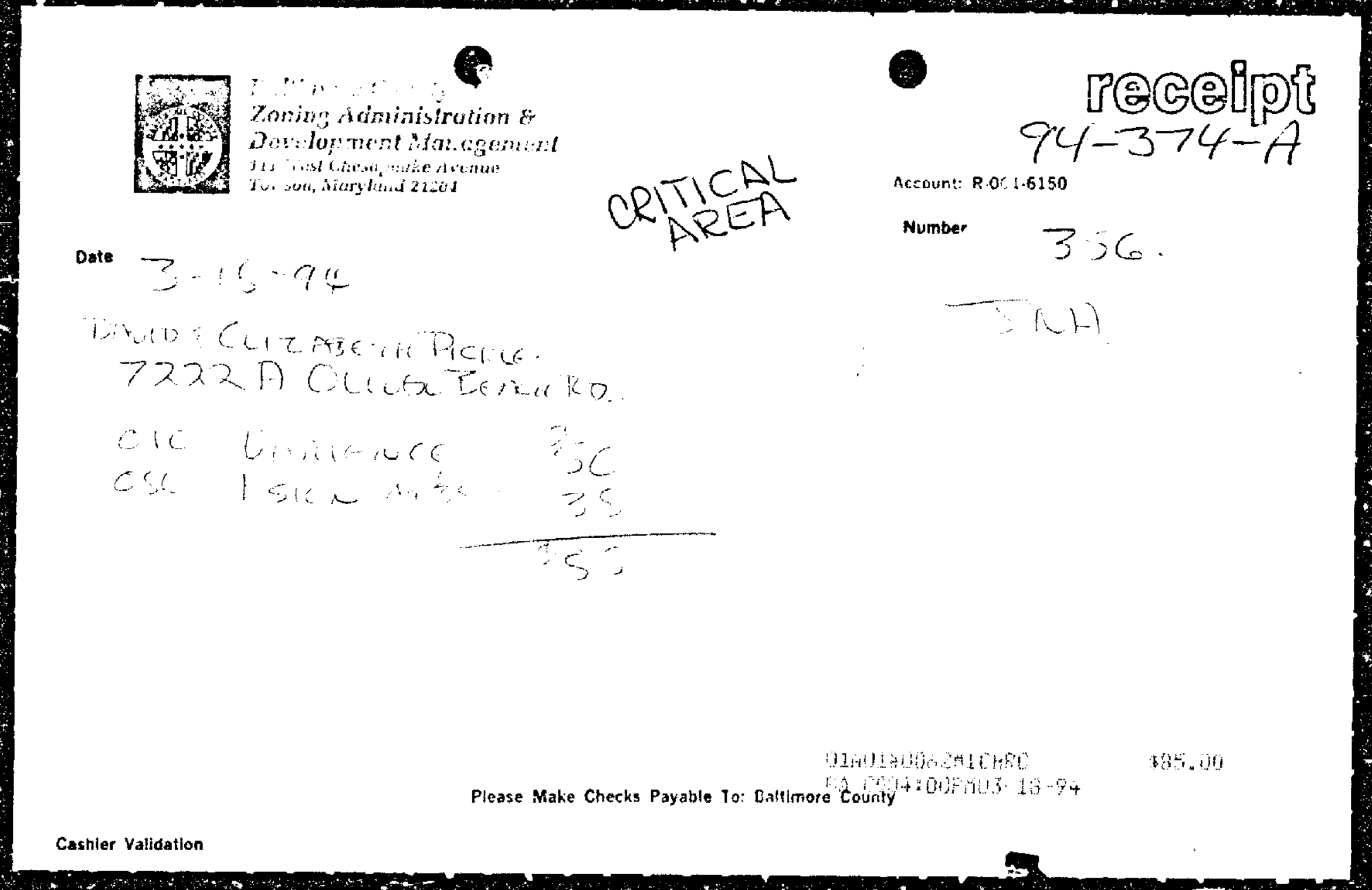
cc: Mr. & Mrs. Michael Sudbrink
7222 Oliver Beach Road, Baltimore, Md. 21220

Mr. & Mrs. Gary Cullings
7224 Oliver Beach Road, Baltimore, Md. 21220

People's Counsel

File

Printed on Recycled Paper



Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
94-374-A

CRITICAL AREA

Account: R-001-6150
Number 356.

Date 3-16-94

JNA

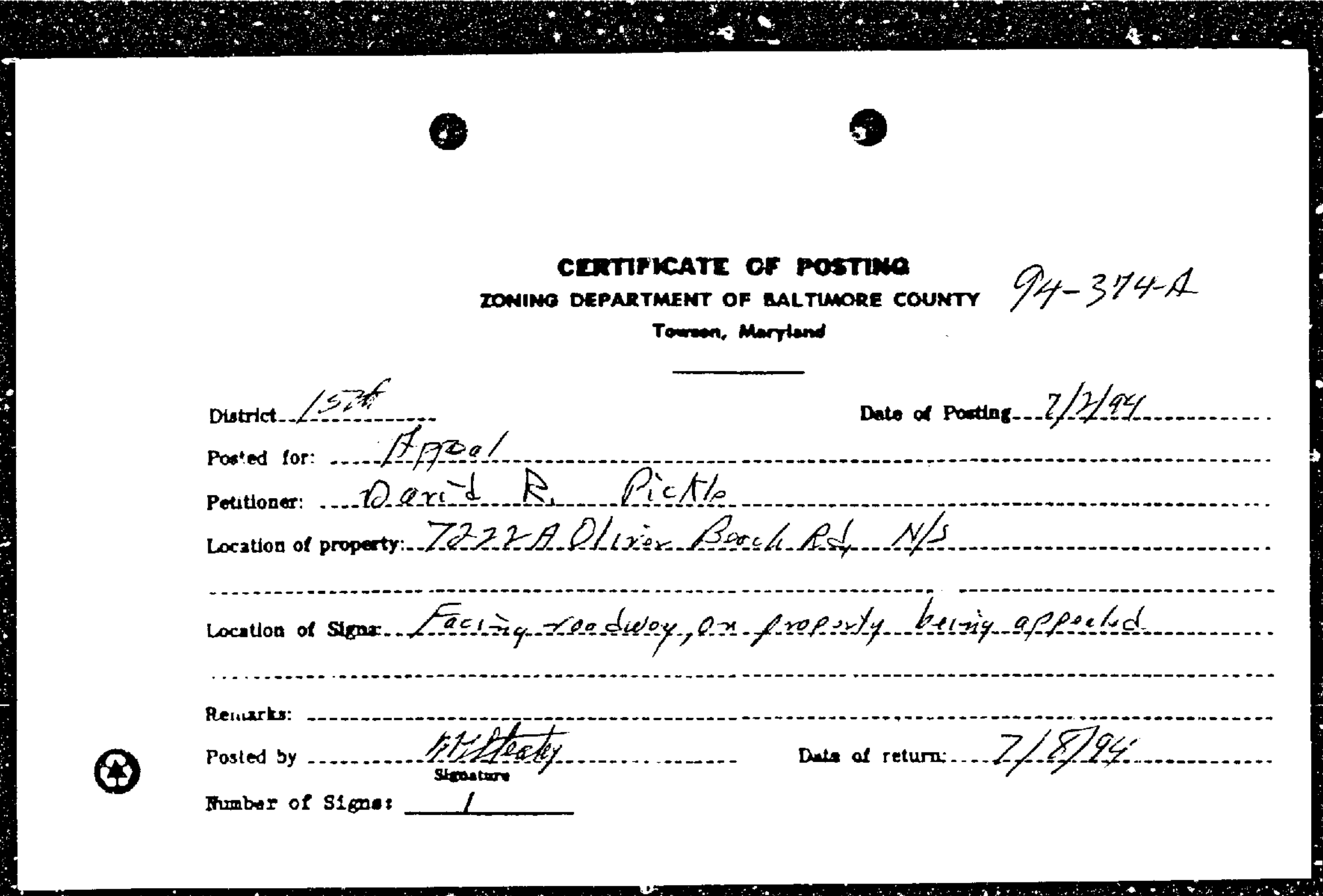
David & Elizabeth Pickle
7222A Oliver Beach Rd.

010 Variance $50
080 1 Sign 35
$85

01A01#0062MICHRC $85.00
BA C004:00PM03-18-94

Please Make Checks Payable To: Baltimore County

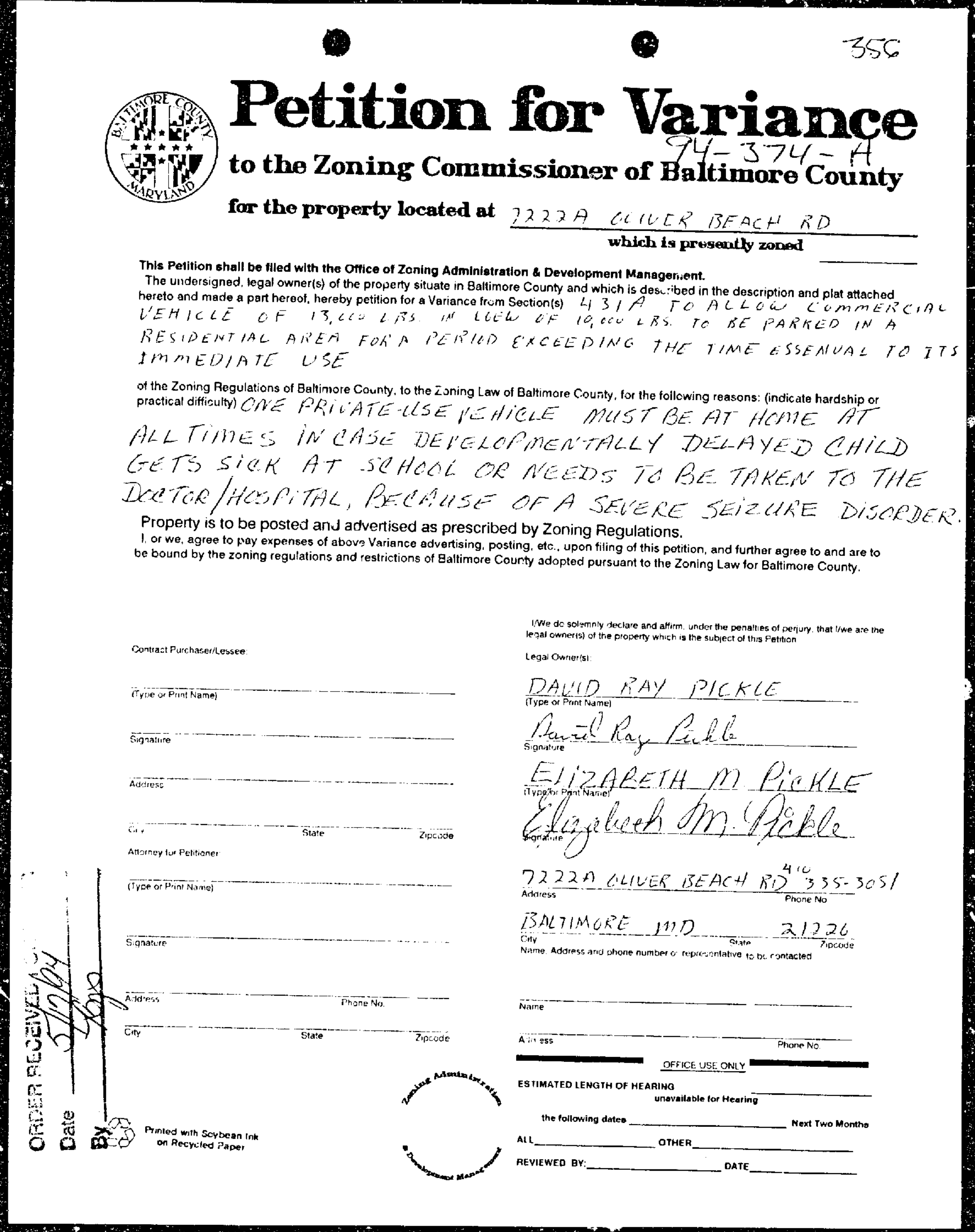
Cashier Validation



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-374-A

District 15th
Date of Posting 7/2/94
Posted for: Appeal
Petitioner: David R. Pickle
Location of property: 7222A Oliver Beach Rd. N/S
Location of Signs: Facing roadway, on property being appealed
Remarks:
Posted by M. Haley
Signature
Date of return: 7/8/94
Number of Signs: 1



356

Petition for Variance

94-374-A

to the Zoning Commissioner of Baltimore County
for the property located at 7222A OLIVER BEACH RD
which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 431A TO ALLOW COMMERCIAL VEHICLE OF 13,000 LBS. IN LIEU OF 10,000 LBS. TO BE PARKED IN A RESIDENTIAL AREA FOR A PERIOD EXCEEDING THE TIME ESSENTIAL TO ITS IMMEDIATE USE

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) ONE PRIVATE-USE VEHICLE MUST BE AT HOME AT ALL TIMES IN CASE DEVELOPMENTALLY DELAYED CHILD GETS SICK AT SCHOOL OR NEEDS TO BE TAKEN TO THE DOCTOR/HOSPITAL, BECAUSE OF A SEVERE SEIZURE DISORDER.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner:
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

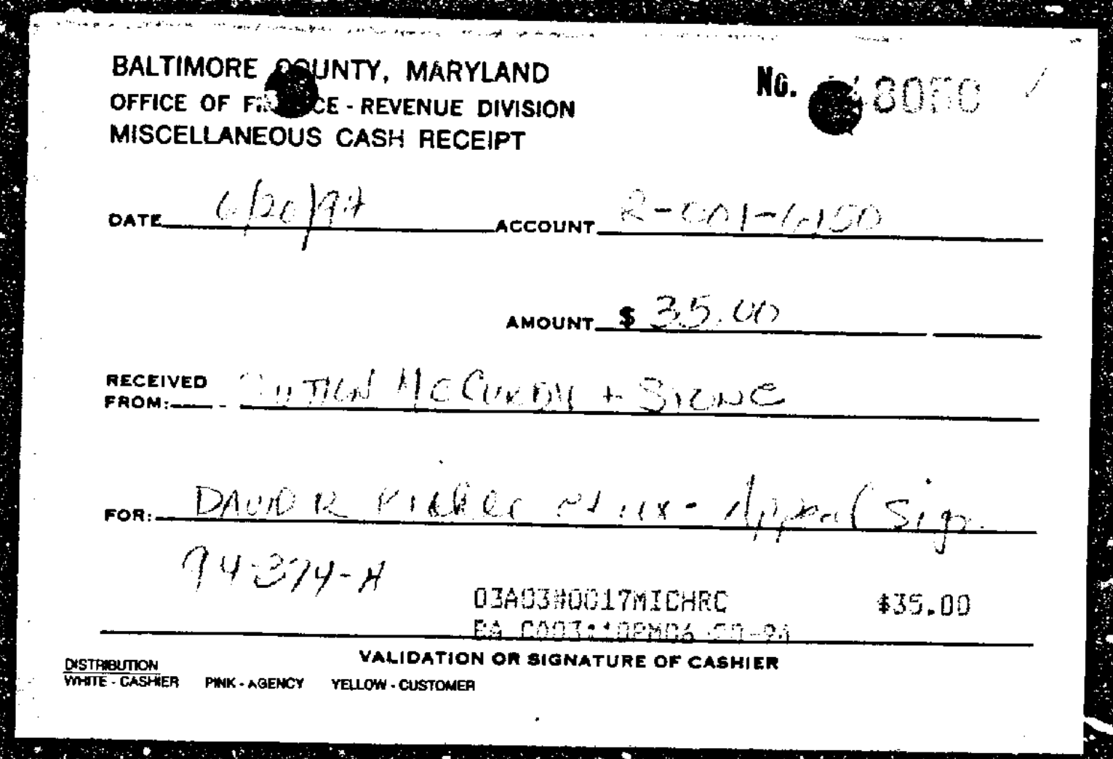
Legal Owner(s):
DAVID RAY PICKLE
(Type or Print Name)
David Ray Pickle
Signature
ELIZABETH M PICKLE
(Type or Print Name)
Elizabeth M. Pickle
Signature
7222A OLIVER BEACH RD 410 335-3051
Address Phone No
BALTIMORE MD 21220
City State Zipcode

Name, Address and phone number of representative to be contacted.
Name
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY: DATE

ORDER RECEIVED FOR FILING
Date 5/17/94
By

Printed with Soybean Ink on Recycled Paper



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

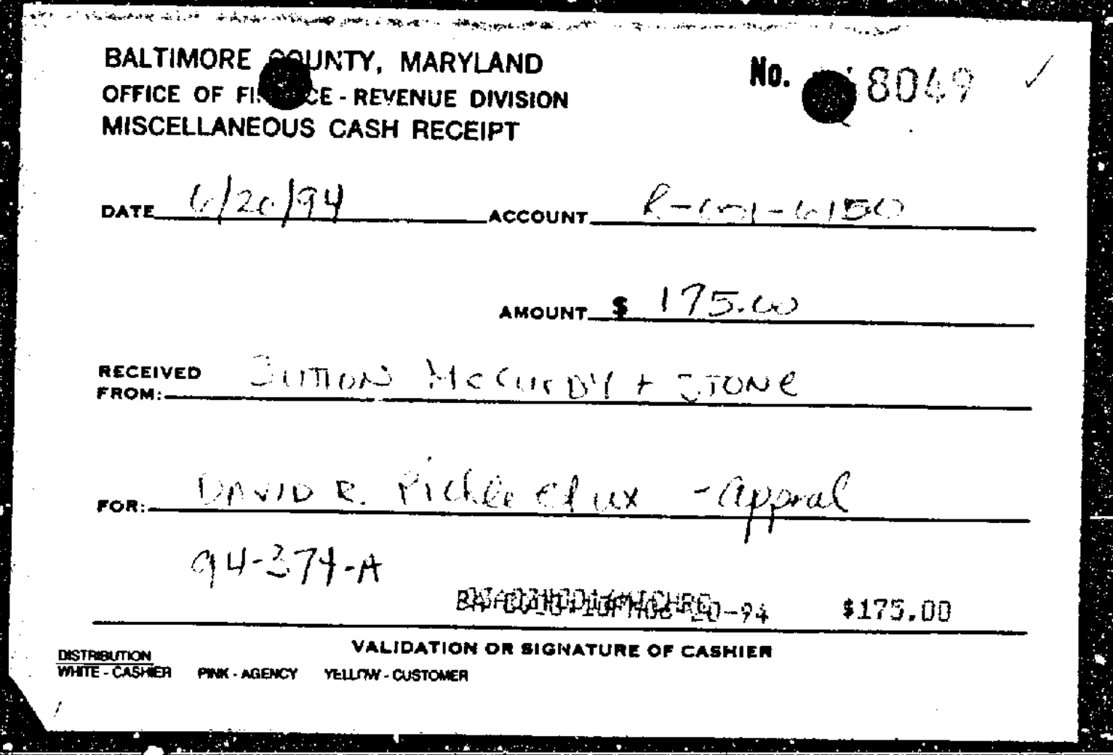
No. 8080

DATE 6/20/94 ACCOUNT R-001-6150
AMOUNT $35.00
RECEIVED FROM: Sutton McCurdy + Stone
FOR: David R Pickle et ux - Appeal (Sign)
94-374-A

03A03#0017MICHRC $35.00
BA C003:10PM06-20-94

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

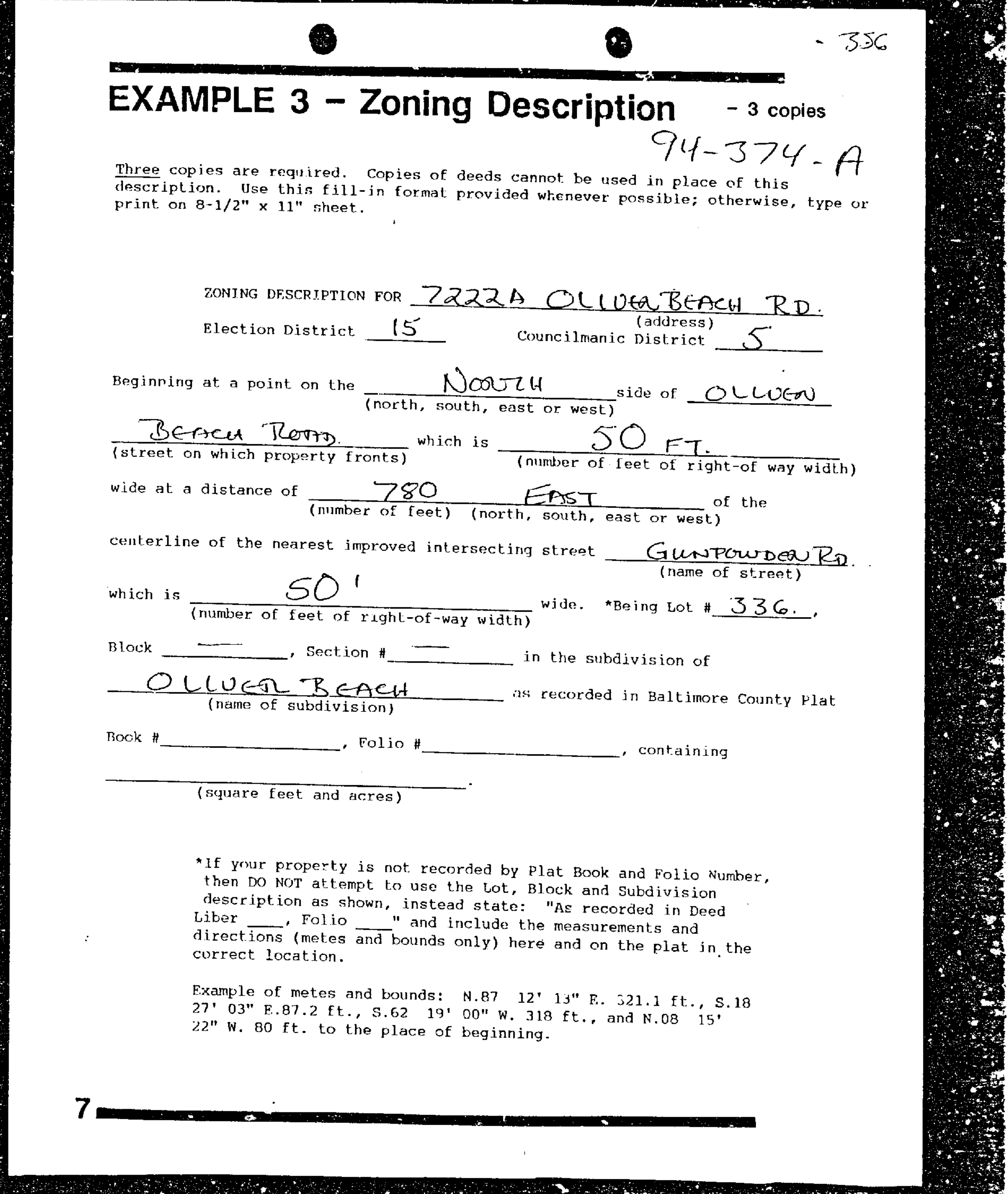
No. 8049 ✓

DATE 6/20/94 ACCOUNT R-001-6150
AMOUNT $175.00
RECEIVED FROM: Sutton McCurdy + Stone
FOR: David R. Pickle et ux - Appeal
94-374-A

[illegible]-94 $175.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



- 356

EXAMPLE 3 - Zoning Description - 3 copies

94-374-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

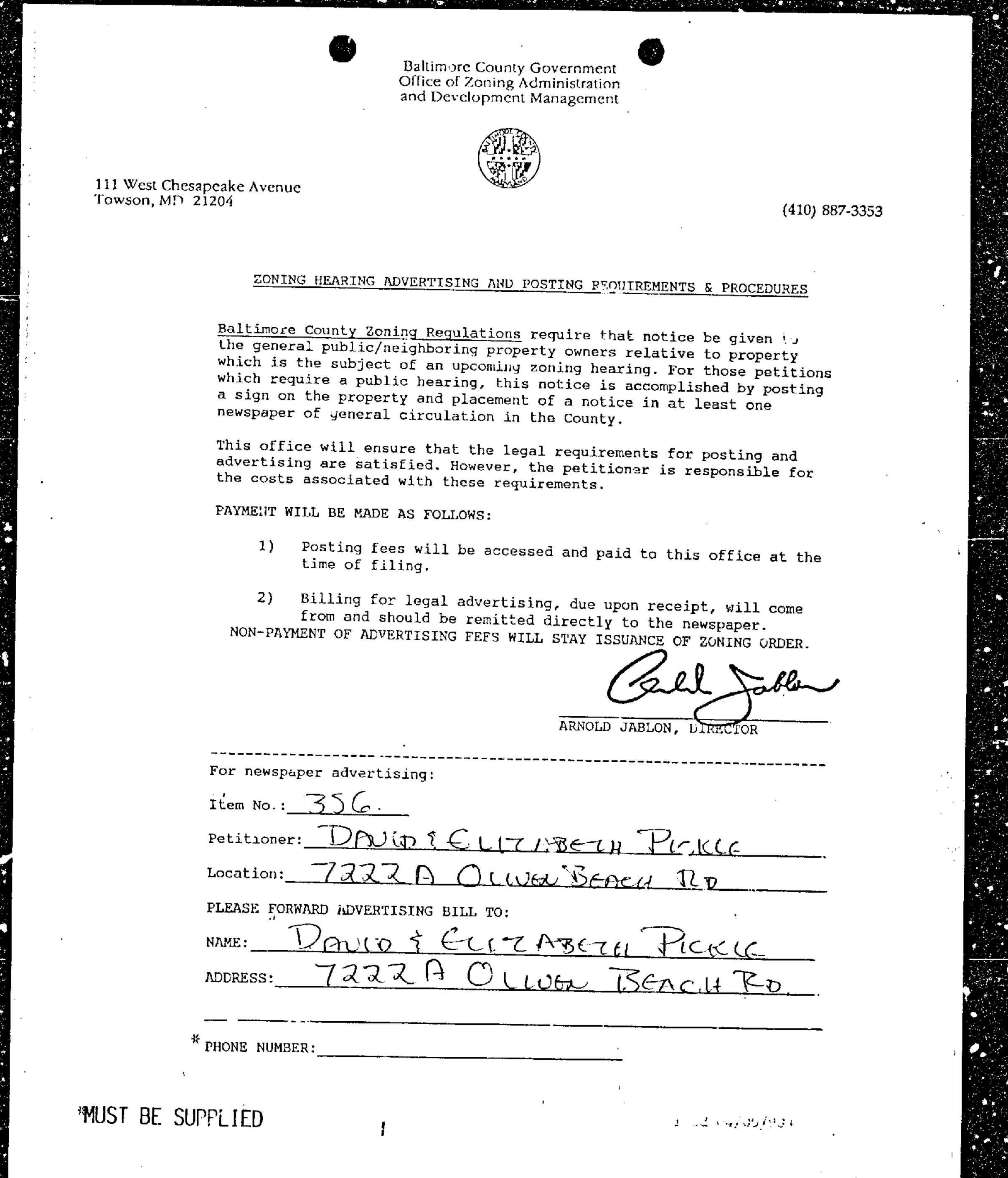
ZONING DESCRIPTION FOR 7222A OLIVER BEACH RD. (address)
Election District 15 Councilmanic District 5

Beginning at a point on the NORTH (north, south, east or west) side of OLIVER BEACH ROAD (street on which property fronts) which is 50 FT. (number of feet of right-of way width) wide at a distance of 780 (number of feet) EAST (north, south, east or west) of the centerline of the nearest improved intersecting street GUNPOWDER RD. (name of street) which is 50' (number of feet of right-of-way width) wide. *Being Lot # 336., Block —, Section # — in the subdivision of OLIVER BEACH (name of subdivision) as recorded in Baltimore County Plat Book #, Folio #, containing (square feet and acres).

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ____, Folio ____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

7



Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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 accessed and paid to this office at the time of filing.

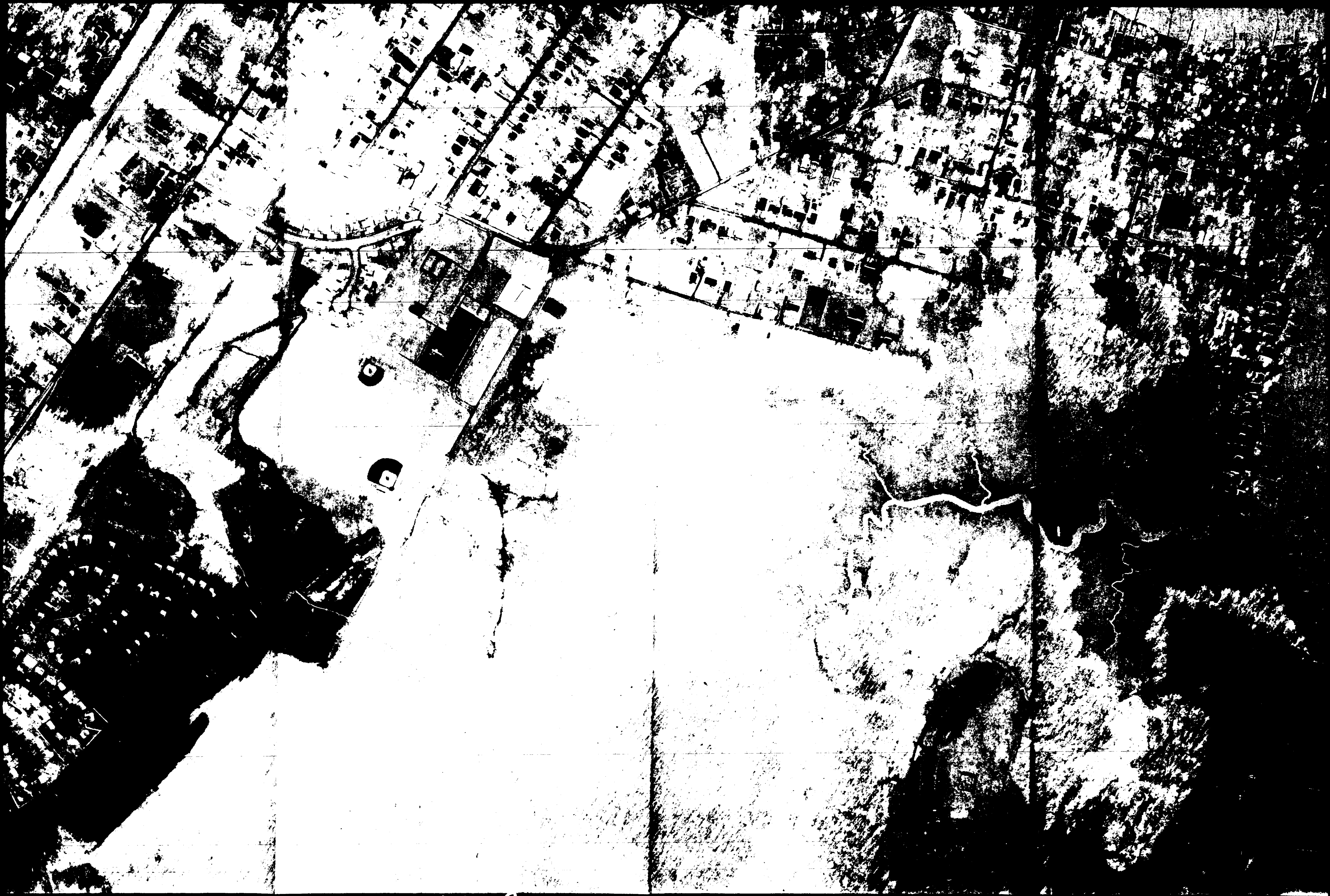
2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 356.
Petitioner: DAVID & ELIZABETH PICKLE
Location: 7222A OLIVER BEACH RD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: DAVID & ELIZABETH PICKLE
ADDRESS: 7222A OLIVER BEACH RD.
*PHONE NUMBER:

*MUST BE SUPPLIED



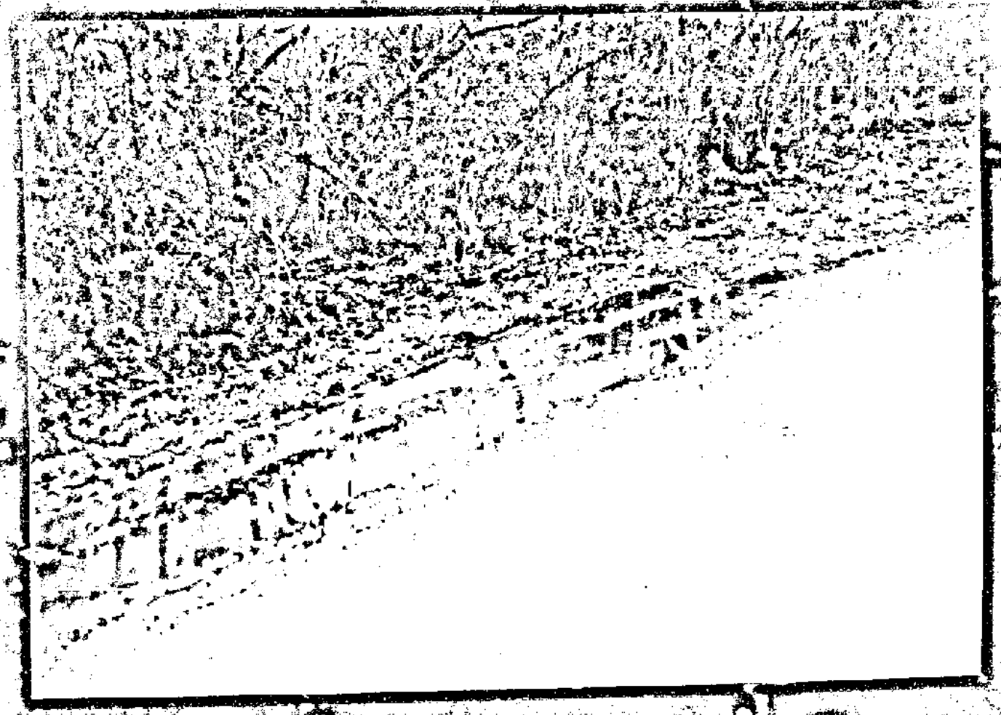
94-374-A

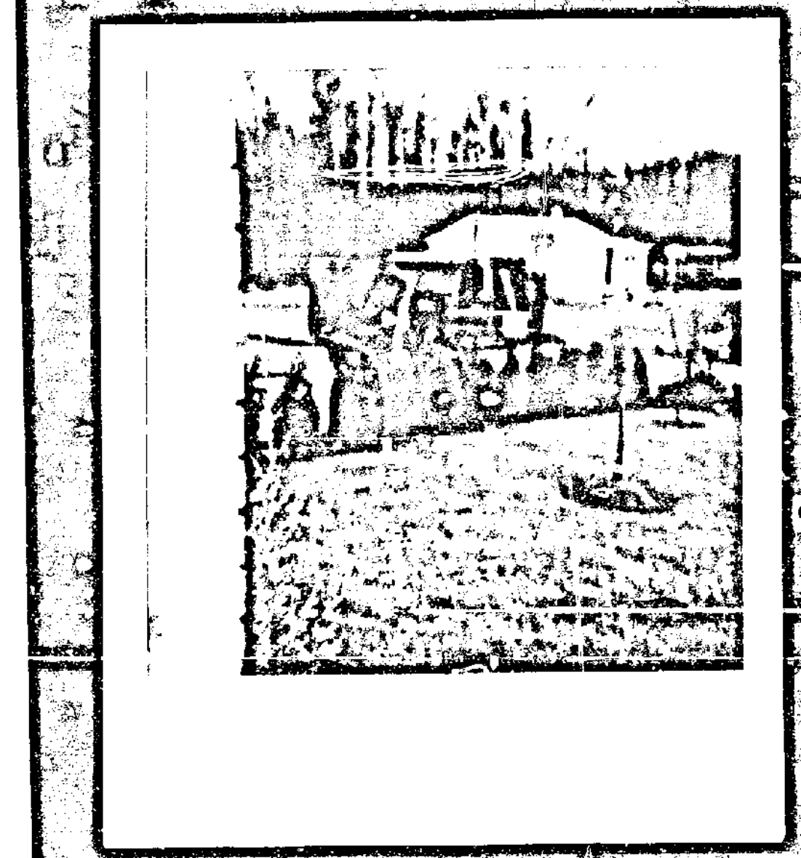
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

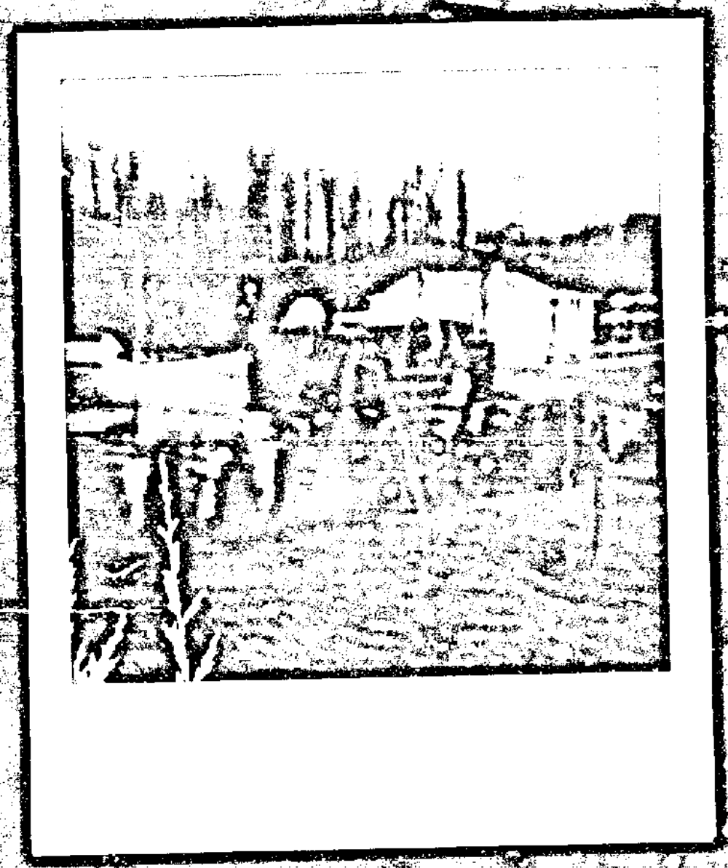
PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

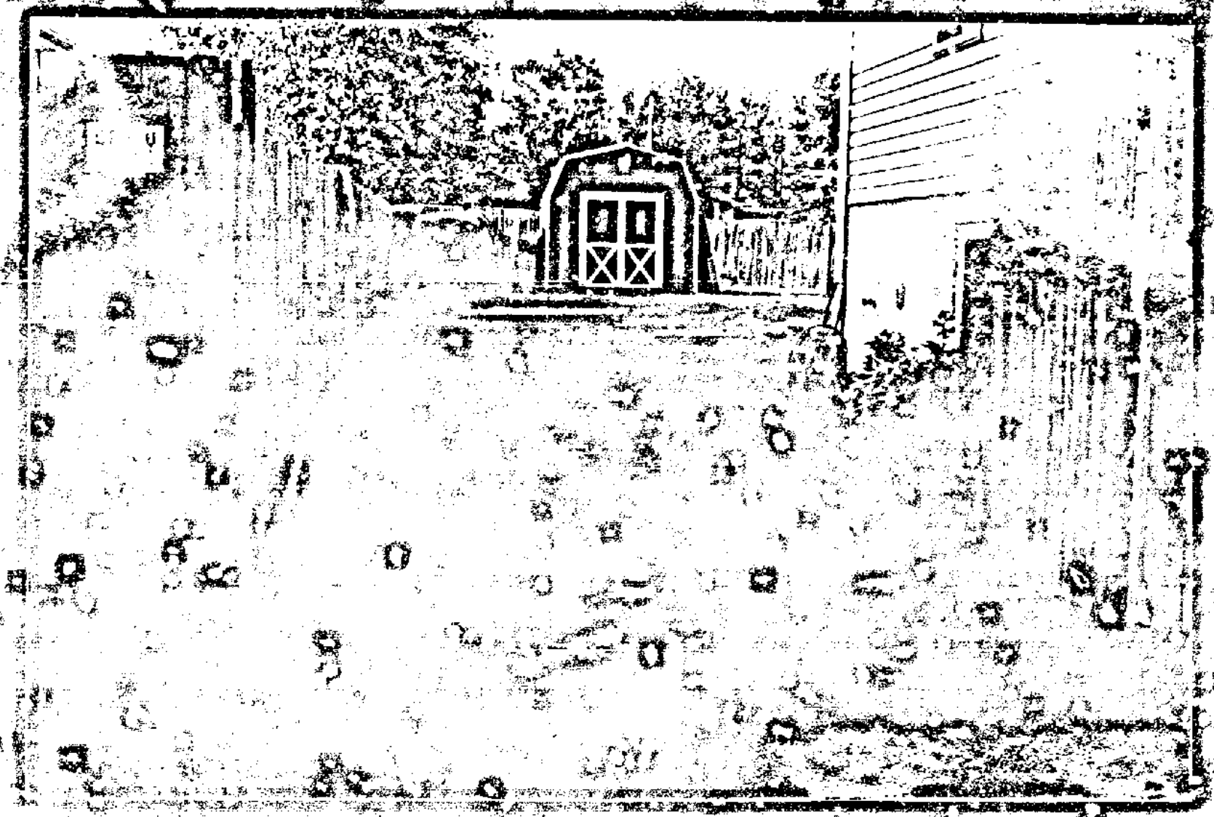
SCALE	LOCATION	SHEET
1" = 200' ±	HAREWOOD OLIVER BEACH	N.E. 7-M
DATE OF PHOTOGRAPHY JANUARY 1986		

