

IN RE: PETITION FOR SPECIAL HEARING
E/S McCormick Avenue, 320 ft. S
of c/l Cynthia Terrace
5501 McCormick Avenue
14th Election District
6th Councilmanic District

Anna E. Kopp
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-5-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property located at 5501 McCormick Avenue in the Highland Hills section of eastern Baltimore County. The Petition was filed by Anna E. Kopp, property owner. Special Hearing relief is required to approve a nonconforming use of the subject property for an equipment storage yard, garage and service garage. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held for this case was Larry Kopp, son of Anna E. Kopp and proprietor of the business which is located on the subject property. Also appearing and testifying in support of the Petition for Special Hearing was Burton E. Greenwood, Sr., George Heffner and Wayne G. Sullivan. The Petitioner was represented by John B. Gontrum, Esquire. John Roop, adjoining property owner appeared in opposition to the request.

Examination of the site plan indicates that the subject property is zoned D.R.5.5 and that the nonconforming use area thereof is 1.810 acres in size. The nonconforming use area is part of a larger tract owned by Anna Kopp. The balance of the tract is improved by two dwellings, known as 5501 and 5417 McCormick Avenue, as well as several sheds, a garage and outbuildings. The area of the special hearing, clearly illustrated on the site plan, is improved with a large gravel parking and driveway area

ORDER RECEIVED FOR FILING
Date 8/22/95
By M. Howard

MICROFILMED

as well as numerous garages and sheds. This portion of the tract is used for the proprietor's business known as Ted's Towing. A significant amount of testimony was offered regarding the history of that use.

Burton E. Greenwood, the owner of Greenwood Towing and Garage testified about the history of the site. He indicated that his company has been in business since the mid 1920s and was originally operated by his father. He became involved in the business during the 1940s and testified that the business known as Ted's Towing was in operation at that time. Mr. Greenwood had a vivid memory of the business. He indicated that Ted Kopp, now deceased, had a location in Baltimore City as well as a towing operation based at the subject site. He described the towing business during those years as one in which tow operators frequently cooperated and worked with one another. Frequently, one operator would call another to request extra tow trucks during periods of inclement weather or in the event of serious vehicular accidents.

Mr. Burton also testified in detail regarding the use of the subject property. He advised that tow trucks were kept at that location on a continuous basis and that buildings were maintained on the site to store and service the tow trucks owned and operated by Mr. Kopp. Moreover, he testified that the business had continuously been operated on the subject site even after Mr. Kopp passed away and the business was operated by the present owner. Particularly, Mr. Greenwood testified that there were no gaps in the use of the subject site to support this business.

This testimony was corroborated by Mr. Wayne Sullivan owner of Sullivan's Garage. Mr. Sullivan testified that he had been in business since the early 1950s. Ted's Towing business was a well known operation to all towers in that era including Mr. Sullivan. He described in detail the towing business operated on the site and stated that several barns and

garage buildings were located on the subject premises during those years. The towing equipment, car storage and other maintenance vehicles were maintained on the property.

Lastly, testimony was received from George Heffner, original owner of a similar business on Putty Hill Avenue. He has recollection of Ted's Towing business since 1941. He specifically recalls Ted's business being active during the war years and indicated that he bought his first tow truck from the elder Mr. Kopp during that time. In his opinion, the business has not changed or altered its operation for many years.

Testimony was also received from Larry Kopp, Ted Kopp's son and the current proprietor of the business. Mr. Kopp testified that he had worked in the family business since a child and that his father had gone into business since, at least, 1941.

Testimony was also received from John Roop, a neighbor who resides at 5401 McCormick Avenue. He primarily complained of the noise, dust and other effects of the business as they impact his property. He opposes the ongoing use of the subject site to support the business in that he feels that same is incompatible with the surrounding locale.

In addition to the site plan submitted, numerous photographs were submitted of the subject property. These photographs show the condition of the site presently and the improvements thereon. Also, letters were received in support of the Petition describing the history and present use of the site.

A nonconforming use is defined in Section 101 of the BCZR as "a legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use".

Nonconforming uses are regulated within Section 104 of the BCZR. Nonconforming uses are inherently illegal uses, which are prohibited under

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Date

By

9/25/95
JH - JH

the property's zoning classification or by other regulation. In this instance, equipment storage yard, garage and service garage are not permissible in a D.R.5.5 zone by right or by special exception. However, same may be approved as a nonconforming use. In effect, the nonconforming use designation is utilized to grandfather an otherwise illegal use. That is, if the use existed prior to the enactment of the statute which prohibits the use, the use may remain. Moreover, pursuant to the provisions of Section 104 of the BCZR, a nonconforming use cannot be abandoned or altered. If such an abandonment or alteration occurs, the right to utilize a nonconforming use is forfeited.

Unlike Petitions for Variance and Special Exception, the effect of the nonconforming use on neighboring properties is not relevant. A nonconforming use can detrimentally impact surrounding properties, however, same is legitimate and permissible if it meets the standards and requirements set out in Section 104 of the BCZR.

In this case, the testimony was overwhelming and convincing that the business known as Ted's Towing has been in operation at this site for many years. It is clear that the business existed since the adoption of the first zoning regulations enacted in Baltimore County, in 1945. Moreover, testimony established that the operation has continued unabated and uninterrupted since that date. Thus, the proposed use must be considered nonconforming and the special hearing should be granted. The only significant question raised related to the actual area of the nonconforming use. In this respect, it is clear that the property has been in the Kopp family for many years and has been utilized by them for both residential and business purposes. Although an area to the rear of the existing dwellings has apparently been devoted to supporting the business for many years,

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Date

By

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exclusively, the entrance/driveway to that portion of the tract may have shifted.

Based on the testimony and the evidence presented, it is the opinion of this Zoning Commissioner that, although the nonconforming use should be designated, the site plan depicting the area of same must be amended. Specifically, it is clear that that portion of the nonconforming use area designate on the tract as "grassed" area was not a portion of the original business operation. Thus, the plan should be amended to relocate the use line so that same is parallel and immediately abutting the south side of the driveway which leads into the subject property. In addition to reducing the area of the nonconforming use, this also provides an increased buffer to the neighboring property owned by the Roop family.

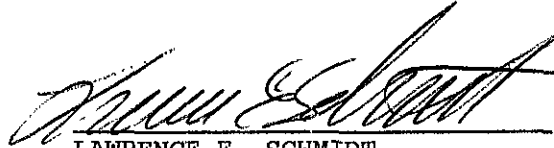
Moreover, pursuant to the authority extended to this Zoning Commissioner with Section 500 of the BCZR, I shall order that the nonconforming use be restricted. Specifically, the Petitioner shall install a durable and dust free surface over top of the existing driveway area from the access of McCormick Road to a point at least below the overhead wires, as shown on the plan. This will, likewise, reduce the amount of dust and annoyance to neighboring properties. Installation of such a surface shall be in accordance with the standards of the Department of Public Works, Dept. of Environmental Protection and Resource Management and other appropriate County agencies.

Lastly, no refrigeration trucks or items associated with other businesses may be stored on site.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of September, 1995 that, pursuant to the Petition for Special Hearing, approval for a nonconforming use of the subject property for an equipment storage yard garage and service garage, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 9/23/95
By M. Horak

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 22, 1995

John Gontrum, Esquire
Romadka, Gontrum and McLaughlin, P.A.
814 Eastern Boulevard
Essex, Maryland 21221

RE: Case No. 96-5-SPH
Petition for Special Hearing
Anna E. Kopp, Petitioner

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing and Variance been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered 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 