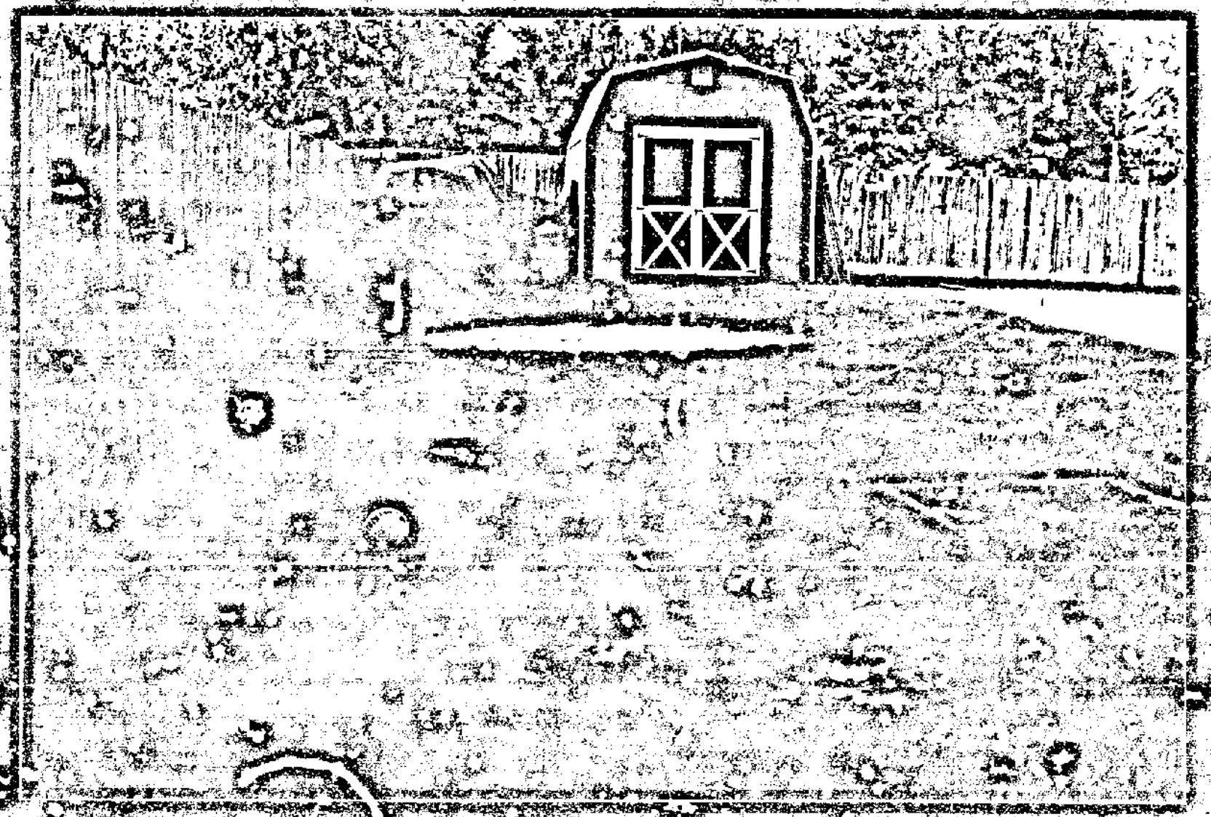
Photographs
Case 94-374-A

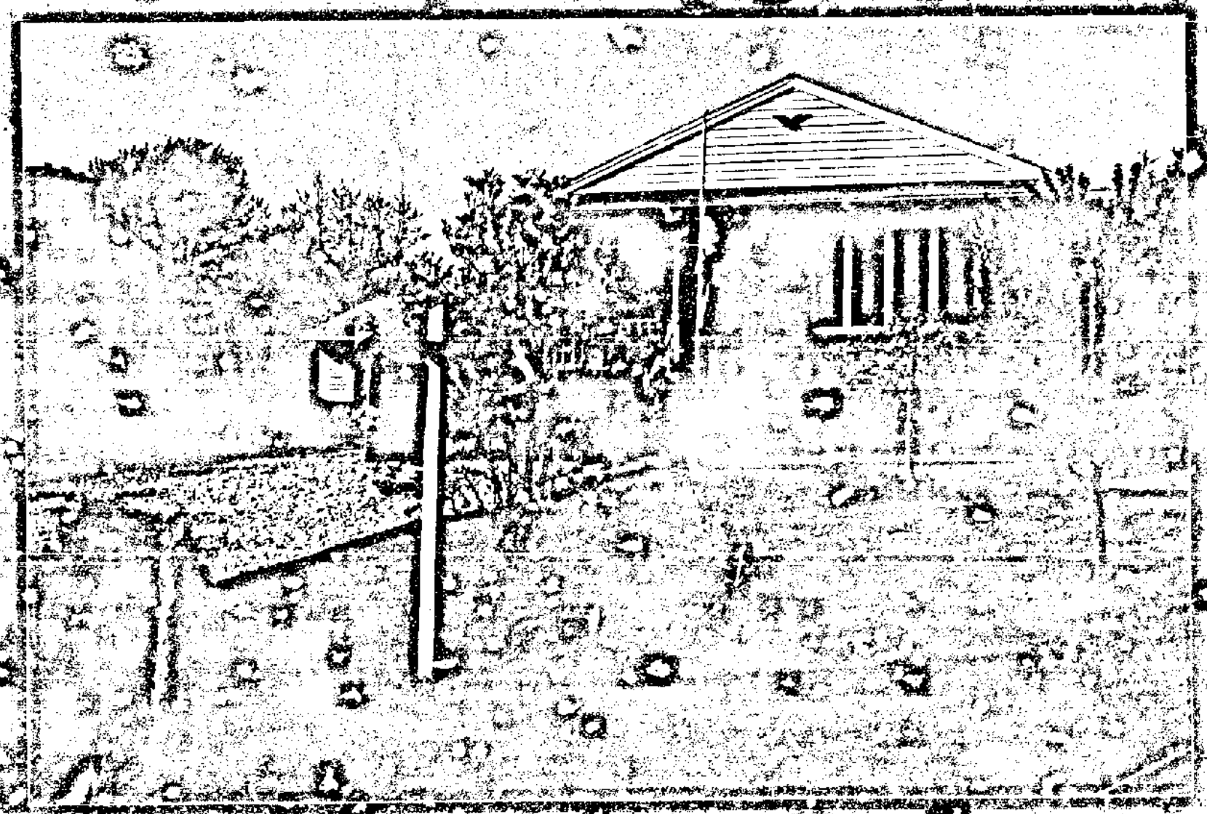


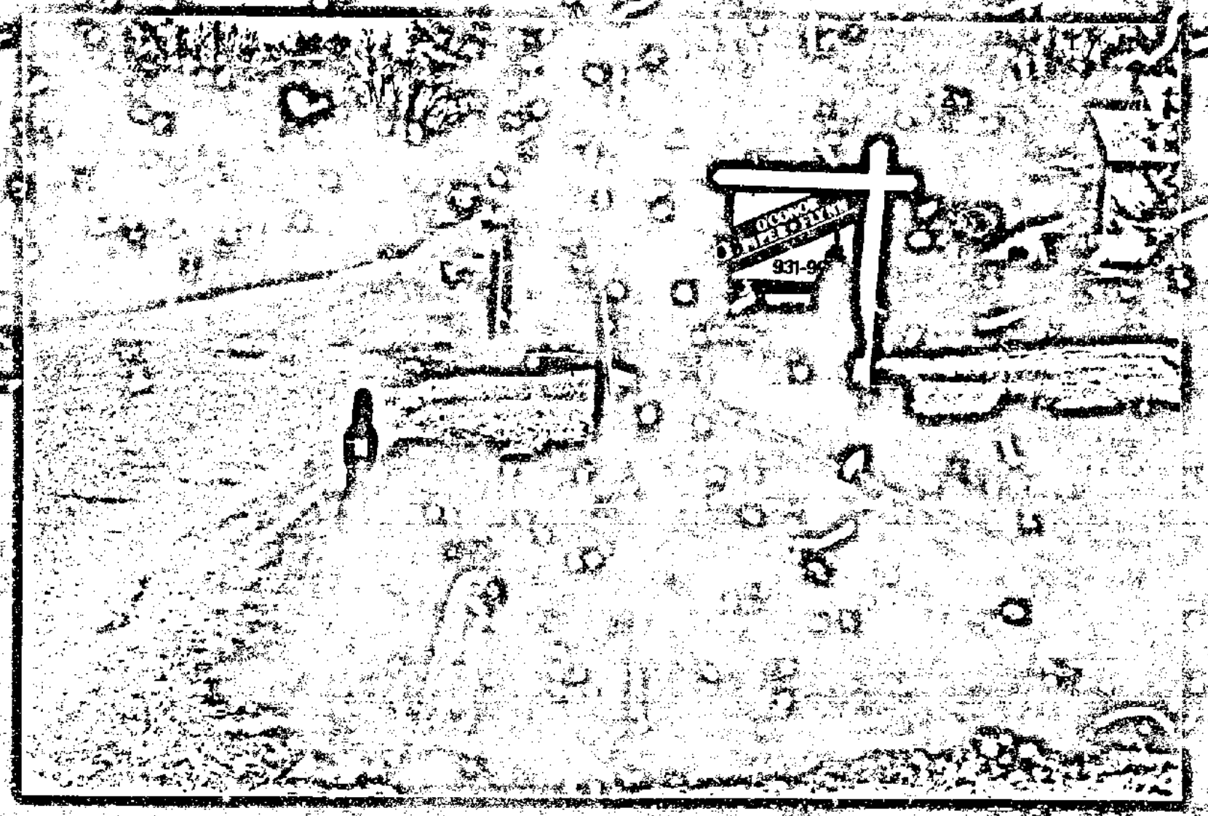












IN THE MATTER OF
THE APPLICATION OF
DAVID RAY PICKLE, ET UX
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE OLIVER
BEACH ROAD, 780 FT. EAST OF THE
CENTERLINE OF GUNPOWDER ROAD
(7222-A OLIVER BEACH ROAD)
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO: 94-374-A

* * * * * * * * * * * * * * *

OPINION

David R. and Elizabeth M. Pickle appeal from the Deputy Zoning Commissioner's Order dated May 17, 1994 denying their Petition for Variance to permit a commercial vehicle of 13,000 lbs. in lieu of the maximum permitted 10,000 lbs. to be parked in a residential area for a period exceeding the time essential to its immediate use. The subject property and relief sought are more particularly described on the plat which accompanied the Petition filed in this matter and marked as Petitioner's Exhibit 2.

Petitioners David R. and Elizabeth M. Pickle appeared and testified, represented by T. Wray McCurdy, Esquire. Also appearing in support of the requested variance was Lacy Jones, next-door neighbor to Petitioners residing at 7224 Oliver Beach Road.

From the testimony and evidence, we find the facts as follows. The subject site consists of 9500 sq. ft., more or less, zoned D.R. 5.5 and is improved with a single-family dwelling and accessory shed. Mr. Pickle owns a 13,000 lb. truck which he uses in his business as a private owner/operator truck driver for the U.S. Postal Service. He has parked this vehicle in the crusher run driveway of his property for approximately the past 4 years. Mr. Pickle travels all over the East Coast, and the truck is parked on his property an average of 2 days every 2 weeks. The time varies as to when he must travel for the U.S. Postal Service. Mr. Pickle further testified that his daughter suffers from seizures and from

time to time, it has become necessary to take her to the hospital. Other than the tractor-trailer rig, the family owns only one other vehicle, a conversion van. Mr. Pickle contends that if the variance is denied and an emergency would occur, it would be difficult to transport his daughter to the hospital if he was using the van to drive to where his tractor-trailer rig was being stored.

Appearing and testifying in opposition to the relief requested were Michael Sudbrink, and Gary and Charlotte Cullings, the former and the adjoining property owners on the sides of the subject site. They are generally opposed to the tractor-trailer rig being stored on the property. The Protestants voiced concern over this large vehicle travelling up and down this dead-end road where small children in the neighborhood ride their bikes and play, as well as walk to the elementary school up the street. The Protestants fear for the safety of their children and others given the size of this vehicle. Further testimony revealed that the Petitioner performs maintenance on the vehicle in his driveway and has on occasion used floodlights to work on the vehicle at night. The Protestants testified that the vehicle is both noisy and unsightly, and that the Petitioner makes it a point to blow the air horn when he leaves his house in the morning and when he returns. Further testimony revealed that the Petitioner has caused damage to the sides of the road and drain pipes as a result of the maneuvering he must do to get his truck in the driveway.

An area variance may be granted where strict application of the zoning 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 purpose or render conformance unnecessarily burdensome;
>
> 2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
>
> 3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that special circumstances or conditions exist which are unique to the Petitioners' land or structure so that they would experience practical difficulty or unreasonable hardship if the requested variance were denied. Even if the Baltimore County Zoning Regulations (BCZR) would allow substituting the word "vehicle" for "land or structure," there are no special circumstances with regard to the particular vehicle which exist. It does not appear that IDM Trucking requires a vehicle of this size, nor does the evidence provide a factual understanding to make that finding. Certainly, if Petitioner gets a new truck 10,000 lbs or under, he is permitted by the zoning regulations to park in a residential area, and all concerned should be aware that this use is permitted by the BCZR. Furthermore, it is clear that the storage of a commercial truck of this size is inappropriate for the community, given the fact that this road is a dead-end street and is used as a play area by the children of this neighborhood. The testimony presented by

Petitioners was in support of a matter of convenience rather than of the necessity for the variance. The Petitioners have failed to show that relief can be granted in such a fashion that the spirit of the ordinance will be observed and the public safety and welfare of all the residents in this community secured. Therefore, the variance requested must be denied.

ORDER

IT IS THEREFORE, this 11th day of January, 1995, by the County Board of Appeals of Baltimore County,

ORDERED that a variance from Section 431.A of the Baltimore County Zoning Regulations to permit a commercial vehicle of 13,000 lbs. in lieu of the maximum permitted 10,000 lbs. to be parked in a residential area for a period exceeding the time essential to its immediate use be and is hereby **DENIED**; and it is further

ORDERED that Petitioners shall remove this vehicle from the subject property no later than sixty (60) days from the date 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.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**

C. William Clark
C. William Clark, Acting Chairman

Robert O. Schuetz
Robert O. Schuetz

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 11, 1995

T. Wray McCurdy, Esquire
SUTTON, MCCURDY AND STONE
101 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. 94-374-A
David Ray Pickle, et ux

Dear Mr. McCurdy:

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,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Mr. & Mrs. David Ray Pickle
Mr. & Mrs. Michael Sudbrink
Mr. & Mrs. Gary Cullings
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

IN RE: PETITION FOR VARIANCE
N/S Oliver Beach Road, 780' E
of the c/l of Gunpowder Road
(7222-A Oliver Beach Road)
15th Election District
5th Councilmanic District

David Ray Pickle, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-374-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 7222-A Oliver Beach Road, located in the Oliver Beach area of southeastern Baltimore County. The Petition was filed by the owners of the property, David R. and Elizabeth M. Pickle, in response to a zoning violation notice they received as a result of a complaint filed with the Zoning Administration and Development Management (ZADM) office as to the storage of a tractor trailer on the subject property. The Petitioners seek relief from Section 431.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a commercial vehicle of 13,000 lbs. in lieu of the maximum permitted 10,000 lbs. to be parked in a residential area for a period exceeding the time essential to its immediate use. The subject property and relief sought are more particularly described on the plat which accompanied the Petition filed in this matter and marked as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were David and Elizabeth Pickle, property owners. Appearing as Protestants in the matter were Michael and Diane Sudbrink, the original complainants in this matter, and Gary and Charlotte Cullings, all of whom are adjoining property owners.

Testimony presented revealed that the subject property consists of 9500 sq.ft , more or less, zoned D.R. 5.5 and is improved with a single

ORDER RECEIVED FOR FILING
Date 5/17/94
By

family dwelling and accessory shed. Mr. Pickle testified that he owns a 13,000 lb. truck which he uses in his business as a private owner/operator truck driver for the U.S. Postal Service. He testified that he has parked this vehicle in the crusher run driveway of his property for approximately the past four (4) years. Mr. Pickle testified that he travels all over the East Coast and that the truck is parked on his property an average of two (2) days every two (2) weeks. Testimony indicated that the time varies as to when he must travel for the U.S. Postal Service. Mr. Pickle further testified that his daughter suffers from seizures and from time to time, it has become necessary to take her to the hospital. Mr. Pickle testified that other than the tractor-trailer rig, the family owns only one other vehicle, a conversion van. He argued that if the variance is denied and an emergency would occur, it would be difficult to transport his daughter to the hospital if he was using the van to drive to where his tractor-trailer rig was being stored.

Appearing and testifying in opposition to the relief requested were Michael and Diane Sudbrink, and Gary and Charlotte Cullings, adjoining property owners on both sides of the subject site. The cumulative testimony of the Protestants was that they are generally opposed to the tractor-trailer rig being stored on the property. The Protestants voiced concern over this large vehicle travelling up and down this dead-end road where small children in the neighborhood play and ride their bikes as well as walk to the elementary school up the street. The Protestants fear for the safety of their children given the size of this vehicle. Further testimony revealed that the Petitioner performs maintenance on the vehicle in his driveway and has on occasion, used flood lights to work on the vehicle at night. The Protestants testified that the vehicle is both

ORDER RECEIVED FOR FILING
Date 5/17/94
By

noisy and unsightly and that the Petitioner makes it a point to blow the air horn when he leaves his house in the morning and when he returns. The Petitioners' daughter has also on occasion sat in the truck and blown the air horn. Further testimony revealed that the Petitioner has caused ruts to form on the sides of the road as a result of the maneuvering he must do to get his truck in the driveway.

Although this property is located within the Chesapeake Bay Critical Areas, the relief requested does not constitute a "development activity" and as such, compliance with any Critical Areas regulation or findings plan will not be required.

An area variance may be granted where strict application of the zoning 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 purpose or render conformance unnecessarily burdensome;
>
> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

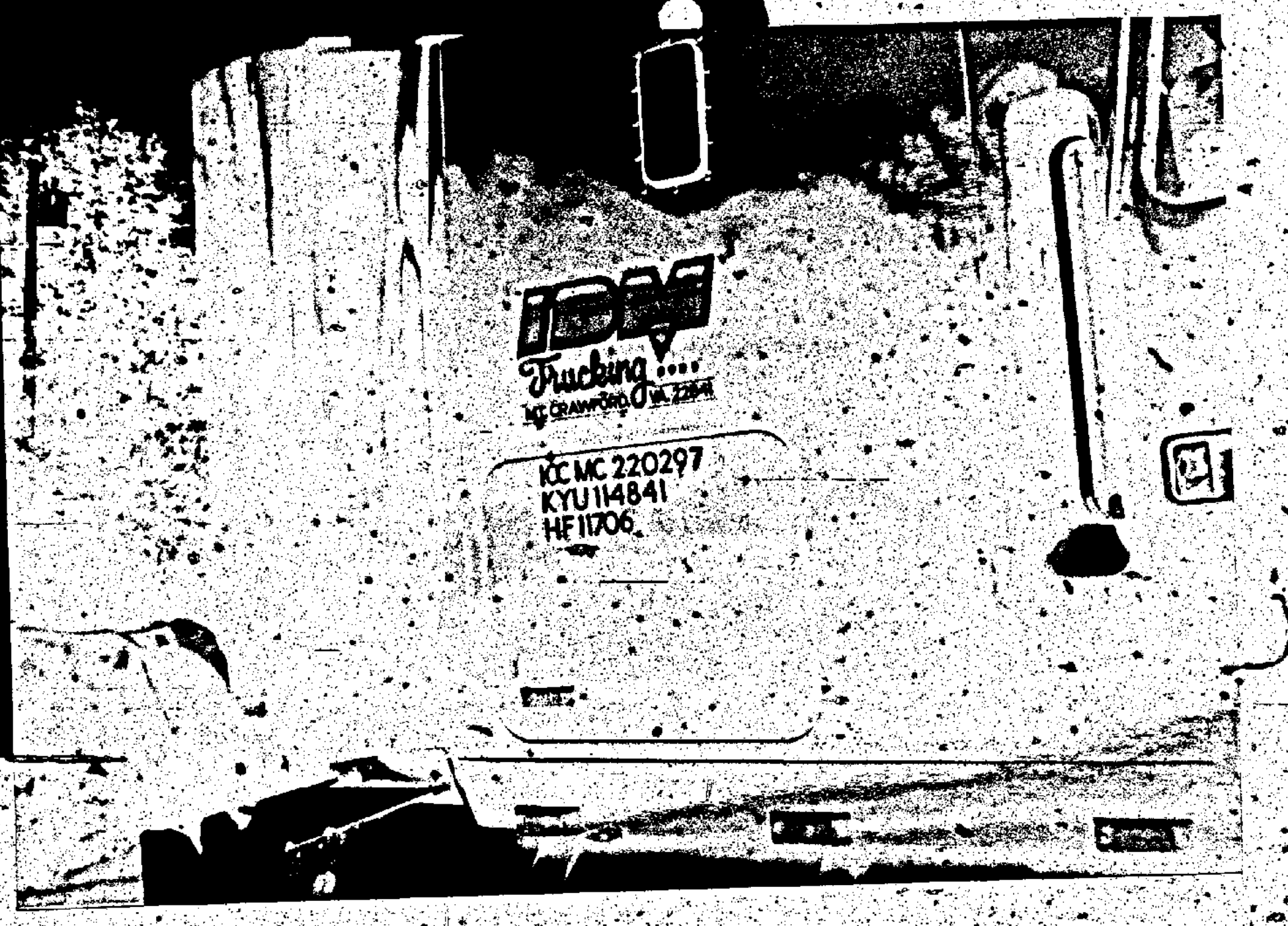
After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. It is clear that the storage of a commer-

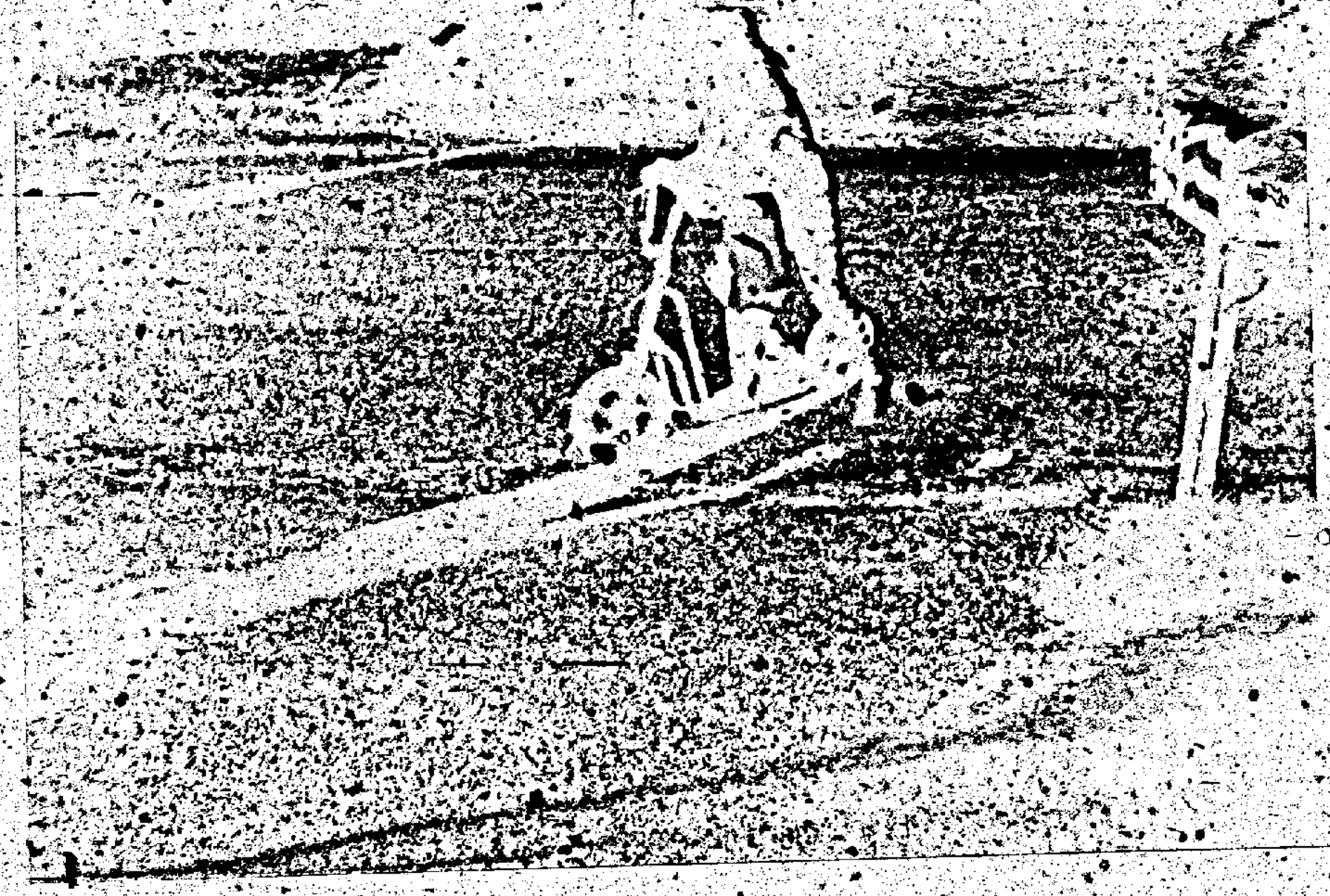
ORDER RECEIVED FOR FILING
Date 5/17/94
By

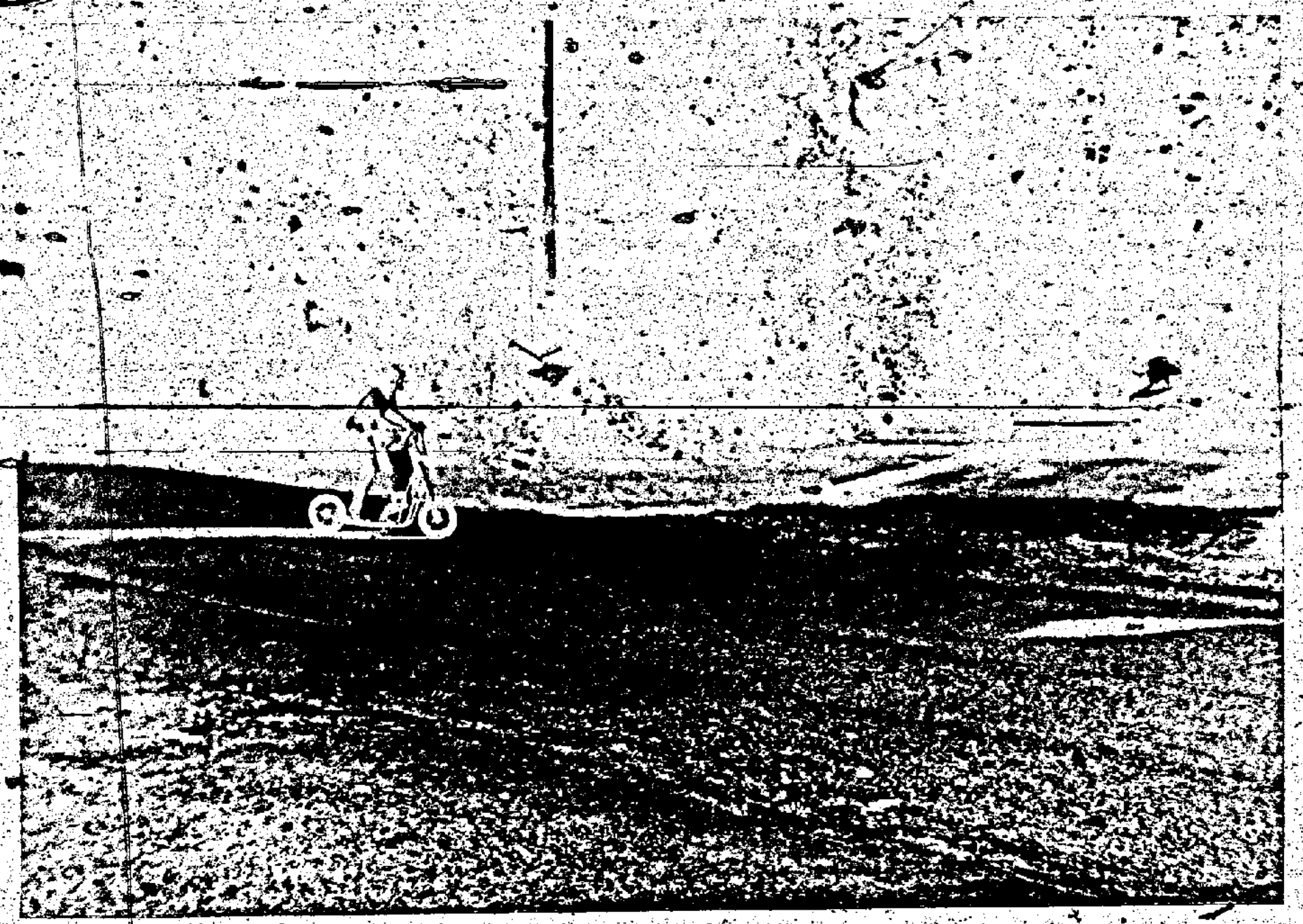
County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

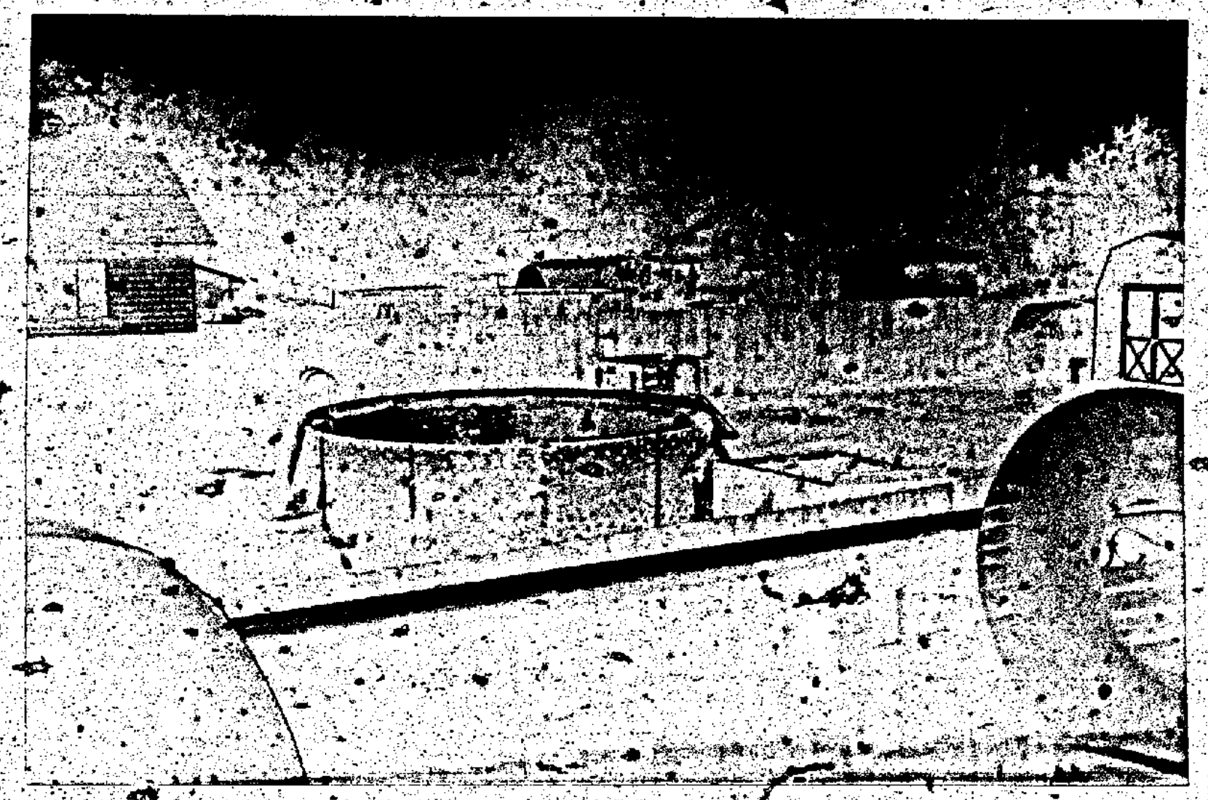
PC & Protestants 4A-7 45
Photos

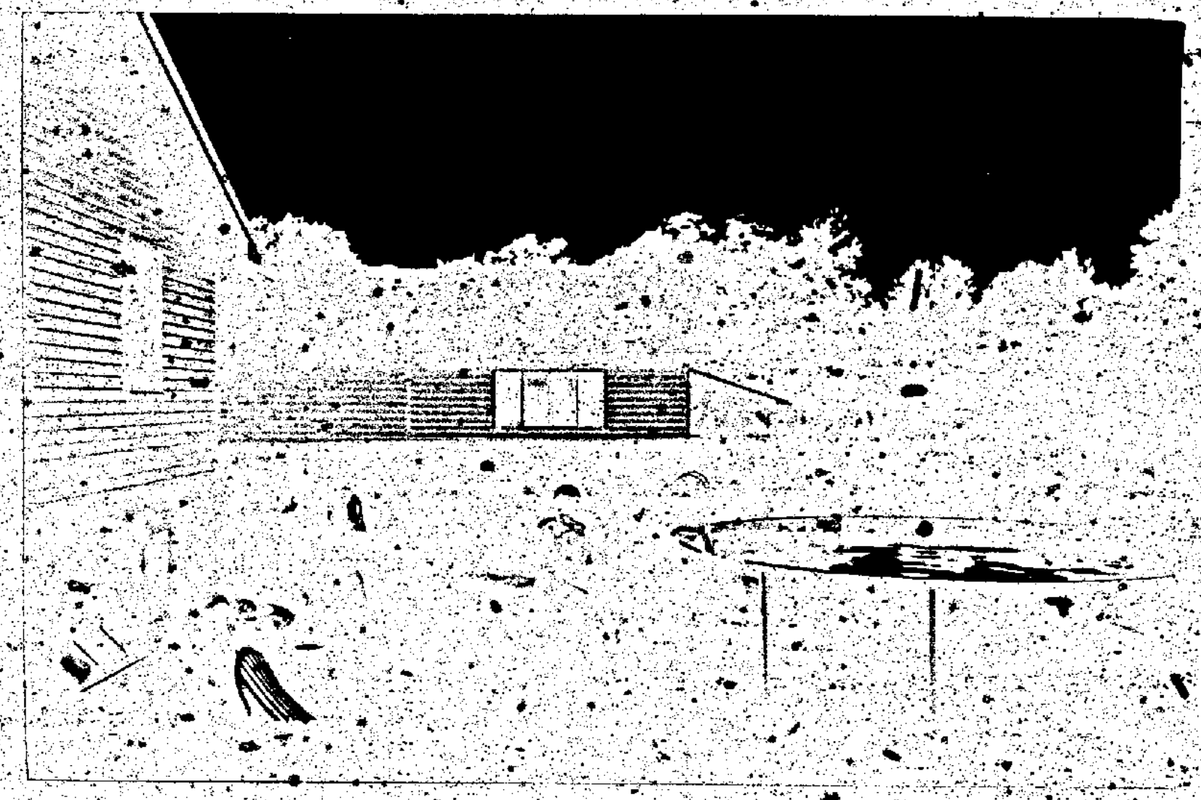
94-374-A

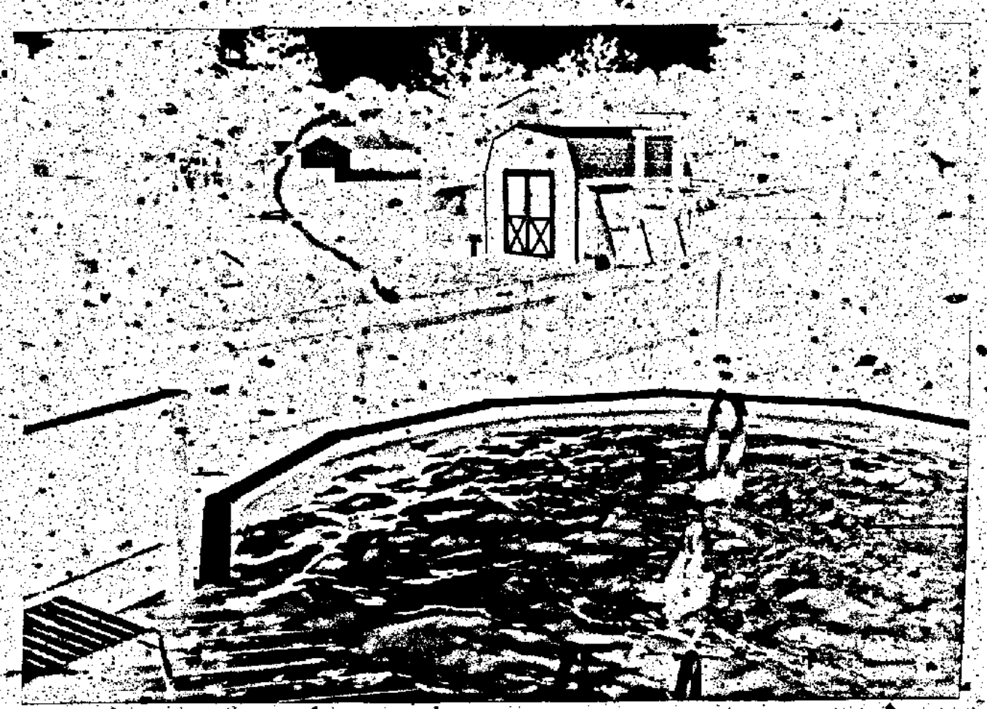

IDM
Trucking....
KC CRAWFORD VA 22641
ICC MC 220297
KYU 114841
HF 11706

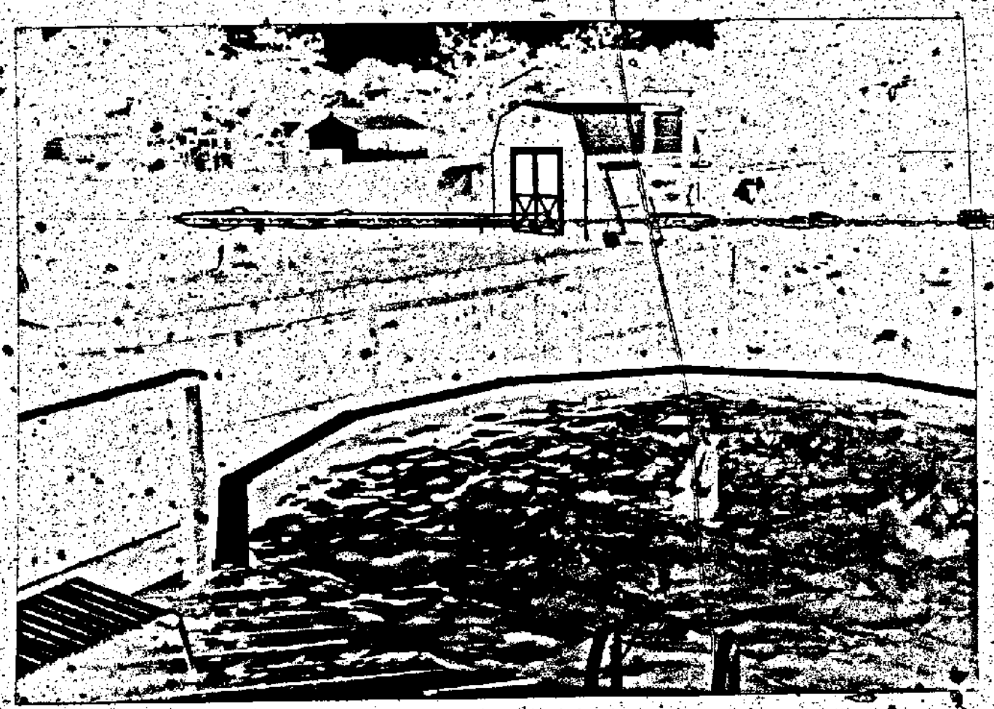


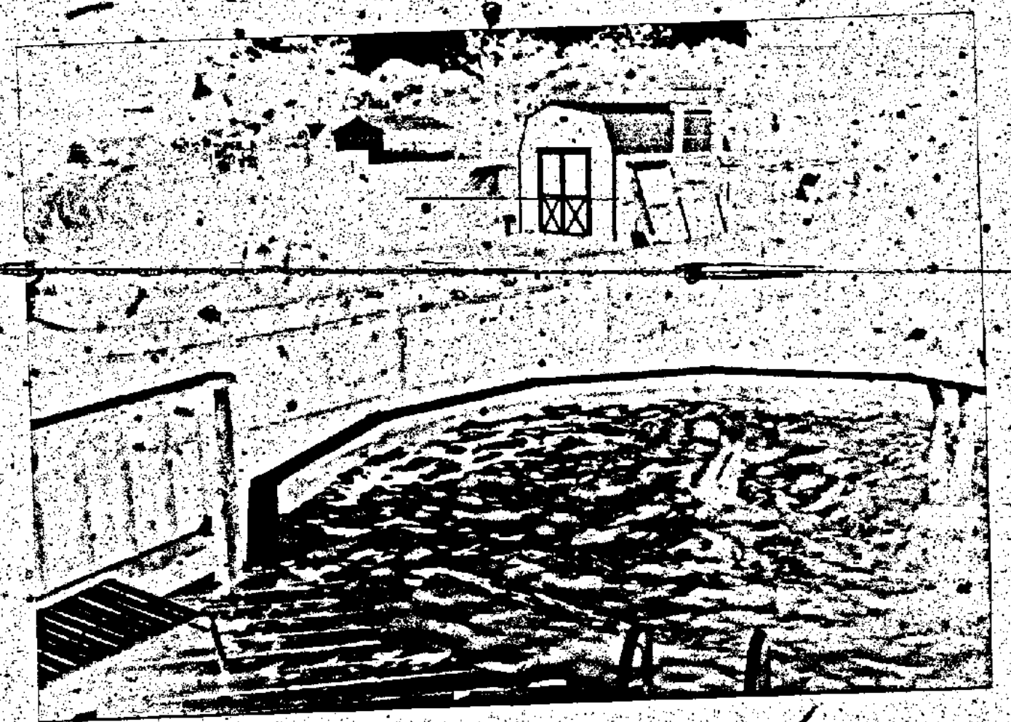


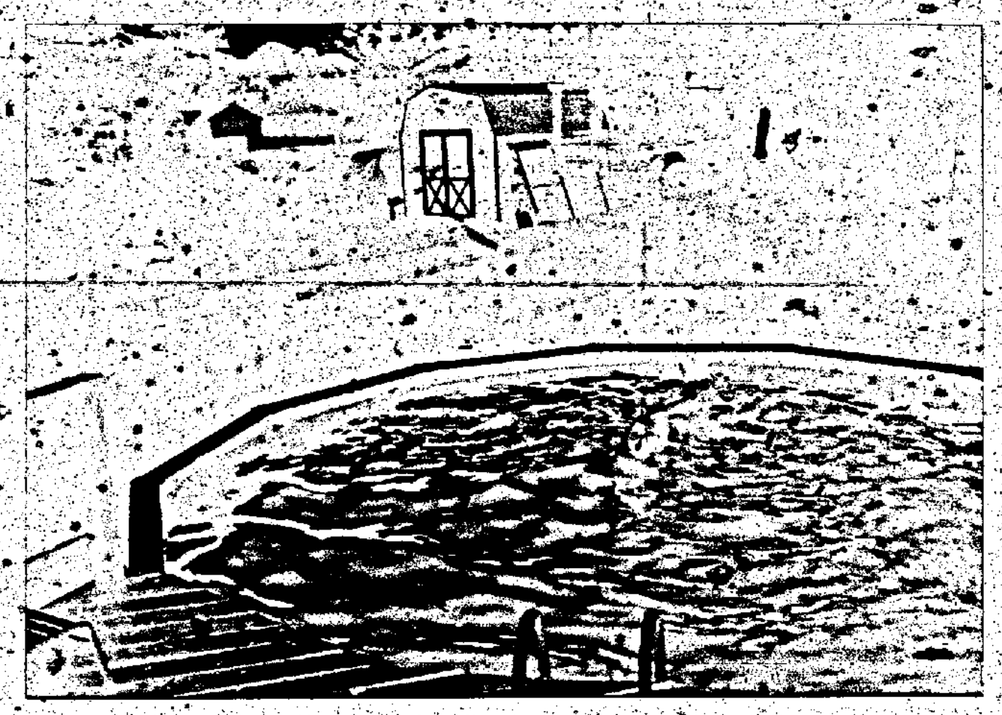


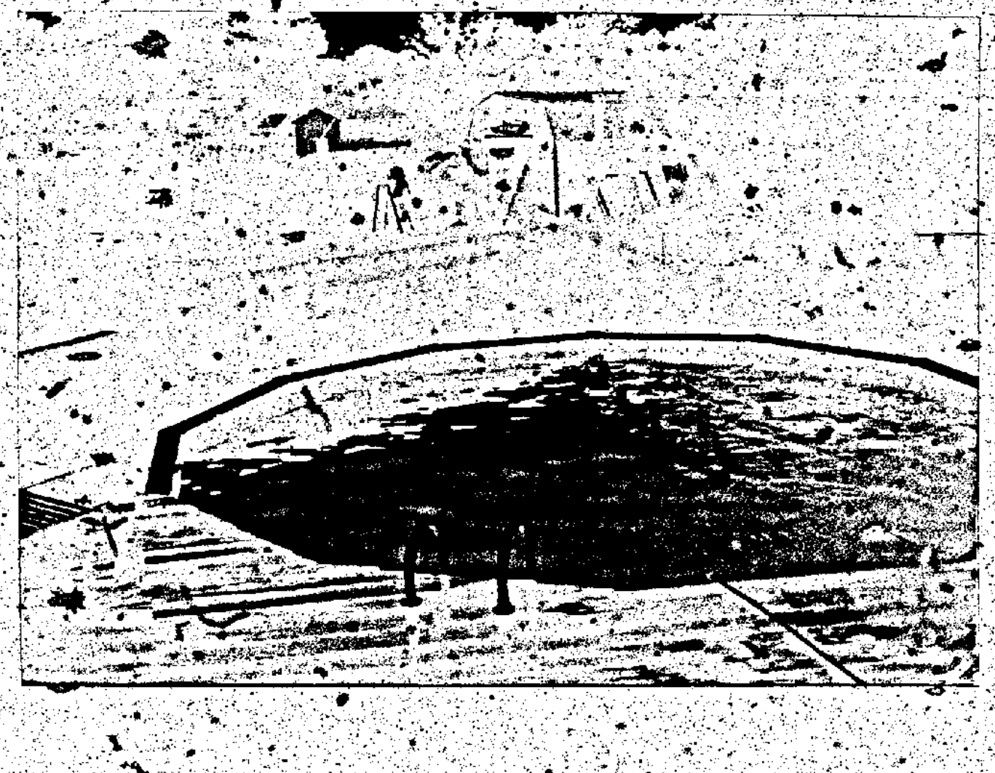








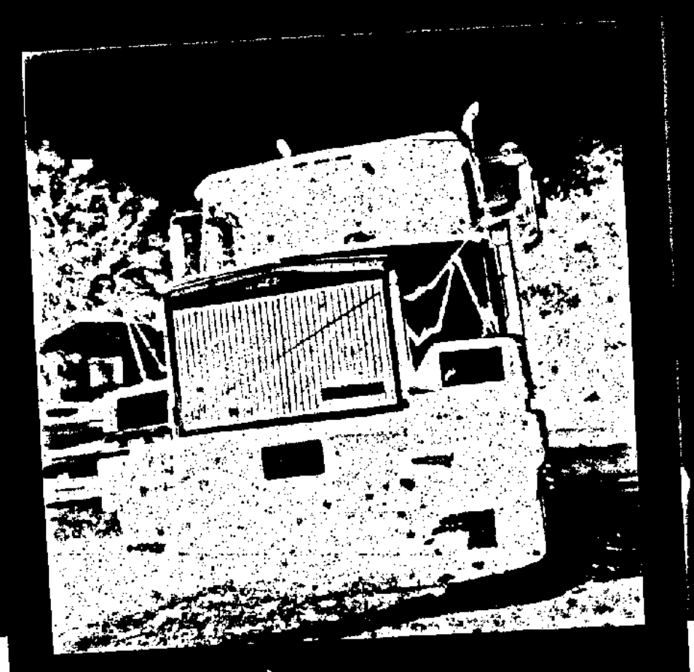


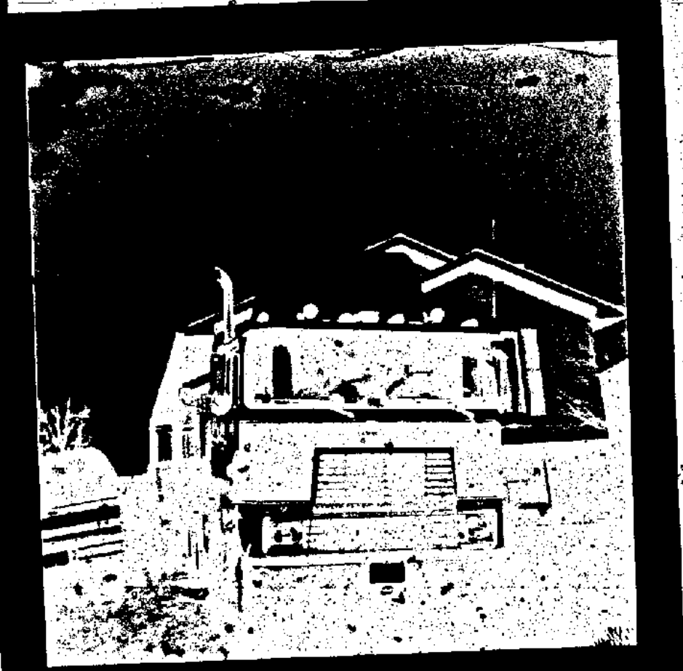


County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

94-374-A

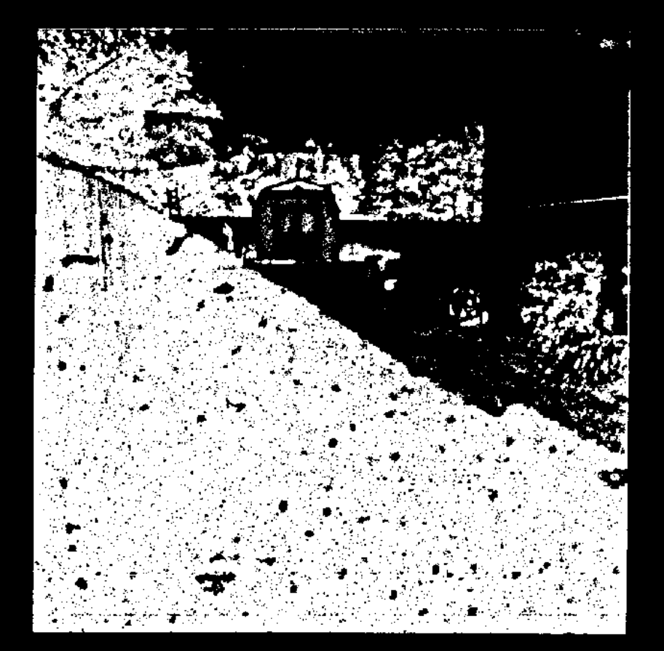
Petitioners 4
5
6
7
8
9
10
11
Photographs


Pet.#4


Pet.#5

Pet.#6

Pet.#7


Pet.#8

Pet.#9

Pet.#10

Pet.#11

IDM Trucking Co., Inc.
Rt. 1, Box 263
Mt. Crawford, VA 22841

Pet. Exh #1

October 17, 1994

To whom it may concern:

Mr. David R.Pickle owns a truck which he has leased to us. Our company has only one terminal located at our headquarters near Weyers Cave, Virginia, almost 200 miles from Mr. Pickle's home. Because we have no other terminals or parking facilities near his location, he needs to park his truck at his home.

In our operation, Mr. Pickle runs predominantly at night between Harrisburg and Capitol Heights, MD. DOT regulations require that he obtain a set amount of rest time which he acquires during the daytime hours. We can produce records to verify his activity. We maintain daily records of his hours both on duty and off duty.

We request that Mr. Pickle be granted an ordinance waiver to park his truck at his residence. The vehicle will usually not be present during nighttime hours.

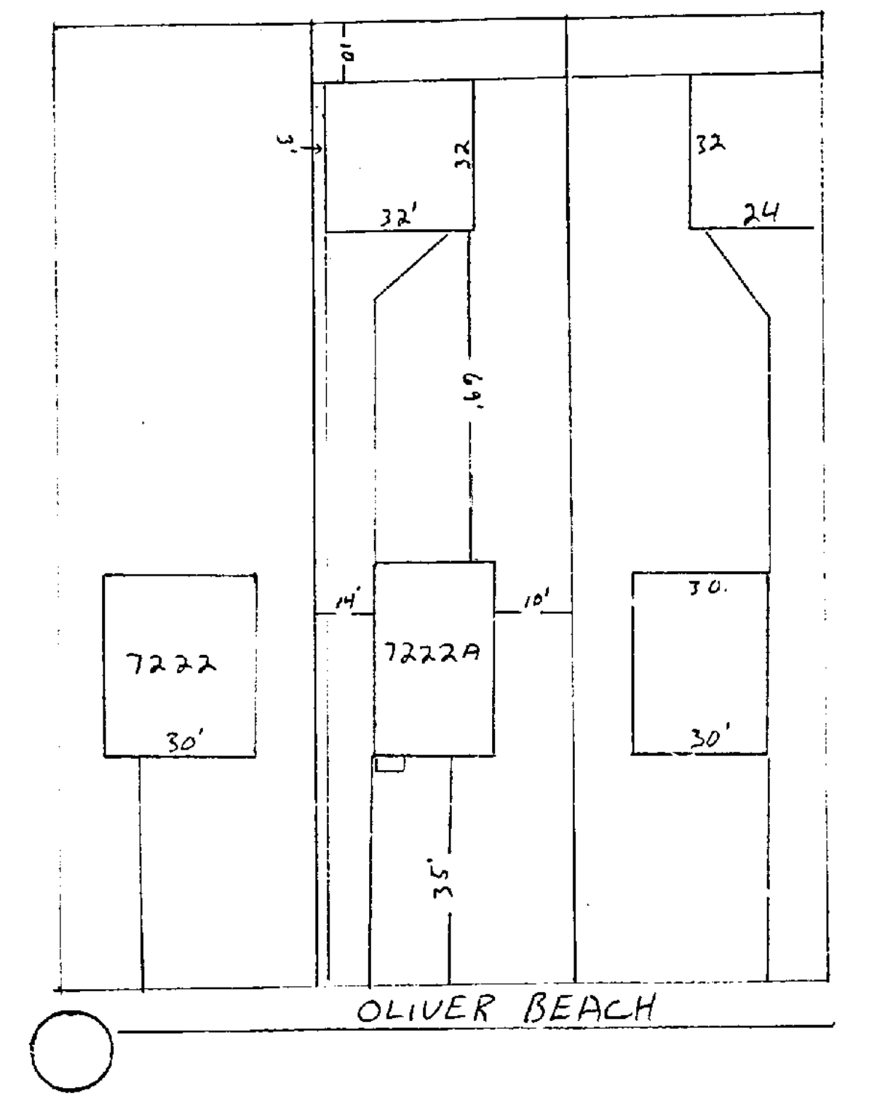
Robert C. Henrikson
Robert C. Henrikson
IDM Safety Director

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

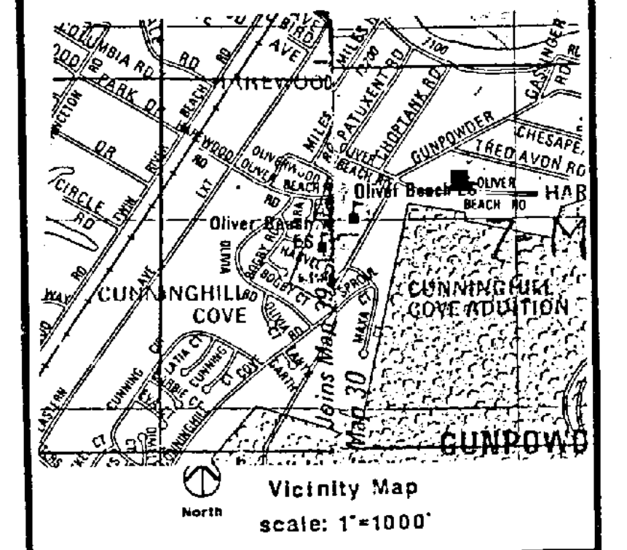
see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 7222 A Oliver Beach Rd.
Subdivision name: Oliver Beach
plat book# —, folio# —, lot# —, section# —
OWNER: David & Elizabeth Pickle.

94-374-A



10
3'
32
32'
32
24
69
14'
10'
7222
30'
7222A
30.
30'
35'
OLIVER BEACH
North



HAREWOOD
GUNPOWDER
CHESAPEAKE
AVON RD
Oliver Beach
CUNNINGHILL COVE
CUNNINGHILL COVE ADDITION
GUNPOWD
Joins Map 30
North

Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 15
Councilmanic District: 5
1"=200' scale map#: NE 7-M
Zoning: DR 5.5
Lot size: — acreage 9500# square feet

	public	private
SEWER:	☑	☐
WATER:	☑	☐

	yes	no
Chesapeake Bay Critical Area:	☑	☐

Prior Zoning Hearings: None.

Pet. Ex. 1

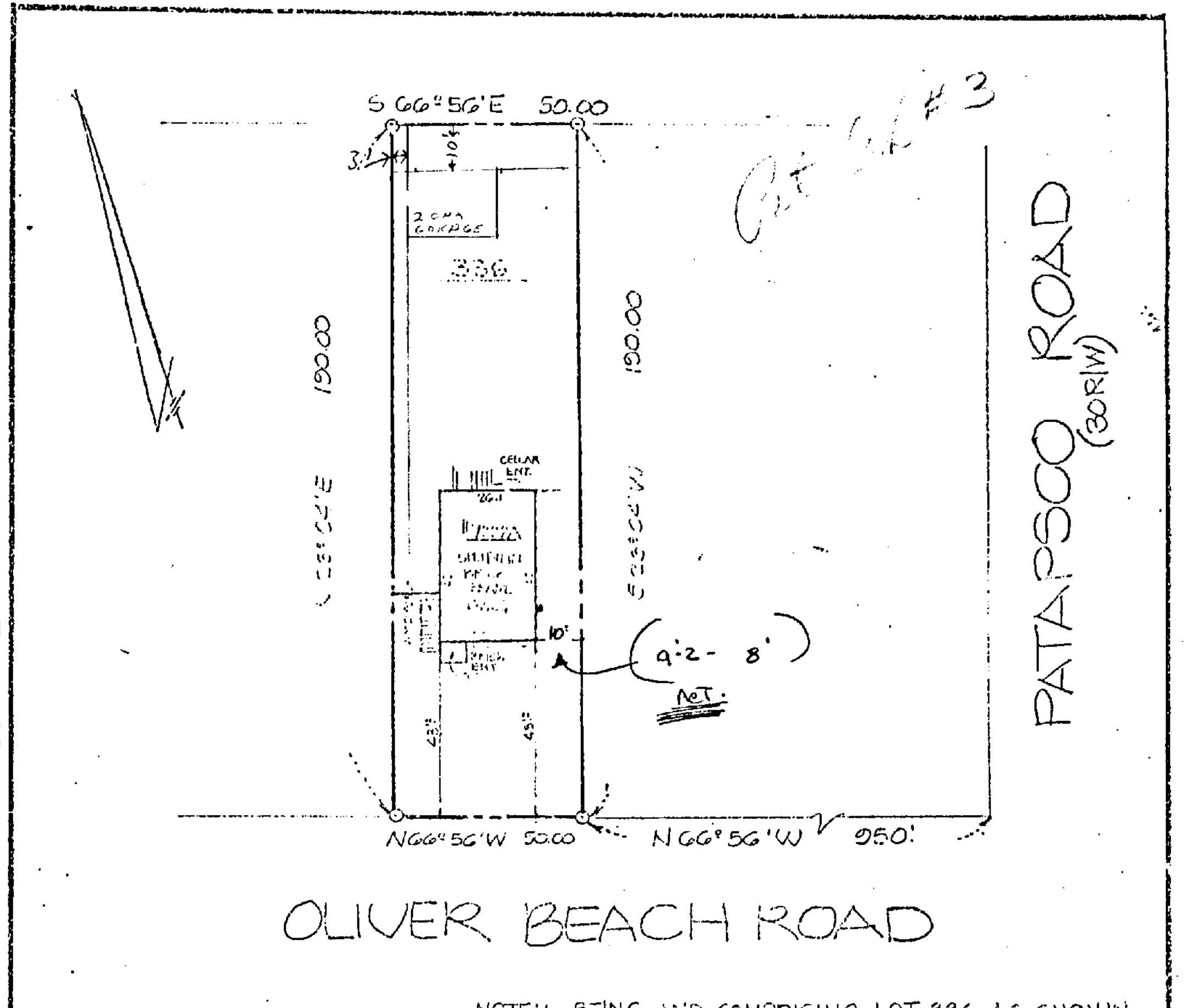
Pet Exh #2

date: 3-18-94.
prepared by: ____________
Scale of Drawing: 1"= 40'

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
JRA	356	

Pet Exh #3



S 66°56'E 50.00
336
150.00
150.00
PATAPSCO ROAD (30'R/W)
335°30'51"
N66°56'W 50.00
N66°56'W 950'

OLIVER BEACH ROAD

NOTE: 1. BEING AND COMPRISING LOT 336 AS SHOWN ON THE UNRECORDED PLAT OF SECTION B, OLIVER BEACH"
2. DEED: LIBER: 7765 FOLIO 416.

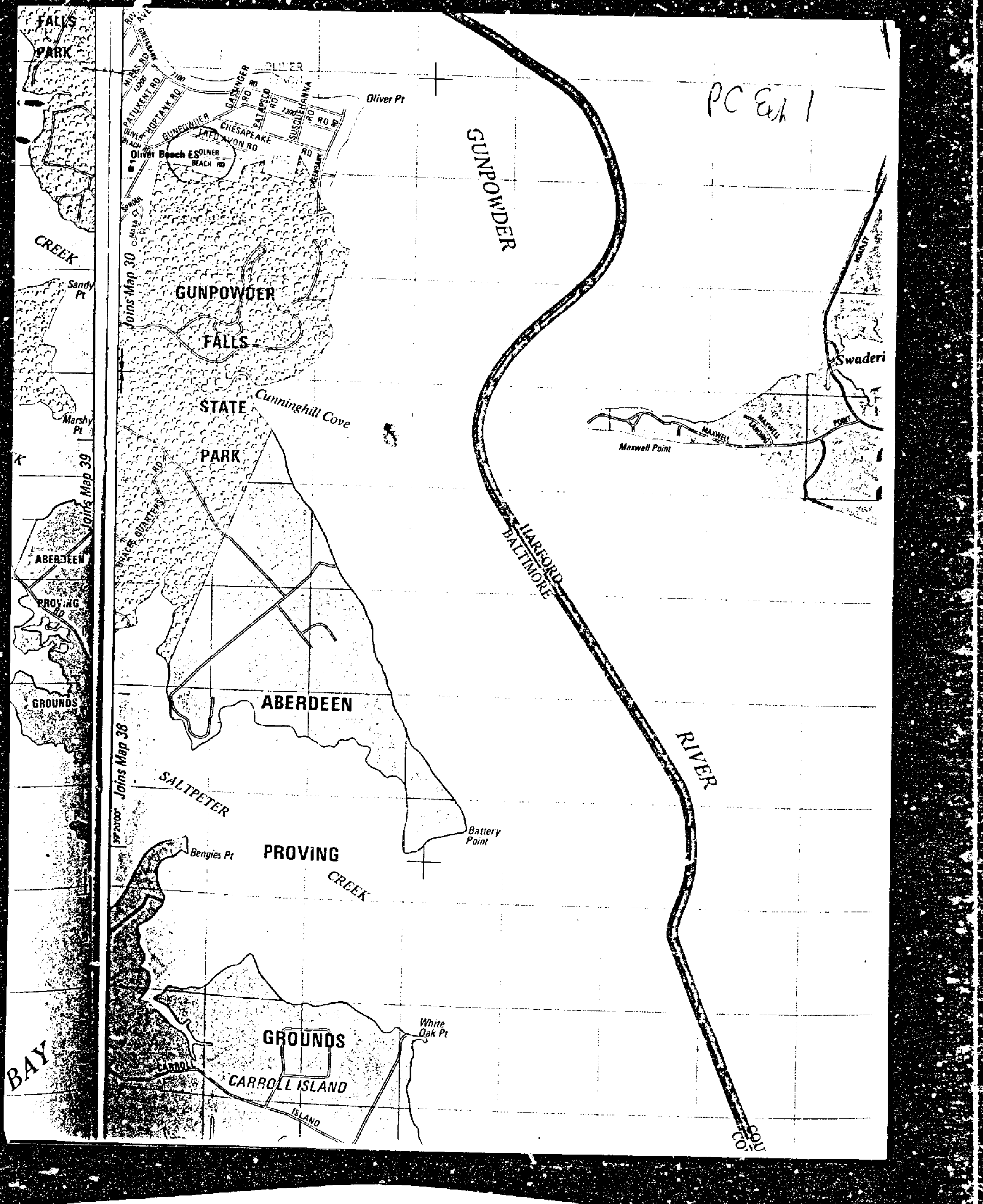
I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THEY ARE LOCATED AS SHOWN.
THIS PLAT IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.

5-14-88 John C. Mellema REG. NO. 107 744-8880

No. 107

LOCATION SURVEY	SCALE
7222A OLIVER BEACH RD. • ANNE ARUNDEL CO. MD.	1"=40'
JOHN C. MELLEMA SR., INC. LAND SURVEYORS	DATE 5-14-88
6100 BALTIMORE NATIONAL PIKE – BALTIMORE, MARYLAND 21228	JOB NO. 88293

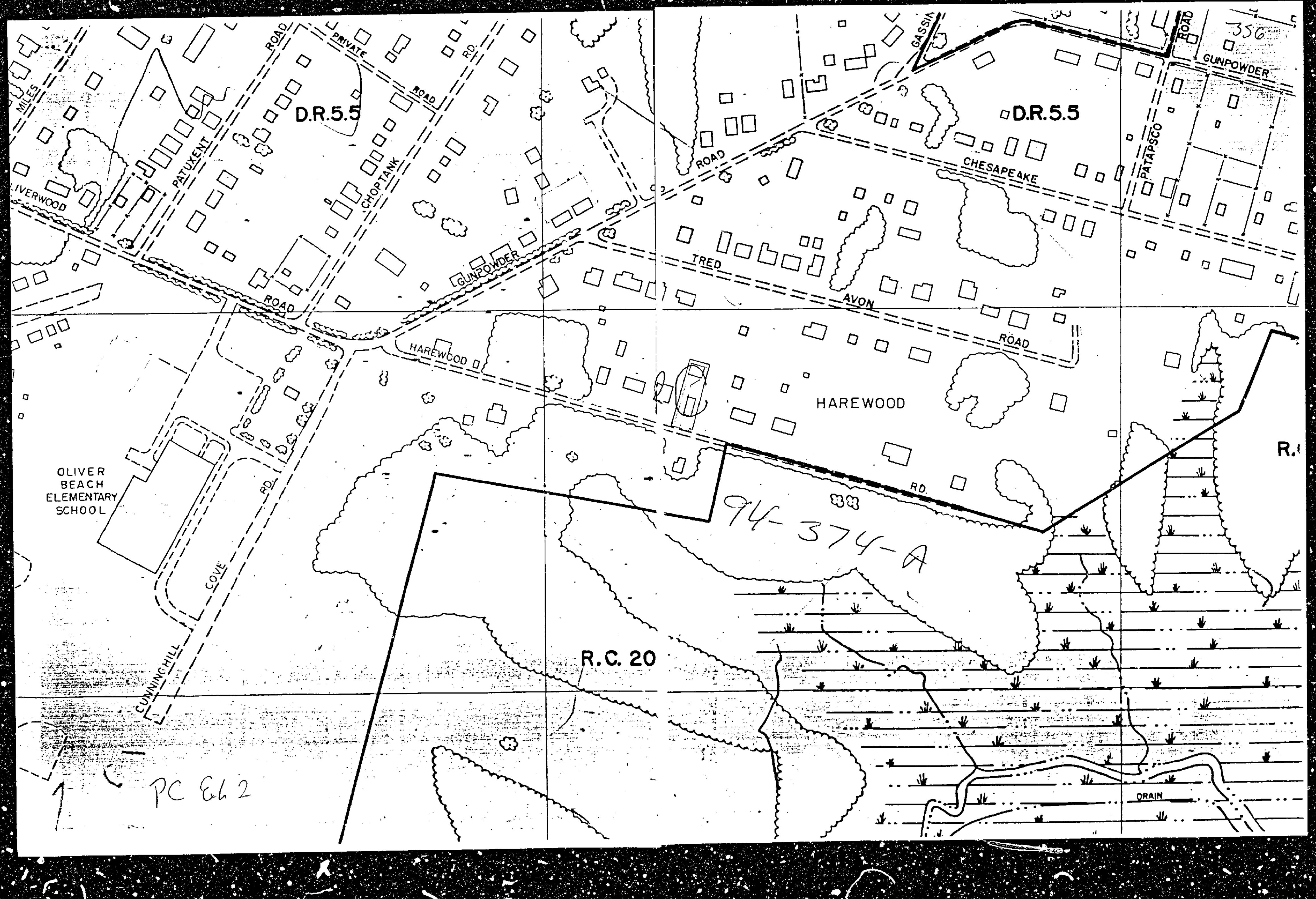
PC Ex 1



FALLS PARK
CREEK
Oliver Beach
GUNPOWDER FALLS STATE PARK
Cunninghill Cove
GUNPOWDER
RIVER
HARFORD BALTIMORE
Joins Map 30
Joins Map 38
ABERDEEN
ABERDEEN PROVING GROUNDS
SALTPETER CREEK
Battery Point
Carroll Island
White Oak Pt
BAY

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

PC & Protestants 4A-7 45
Photos
94-374-A



D.R.5.5
D.R.5.5
PRIVATE ROAD
ROAD
GUNPOWDER
RIVERWOOD
PATUXENT
CHOPTANK
GASSINGER
CHESAPEAKE
PATAPSCO
TRED AVON ROAD
HAREWOOD RD
HAREWOOD
OLIVER BEACH ELEMENTARY SCHOOL
CUNNINGHILL COVE RD
R.C. 20
DRAIN
356
94-374-A

PC Ex 2

OLIVER BEACH IMPROVEMENT ASSN. INC.
Post Office Box 57
Chase, Maryland 21027

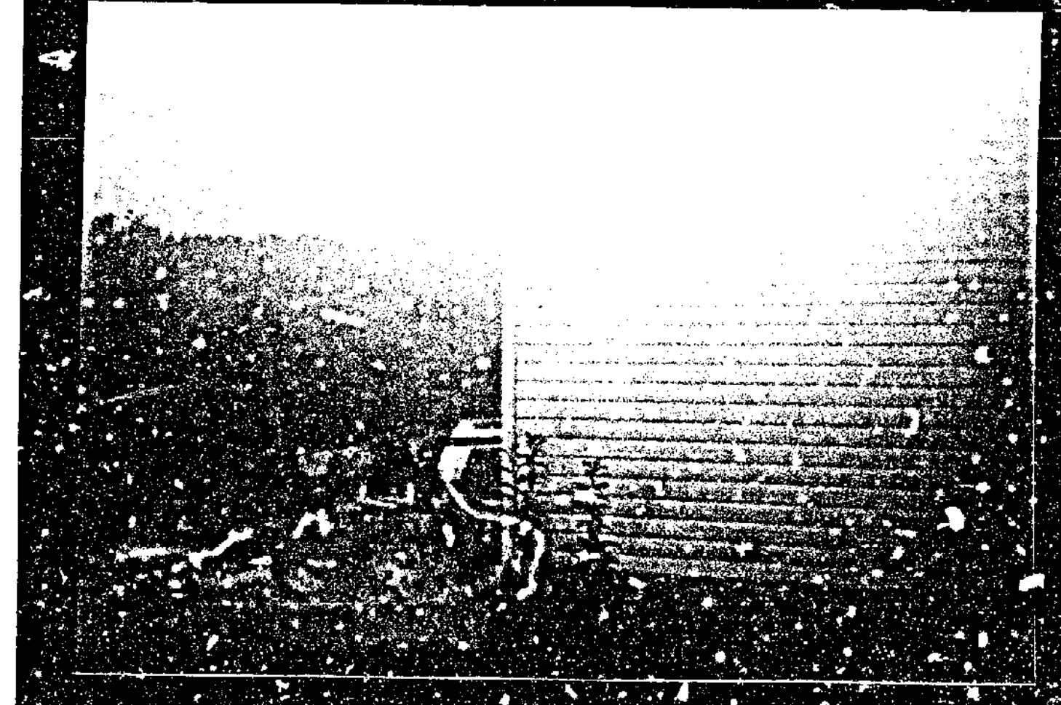
PC Exh 3

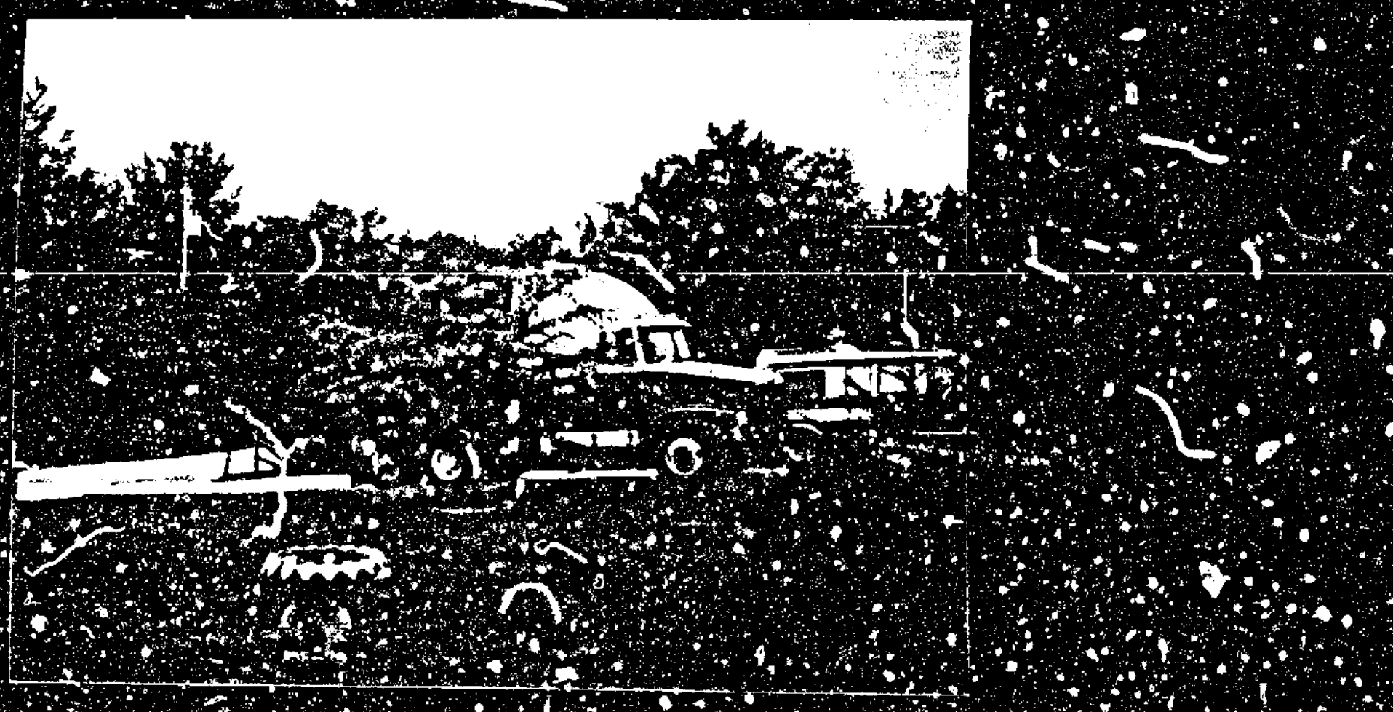
May 2, 1994

To the attention of the hearing officer,

It has come to the attention of the members of the Oliver Beach Community, that a hearing has been set. The hearing is to allow a variance to park and house a tractor trailer on 7222A Oliver Beach Road. We the residents feel, that to allow this to happen would negatively effect the quiet residential community in many ways. We feel the many hazards in letting this vehicle stay, would only open new doors for other individuals. Trucks of this type give off excessive noise and air pollution. Not only would it endanger the many lives of the children walking to and from school, or riding their bikes or just in any area where this and any vehicle of that magnatude be allowed to drive. This paticular trucks owner, we've heard, let's his truck engine run excessively and blows his horn at all hours of the day and night. He also cleans his engine and changes his oil, while letting the run off drain into the critical Chesapeake Bay. And if thats not enough he damages the surrounding properties, including the county roads and drain pipes. Not only, if these types of vehicles are granted variances to stay in our community, it will decrease the surrounding properties value, and lower the standards of this wonderful water oriented community. There are many places these types of vehicles can be stored, that will not harm the environment, and the many people, and their surrounding properties. So sir, please, please after reading this, put yourself in our community. Then deny this variance giving him, and any individuals, the oppurtunity to allow our wonderful community to decrease in popularity. Thank you so much in listening to our plea to save our community!

Sincerely,
Ray Reiner
Ray Reiner,
President





Sunday May 1, 1994

To Whom It May Concern:

I am a neighbor of David R. Pickle and in no way does his truck bother me in any way. The vehicle is very quiet and does not disturb me.

Jerry A Buford Jr.
7231 Oliver Beach RD

Lisa G. Buford
7231 Oliver Beach Rd

Norita Stover
Roy J. [illegible]
7232 Oliver Beach RD

FRANZ HUBER
7205 OLIVER BEACH RD,

Richard Schaal
7244 OLIVER BEACH ROAD

Antoinette [illegible]
7203 Oliver Beach Rd

[illegible] L. [illegible]
Jeffrey T [illegible]
7216 Oliver Beach RD.

John Bernardino
7203 Oliver Beach Rd

Donna Krapf
12957 Cunninghill Cove RD.

Charles T. Ryder
Betty Ryder
7209 OLIVER BEACH RD BALTO 21220

Sunday, May 1, 1994

To Whom It May Concern:

Please be advised that any photos presented to you by the Sudbrinks of my property, I am requesting be declared null and void. I have no problem or complaints regarding this.

Jerry A Buford Jr.
7231 Oliver Beach RD

OLIVER BEACH IMPROVEMENT ASSN. INC.
Post Office Box 57
Chase, Maryland 21027

May 2, 1994

To the attention of the hearing officer,

It has come to the attention of the members of the Oliver Beach Community, that a hearing has been set. The hearing is to allow a variance to park and house a tractor trailer on 7222A Oliver Beach Road. We the residents feel, that to allow this to happen would negatively effect the quiet residential community in many ways. We feel the many hazards in letting this vehicle stay, would only open new doors for other individuals. Trucks of this type give off excessive noise and air pollution. Not only would it endanger the many lives of the children walking to and from school, or riding their bikes or just in any area where this and any vehicle of that magnatude be allowed to drive. This paticular trucks owner, we've heard, let's his truck engine run excessively and blows his horn at all hours of the day and night. He also cleans his engine and changes his oil, while letting the run off drain into the critical Chesapeake Bay. And if thats not enough he damages the surrounding properties, including the county roads and drain pipes. Not only, if these types of vehicles are granted variances to stay in our community, it will decrease the surrounding properties value, and lower the standards of this wonderful water oriented community. There are many places these types of vehicles can be stored, that will not harm the environment, and the many people, and their surrounding properties. So sir, please, please after reading this, put yourself in our community. Then deny this variance giving him, and any individuals, the oppurtunity to allow our wonderful community to decrease in popularity. Thank you so much in listening to our plea to save our community!

Sincerely,

Ray Reiner
Ray Reiner,
President

May 2, 1994

To the attention of the hearing officer,

It has come to the attention of the members of the Oliver Beach Community, that a hearing has been set. The hearing is to allow a variance to park and house a tractor trailer on 7222A Oliver Beach Road. We the residents feel, that to allow this to happen would negatively effect the quiet residential community in many ways. We feel the many hazards in letting this vehicle stay, would only open new doors for other individuals. Trucks of this type give off excessive noise and air pollution. Not only would it endanger the many lives of the children walking to and from school, or riding their bikes or just in any area where this and any vehicle of that magnatude be allowed to drive. This paticular trucks owner, we've heard, let's his truck engine run excessively and blows his horn at all hours of the day and night. He also cleans his engine and changes his oil, while letting the run off drain into the critical Chesapeake Bay. And if thats not enough he damages the surrounding properties, including the county roads and drain pipes. Not only, if these types of vehicles are granted variances to stay in our community, it will decrease the surrounding properties value, and lower the standards of this wonderful water oriented community. There are many places these types of vehicles can be stored, that will not harm the environment, and the many people, and their surrounding properties. So sir, please, please after reading this, put yourself in our community. Then deny this variance giving him, and any individuals, the oppurtunity to allow our wonderful community to decrease in popularity. Thank you so much in listening to our plea to save our community!

Sincerely,

Concerned Residents of Oliver Beach

Henry J. Messer 13119 Riverview av
Richard [illegible] 13123 E. GREENBANK ROAD
Ellen F. Jackson 13235 Patapsco Rd.
Charles Varra 7122 Greenbank Rd.
Clyde Jackson 13235 Patapsco Rd
Frank Kowalczyk 7377 Greenbank Rd.
G. J. Wagner 13210 PATUXENT Rd.
Sherry Cantow 7401 Greenbank Rd.
Phil Cantow 7401 Greenbank Rd.
Toni Brush 7420 Greenbank Road
Frank Brush 7420 Greenbank Rd
Vicki Sines 7237 Gunpowder Rd

-2-

Vera McKeever	7410 Greenbank Rd	(21220)
Deborah Robinson	7301 Tredavon Rd	(21220)
[illegible] Sims	7237 Gunpowder Rd	21220
Debbie [illegible]	7405 Gunpowder Rd	21220
Charlotte Cullings	7224 Oliver Beach Rd	"
Pat. Sprecher	7224 Oliver Beach Rd	"
Diane Sudbrink	7222 Oliver Beach Rd	21220
Mark T Sell	" " "	"

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

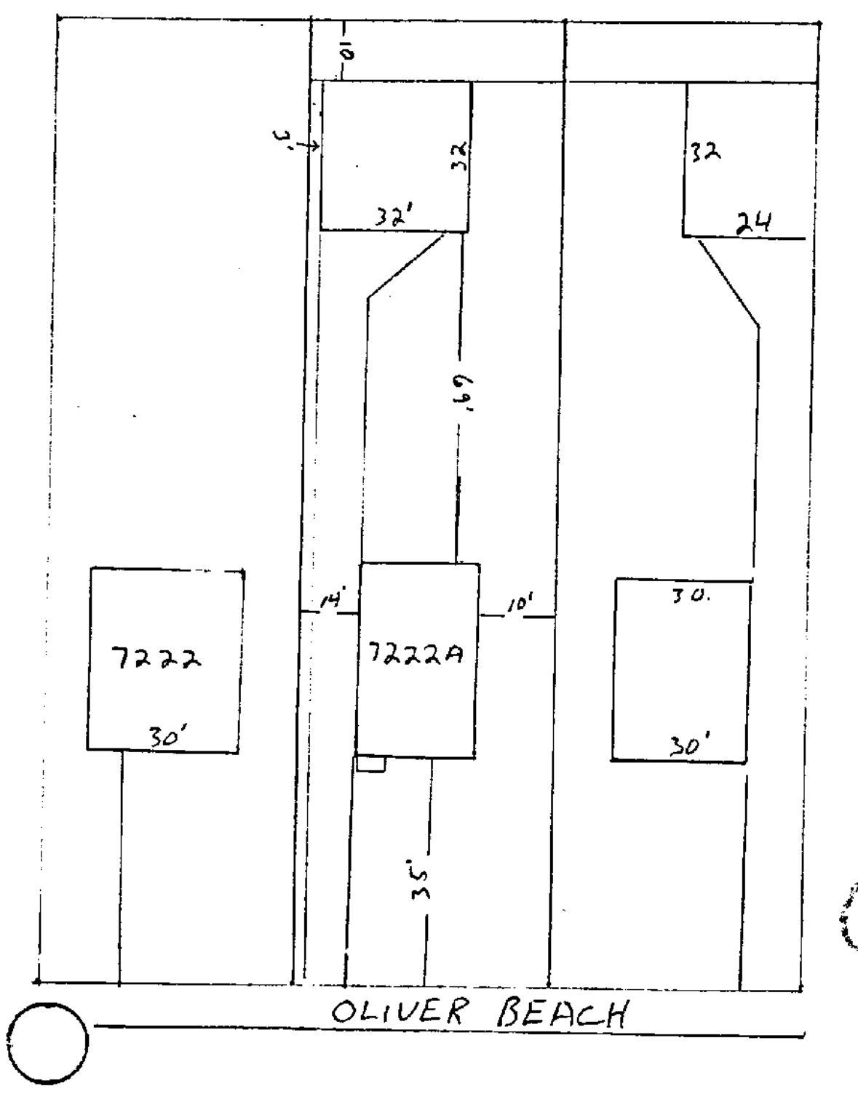
NAME	ADDRESS
DAVID R. PICKLE	7222 A OLIVER BEACH 21220
ELIZABETH M. PICKLE	7222 A OLIVER BEACH RD 21220

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Charlotte Cullings	7224 Oliver Beach Rd. 212
Diane Sudbrink	7222 Oliver Beach Rd. 20
Mark T Sell	7222 OLIVER BEACH Rd 21220
Gary Cullings	7224 Oliver Beach Rd 21220

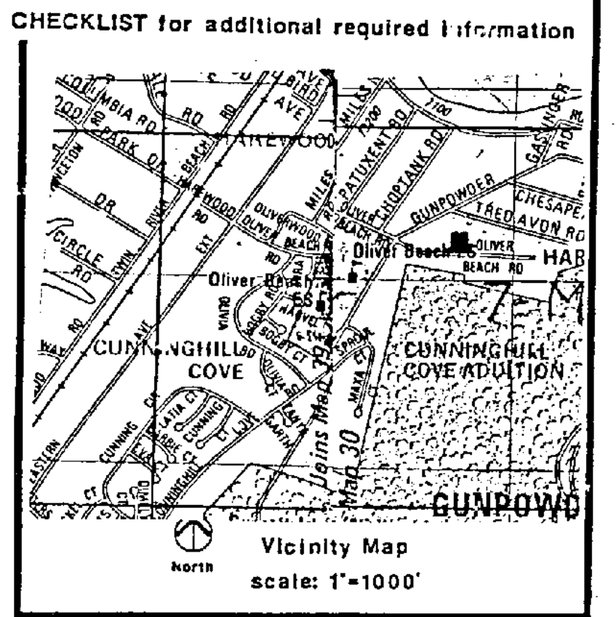
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 7222 A OLIVER BEACH RD see pages 5 & 6 of the CHECKLIST for additional required information
Subdivision name: OLIVER BEACH
plat book# —, folio# —, lot# —, section# —
OWNER: DAVID & ELIZABETH PICKLE



date: 3-18-94
prepared by: ______
Scale of Drawing: 1"= 40'

94-374A



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 15
Councilmanic District: 5
1"=200' scale map#: NE 7-M
Zoning: DR.5.5.
Lot size: — acreage 9500 ft square feet

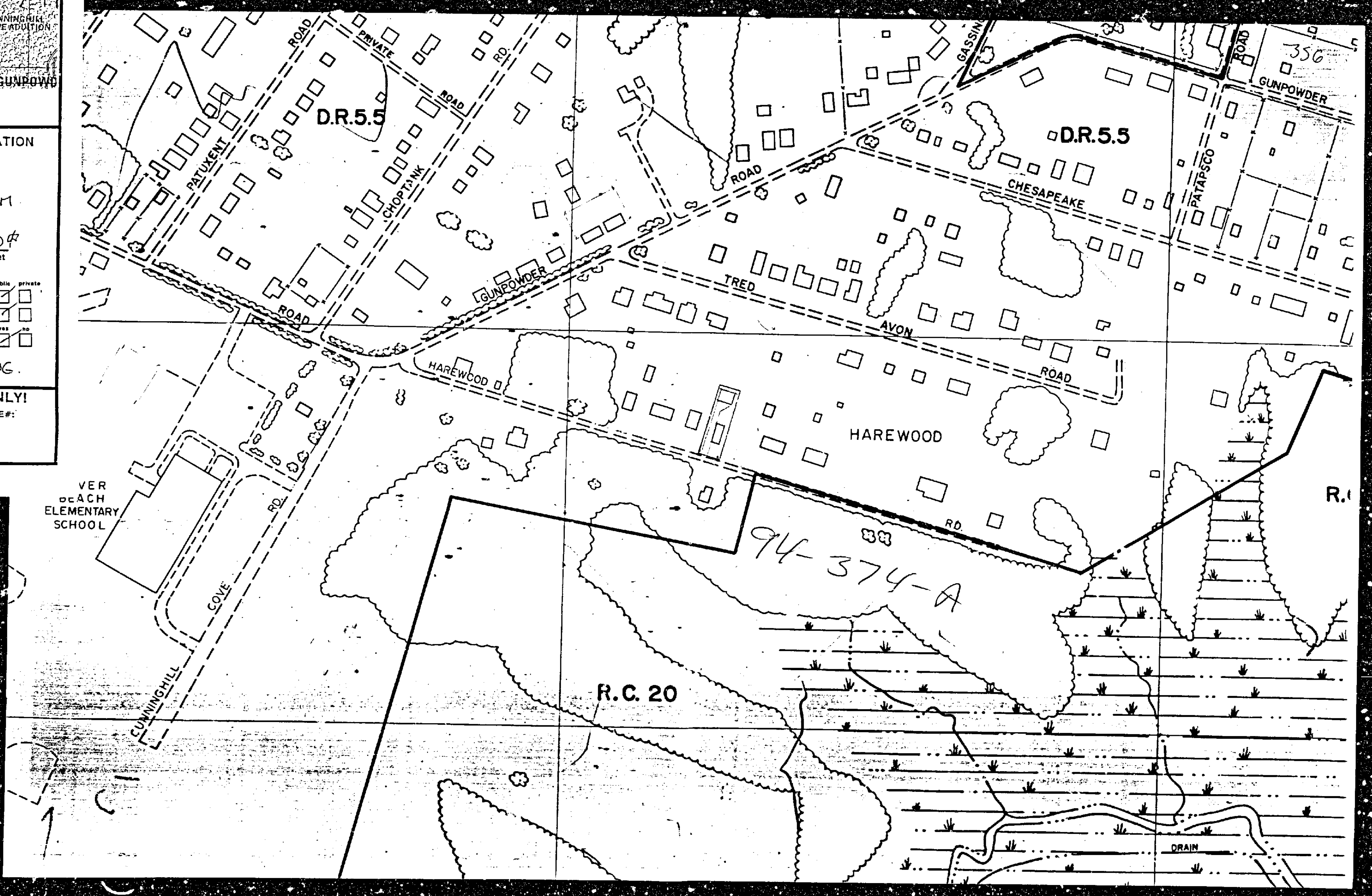
	public	private
SEWER:	☑	☐
WATER:	☑	☐

	yes	no
Chesapeake Bay Critical Area:	☑	☐

Prior Zoning Hearings: NONE.

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
JRA	35C	



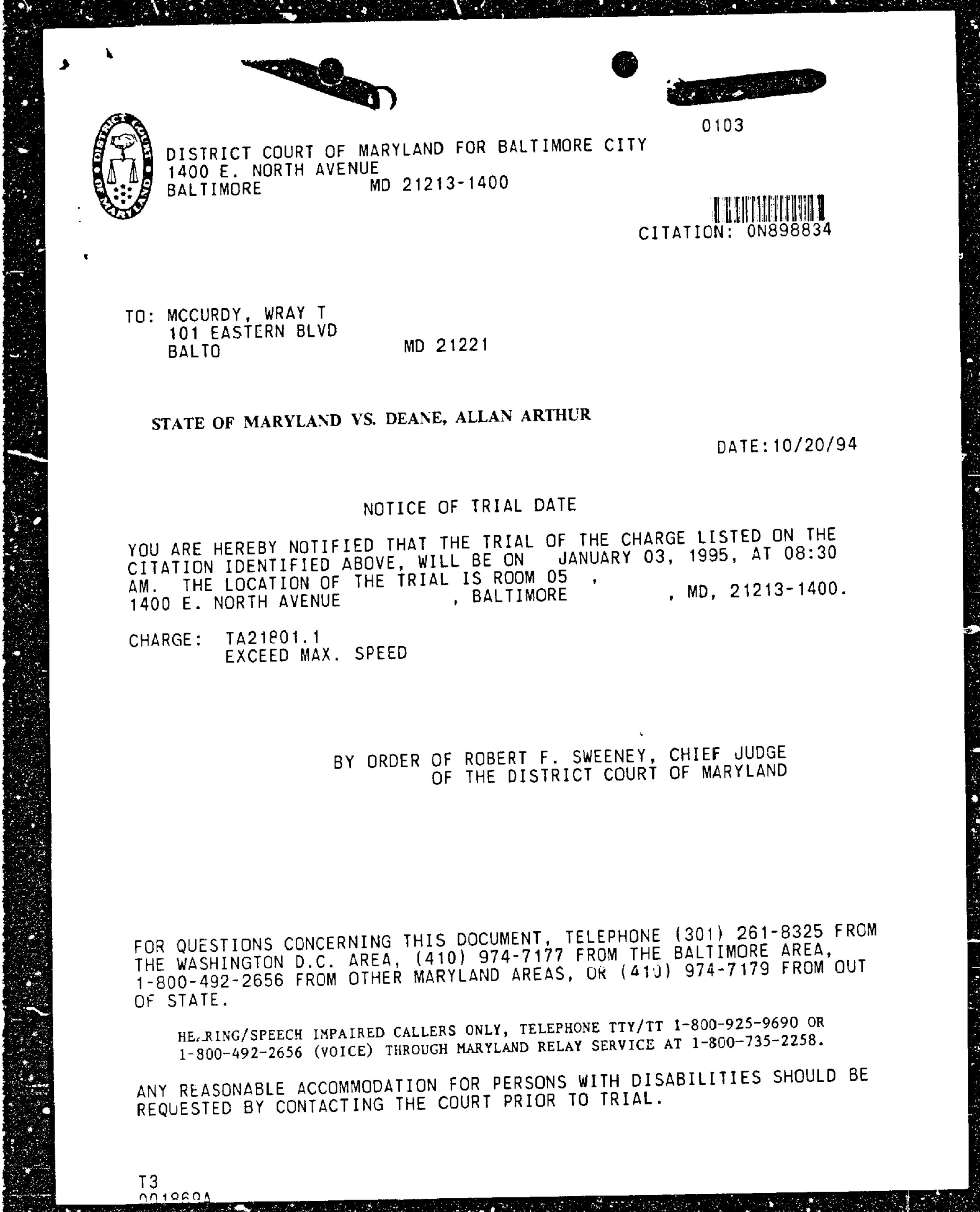
94-374-A

Next Few

BEST IMAGE POSSIBLE

The following document was scanned as received and contains the best possible image.

Micro Records Company,Inc.
Baltimore , Maryland



[redacted] [redacted]

0103

DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY
1400 E. NORTH AVENUE
BALTIMORE MD 21213-1400

CITATION: 0N898834

TO: MCCURDY, WRAY T
101 EASTERN BLVD
BALTO MD 21221

STATE OF MARYLAND VS. DEANE, ALLAN ARTHUR

DATE:10/20/94

NOTICE OF TRIAL DATE

YOU ARE HEREBY NOTIFIED THAT THE TRIAL OF THE CHARGE LISTED ON THE CITATION IDENTIFIED ABOVE, WILL BE ON JANUARY 03, 1995, AT 08:30 AM. THE LOCATION OF THE TRIAL IS ROOM 05 , 1400 E. NORTH AVENUE , BALTIMORE , MD, 21213-1400.

CHARGE: TA21801.1
EXCEED MAX. SPEED

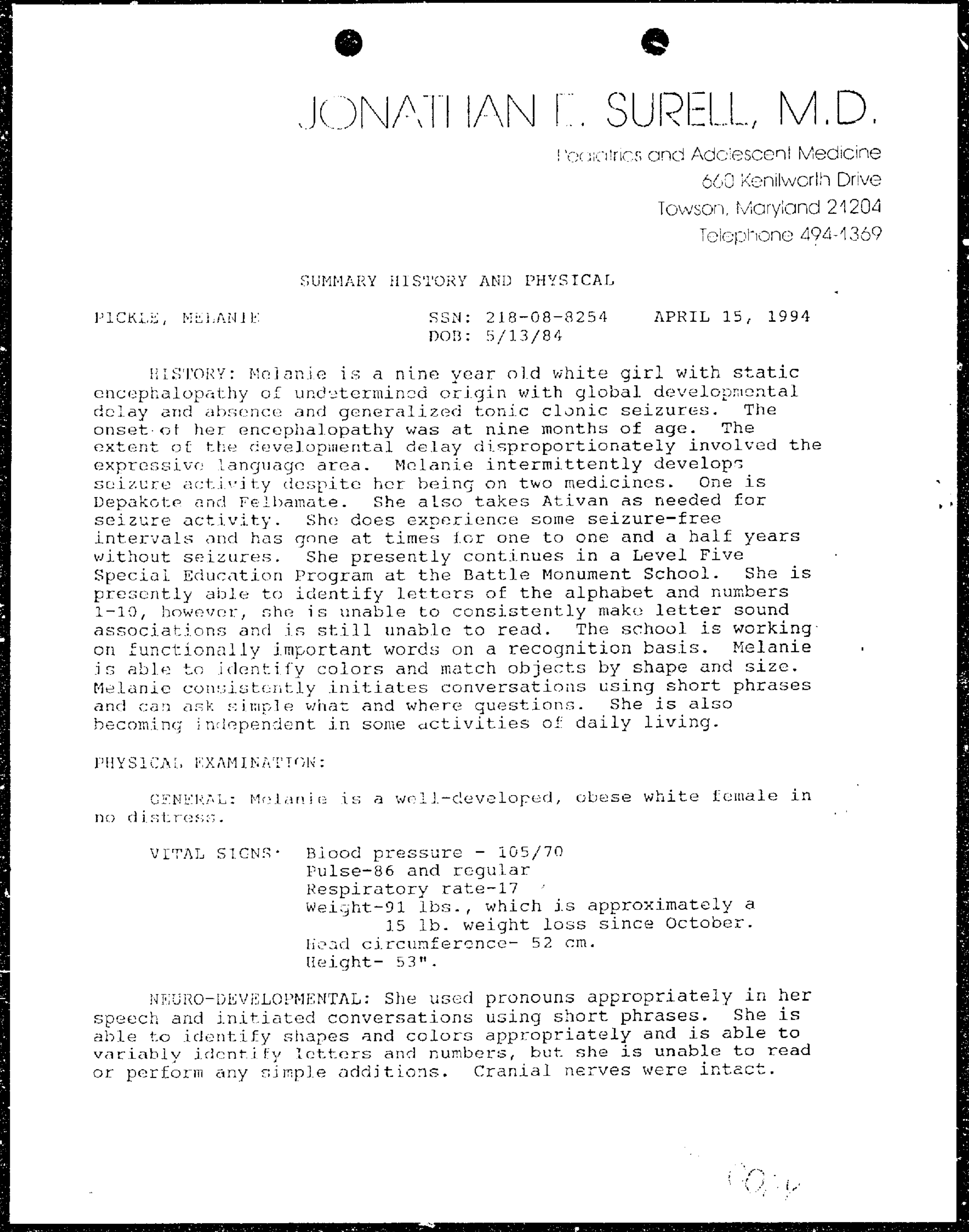
BY ORDER OF ROBERT F. SWEENEY, CHIEF JUDGE
OF THE DISTRICT COURT OF MARYLAND

FOR QUESTIONS CONCERNING THIS DOCUMENT, TELEPHONE (301) 261-8325 FROM THE WASHINGTON D.C. AREA, (410) 974-7177 FROM THE BALTIMORE AREA, 1-800-492-2656 FROM OTHER MARYLAND AREAS, OR (410) 974-7179 FROM OUT OF STATE.

HEARING/SPEECH IMPAIRED CALLERS ONLY, TELEPHONE TTY/TT 1-800-925-9690 OR 1-800-492-2656 (VOICE) THROUGH MARYLAND RELAY SERVICE AT 1-800-735-2258.

ANY REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES SHOULD BE REQUESTED BY CONTACTING THE COURT PRIOR TO TRIAL.

T3



JONATHAN E. SURELL, M.D.
Pediatrics and Adolescent Medicine
660 Kenilworth Drive
Towson, Maryland 21204
Telephone 494-4369

SUMMARY HISTORY AND PHYSICAL

PICKLE, MELANIE SSN: 218-08-8254 APRIL 15, 1994
DOB: 5/13/84

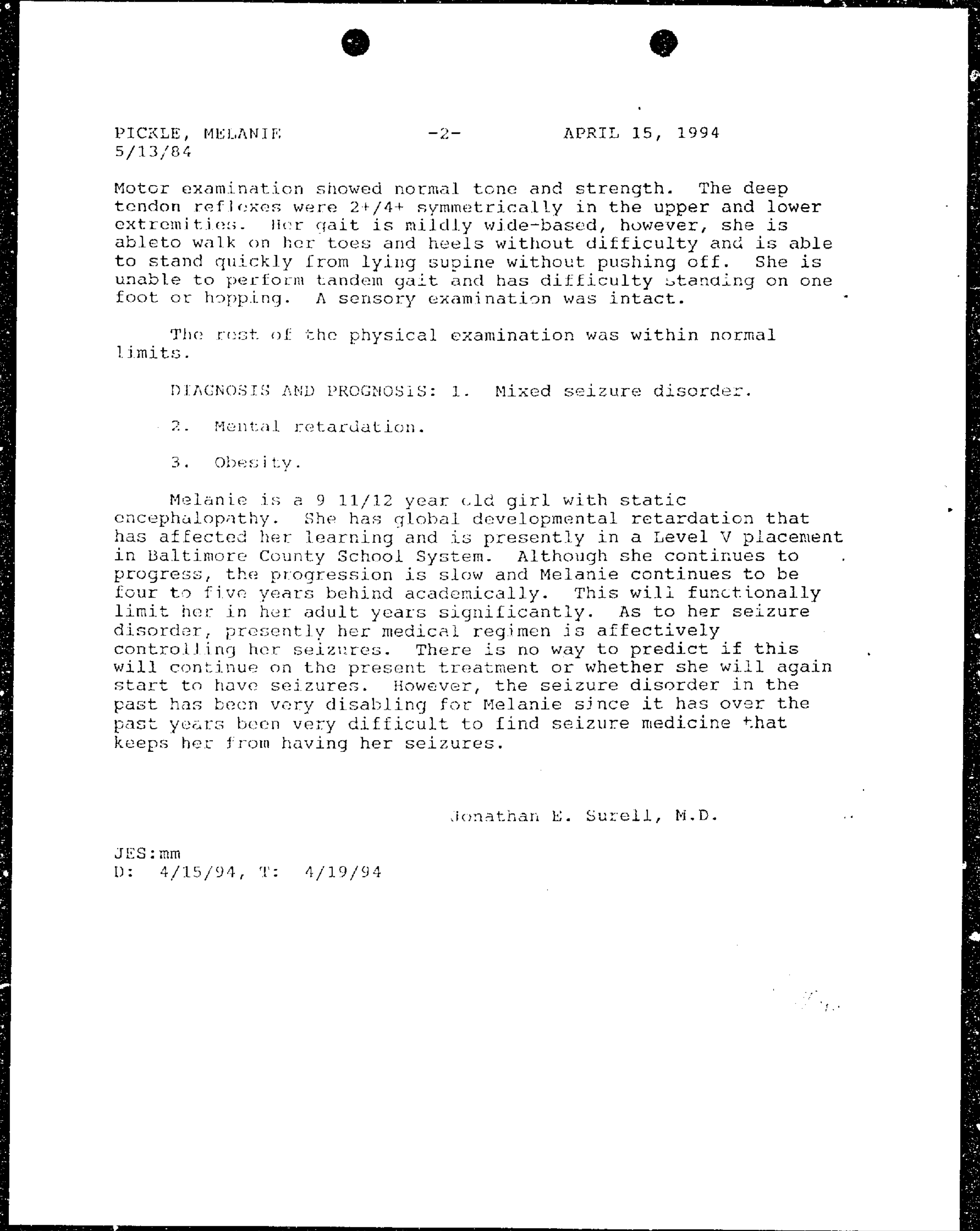
HISTORY: Melanie is a nine year old white girl with static encephalopathy of undetermined origin with global developmental delay and absence and generalized tonic clonic seizures. The onset of her encephalopathy was at nine months of age. The extent of the developmental delay disproportionately involved the expressive language area. Melanie intermittently develops seizure activity despite her being on two medicines. One is Depakote and Felbamate. She also takes Ativan as needed for seizure activity. She does experience some seizure-free intervals and has gone at times for one to one and a half years without seizures. She presently continues in a Level Five Special Education Program at the Battle Monument School. She is presently able to identify letters of the alphabet and numbers 1-10, however, she is unable to consistently make letter sound associations and is still unable to read. The school is working on functionally important words on a recognition basis. Melanie is able to identify colors and match objects by shape and size. Melanie consistently initiates conversations using short phrases and can ask simple what and where questions. She is also becoming independent in some activities of daily living.

PHYSICAL EXAMINATION:

GENERAL: Melanie is a well-developed, obese white female in no distress.

VITAL SIGNS: Blood pressure - 105/70
Pulse-86 and regular
Respiratory rate-17
Weight-91 lbs., which is approximately a 15 lb. weight loss since October.
Head circumference- 52 cm.
Height- 53".

NEURO-DEVELOPMENTAL: She used pronouns appropriately in her speech and initiated conversations using short phrases. She is able to identify shapes and colors appropriately and is able to variably identify letters and numbers, but she is unable to read or perform any simple additions. Cranial nerves were intact.



PICKLE, MELANIE -2- APRIL 15, 1994
5/13/84

Motor examination showed normal tone and strength. The deep tendon reflexes were 2+/4+ symmetrically in the upper and lower extremities. Her gait is mildly wide-based, however, she is ableto walk on her toes and heels without difficulty and is able to stand quickly from lying supine without pushing off. She is unable to perform tandem gait and has difficulty standing on one foot or hopping. A sensory examination was intact.

The rest of the physical examination was within normal limits.

DIAGNOSIS AND PROGNOSIS: 1. Mixed seizure disorder.

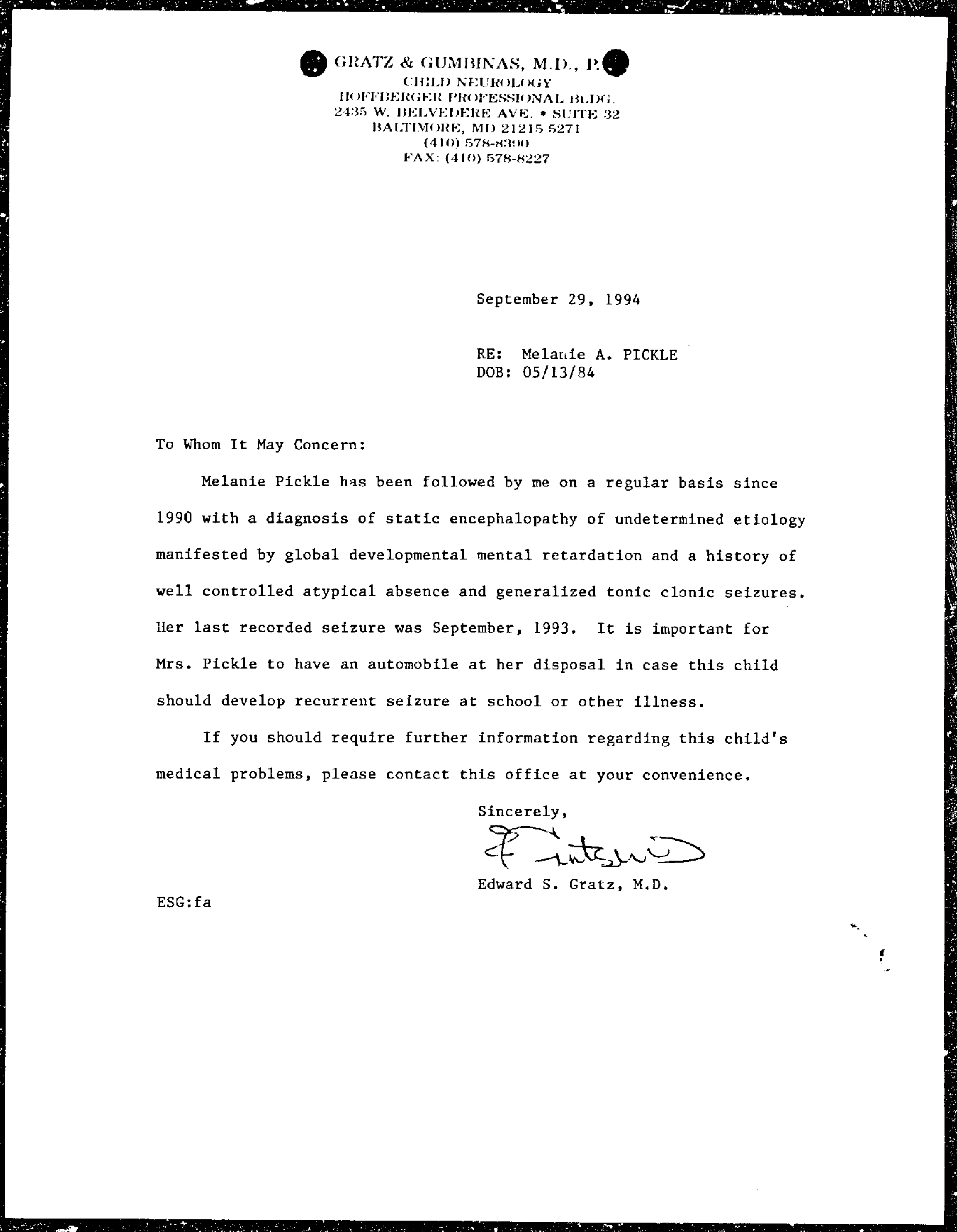
2. Mental retardation.

3. Obesity.

Melanie is a 9 11/12 year old girl with static encephalopathy. She has global developmental retardation that has affected her learning and is presently in a Level V placement in Baltimore County School System. Although she continues to progress, the progression is slow and Melanie continues to be four to five years behind academically. This will functionally limit her in her adult years significantly. As to her seizure disorder, presently her medical regimen is affectively controlling her seizures. There is no way to predict if this will continue on the present treatment or whether she will again start to have seizures. However, the seizure disorder in the past has been very disabling for Melanie since it has over the past years been very difficult to find seizure medicine that keeps her from having her seizures.

Jonathan E. Surell, M.D.

JES:mm
D: 4/15/94, T: 4/19/94



GRATZ & GUMBINAS, M.D., P.A.
CHILD NEUROLOGY
HOFFBERGER PROFESSIONAL BLDG.
2435 W. BELVEDERE AVE. • SUITE 32
BALTIMORE, MD 21215 5271
(410) 578-8300
FAX: (410) 578-8227

September 29, 1994

RE: Melanie A. PICKLE
DOB: 05/13/84

To Whom It May Concern:

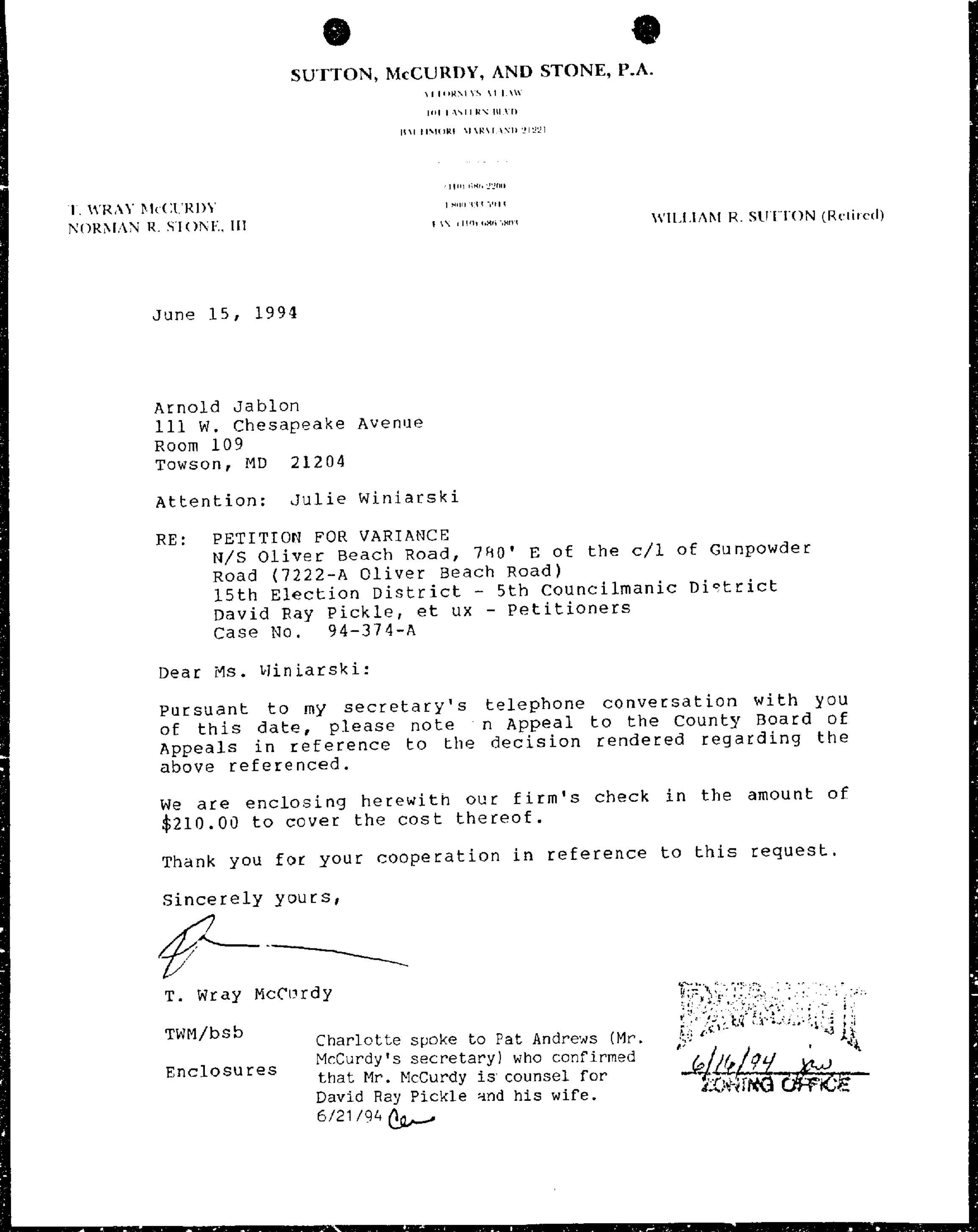
Melanie Pickle has been followed by me on a regular basis since 1990 with a diagnosis of static encephalopathy of undetermined etiology manifested by global developmental mental retardation and a history of well controlled atypical absence and generalized tonic clonic seizures. Her last recorded seizure was September, 1993. It is important for Mrs. Pickle to have an automobile at her disposal in case this child should develop recurrent seizure at school or other illness.

If you should require further information regarding this child's medical problems, please contact this office at your convenience.

Sincerely,

Edward S. Gratz, M.D.

ESG:fa



SUTTON, McCURDY, AND STONE, P.A.
ATTORNEYS AT LAW
101 EASTERN BLVD
BALTIMORE, MARYLAND 21221

(410) 686-2200
[illegible]
FAX [illegible]

T. WRAY McCURDY
NORMAN R. STONE, III

WILLIAM R. SUTTON (Retired)

June 15, 1994

Arnold Jablon
111 W. Chesapeake Avenue
Room 109
Towson, MD 21204

Attention: Julie Winiarski

RE: PETITION FOR VARIANCE
N/S Oliver Beach Road, 780' E of the c/l of Gunpowder Road (7222-A Oliver Beach Road)
15th Election District - 5th Councilmanic District
David Ray Pickle, et ux - Petitioners
Case No. 94-374-A

Dear Ms. Winiarski:

Pursuant to my secretary's telephone conversation with you of this date, please note an Appeal to the County Board of Appeals in reference to the decision rendered regarding the above referenced.

We are enclosing herewith our firm's check in the amount of $210.00 to cover the cost thereof.

Thank you for your cooperation in reference to this request.

Sincerely yours,

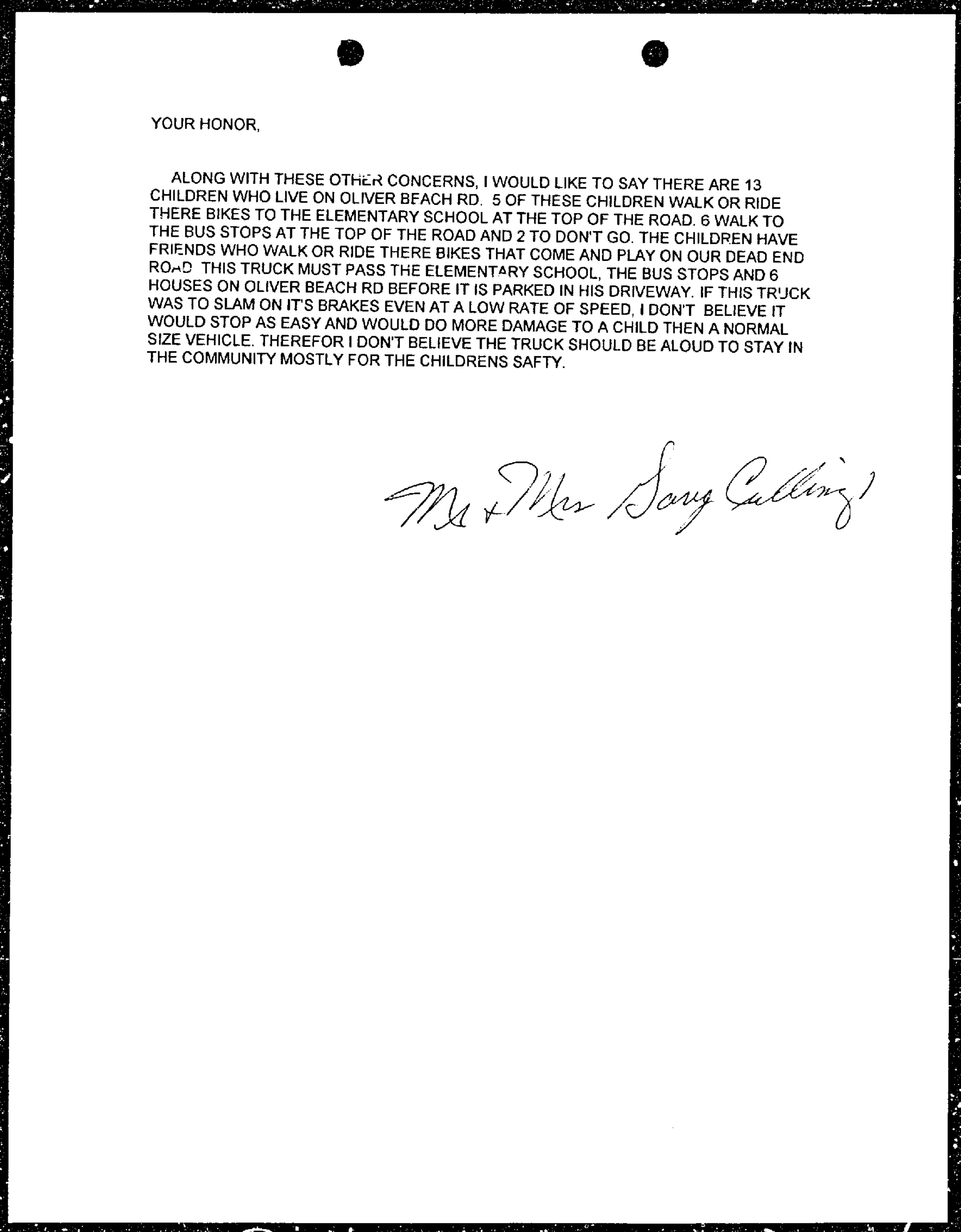
T. Wray McCurdy

TWM/bsb

Enclosures

Charlotte spoke to Pat Andrews (Mr. McCurdy's secretary) who confirmed that Mr. McCurdy is counsel for David Ray Pickle and his wife.
6/21/94

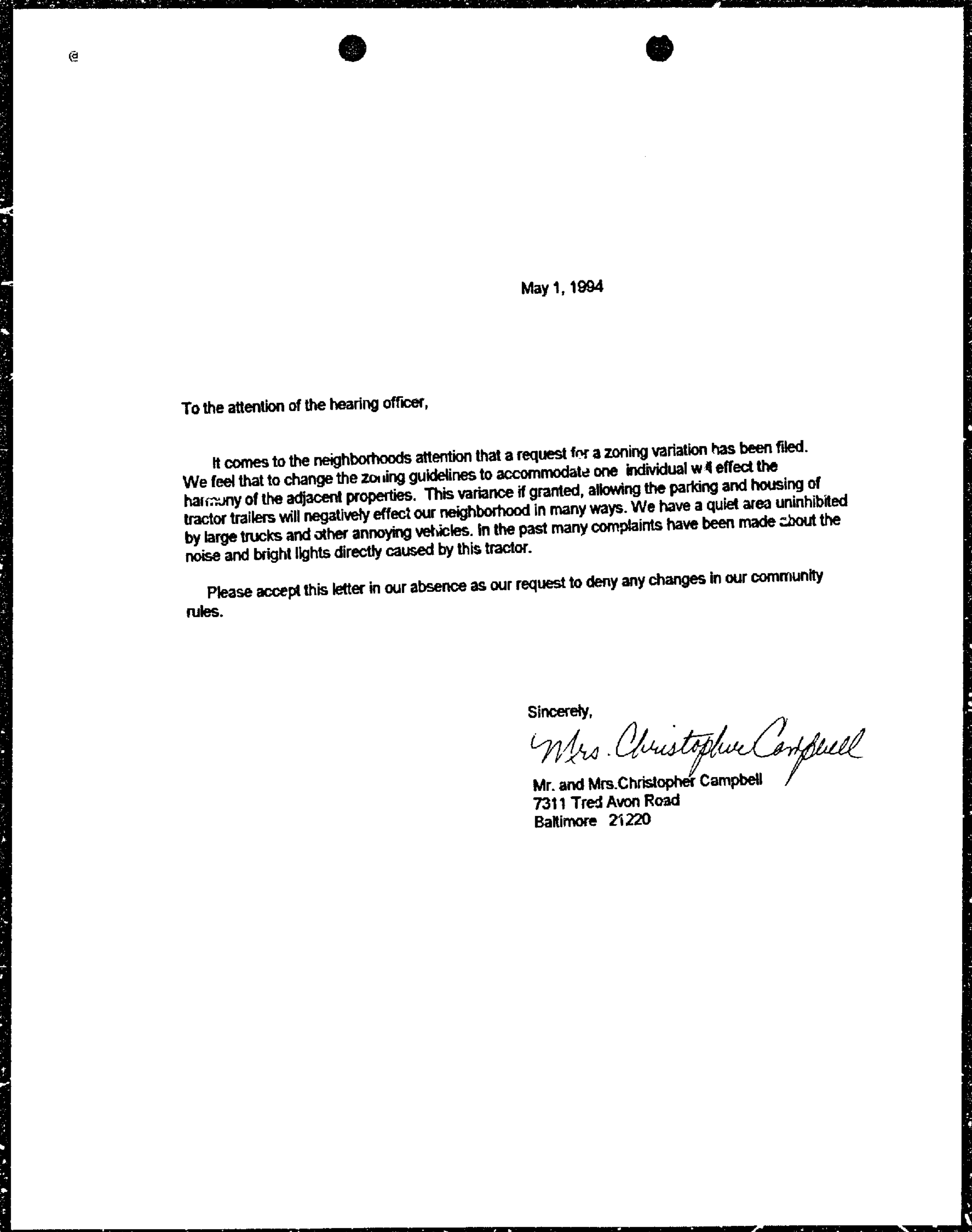
6/16/94
ZONING OFFICE



YOUR HONOR,

ALONG WITH THESE OTHER CONCERNS, I WOULD LIKE TO SAY THERE ARE 13 CHILDREN WHO LIVE ON OLIVER BEACH RD. 5 OF THESE CHILDREN WALK OR RIDE THERE BIKES TO THE ELEMENTARY SCHOOL AT THE TOP OF THE ROAD. 6 WALK TO THE BUS STOPS AT THE TOP OF THE ROAD AND 2 TO DON'T GO. THE CHILDREN HAVE FRIENDS WHO WALK OR RIDE THERE BIKES THAT COME AND PLAY ON OUR DEAD END ROAD THIS TRUCK MUST PASS THE ELEMENTARY SCHOOL, THE BUS STOPS AND 6 HOUSES ON OLIVER BEACH RD BEFORE IT IS PARKED IN HIS DRIVEWAY. IF THIS TRUCK WAS TO SLAM ON IT'S BRAKES EVEN AT A LOW RATE OF SPEED, I DON'T BELIEVE IT WOULD STOP AS EASY AND WOULD DO MORE DAMAGE TO A CHILD THEN A NORMAL SIZE VEHICLE. THEREFOR I DON'T BELIEVE THE TRUCK SHOULD BE ALOUD TO STAY IN THE COMMUNITY MOSTLY FOR THE CHILDRENS SAFTY.

Mr + Mrs Gary Cullings



May 1, 1994

To the attention of the hearing officer,

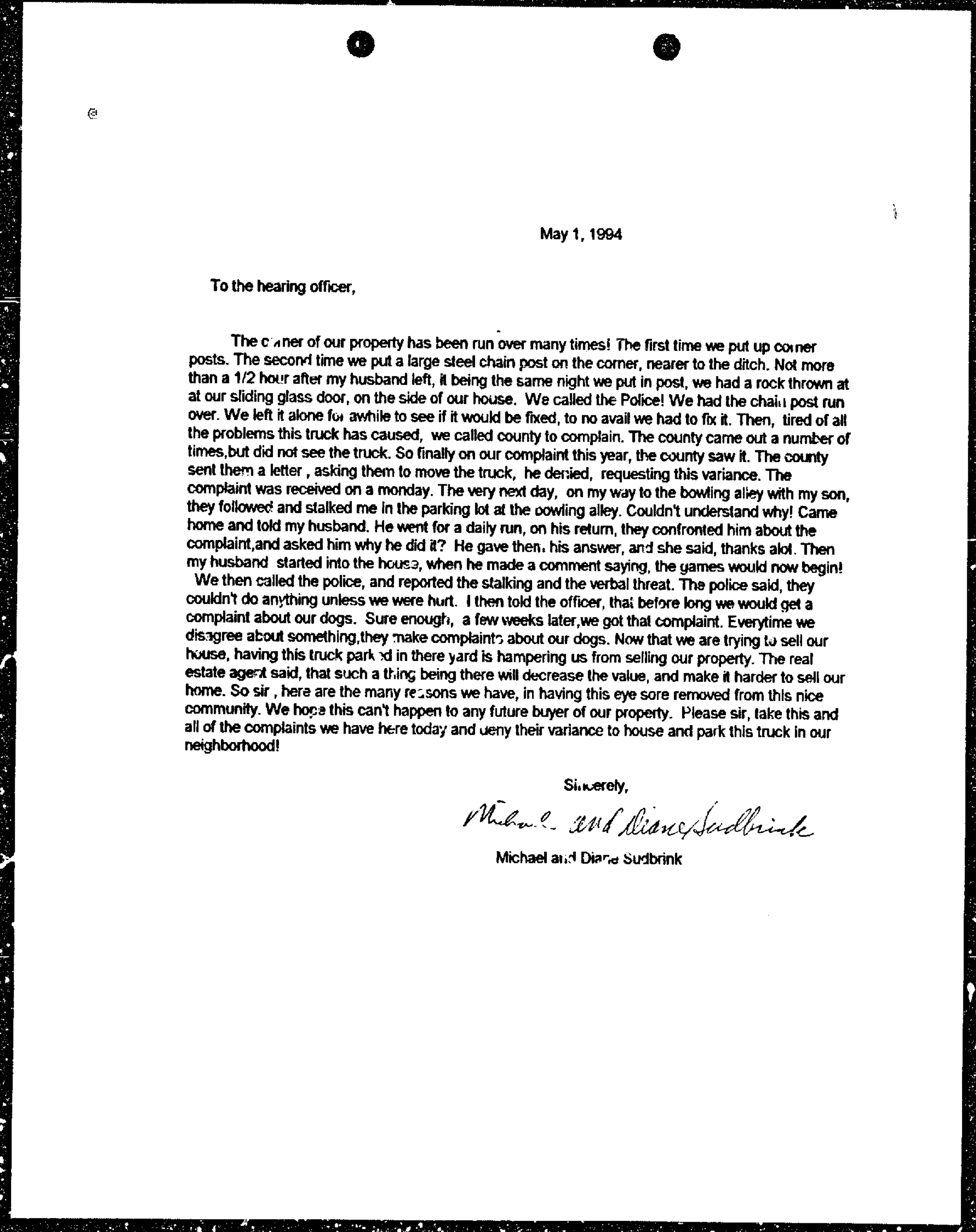
It comes to the neighborhoods attention that a request for a zoning variation has been filed. We feel that to change the zoning guidelines to accommodate one individual will effect the harmony of the adjacent properties. This variance if granted, allowing the parking and housing of tractor trailers will negatively effect our neighborhood in many ways. We have a quiet area uninhibited by large trucks and other annoying vehicles. In the past many complaints have been made about the noise and bright lights directly caused by this tractor.

Please accept this letter in our absence as our request to deny any changes in our community rules.

Sincerely,

Mrs. Christopher Campbell

Mr. and Mrs.Christopher Campbell
7311 Tred Avon Road
Baltimore 21220



May 1, 1994

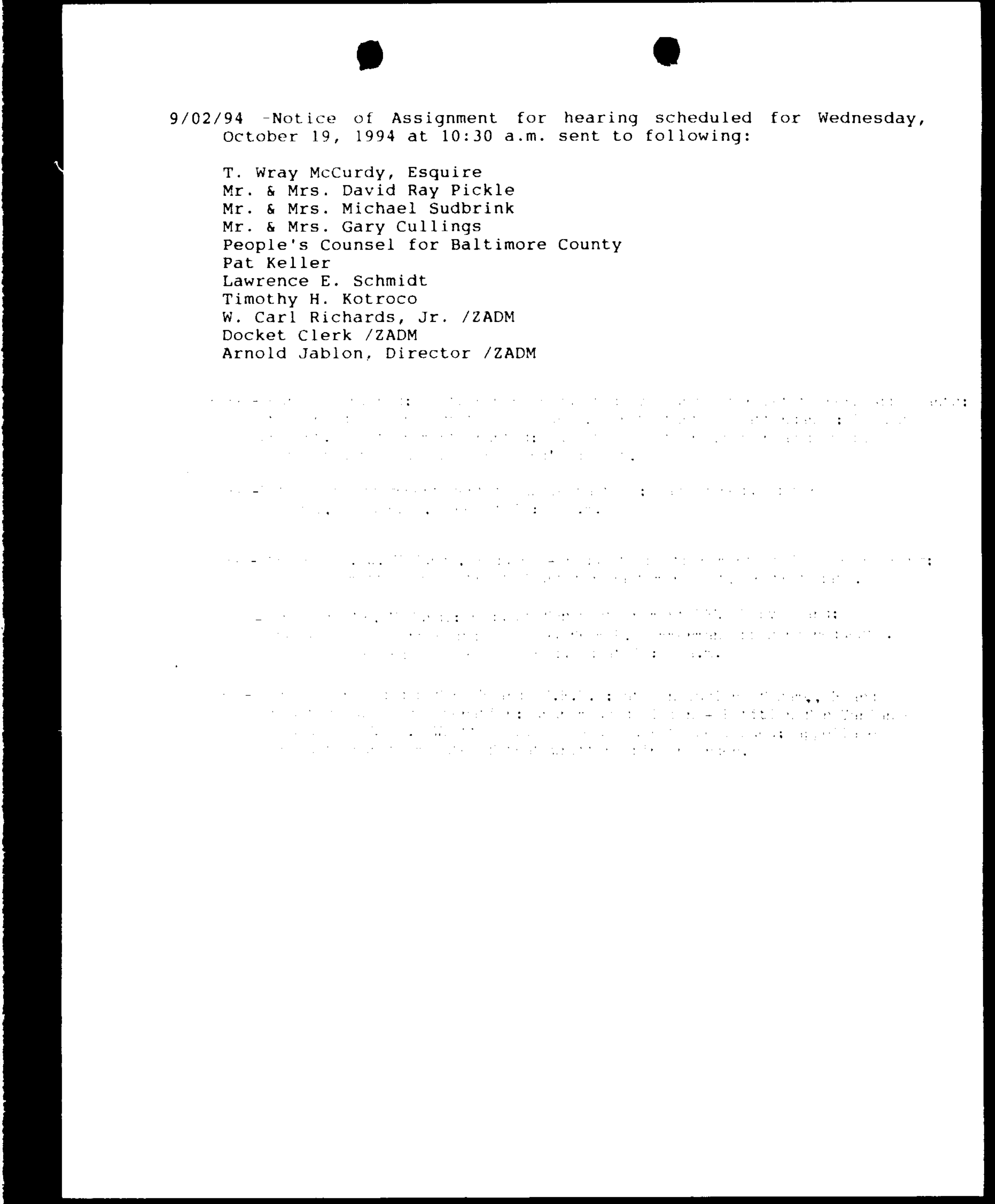
To the hearing officer,

The corner of our property has been run over many times! The first time we put up corner posts. The second time we put a large steel chain post on the corner, nearer to the ditch. Not more than a 1/2 hour after my husband left, it being the same night we put in post, we had a rock thrown at at our sliding glass door, on the side of our house. We called the Police! We had the chain post run over. We left it alone for awhile to see if it would be fixed, to no avail we had to fix it. Then, tired of all the problems this truck has caused, we called county to complain. The county came out a number of times,but did not see the truck. So finally on our complaint this year, the county saw it. The county sent them a letter , asking them to move the truck, he denied, requesting this variance. The complaint was received on a monday. The very next day, on my way to the bowling alley with my son, they followed and stalked me in the parking lot at the bowling alley. Couldn't understand why! Came home and told my husband. He went for a daily run, on his return, they confronted him about the complaint,and asked him why he did it? He gave them his answer, and she said, thanks alot. Then my husband started into the house, when he made a comment saying, the games would now begin! We then called the police, and reported the stalking and the verbal threat. The police said, they couldn't do anything unless we were hurt. I then told the officer, that before long we would get a complaint about our dogs. Sure enough, a few weeks later,we got that complaint. Everytime we disagree about something,they make complaints about our dogs. Now that we are trying to sell our house, having this truck parked in there yard is hampering us from selling our property. The real estate agent said, that such a thing being there will decrease the value, and make it harder to sell our home. So sir , here are the many reasons we have, in having this eye sore removed from this nice community. We hope this can't happen to any future buyer of our property. Please sir, take this and all of the complaints we have here today and deny their variance to house and park this truck in our neighborhood!

Sincerely,

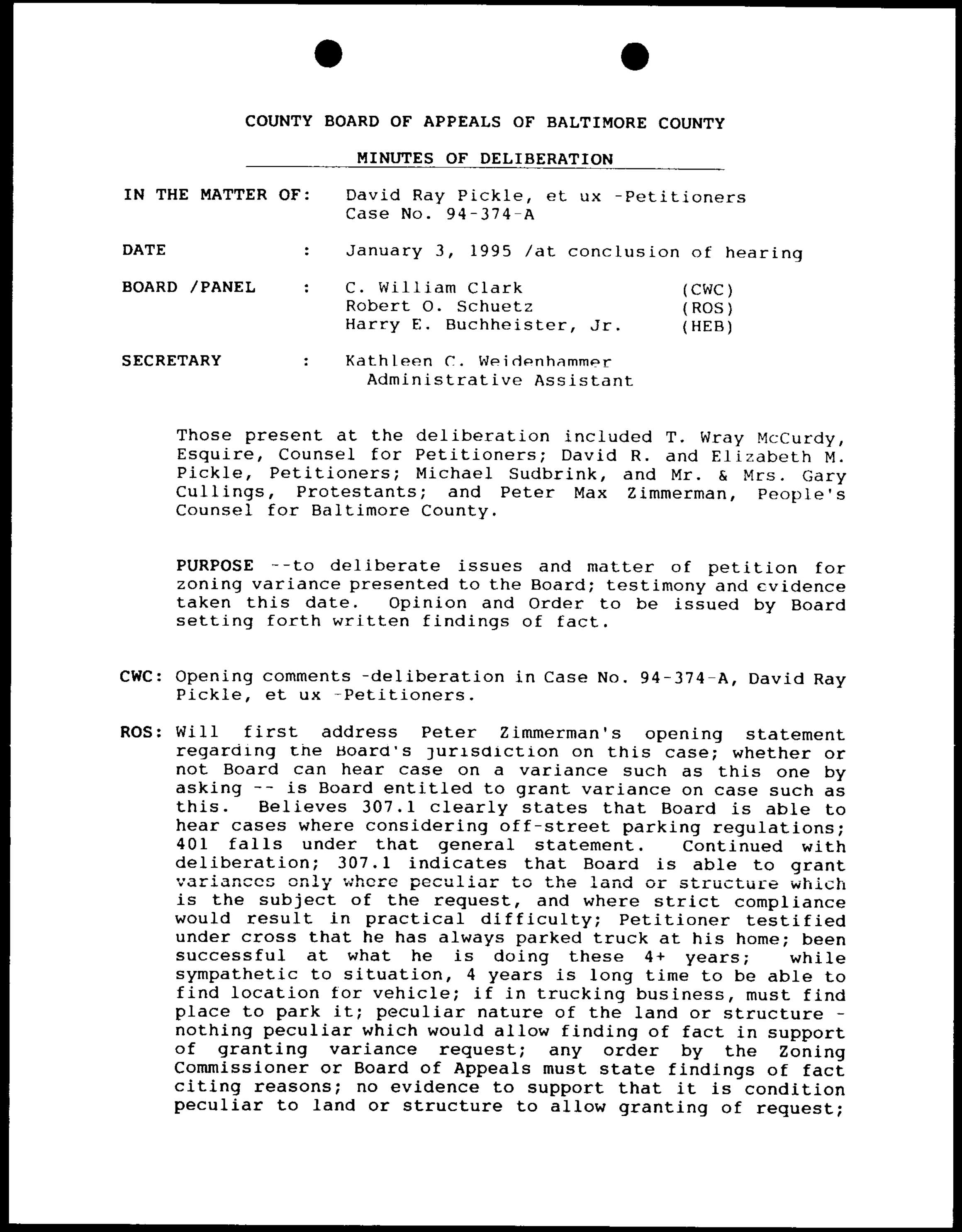
Michael and Diane Sudbrink

Michael and Diane Sudbrink



9/02/94 -Notice of Assignment for hearing scheduled for Wednesday, October 19, 1994 at 10:30 a.m. sent to following:

T. Wray McCurdy, Esquire
Mr. & Mrs. David Ray Pickle
Mr. & Mrs. Michael Sudbrink
Mr. & Mrs. Gary Cullings
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: David Ray Pickle, et ux -Petitioners
Case No. 94-374-A

DATE : January 3, 1995 /at conclusion of hearing

BOARD /PANEL : C. William Clark (CWC)
Robert O. Schuetz (ROS)
Harry E. Buchheister, Jr. (HEB)

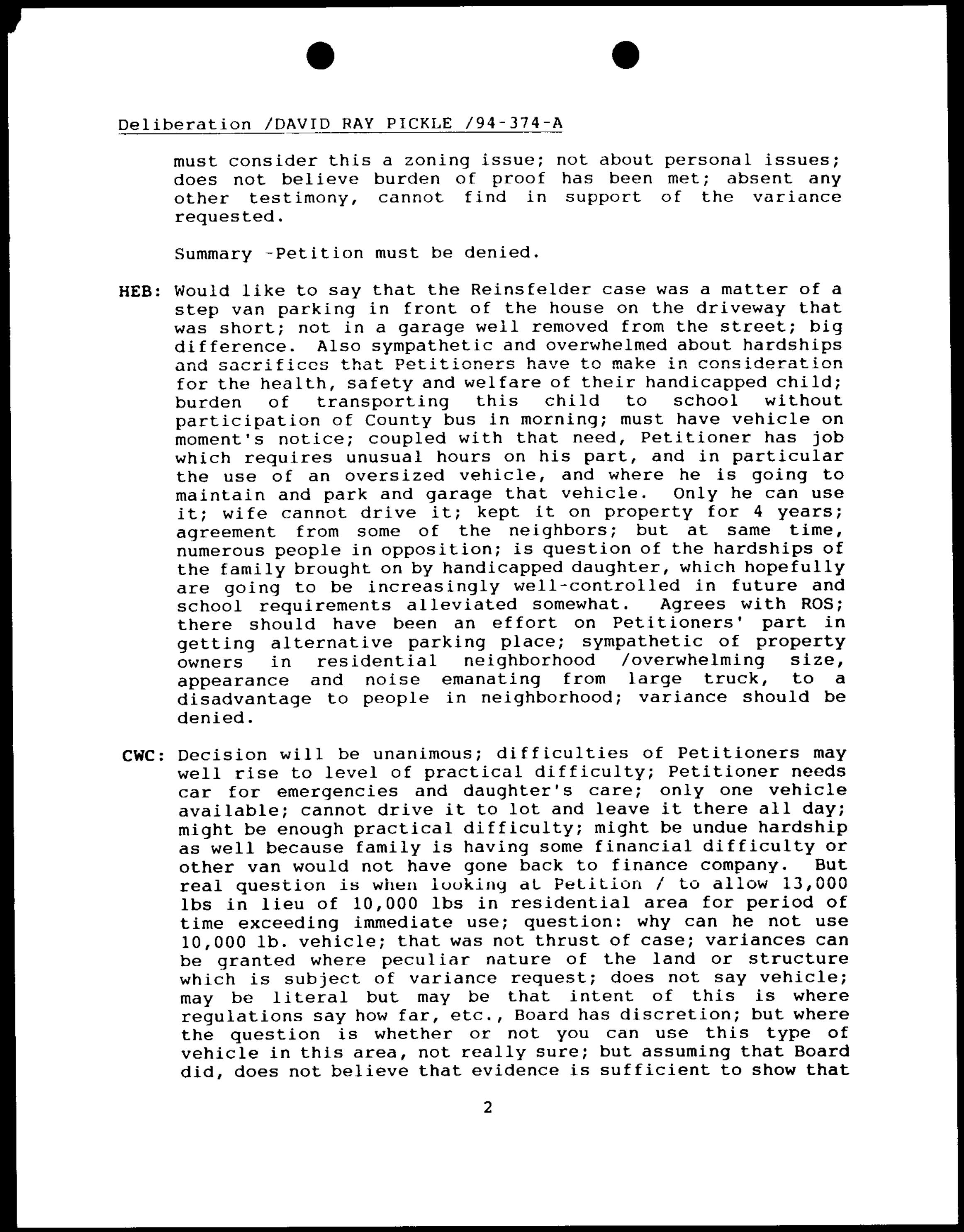
SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present at the deliberation included T. Wray McCurdy, Esquire, Counsel for Petitioners; David R. and Elizabeth M. Pickle, Petitioners; Michael Sudbrink, and Mr. & Mrs. Gary Cullings, Protestants; and Peter Max Zimmerman, People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter of petition for zoning variance presented to the Board; testimony and evidence taken this date. Opinion and Order to be issued by Board setting forth written findings of fact.

CWC: Opening comments -deliberation in Case No. 94-374-A, David Ray Pickle, et ux -Petitioners.

ROS: Will first address Peter Zimmerman's opening statement regarding the Board's jurisdiction on this case; whether or not Board can hear case on a variance such as this one by asking -- is Board entitled to grant variance on case such as this. Believes 307.1 clearly states that Board is able to hear cases where considering off-street parking regulations; 401 falls under that general statement. Continued with deliberation; 307.1 indicates that Board is able to grant variances only where peculiar to the land or structure which is the subject of the request, and where strict compliance would result in practical difficulty; Petitioner testified under cross that he has always parked truck at his home; been successful at what he is doing these 4+ years; while sympathetic to situation, 4 years is long time to be able to find location for vehicle; if in trucking business, must find place to park it; peculiar nature of the land or structure - nothing peculiar which would allow finding of fact in support of granting variance request; any order by the Zoning Commissioner or Board of Appeals must state findings of fact citing reasons; no evidence to support that it is condition peculiar to land or structure to allow granting of request;



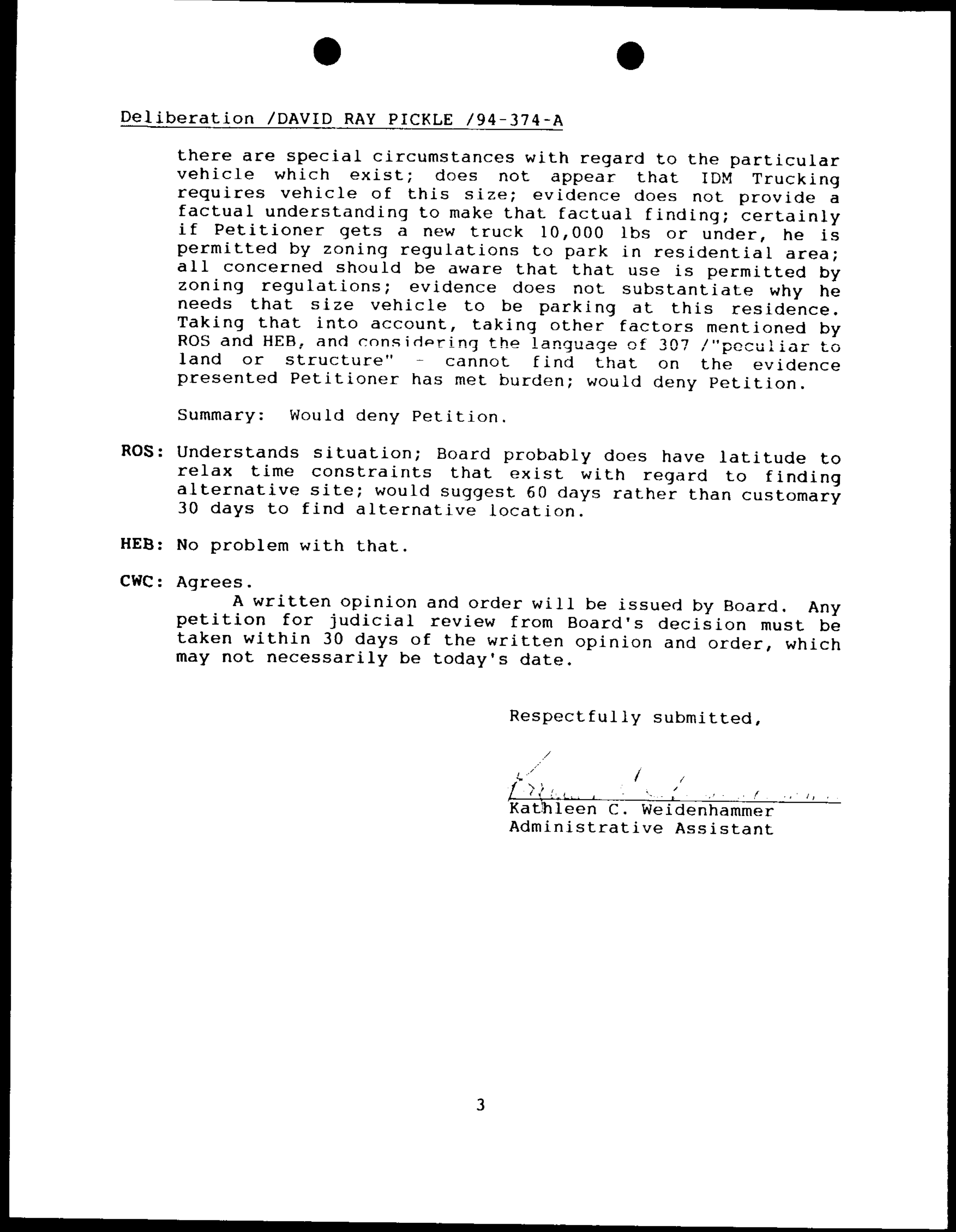
must consider this a zoning issue; not about personal issues; does not believe burden of proof has been met; absent any other testimony, cannot find in support of the variance requested.

Summary -Petition must be denied.

HEB: Would like to say that the Reinsfelder case was a matter of a step van parking in front of the house on the driveway that was short; not in a garage well removed from the street; big difference. Also sympathetic and overwhelmed about hardships and sacrifices that Petitioners have to make in consideration for the health, safety and welfare of their handicapped child; burden of transporting this child to school without participation of County bus in morning; must have vehicle on moment's notice; coupled with that need, Petitioner has job which requires unusual hours on his part, and in particular the use of an oversized vehicle, and where he is going to maintain and park and garage that vehicle. Only he can use it; wife cannot drive it; kept it on property for 4 years; agreement from some of the neighbors; but at same time, numerous people in opposition; is question of the hardships of the family brought on by handicapped daughter, which hopefully are going to be increasingly well-controlled in future and school requirements alleviated somewhat. Agrees with ROS; there should have been an effort on Petitioners' part in getting alternative parking place; sympathetic of property owners in residential neighborhood /overwhelming size, appearance and noise emanating from large truck, to a disadvantage to people in neighborhood; variance should be denied.

CWC: Decision will be unanimous; difficulties of Petitioners may well rise to level of practical difficulty; Petitioner needs car for emergencies and daughter's care; only one vehicle available; cannot drive it to lot and leave it there all day; might be enough practical difficulty; might be undue hardship as well because family is having some financial difficulty or other van would not have gone back to finance company. But real question is when looking at Petition / to allow 13,000 lbs in lieu of 10,000 lbs in residential area for period of time exceeding immediate use; question: why can he not use 10,000 lb. vehicle; that was not thrust of case; variances can be granted where peculiar nature of the land or structure which is subject of variance request; does not say vehicle; may be literal but may be that intent of this is where regulations say how far, etc., Board has discretion; but where the question is whether or not you can use this type of vehicle in this area, not really sure; but assuming that Board did, does not believe that evidence is sufficient to show that

---



there are special circumstances with regard to the particular vehicle which exist; does not appear that IDM Trucking requires vehicle of this size; evidence does not provide a factual understanding to make that factual finding; certainly if Petitioner gets a new truck 10,000 lbs or under, he is permitted by zoning regulations to park in residential area; all concerned should be aware that that use is permitted by zoning regulations; evidence does not substantiate why he needs that size vehicle to be parking at this residence. Taking that into account, taking other factors mentioned by ROS and HEB, and considering the language of 307 /"peculiar to land or structure" - cannot find that on the evidence presented Petitioner has met burden; would deny Petition.

Summary: Would deny Petition.

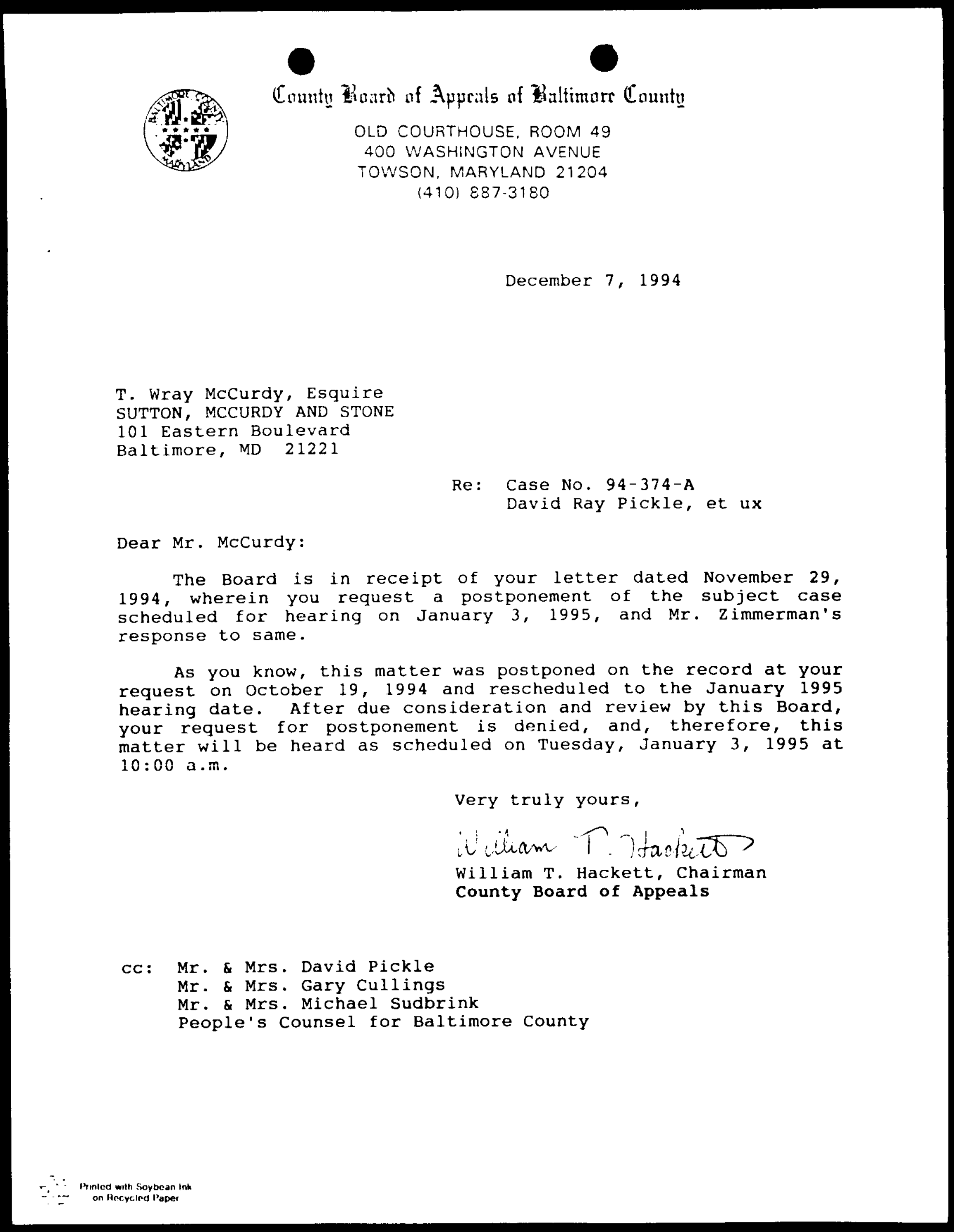
ROS: Understands situation; Board probably does have latitude to relax time constraints that exist with regard to finding alternative site; would suggest 60 days rather than customary 30 days to find alternative location.

HEB: No problem with that.

CWC: Agrees.
A written opinion and order will be issued by Board. Any petition for judicial review from Board's decision must be taken within 30 days of the written opinion and order, which may not necessarily be today's date.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 7, 1994

T. Wray McCurdy, Esquire
SUTTON, MCCURDY AND STONE
101 Eastern Boulevard
Baltimore, MD 21221

Re: Case No. 94-374-A
David Ray Pickle, et ux

Dear Mr. McCurdy:

The Board is in receipt of your letter dated November 29, 1994, wherein you request a postponement of the subject case scheduled for hearing on January 3, 1995, and Mr. Zimmerman's response to same.

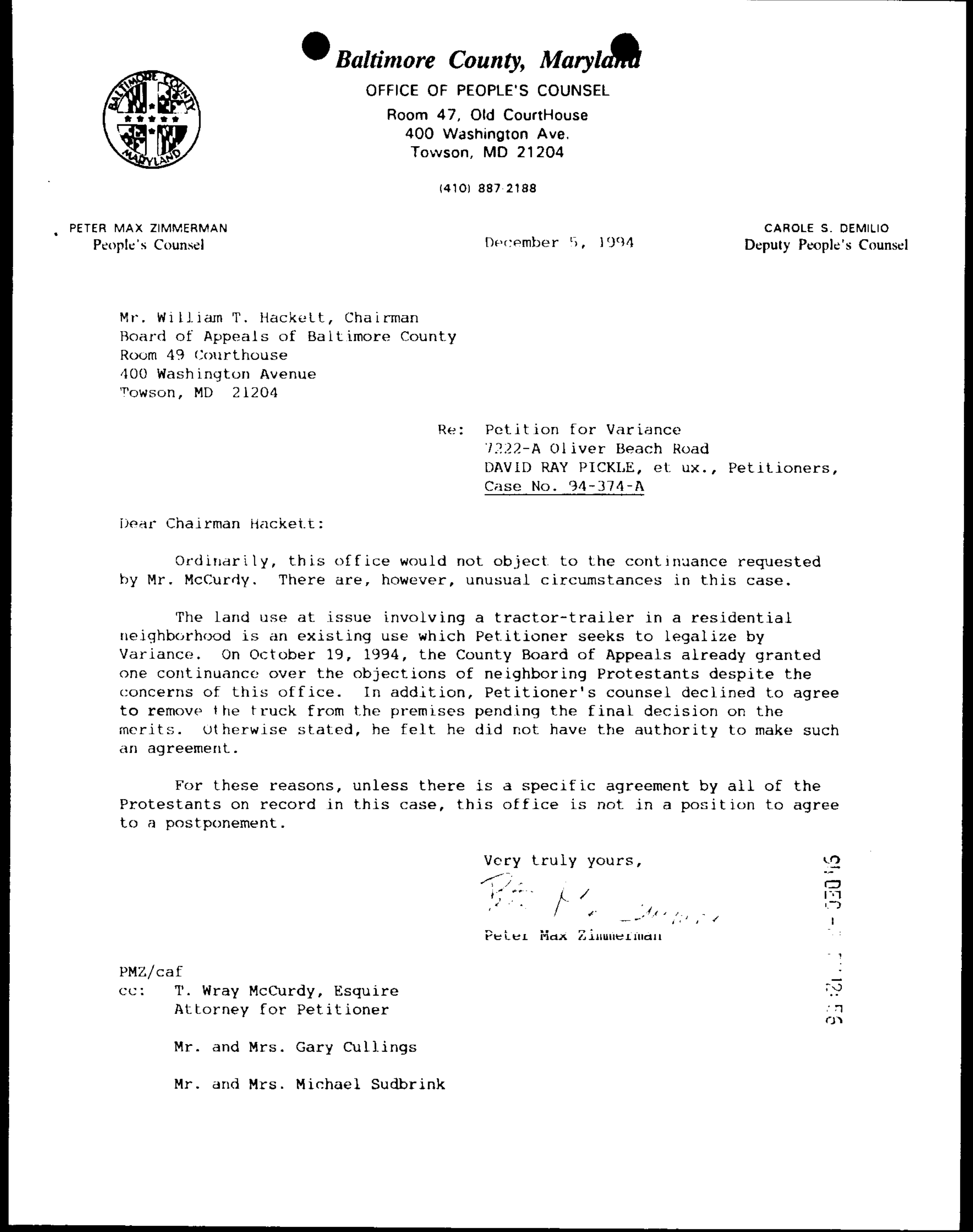
As you know, this matter was postponed on the record at your request on October 19, 1994 and rescheduled to the January 1995 hearing date. After due consideration and review by this Board, your request for postponement is denied, and, therefore, this matter will be heard as scheduled on Tuesday, January 3, 1995 at 10:00 a.m.

Very truly yours,

William T. Hackett

William T. Hackett, Chairman
County Board of Appeals

cc: Mr. & Mrs. David Pickle
Mr. & Mrs. Gary Cullings
Mr. & Mrs. Michael Sudbrink
People's Counsel for Baltimore County



Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 5, 1994

Mr. William T. Hackett, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Petition for Variance
7222-A Oliver Beach Road
DAVID RAY PICKLE, et ux., Petitioners,
Case No. 94-374-A

Dear Chairman Hackett:

Ordinarily, this office would not object to the continuance requested by Mr. McCurdy. There are, however, unusual circumstances in this case.

The land use at issue involving a tractor-trailer in a residential neighborhood is an existing use which Petitioner seeks to legalize by Variance. On October 19, 1994, the County Board of Appeals already granted one continuance over the objections of neighboring Protestants despite the concerns of this office. In addition, Petitioner's counsel declined to agree to remove the truck from the premises pending the final decision on the merits. Otherwise stated, he felt he did not have the authority to make such an agreement.

For these reasons, unless there is a specific agreement by all of the Protestants on record in this case, this office is not in a position to agree to a postponement.

Very truly yours,

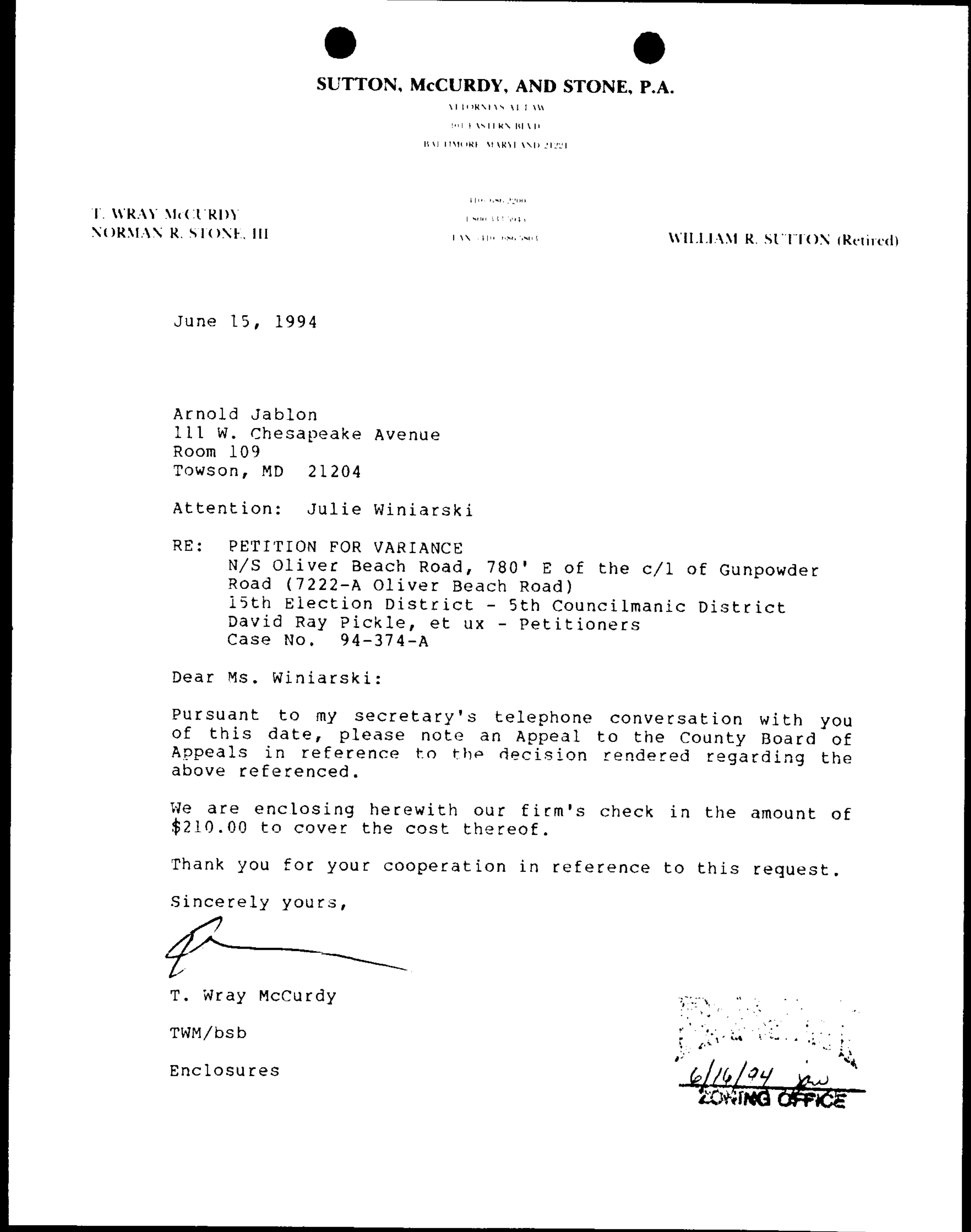
Peter Max Zimmerman

94 DEC - [illegible] 12:53

PMZ/caf
cc: T. Wray McCurdy, Esquire
Attorney for Petitioner

Mr. and Mrs. Gary Cullings

Mr. and Mrs. Michael Sudbrink



SUTTON, McCURDY, AND STONE, P.A.
ATTORNEYS AT LAW
101 EASTERN BLVD
BALTIMORE, MARYLAND 21221

T. WRAY McCURDY
NORMAN R. STONE, III

WILLIAM R. SUTTON (Retired)

June 15, 1994

Arnold Jablon
111 W. Chesapeake Avenue
Room 109
Towson, MD 21204

Attention: Julie Winiarski

RE: PETITION FOR VARIANCE
N/S Oliver Beach Road, 780' E of the c/l of Gunpowder Road (7222-A Oliver Beach Road)
15th Election District - 5th Councilmanic District
David Ray Pickle, et ux - Petitioners
Case No. 94-374-A

Dear Ms. Winiarski:

Pursuant to my secretary's telephone conversation with you of this date, please note an Appeal to the County Board of Appeals in reference to the decision rendered regarding the above referenced.

We are enclosing herewith our firm's check in the amount of $210.00 to cover the cost thereof.

Thank you for your cooperation in reference to this request.

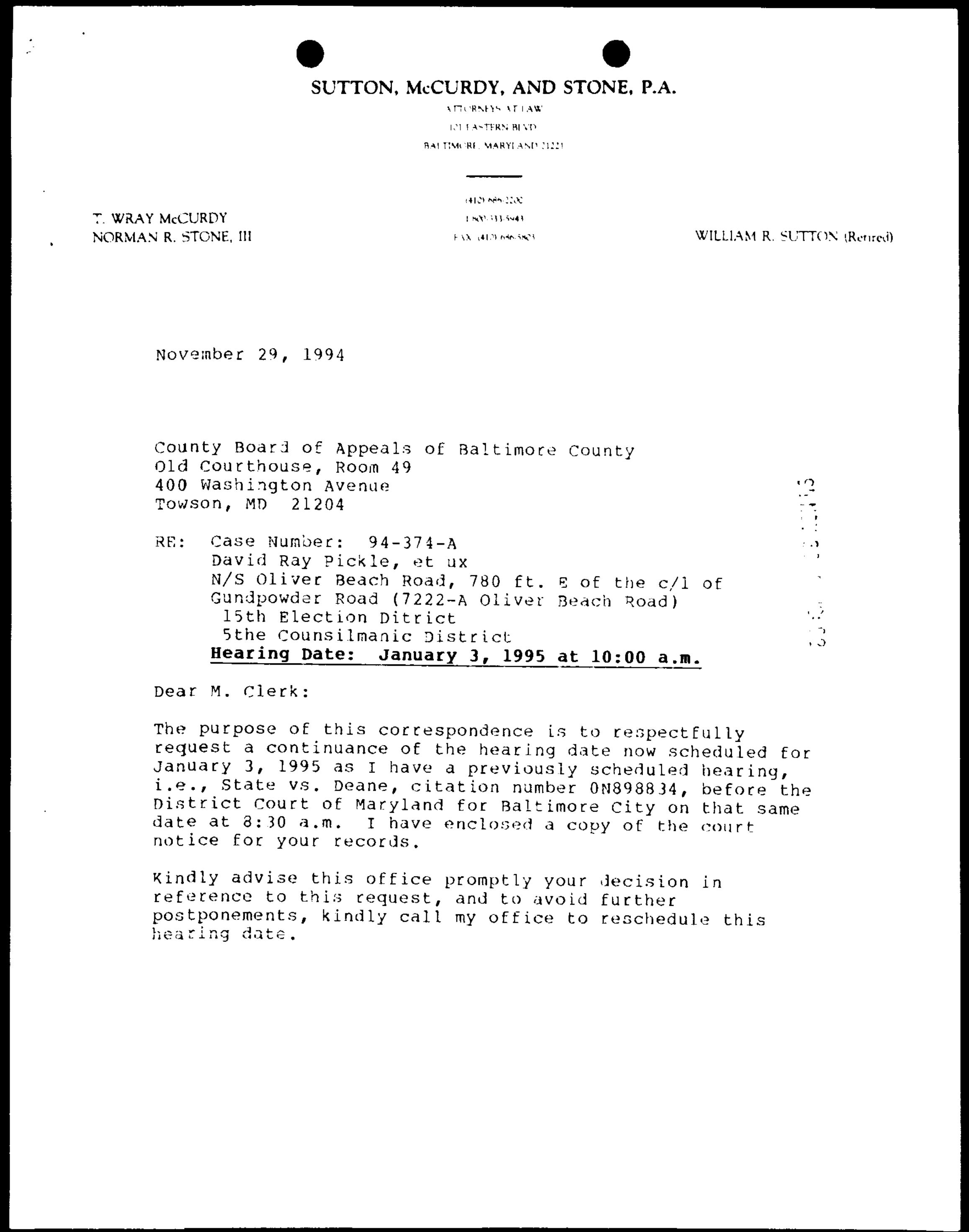
Sincerely yours,

T. Wray McCurdy

TWM/bsb

Enclosures

6/16/94
ZONING OFFICE



SUTTON, McCURDY, AND STONE, P.A.
ATTORNEYS AT LAW
101 EASTERN BLVD
BALTIMORE, MARYLAND 21221

T. WRAY McCURDY
NORMAN R. STONE, III

WILLIAM R. SUTTON (Retired)

November 29, 1994

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RE: Case Number: 94-374-A
David Ray Pickle, et ux
N/S Oliver Beach Road, 780 ft. E of the c/l of Gundpowder Road (7222-A Oliver Beach Road)
15th Election Ditrict
5the Counsilmanic District
Hearing Date: January 3, 1995 at 10:00 a.m.

Dear M. Clerk:

The purpose of this correspondence is to respectfully request a continuance of the hearing date now scheduled for January 3, 1995 as I have a previously scheduled hearing, i.e., State vs. Deane, citation number 0N898834, before the District Court of Maryland for Baltimore City on that same date at 8:30 a.m. I have enclosed a copy of the court notice for your records.

Kindly advise this office promptly your decision in reference to this request, and to avoid further postponements, kindly call my office to reschedule this hearing date.

PETITION FOR VARIANCE : BEFORE THE
N/S Oliver Beach Road, 780' E of
Gunpowder Road (7222-A Oliver : ZONING COMMISSIONER
Beach Road), 15th Election Dist.,
5th Councilmanic Dist. : OF BALTIMORE COUNTY

PETITIONER : : CASE NO: 94-374-A
DAVID RAY PICKLE
ELIZABETH M. PICKLE :

: : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the 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
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 4th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to David Ray Pickle and Elizabeth M. Pickle, 7222-A Oliver Beach Road, Baltimore, MD 21220, Petitioners.

Peter Max Zimmerman

5/9/94

PETITION FOR VARIANCE : BEFORE THE
N/S Oliver Beach Road, 780' F of
Gunpowder Road (7222-A Oliver : ZONING COMMISSIONER
Beach Road), 15th Election Dist.,
5th Councilmanic Dist. : OF BALTIMORE COUNTY

PETITIONER : : CASE NO: 94-374-A

DAVID RAY PICKLE
ELIZABETH M. PICKLE :

: : : : : :

AMENDED
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the 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
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 5th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to David Ray Pickle and Elizabeth M. Pickle, 7222-A Oliver Beach Road, Baltimore, MD 21220, Petitioners.

RECEIVED
MAY 6 1994
ZADM

Peter Max Zimmerman

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 20, 1994

Mr. & Mrs. Michael Sudbrink
7222 Oliver Beach Road
Baltimore, MD 21220

Mr. & Mrs. Gary Cullings
7224 Oliver Beach Road
Baltimore, MD 21220

RE: Petition for Variance
N/S Oliver Beach Road, 780 ft. E
of the c/l of Gunpowder Road
(7222-A Oliver Beach Road)
15th Election District
5th Councilmanic District
David Ray Pickle, et ux-Petitioner
Case No. 94-374-A

Dear Mr. & Mrs. Sudbrink and Mr. & Mrs. Cullings:

Please be advised that an appeal of the above-referenced case was filed in this office on June 16, 1994 by T. Wray McCurdy, Esquire. 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 Winiarski at 887-3391.

Sincerely,

ARNOLD JABLON
Director

AJ:jaw

c: People's Counsel

APPEAL

Petition for Variance
N/S Oliver Beach Road, 780 ft. E
of the c/l of Gunpowder Road
7222-A Oliver Beach Road
15th Election District - 5th Councilmanic District
David Ray Pickle, et ux-PETITIONER
Case No. 94-374-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

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

Petitioner's Exhibits: 1 - Plan to Accompany Petition for Variance

Nine photographs (not marked exhibit)

Eight miscellaneous letters

Deputy Zoning Commissioner's Order dated May 17, 1994 (Denied)

Notice of Appeal received on June 16, 1994 from T. Wray McCurdy, Esquire.

c: Mr. & Mrs. David Pickle, 7222-A Oliver Beach Road, Baltimore, MD 21220

Mr. & Mrs. Michael Sudbrink, 7222 Oliver Beach Road, Baltimore, MD 21220

Mr. & Mrs. Gary Cullings, 7224 Oliver Beach Road, Baltimore, MD 21220

T. Wray McCurdy, Sutton, McCurdy, and Stone, 101 Eastern Blvd, Baltimore, MD 21221

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

Request Notification: Patrick Keller, Director, Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Manager
Docket Clerk
Arnold Jablon, Director of ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: March 31, 1995

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 94-374-A
DAVID RAY PICKLE, ET UX
15Th E; 5th C

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

March 31, 1995

T. Wray McCurdy, Esquire
SUTTON, MCCURDY AND STONE
101 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. 94-374-A
DAVID RAY PICKLE, ET UX

Dear Mr. McCurdy:

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 (ZADM), along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in this case can contact Gwen Stephens in Zoning Administration at 887-3391 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. Please note that exhibits will not be released by ZADM until after the file has been microfilmed. Therefore, there may be a considerable time lapse between the date of this letter and actual retrieval of exhibits.

Sincerely,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

cc: Mr. & Mrs. David Ray Pickle
Mr. & Mrs. Michael Sudbrink
Mr. & Mrs. Gary Cullings
People's Counsel for Baltimore County

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

September 2, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. 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. 94-374-A

DAVID RAY PICKLE, ET UX
N/s Oliver Beach Road, 780 ft. E of the c/l of
Gunpowder Road (7222-A Oliver Beach Road)
15th Election District
5th Councilmanic District

VAR -To permit commercial vehicle of 13,000 lbs in lieu of maximum permitted 10,000 lbs in residential area (tractor/trailer)

5/17/94 -D.Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR: WEDNESDAY, OCTOBER 19, 1994 at 10:30 a.m.

cc: T. Wray McCurdy, Esquire — Counsel for Petitioners
Mr. & Mrs. David Ray Pickle — Petitioners

Mr. & Mrs. Michael Sudbrink
Mr. & Mrs. Gary Cullings

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

App'd on record 10/19/94

Kathleen C. Weidenhammer
Administrative Assistant

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

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

November 22, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. 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. 94-374-A

DAVID RAY PICKLE, ET UX
N/s Oliver Beach Road, 780 ft. E of the c/l of
Gunpowder Road (7222-A Oliver Beach Road)
15th Election District
5th Councilmanic District

VAR -To permit commercial vehicle of 13,000 lbs in lieu of maximum permitted 10,000 lbs in residential area (tractor/trailer)

5/17/94 -D.Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR: TUESDAY, JANUARY 3, 1995 at 10:00 a.m.

cc: T. Wray McCurdy, Esquire — Counsel for Petitioners
Mr. & Mrs. David Ray Pickle — Petitioners

Mr. & Mrs. Michael Sudbrink
Mr. & Mrs. Gary Cullings

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

Kathleen C. Weidenhammer
Administrative Assistant

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

TO: PUTUXENT PUBLISHING COMPANY
April 7, 1994 Issue - Jeffersonian

Please foward billing to:

David and Elizabeth Pickle
7222A Oliver Beach Road
Baltimore, Maryland 21220
335-3051

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-374-A (Item 356)
7222-A Oliver Beach Road
N/S Oliver Beach Road, 780' E of c/l Gunpowder Road
15th Election District - 5th Councilmanic
Legal Owner(s): David Ray Pickle and Elizabeth M. Pickle
Contract Purchaser(s): David Ray Pickle
HEARING: TUESDAY, MAY 3, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow commercial vehicle of 13,000 pounds in lieu of 10,000 pounds to be parked in a residential area for a period exceeding the time essential to its immediate use.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 31, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-374-A (Item 356)
7222-A Oliver Beach Road
N/S Oliver Beach Road, 780' E of c/l Gunpowder Road
15th Election District - 5th Councilmanic
Legal Owner(s): David Ray Pickle and Elizabeth M. Pickle
Contract Purchaser(s): David Ray Pickle
HEARING: TUESDAY, MAY 3, 1994 at 9:00 a.m., in Rm. 118, Old Courthouse.

Variance to allow commercial vehicle of 13,000 pounds in lieu of 10,000 pounds to be parked in a residential area for a period exceeding the time essential to its immediate use.

Arnold Jablon
Director

cc: David and Elizaveth Pickle

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

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 22, 1994

Mr. and Mrs. David R. Pickle
7222A Oliver Beach Road
Baltimore, Maryland 21220

RE: Case No. 94-374-A, Item No. 356
Petitioner: David R. Pickle, et ux.
Petition for Variance

Dear Mr. and Mrs. Pickle:

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

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 18, 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 feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-1-94

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

Re: Baltimore County
Item No.: ₵ 356 (JKA)

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
for DAVID N. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is ______________

CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 12, 1994

RECEIVED
APR 13 1994
ZADM

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 356
Pickle Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 7222A Oliver Beach Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME David and Elizabeth Pickle

APPLICANT PROPOSAL

The applicant has requested a variance from section 431A of the Baltimore County Zoning Regulations "To allow a commercial vehicle of 13,000 lbs. in lieu of 10,000 lbs. to be parked in a residential area for a period exceeding the time essential to its immediate use.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.

REGULATIONS AND FINDINGS

DEFINITIONS

"Development Activities" means the construction or substantial alteration of residential, commercial, industrial, or transportation facilities or structures <COMAR 14.15.01.01.A(21)>.

Finding: The storage of a 13,000 lb. commercial vehicle on this property is not considered a "Development Activity" as defined above. Therefore, this project shall not need a Chesapeake Bay Critical Area findings.

CONCLUSION

This project proposal does not require a Chesapeake Bay Critical Area Findings for the reasons stated above.

If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

J. James Dieter, Director
Department of Environmental Protection
Land Resource Management

KK
JJD/KDK/tmm

c: Mr. and Mrs. Pickle

OLIVER/DEPRM/WQCBCA

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/30/94

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.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 356,357,360,362,363, 364 AND 365.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

ZC

May 3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: April 11, 1994

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

94-374-A

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 356, 367, 369, 370, 372 and 375.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W Long
Division Chief: Gary Kerns

PK/JL:lw

ZAC356/PZONE/ZAC1

cial truck of this size is inappropriate for this community, given the fact that this road is a dead-end street and is used as a play area by the children of this neighborhood. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that relief can be granted in such fashion that the spirit of the ordinance will be observed and the public safety and welfare of all the residents in this community secured. Therefore, the variance requested must be denied.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of May, 1994 that the Petition for Variance seeking relief from Section 431.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a commercial vehicle of 13,000 lbs. in lieu of the maximum permitted 10,000 lbs. to be parked in a residential area for a period exceeding the time essential to its immediate use, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

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

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/17/94
By

CERTIFICATE OF POSTING

94-374-A

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th
Date of Posting 4/17/94
Posted for: Variance
Petitioner: David & Eliz Pickle
Location of property: 7222A Oliver Beach Rd. N/S
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by (Signature)
Date of return: 4/22/94
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
94-374-A (Item 356)
7222-A Oliver Beach Road
N/S Oliver Beach Road,
780' E of c/l Gunpowder Rd
15th Election District
5th Councilmanic
Legal Owner(s):
David Ray Pickle and
Elizabeth M. Pickle
Contract Purchaser(s):
David Ray Pickle
HEARING: TUESDAY,
MAY 3, 1994 at 9:00 a.m. in
Rm. 118, Old Courthouse.

Variance: to allow commercial vehicle of 13,000 pounds in lieu of 10,000 pounds to be parked in a residential area for a period exceeding the time essential to its immediate use.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1)Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2)For information concerning the File and/or Hearing, Please Call 887-3391.

4/039 April 7.

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 8, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 7, 1994.

THE JEFFERSONIAN,

A. Henrikson
LEGAL AD. - TOWSON

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 17, 1994

Mr. & Mrs. David Pickle
7222-A Oliver Beach Road
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE
N/S Oliver Beach Road, 780' E of the c/l of Gunpowder Road
(7222-A Oliver Beach Road)
15th Election District - 5th Councilmanic District
David Ray Pickle, et ux - Petitioners
Case No. 94-374-A

Dear Mr. & Mrs. Pickle:

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

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

Very truly yours,

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

TMK:bjs

cc: Mr. & Mrs. Michael Sudbrink
7222 Oliver Beach Road, Baltimore, Md. 21220

Mr. & Mrs. Gary Cullings
7224 Oliver Beach Road, Baltimore, Md. 21220

People's Counsel

✓ File

Printed on Recycled Paper

Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

94-374-A

CRITICAL AREA

Account: R-001-6150

Number 356.

JNA

Date 3-16-94

DAVID & ELIZABETH PICKLE.
7222A OLIVER BEACH RD.

010	VARIANCE	$50
080	1 SIGN	35
		$85

01A01#0062MICHRC $85.00
BA C004:00PM03-18-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

CERTIFICATE OF POSTING

94-374-A

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th
Date of Posting 7/2/94
Posted for: Appeal
Petitioner: David R. Pickle
Location of property: 7222A Oliver Beach Rd. N/S
Location of Signs: Facing roadway, on property being appealed
Remarks:
Posted by (Signature)
Date of return: 7/8/94
Number of Signs: 1

356

Petition for Variance

94-374-A

to the Zoning Commissioner of Baltimore County

for the property located at 7222A OLIVER BEACH RD
which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 431A TO ALLOW COMMERCIAL VEHICLE OF 13,000 LBS. IN LIEU OF 10,000 LBS. TO BE PARKED IN A RESIDENTIAL AREA FOR A PERIOD EXCEEDING THE TIME ESSENTIAL TO ITS IMMEDIATE USE

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) ONE PRIVATE-USE VEHICLE MUST BE AT HOME AT ALL TIMES IN CASE DEVELOPMENTALLY DELAYED CHILD GETS SICK AT SCHOOL OR NEEDS TO BE TAKEN TO THE DOCTOR/HOSPITAL, BECAUSE OF A SEVERE SEIZURE DISORDER.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner:
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
DAVID RAY PICKLE (Type or Print Name)
David Ray Pickle (Signature)
ELIZABETH M. PICKLE (Type or Print Name)
Elizabeth M. Pickle (Signature)
7222A OLIVER BEACH RD (Address) 410 335-3051 (Phone No.)
BALTIMORE (City) MD (State) 21220 (Zipcode)

Name, Address and phone number of representative to be contacted.
Name
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY: DATE

ORDER RECEIVED FOR FILING
Date 5/17/94
By

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 8050 ✓

DATE 6/20/94 ACCOUNT R-001-6150
AMOUNT $ 35.00
RECEIVED FROM: SUTTON MCCURDY + STONE
FOR: DAVID R. PICKLE et ux - Appeal (Sign)
94-374-A

03A03#0017MICHRC $35.00
BA C003:10PM06-20-94

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 8049 ✓

DATE 6/20/94 ACCOUNT R-001-6150
AMOUNT $ 175.00
RECEIVED FROM: SUTTON MCCURDY + STONE
FOR: DAVID R. PICKLE et ux - Appeal
94-374-A

[illegible]-94 $175.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

- 356

EXAMPLE 3 - Zoning Description

- 3 copies

94-374-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 7222A OLIVER BEACH RD. (address)
Election District 15 Councilmanic District 5

Beginning at a point on the NORTH (north, south, east or west) side of OLIVER BEACH ROAD (street on which property fronts) which is 50 FT. (number of feet of right-of way width) wide at a distance of 780 (number of feet) EAST (north, south, east or west) of the centerline of the nearest improved intersecting street GUNPOWDER RD. (name of street) which is 50' (number of feet of right-of-way width) wide. *Being Lot # 336.

Block —, Section # — in the subdivision of OLIVER BEACH (name of subdivision) as recorded in Baltimore County Plat Book # ____, Folio # ____, containing ____ (square feet and acres).

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ____, Folio ____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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 accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 356.
Petitioner: DAVID & ELIZABETH PICKLE
Location: 7222A OLIVER BEACH RD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: DAVID & ELIZABETH PICKLE
ADDRESS: 7222A OLIVER BEACH RD.
*PHONE NUMBER:

*MUST BE SUPPLIED

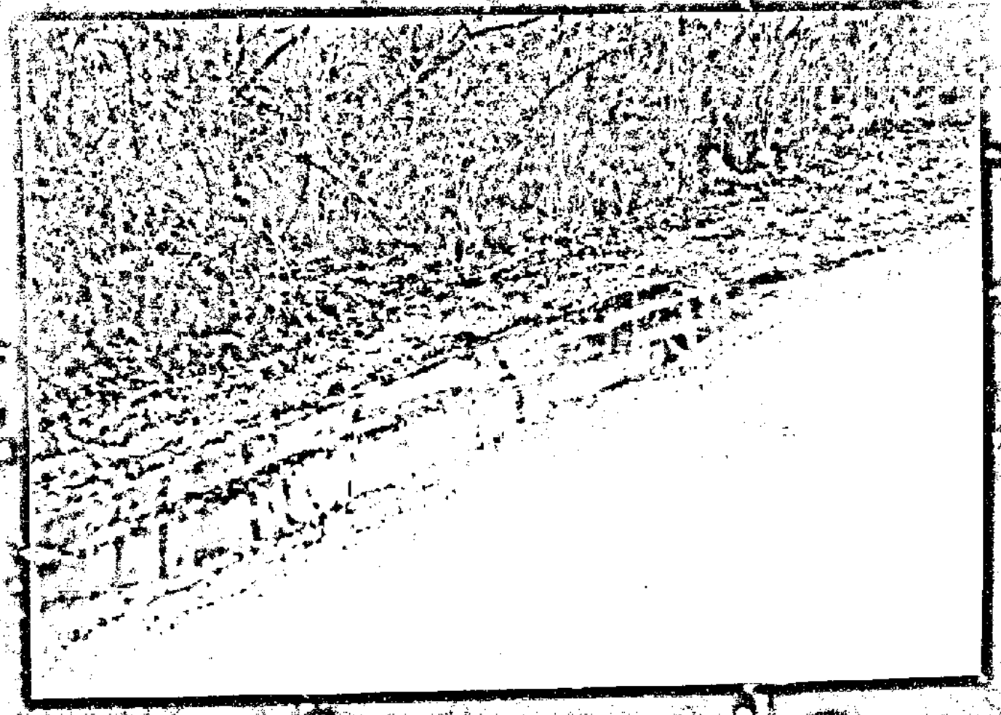
94-374-A

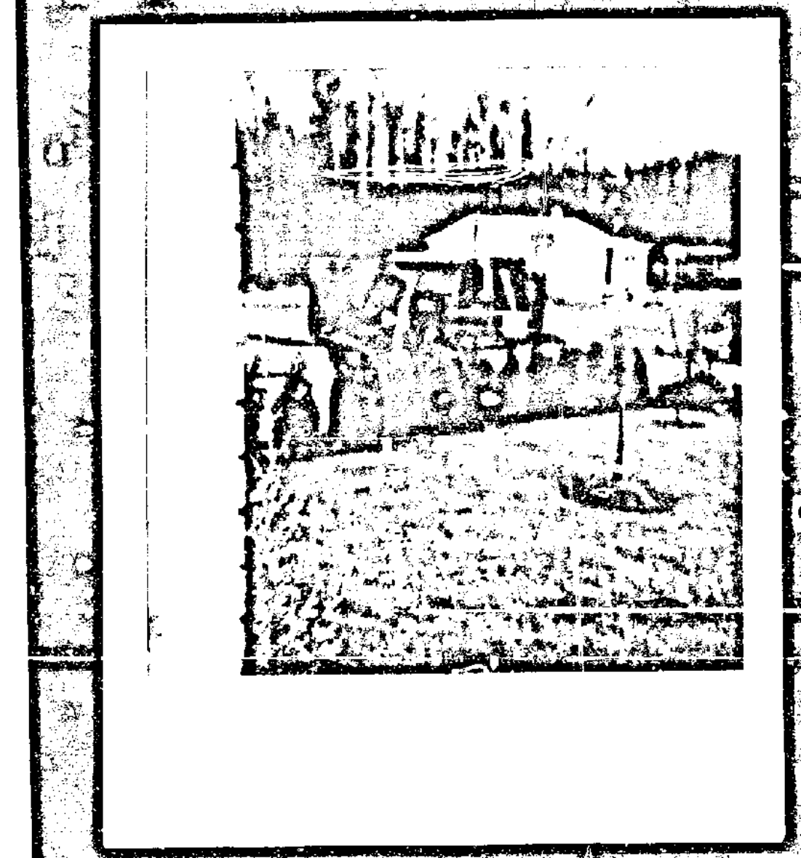
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

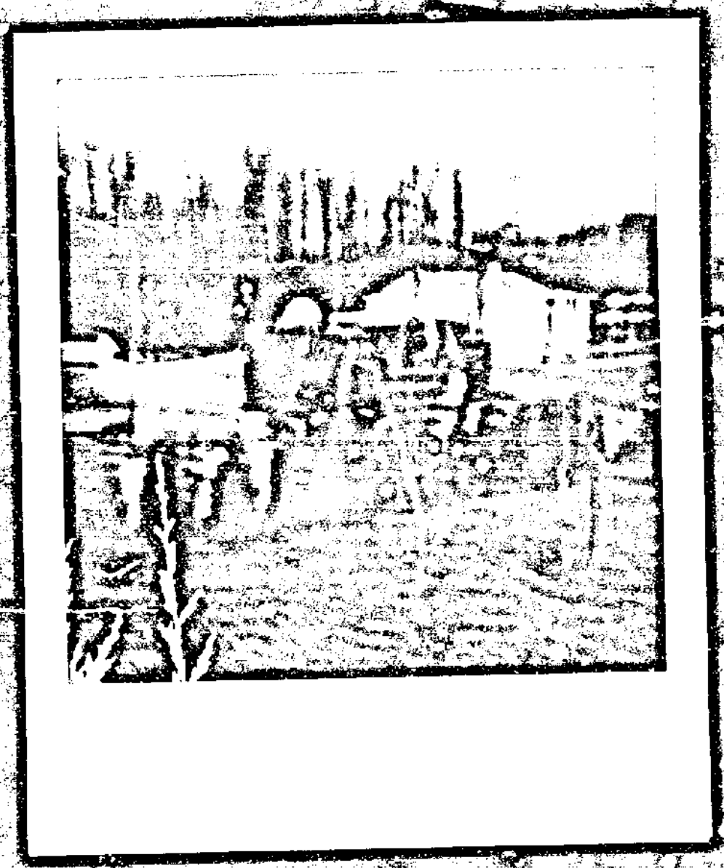
PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

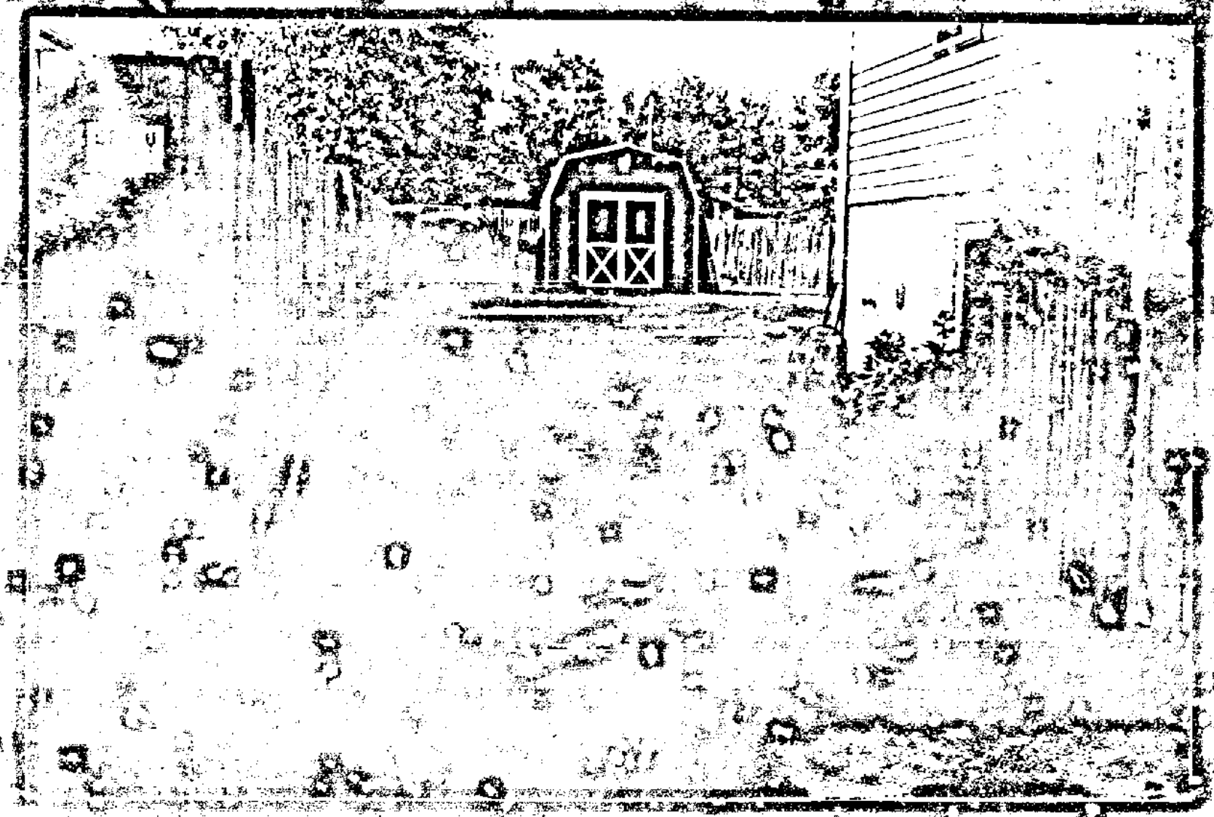
SCALE	LOCATION	SHEET
1" = 200' ±	HAREWOOD OLIVER BEACH	N.E. 7-M
DATE OF PHOTOGRAPHY JANUARY 1986		

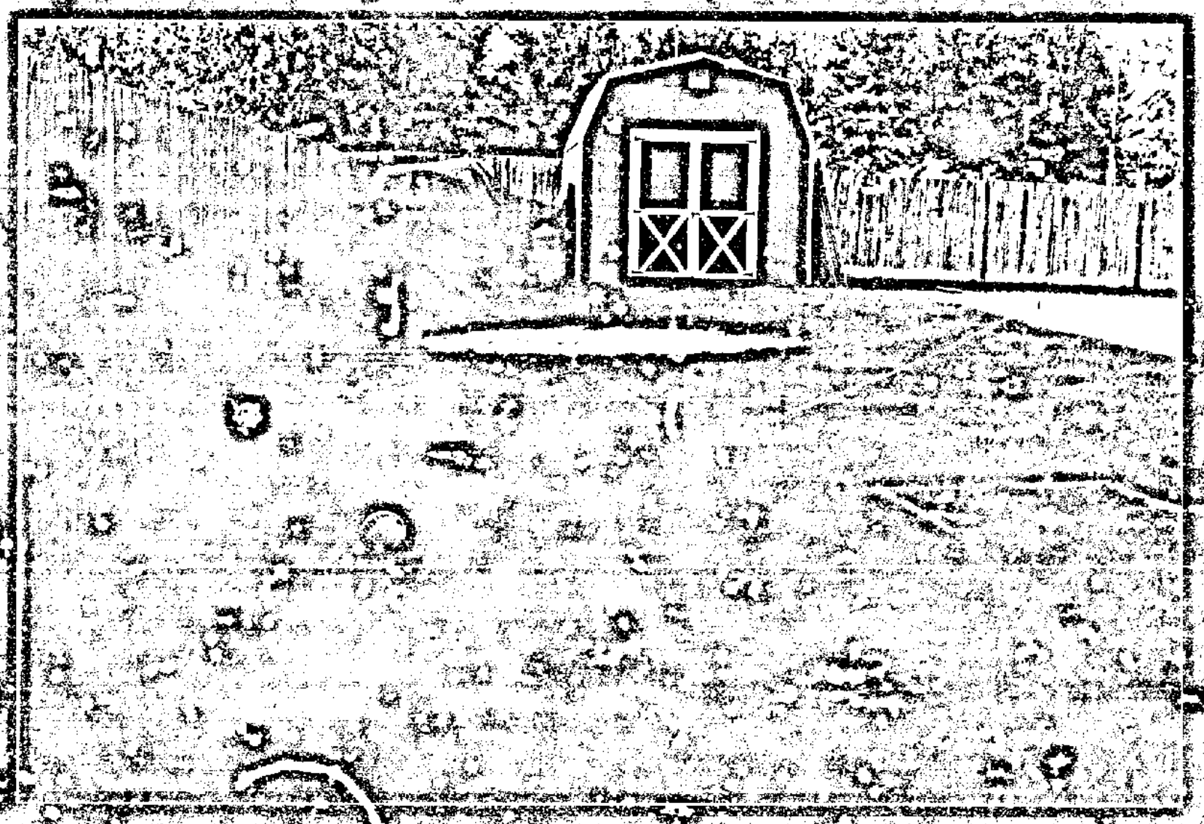
Photographs
Case 94-374-A

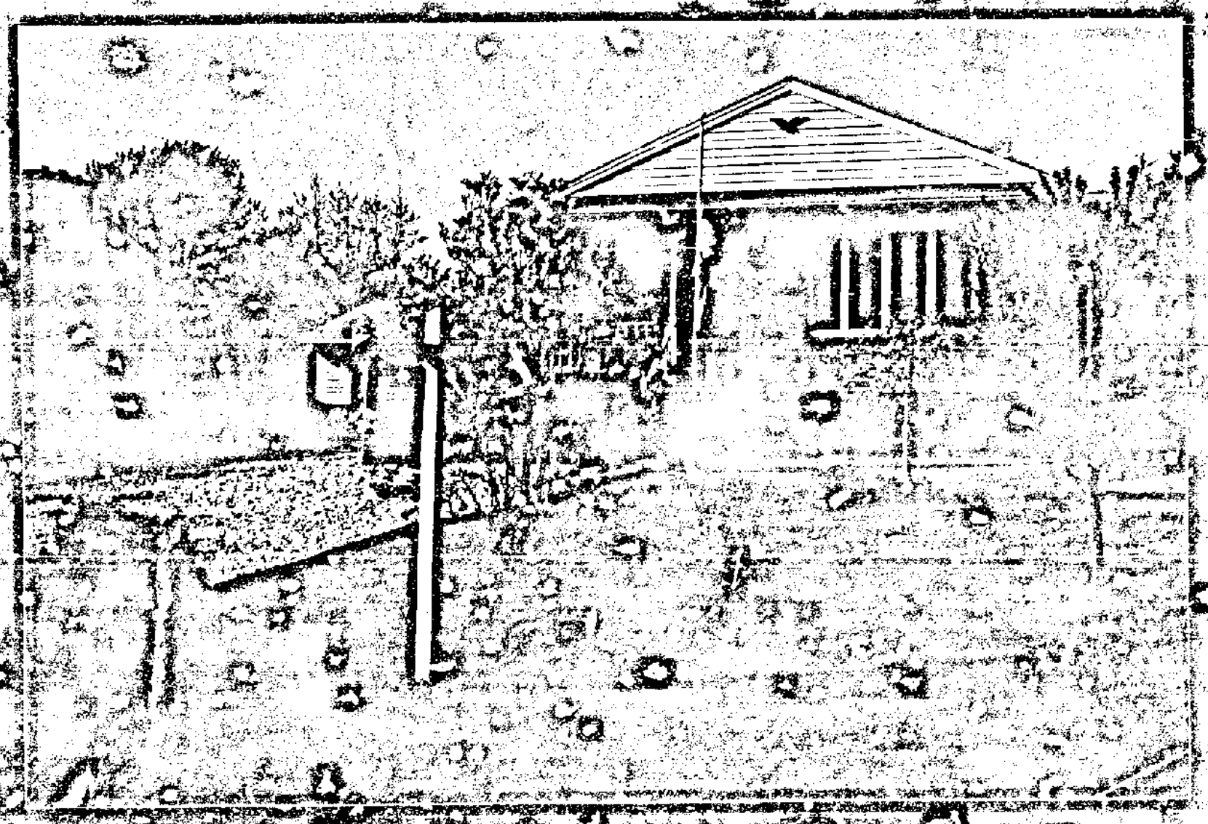


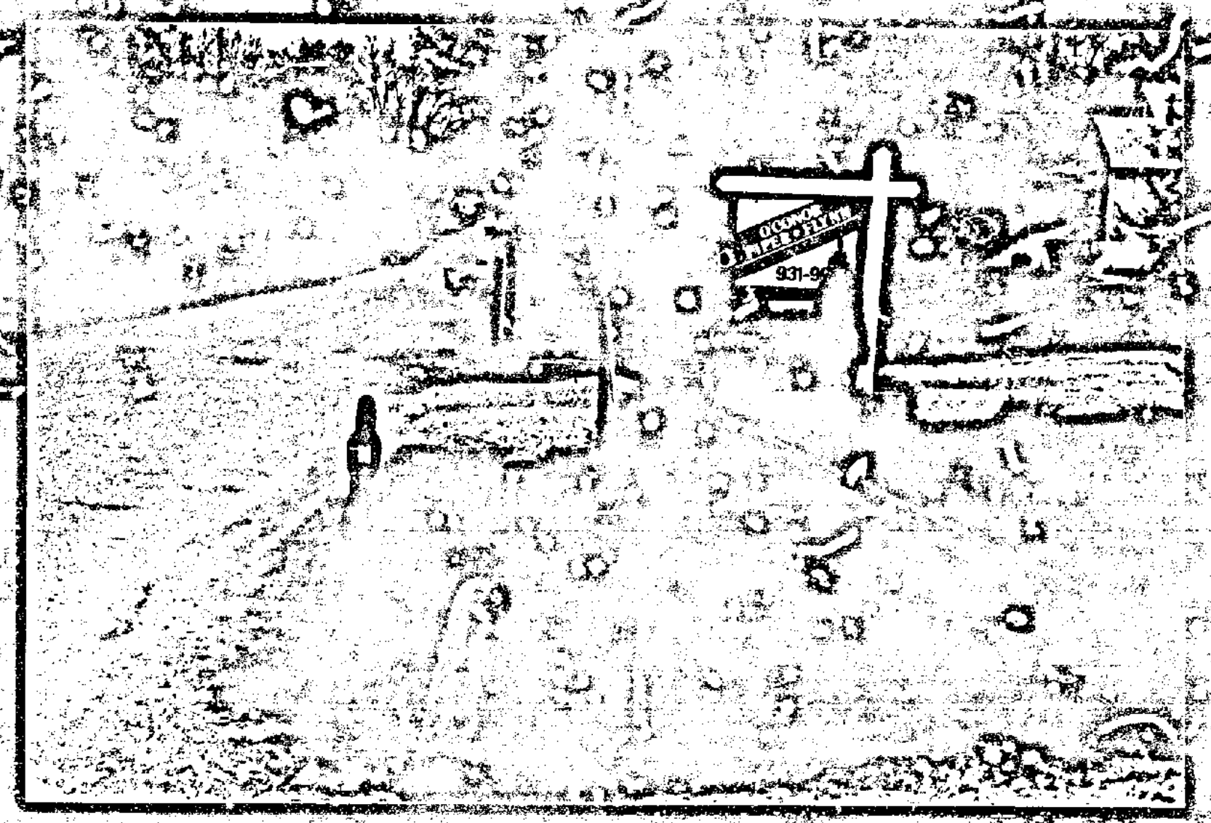












IN THE MATTER OF * BEFORE THE
THE APPLICATION OF
DAVID RAY PICKLE, ET UX * COUNTY BOARD OF APPEALS
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE OLIVER * OF
BEACH ROAD, 780 FT. EAST OF THE
CENTERLINE OF GUNPOWDER ROAD * BALTIMORE COUNTY
(7222-A OLIVER BEACH ROAD)
15TH ELECTION DISTRICT * CASE NO: 94-374-A
5TH COUNCILMANIC DISTRICT

* * * * * * * * * * * * * * *

OPINION

David R. and Elizabeth M. Pickle appeal from the Deputy Zoning Commissioner's Order dated May 17, 1994 denying their Petition for Variance to permit a commercial vehicle of 13,000 lbs. in lieu of the maximum permitted 10,000 lbs. to be parked in a residential area for a period exceeding the time essential to its immediate use. The subject property and relief sought are more particularly described on the plat which accompanied the Petition filed in this matter and marked as Petitioner's Exhibit 2.

Petitioners David R. and Elizabeth M. Pickle appeared and testified, represented by T. Wray McCurdy, Esquire. Also appearing in support of the requested variance was Lacy Jones, next-door neighbor to Petitioners residing at 7224 Oliver Beach Road.

From the testimony and evidence, we find the facts as follows. The subject site consists of 9500 sq. ft., more or less, zoned D.R. 5.5 and is improved with a single-family dwelling and accessory shed. Mr. Pickle owns a 13,000 lb. truck which he uses in his business as a private owner/operator truck driver for the U.S. Postal Service. He has parked this vehicle in the crusher run driveway of his property for approximately the past 4 years. Mr. Pickle travels all over the East Coast, and the truck is parked on his property an average of 2 days every 2 weeks. The time varies as to when he must travel for the U.S. Postal Service. Mr. Pickle further testified that his daughter suffers from seizures and from

---

time to time, it has become necessary to take her to the hospital. Other than the tractor-trailer rig, the family owns only one other vehicle, a conversion van. Mr. Pickle contends that if the variance is denied and an emergency would occur, it would be difficult to transport his daughter to the hospital if he was using the van to drive to where his tractor-trailer rig was being stored.

Appearing and testifying in opposition to the relief requested were Michael Sudbrink, and Gary and Charlotte Cullings, the former and the adjoining property owners on the sides of the subject site. They are generally opposed to the tractor-trailer rig being stored on the property. The Protestants voiced concern over this large vehicle travelling up and down this dead-end road where small children in the neighborhood ride their bikes and play, as well as walk to the elementary school up the street. The Protestants fear for the safety of their children and others given the size of this vehicle. Further testimony revealed that the Petitioner performs maintenance on the vehicle in his driveway and has on occasion used floodlights to work on the vehicle at night. The Protestants testified that the vehicle is both noisy and unsightly, and that the Petitioner makes it a point to blow the air horn when he leaves his house in the morning and when he returns. Further testimony revealed that the Petitioner has caused damage to the sides of the road and drain pipes as a result of the maneuvering he must do to get his truck in the driveway.

An area variance may be granted where strict application of the zoning 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 purpose or render conformance unnecessarily burdensome;
>
> 2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
>
> 3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that special circumstances or conditions exist which are unique to the Petitioners' land or structure so that they would experience practical difficulty or unreasonable hardship if the requested variance were denied. Even if the Baltimore County Zoning Regulations (BCZR) would allow substituting the word "vehicle" for "land or structure," there are no special circumstances with regard to the particular vehicle which exist. It does not appear that IDM Trucking requires a vehicle of this size, nor does the evidence provide a factual understanding to make that finding. Certainly, if Petitioner gets a new truck 10,000 lbs or under, he is permitted by the zoning regulations to park in a residential area, and all concerned should be aware that this use is permitted by the BCZR. Furthermore, it is clear that the storage of a commercial truck of this size is inappropriate for the community, given the fact that this road is a dead-end street and is used as a play area by the children of this neighborhood. The testimony presented by

---

Petitioners was in support of a matter of convenience rather than of the necessity for the variance. The Petitioners have failed to show that relief can be granted in such a fashion that the spirit of the ordinance will be observed and the public safety and welfare of all the residents in this community secured. Therefore, the variance requested must be denied.

ORDER

IT IS THEREFORE, this 11th day of January, 1995, by the County Board of Appeals of Baltimore County,

ORDERED that a variance from Section 431.A of the Baltimore County Zoning Regulations to permit a commercial vehicle of 13,000 lbs. in lieu of the maximum permitted 10,000 lbs. to be parked in a residential area for a period exceeding the time essential to its immediate use be and is hereby **DENIED**; and it is further

ORDERED that Petitioners shall remove this vehicle from the subject property no later than sixty (60) days from the date 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.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

C. William Clark
C. William Clark, Acting Chairman

Robert O. Schuetz
Robert O. Schuetz

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 11, 1995

T. Wray McCurdy, Esquire
SUTTON, MCCURDY AND STONE
101 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. 94-374-A
David Ray Pickle, et ux

Dear Mr. McCurdy:

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,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Mr. & Mrs. David Ray Pickle
Mr. & Mrs. Michael Sudbrink
Mr. & Mrs. Gary Cullings
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

IN RE: PETITION FOR VARIANCE * BEFORE THE
N/S Oliver Beach Road, 780' E
of the c/l of Gunpowder Road * DEPUTY ZONING COMMISSIONER
(7222-A Oliver Beach Road)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
* Case No. 94-374-A
David Ray Pickle, et ux
Petitioners *

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 7222-A Oliver Beach Road, located in the Oliver Beach area of southeastern Baltimore County. The Petition was filed by the owners of the property, David R. and Elizabeth M. Pickle, in response to a zoning violation notice they received as a result of a complaint filed with the Zoning Administration and Development Management (ZADM) office as to the storage of a tractor trailer on the subject property. The Petitioners seek relief from Section 431.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a commercial vehicle of 13,000 lbs. in lieu of the maximum permitted 10,000 lbs. to be parked in a residential area for a period exceeding the time essential to its immediate use. The subject property and relief sought are more particularly described on the plat which accompanied the Petition filed in this matter and marked as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were David and Elizabeth Pickle, property owners. Appearing as Protestants in the matter were Michael and Diane Sudbrink, the original complainants in this matter, and Gary and Charlotte Cullings, all of whom are adjoining property owners.

Testimony presented revealed that the subject property consists of 9500 sq.ft , more or less, zoned D.R. 5.5 and is improved with a single

ORDER RECEIVED FOR FILING
Date 5/17/94
By

---

family dwelling and accessory shed. Mr. Pickle testified that he owns a 13,000 lb. truck which he uses in his business as a private owner/operator truck driver for the U.S. Postal Service. He testified that he has parked this vehicle in the crusher run driveway of his property for approximately the past four (4) years. Mr. Pickle testified that he travels all over the East Coast and that the truck is parked on his property an average of two (2) days every two (2) weeks. Testimony indicated that the time varies as to when he must travel for the U.S. Postal Service. Mr. Pickle further testified that his daughter suffers from seizures and from time to time, it has become necessary to take her to the hospital. Mr. Pickle testified that other than the tractor-trailer rig, the family owns only one other vehicle, a conversion van. He argued that if the variance is denied and an emergency would occur, it would be difficult to transport his daughter to the hospital if he was using the van to drive to where his tractor-trailer rig was being stored.

Appearing and testifying in opposition to the relief requested were Michael and Diane Sudbrink, and Gary and Charlotte Cullings, adjoining property owners on both sides of the subject site. The cumulative testimony of the Protestants was that they are generally opposed to the tractor-trailer rig being stored on the property. The Protestants voiced concern over this large vehicle travelling up and down this dead-end road where small children in the neighborhood play and ride their bikes as well as walk to the elementary school up the street. The Protestants fear for the safety of their children given the size of this vehicle. Further testimony revealed that the Petitioner performs maintenance on the vehicle in his driveway and has on occasion, used flood lights to work on the vehicle at night. The Protestants testified that the vehicle is both

ORDER RECEIVED FOR FILING
Date 5/17/94
By

---

noisy and unsightly and that the Petitioner makes it a point to blow the air horn when he leaves his house in the morning and when he returns. The Petitioners' daughter has also on occasion sat in the truck and blown the air horn. Further testimony revealed that the Petitioner has caused ruts to form on the sides of the road as a result of the maneuvering he must do to get his truck in the driveway.

Although this property is located within the Chesapeake Bay Critical Areas, the relief requested does not constitute a "development activity" and as such, compliance with any Critical Areas regulation or findings plan will not be required.

An area variance may be granted where strict application of the zoning 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 purpose or render conformance unnecessarily burdensome;
>
> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

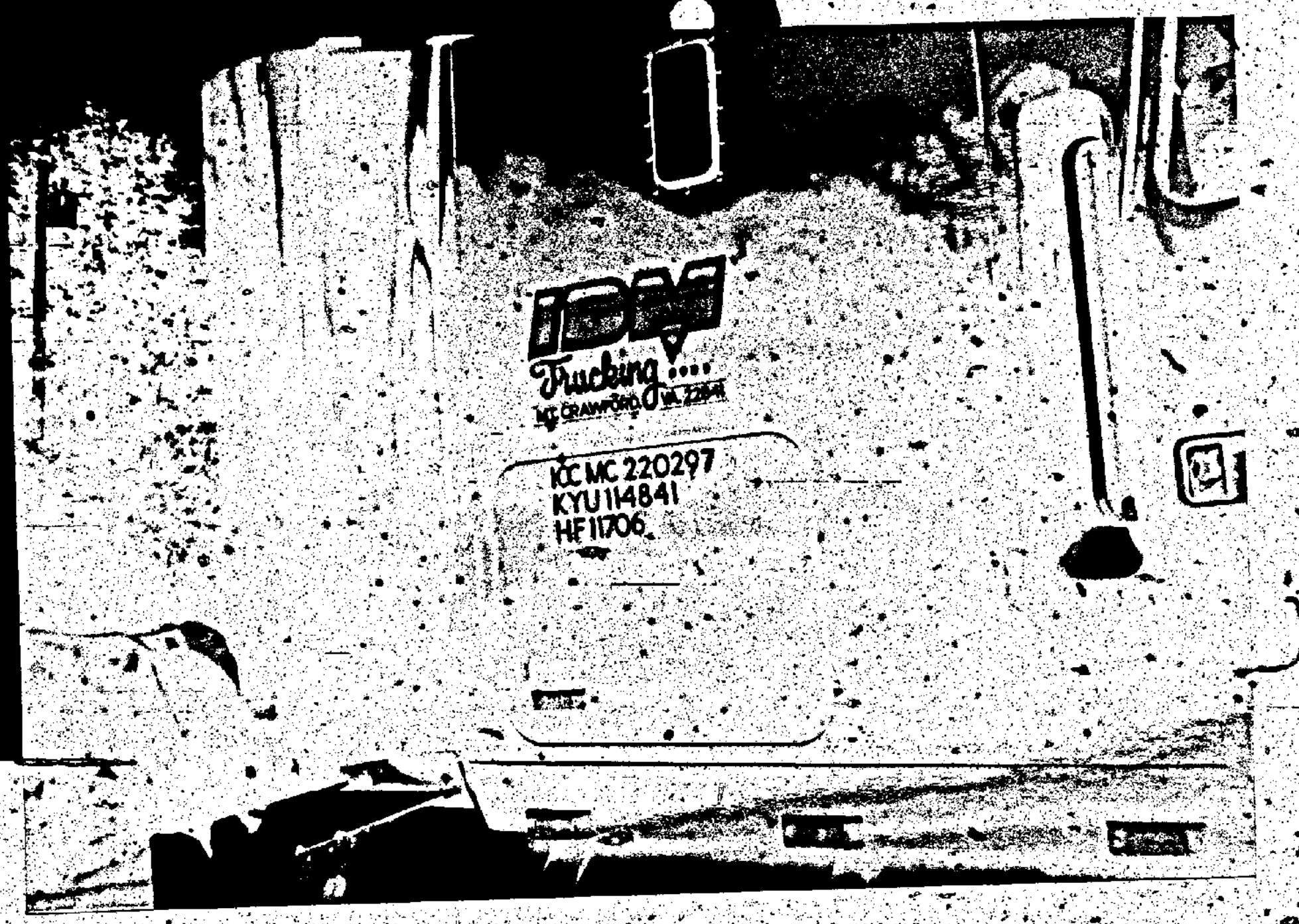
After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. It is clear that the storage of a commer-

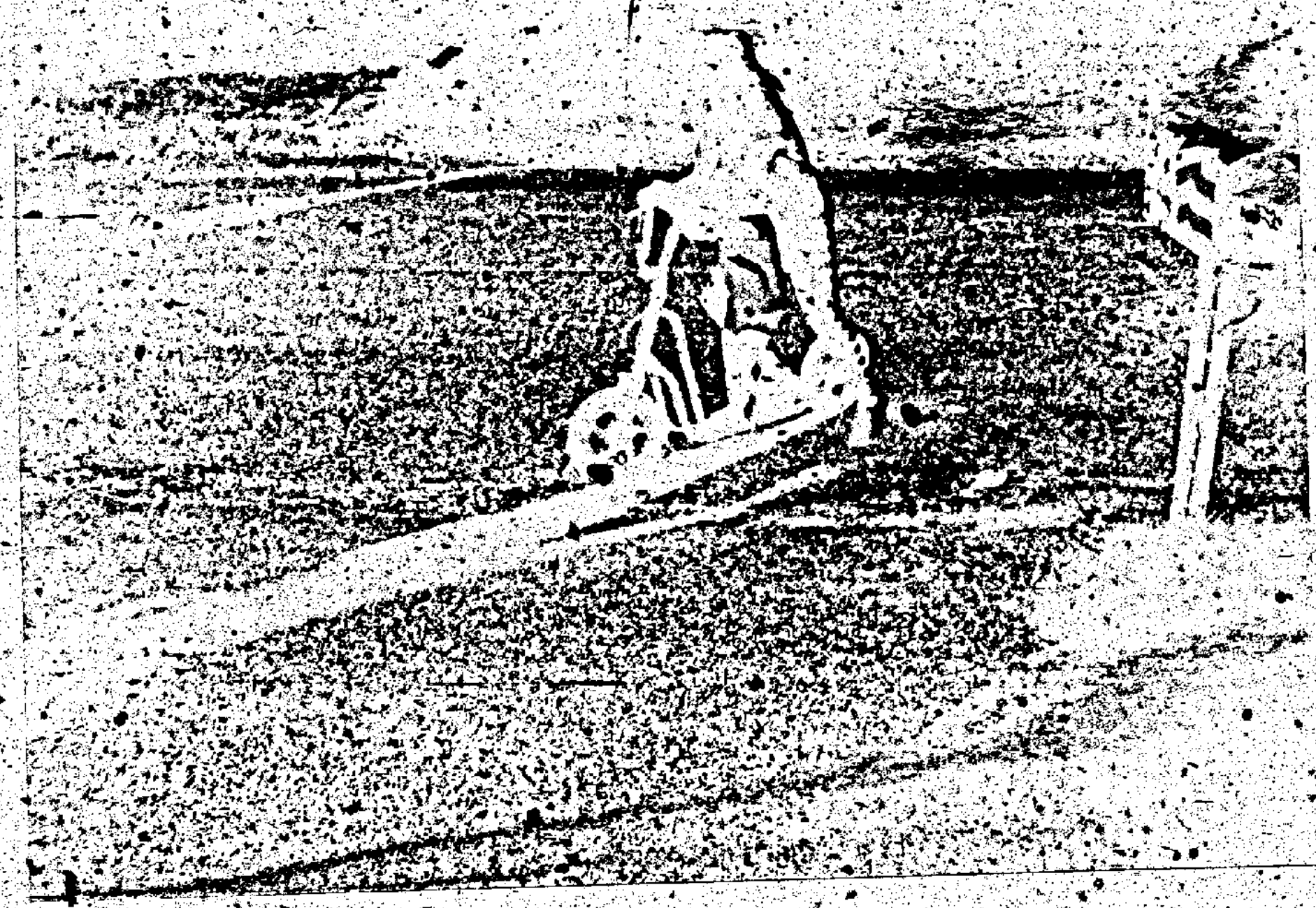
ORDER RECEIVED FOR FILING
Date 5/17/94
By

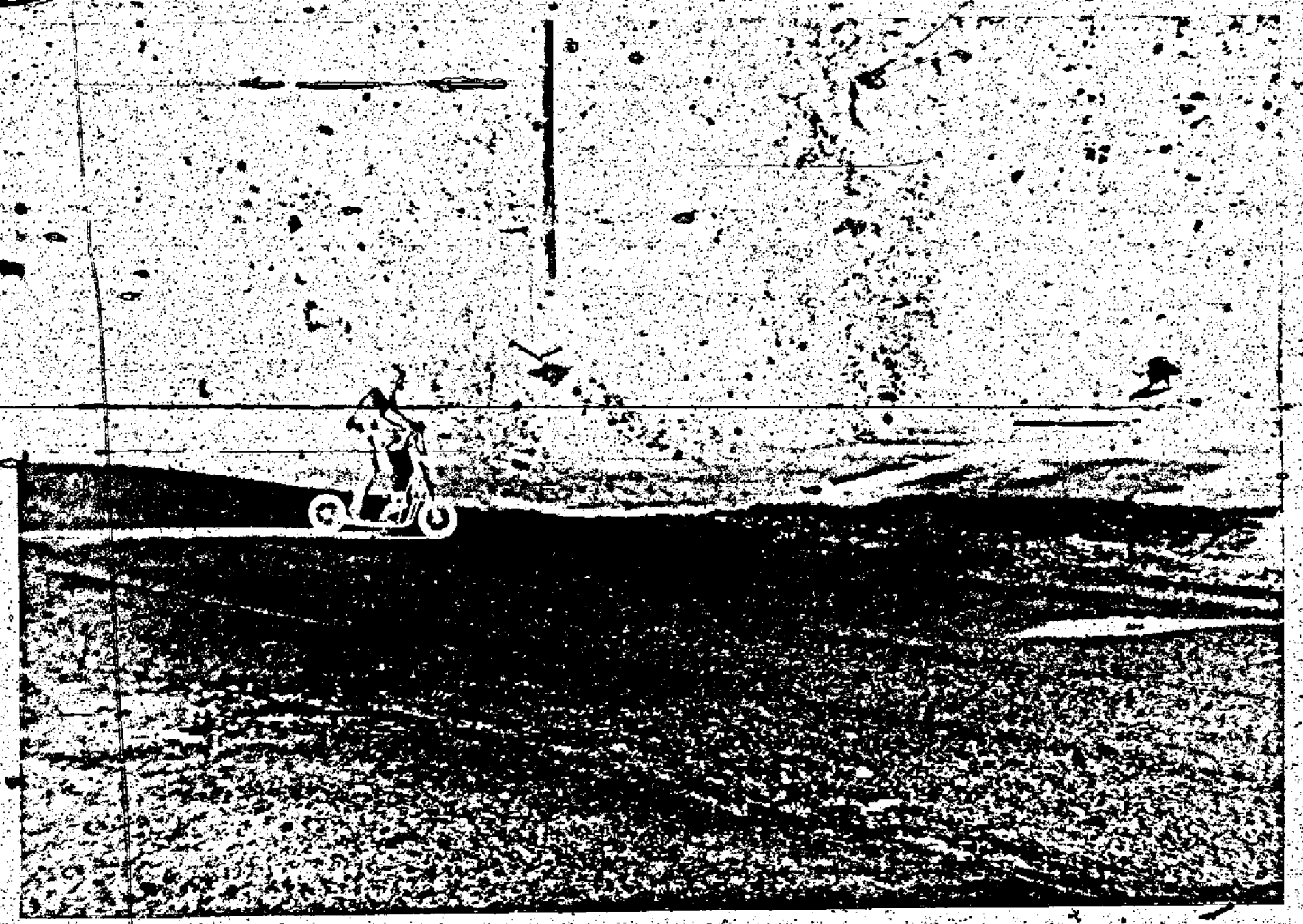
County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

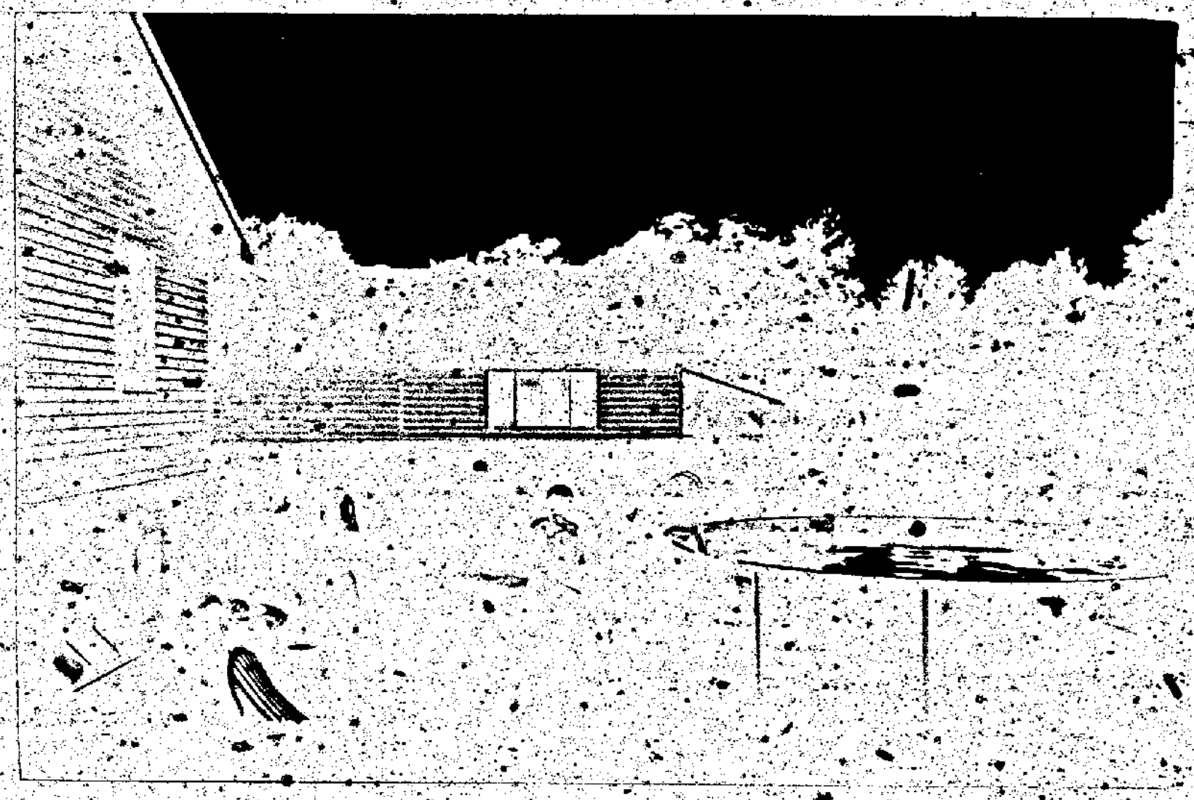
PC & Protestants 4A → 45
Photos

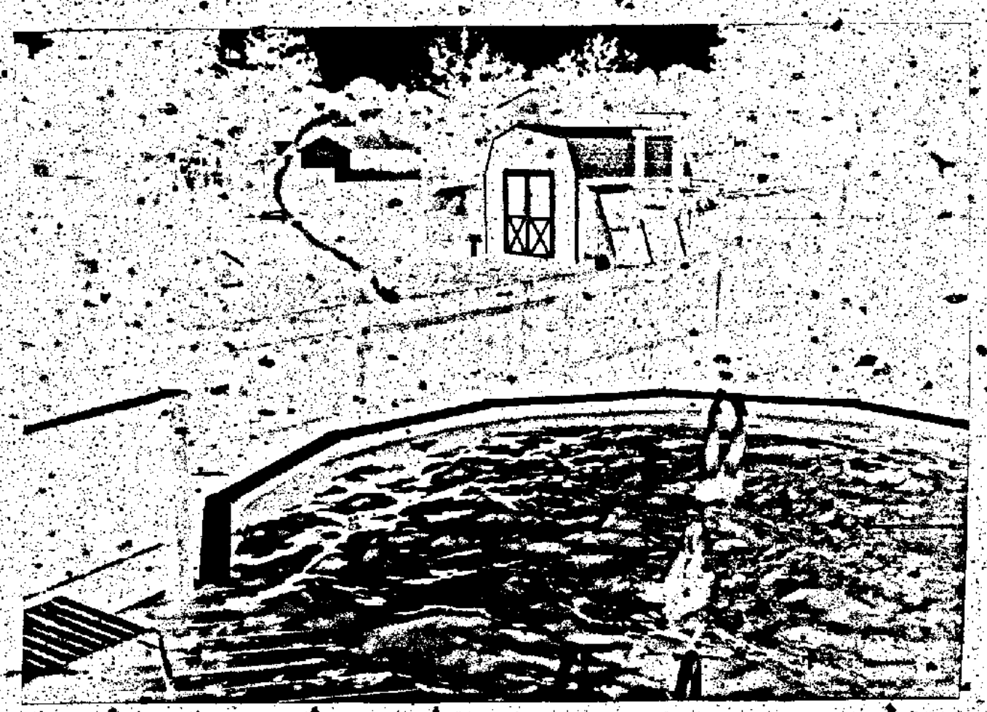
94-374-A

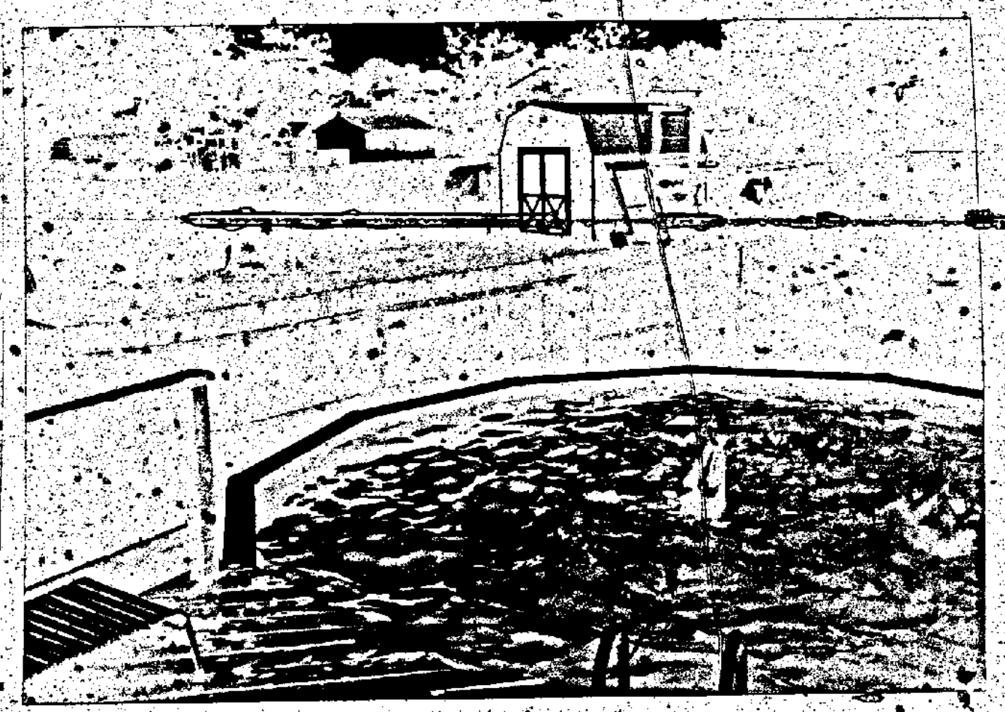

IDM
Trucking....
KC CRAWFORD VA 22041
KCC MC 220297
KYU 114841
HF 11706

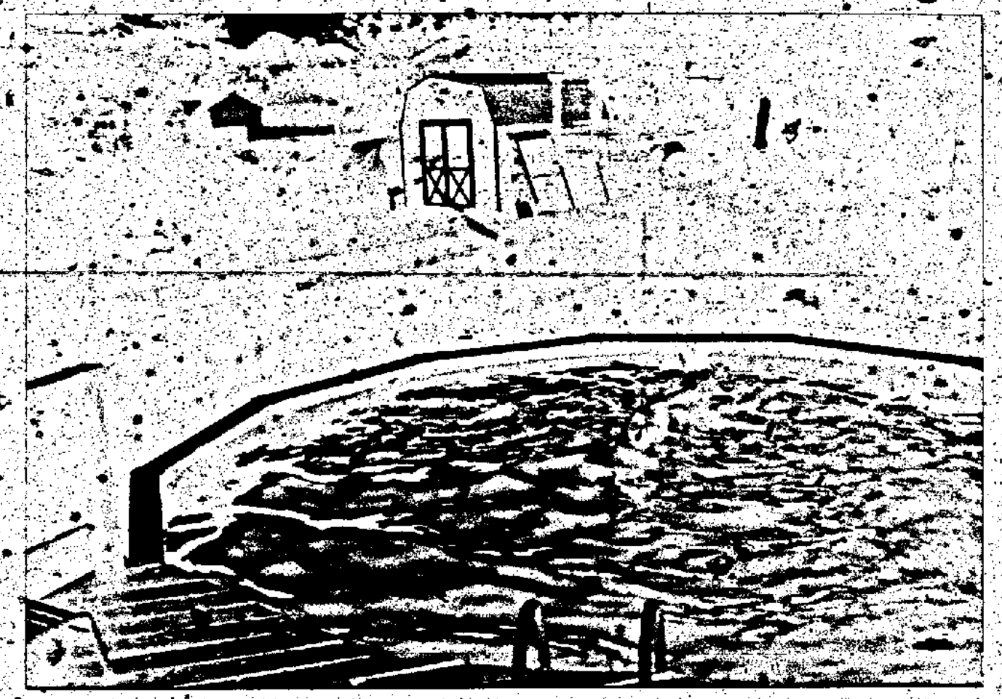


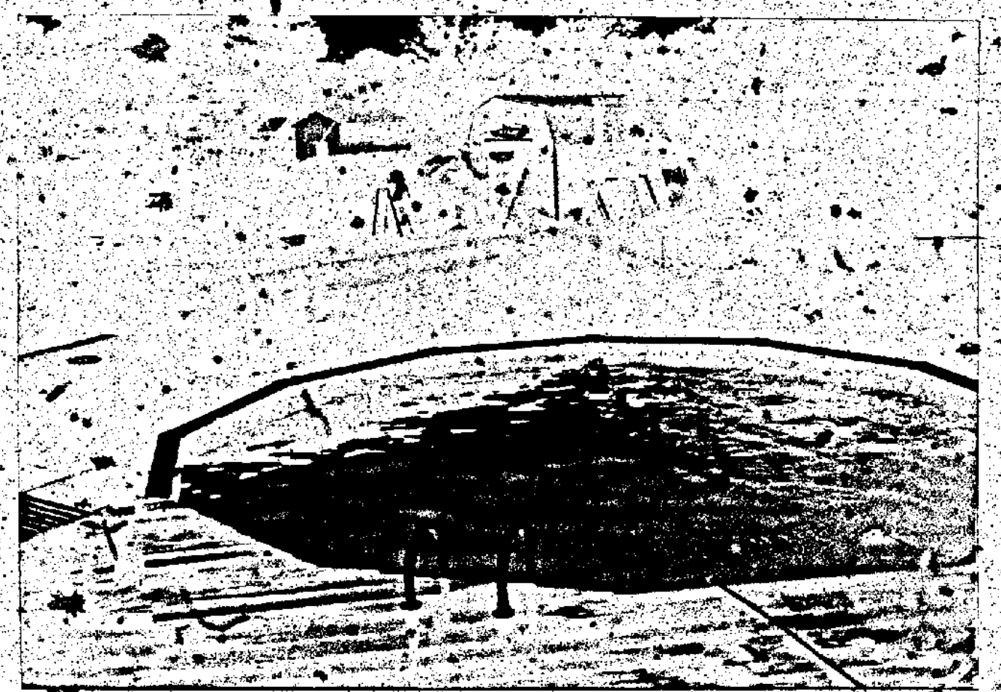


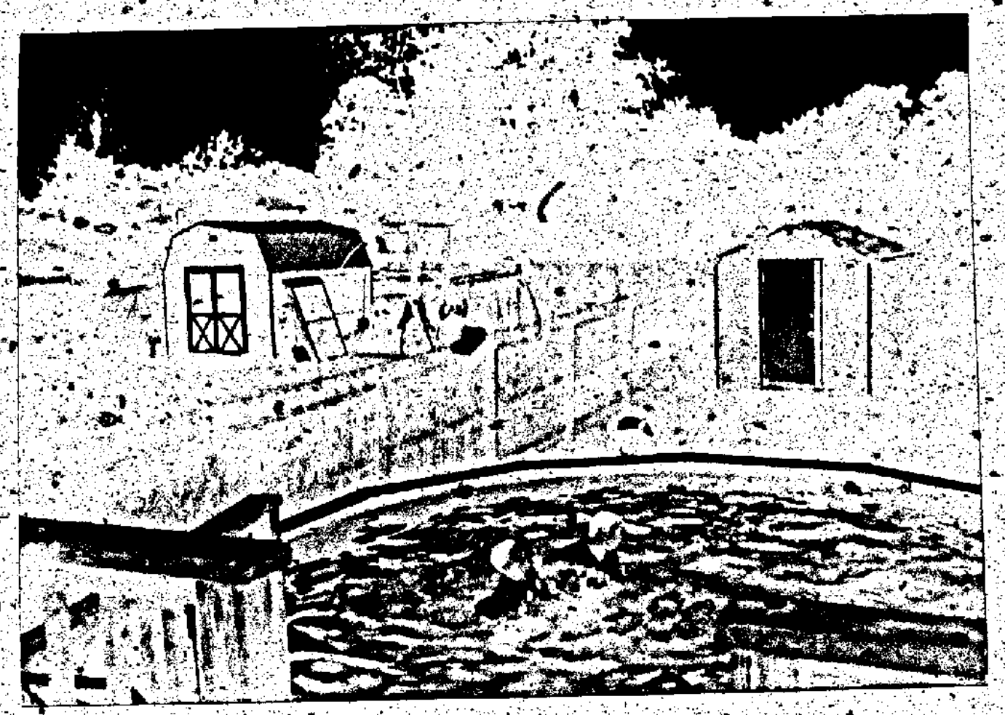












County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

94-374-A

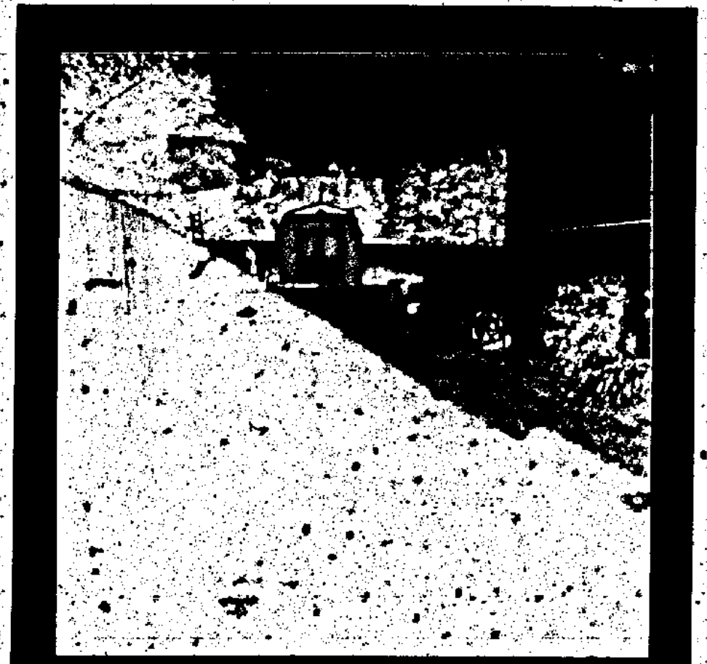
Petitioners 4
5
6
7
8
9
10
11
Photographs

Pet. #4

Pet. #5

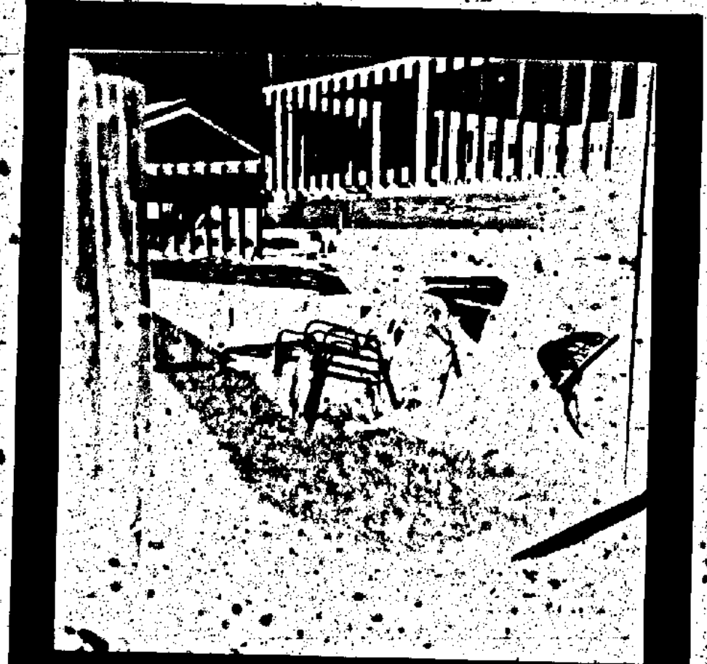
Pet. #6

Pet. #7


Pet. #8

Pet #9

Pet #10


Pet #11

IDM Trucking Co., Inc.
Rt. 1, Box 263
Mt. Crawford, VA 22841

Pet. Exh #1

October 17, 1994

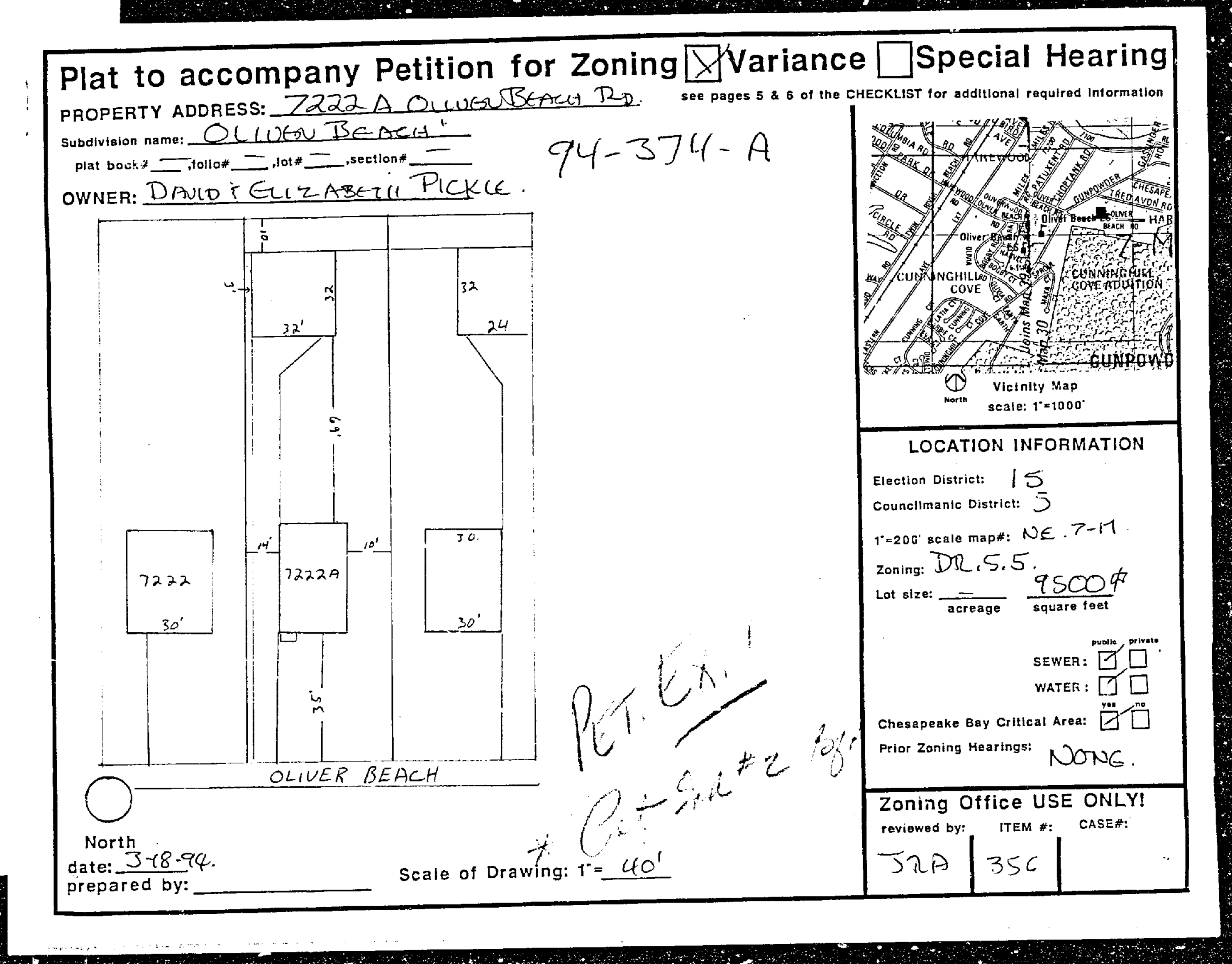
To whom it may concern:

Mr. David R.Pickle owns a truck which he has leased to us. Our company has only one terminal located at our headquarters near Weyers Cave, Virginia, almost 200 miles from Mr. Pickle's home. Because we have no other terminals or parking facilities near his location, he needs to parl his truck at his home.

In our operation, Mr. Pickle runs predominantly at night between Harrisburg and Capitol Heights, MD. DOT regulations require that he obtain a set amount of rest time which he acquires during the daytime hours. We can produce records to verify his activity. We maintain daily records of his hours both on duty and off duty.

We request that Mr. Pickle be granted an ordinance waiver to park his truck at his residence. The vehicle will usually not be present during nighttime hours.

Robert C. Henrikson
Robert C. Henrikson
IDM Safety Director



Plat to accompany Petition for Zoning ☒ **Variance** ☐ **Special Hearing**

PROPERTY ADDRESS: 7222 A OLIVER BEACH RD.
see pages 5 & 6 of the CHECKLIST for additional required information
Subdivision name: OLIVER BEACH
plat book# —, folio# —, lot# —, section# —
OWNER: DAVID & ELIZABETH PICKLE.

94-374-A

10
3
32
32'
32
24
69
14'
10'
30.
7222
7222A
30'
30'
35'
OLIVER BEACH
North
Vicinity Map
scale: 1"=1000'
CUNNINGHILL COVE
CUNNINGHILL COVE ADDITION
GUNPOWDER
Oliver Beach
HAREWOOD

date: 3-18-94.
prepared by:
Scale of Drawing: 1"= 40'

Pet. Ex. 1
Pet-Exh #2 Pgs

LOCATION INFORMATION
Election District: 15
Councilmanic District: 5
1"=200' scale map#: NE. 7-M
Zoning: DR. 5.5.
Lot size: — acreage 9500# square feet

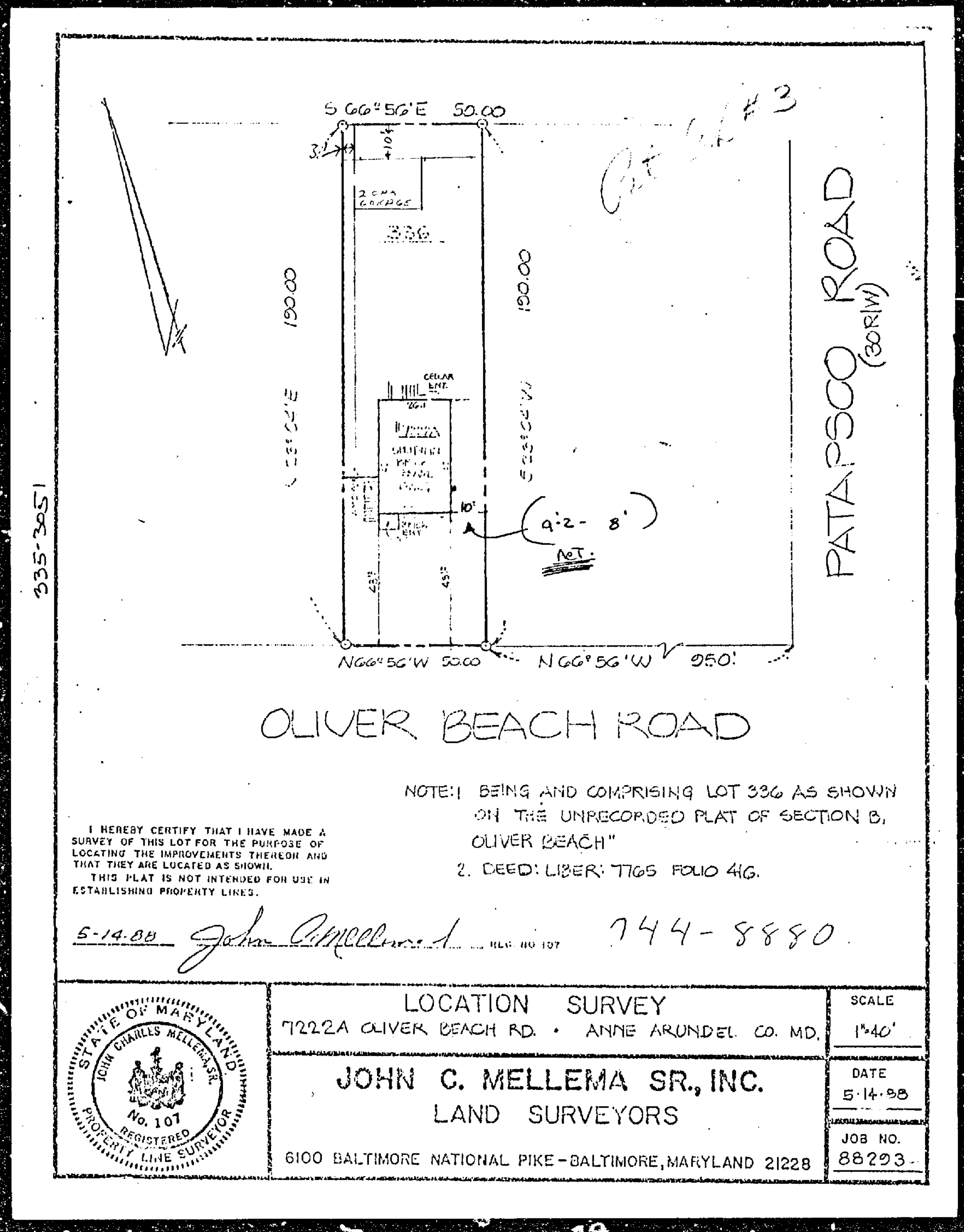
	public	private
SEWER:	☑	☐
WATER:	☑	☐

	yes	no
Chesapeake Bay Critical Area:	☑	☐

Prior Zoning Hearings: NONE.

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
JRA	356	



Pet Exh #3

S 66°56'E 50.00
3.1
10
2 CAR GARAGE
336
190.00
190.00
CELLAR ENT.
26.1
10'
(9.2 - 8')
NOT
43
45
N66°56'W 50.00
N 66°56'W 950'
PATAPSCO ROAD (30'R/W)
335-3051

OLIVER BEACH ROAD

NOTE: 1. BEING AND COMPRISING LOT 336 AS SHOWN ON THE UNRECORDED PLAT OF SECTION B, "OLIVER BEACH"
2. DEED: LIBER: 7765 FOLIO 416.

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THEY ARE LOCATED AS SHOWN.
THIS PLAT IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.

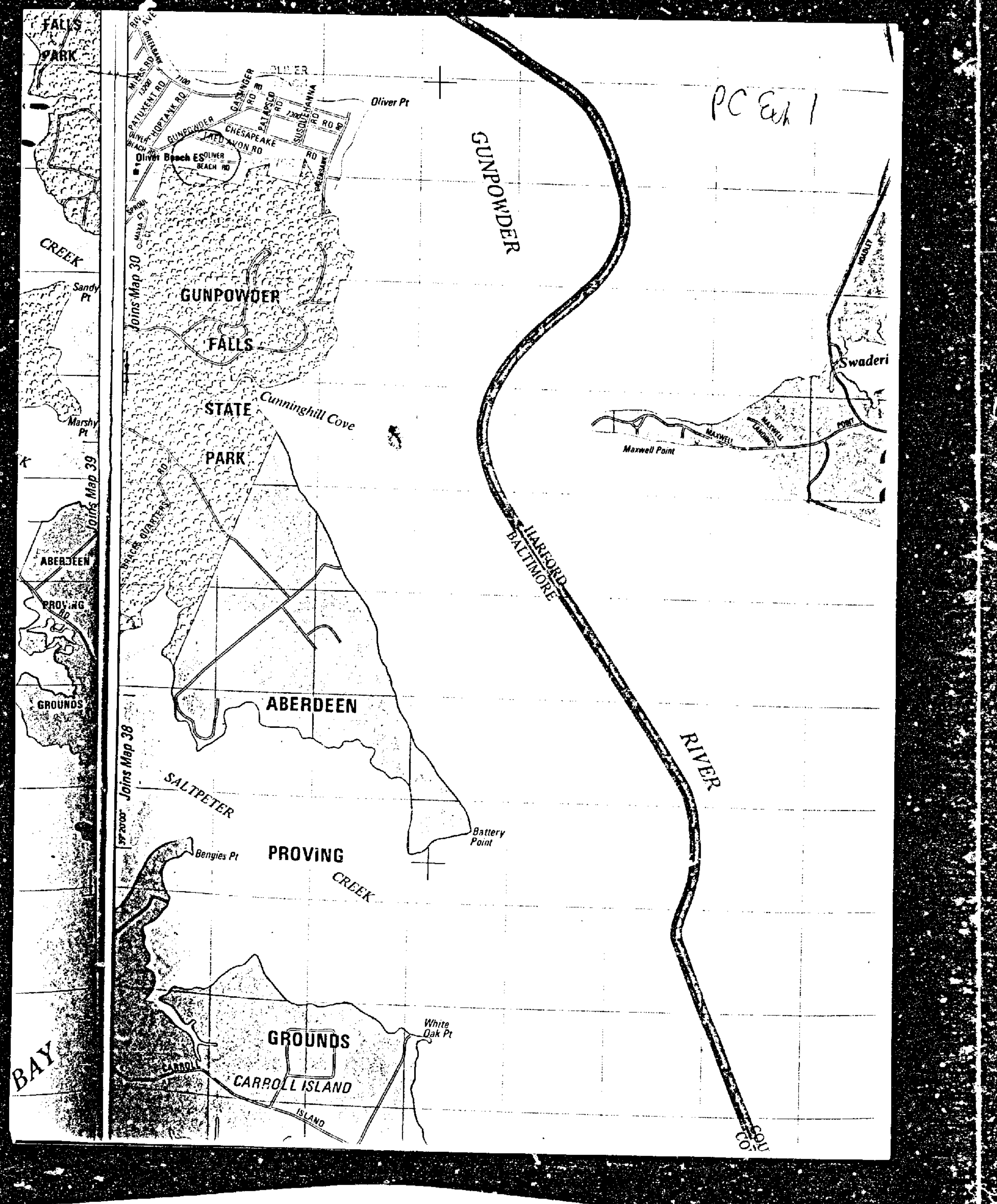
5-14-88 John C. Mellema REG. NO 107 744-8880

John Charles Mellema Sr. No. 107

LOCATION SURVEY
7222A OLIVER BEACH RD. • ANNE ARUNDEL CO. MD.

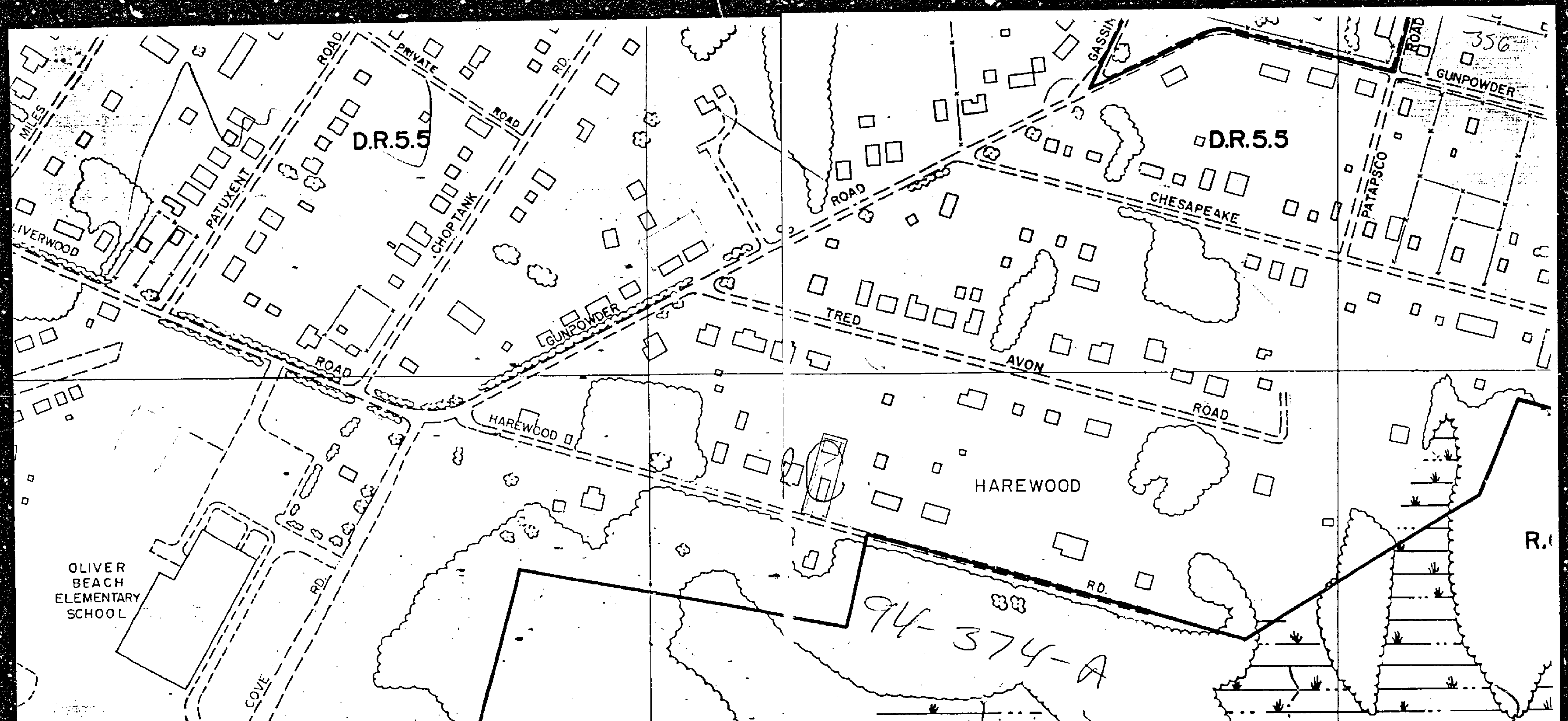
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
6100 BALTIMORE NATIONAL PIKE - BALTIMORE, MARYLAND 21228

SCALE 1"=40'
DATE 5-14-88
JOB NO. 88293.



PC Exh 1

FALLS PARK
Oliver Beach
Oliver Pt
CREEK
GUNPOWDER FALLS STATE PARK
Cunninghill Cove
GUNPOWDER
RIVER
Maxwell Point
ABERDEEN
SALTPETER CREEK
PROVING GROUNDS
Battery Point
White Oak Pt
Bengies Pt
CARROLL ISLAND
BAY
Joins Map 30
Joins Map 38



D.R.5.5
D.R.5.5
R.C. 20
PRIVATE ROAD
PATUXENT
CHOPTANK
LIVERWOOD
GUNPOWDER
ROAD
CHESAPEAKE
TRED
AVON
ROAD
PATAPSCO
HAREWOOD
HAREWOOD
RD
GUNPOWDER
OLIVER BEACH ELEMENTARY SCHOOL
COVE
CUNNINGHILL
DRAIN
356

94-374-A

PC Exh 2

OLIVER BEACH IMPROVEMENT ASSN. INC.
Post Office Box 57
Chase, Maryland 21027

PC Exh 3

May 2, 1994

To the attention of the hearing officer,

It has come to the attention of the members of the Oliver Beach Community, that a hearing has been set. The hearing is to allow a variance to park and house a tractor trailer on 7222A Oliver Beach Road. We the residents feel, that to allow this to happen would negatively effect the quiet residential community in many ways. We feel the many hazards in letting this vehicle stay, would only open new doors for other individuals. Trucks of this type give off excessive noise and air pollution. Not only would it endanger the many lives of the children walking to and from school, or riding their bikes or just in any area where this and any vehicle of that magnatude be allowed to drive. This paticular trucks owner, we've heard, let's his truck engine run excessively and blows his horn at all hours of the day and night. He also cleans his engine and changes his oil, while letting the run off drain into the critical Chesapeake Bay. And if thats not enough he damages the surrounding properties, including the county roads and drain pipes. Not only, if these types of vehicles are granted variances to stay in our community, it will decrease the surrounding properties value, and lower the standards of this wonderful water oriented community. There are many places these types of vehicles can be stored, that will not harm the environment, and the many people, and their surrounding properties. So sir, please, please after reading this, put yourself in our community. Then deny this variance giving him, and any individuals, the oppurtunity to allow our wonderful community to decrease in popularity. Thank you so much in listening to our plea to save our community!

Sincerely,
Ray Reiner
Ray Reiner,
President

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

PC & Protestants 4A → 4S
Photos
94-374-A

Sunday May 1, 1994

To Whom It May Concern:

I am a neighbor of David R. Pickle and in no way does his truck bother me in any way. The vehicle is very quiet and does not disturb me.

Jerry A Buford Sr.
7231 Oliver Beach RD

Lisa G. Buford
7231 Oliver Beach Rd

Norita Stover
Roy F. Yang
7232 Oliver Beach RD

FRANZ HUBER
7205 OLIVER BEACH RD,

Richard Schaal
7244 OLIVER BEACH ROAD

Antoinette Bernardino
7203 Oliver Beach Rd

Gary L. Markley
Jeffrey T Markley
7216 Oliver Beach RD.

John Bernardino
7203 Oliver Beach Rd

Donna Krapf
12957 Cunninghill Cove RD.

Charles T. Ryder
Betty Ryder
7209 OLIVER BEACH RD BALTO 21220

Sunday, May 1, 1994

To Whom It May Concern:

Please be advised that any photos presented to you by the Sudbrinks of my property, — I am requesting be declared null and void. I have no problem or complaints regarding this.

Jerry A Buford Sr.
7231 Oliver Beach RD

OLIVER BEACH IMPROVEMENT ASSN. INC.
Post Office Box 57
Chase, Maryland 21027

May 2, 1994

To the attention of the hearing officer,

It has come to the attention of the members of the Oliver Beach Community, that a hearing has been set. The hearing is to allow a variance to park and house a tractor trailer on 7222A Oliver Beach Road. We the residents feel, that to allow this to happen would negatively effect the quiet residential community in many ways. We feel the many hazards in letting this vehicle stay, would only open new doors for other individuals. Trucks of this type give off excessive noise and air pollution. Not only would it endanger the many lives of the children walking to and from school, or riding their bikes or just in any area where this and any vehicle of that magnatude be allowed to drive. This paticular trucks owner, we've heard, let's his truck engine run excessively and blows his horn at all hours of the day and night. He also cleans his engine and changes his oil, while letting the run off drain into the critical Chesapeake Bay. And if thats not enough he damages the surrounding properties, including the county roads and drain pipes. Not only, if these types of vehicles are granted variances to stay in our community, it will decrease the surrounding properties value, and lower the standards of this wonderful water oriented community. There are many places these types of vehicles can be stored, that will not harm the environment, and the many people, and their surrounding properties. So sir, please, please after reading this, put yourself in our community. Then deny this variance giving him, and any individuals, the oppurtunity to allow our wonderful community to decrease in popularity. Thank you so much in listening to our plea to save our community!

Sincerely,

Ray Reiner
Ray Reiner,
President

May 2, 1994

To the attention of the hearing officer,

It has come to the attention of the members of the Oliver Beach Community, that a hearing has been set. The hearing is to allow a variance to park and house a tractor trailer on 7222A Oliver Beach Road. We the residents feel, that to allow this to happen would negatively effect the quiet residential community in many ways. We feel the many hazards in letting this vehicle stay, would only open new doors for other individuals. Trucks of this type give off excessive noise and air pollution. Not only would it endanger the many lives of the children walking to and from school, or riding their bikes or just in any area where this and any vehicle of that magnatude be allowed to drive. This paticular trucks owner, we've heard, let's his truck engine run excessively and blows his horn at all hours of the day and night. He also cleans his engine and changes his oil, while letting the run off drain into the critical Chesapeake Bay. And if thats not enough he damages the surrounding properties, including the county roads and drain pipes. Not only, if these types of vehicles are granted variances to stay in our community, it will decrease the surrounding properties value, and lower the standards of this wonderful water oriented community. There are many places these types of vehicles can be stored, that will not harm the environment, and the many people, and their surrounding properties. So sir, please, please after reading this, put yourself in our community. Then deny this variance giving him, and any individuals, the oppurtunity to allow our wonderful community to decrease in popularity. Thank you so much in listening to our plea to save our community!

Sincerely,

Concerned Residents of Oliver Beach

Roy J. Messer 13119 Riverview Av
Richard Barth 13123 E. GREENBANK ROAD
Ellen F. Jackson 13235 Patapsco Rd.
Charles Narra 7122 Greenbank Rd.
C. Lyle Jackson 13235 Patapsco Rd
Frank Kowalczyk 7322 Greenbank Rd.
G. J. Wagner 13210 PATUXENT Rd.
Sherry Cantow 7401 Greenbank Rd.
Phil Cantow 7401 Greenbank Rd.
Toni Brush 7420 Greenbank Road
Frank Brush 7420 Greenbank Rd
Vicki Sines 7237 Gunpowder Rd

Vera M. Reiner 7410 Greenbank Rd (21220)
Deborah Robinson 7301 Tredavon Rd (21220)
[illegible] 7237 Gunpowder Rd 21220
Debbie [illegible] 7405 Gunpowder Rd 21220
Charlotte Collings 7224 Oliver Beach Rd "
Pat Sprecher 7224 Oliver Beach Rd "
Diane Sudbrink 7222 Oliver Beach Rd 21220
Mr. T Sell " " " "

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

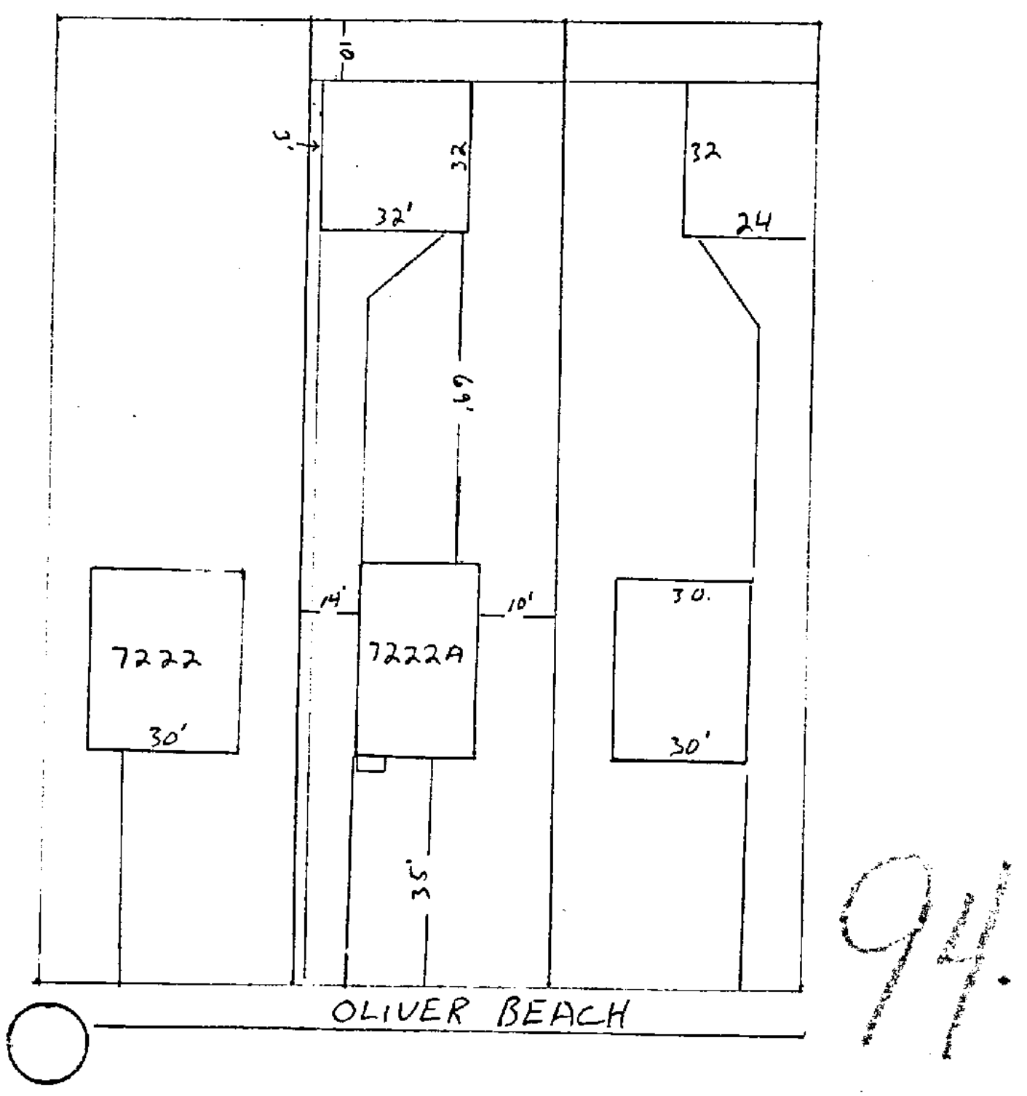
NAME	ADDRESS
DAVID R. PICKLE	7222 A OLIVER BEACH 21220
ELIZABETH M. PICKLE	7222 A OLIVER BEACH RD 21220

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Charlotte Collings	7224 Oliver Beach Rd. 212
Diane Sudbrink	7222 Oliver Beach Rd. 20
Mr. T Sell	7222 OLIVER BEACH RD 2122
Gary Collings	7224 Oliver Beach Rd 2122

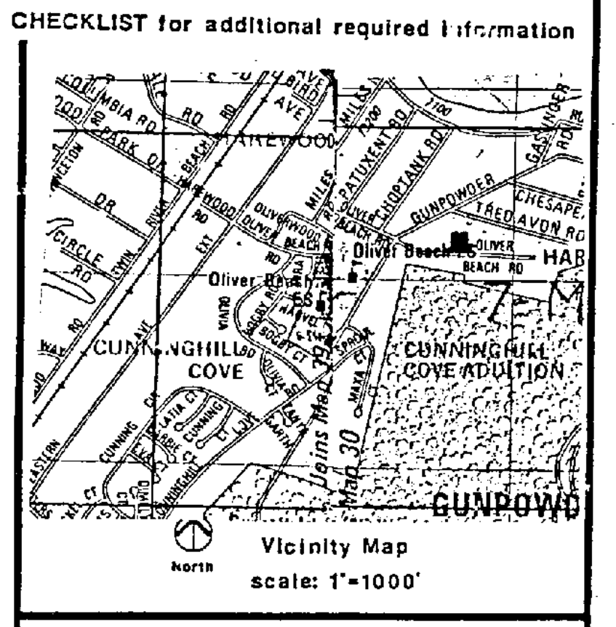
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 7222 A OLIVER BEACH RD.
see pages 5 & 6 of the CHECKLIST for additional required information
Subdivision name: OLIVER BEACH
plat book# —, folio# —, lot# —, section# —
OWNER: DAVID & ELIZABETH PICKLE



North
date: 3-18-94.
prepared by:
Scale of Drawing: 1"= 40'

94-374A

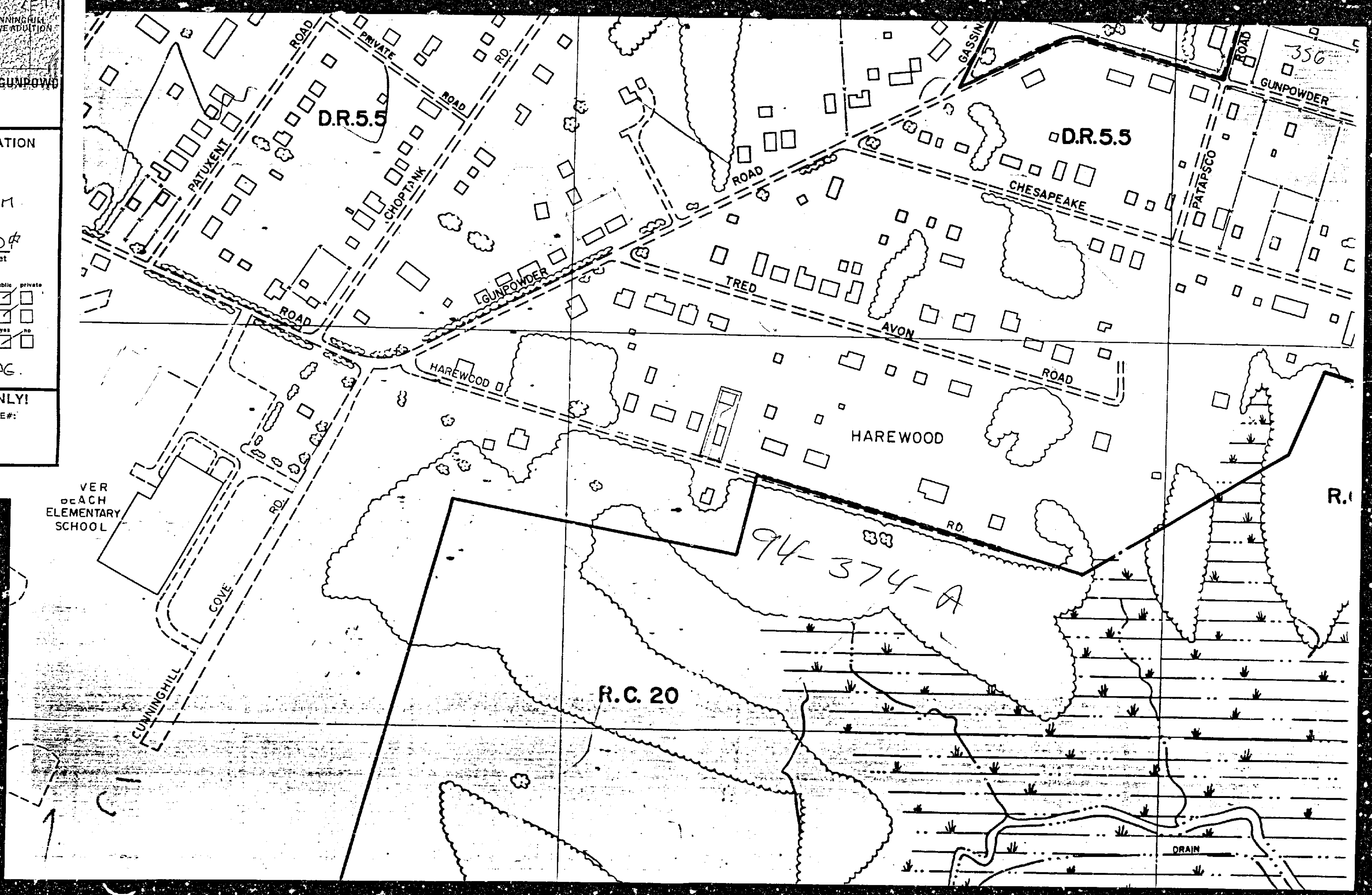


Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION
Election District: 15
Councilmanic District: 5
1"=200' scale map#: NE 7-M
Zoning: DR.5.5.
Lot size: — acreage 9500# square feet
SEWER: public ☑ private ☐
WATER: public ☑ private ☐
Chesapeake Bay Critical Area: yes ☑ no ☐
Prior Zoning Hearings: NONE.

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
JRA	35C	



94-374-A

Next Few
BEST IMAGE POSSIBLE

The following document was scanned as received and contains the best possible image.

Micro Records Company,Inc.
Baltimore , Maryland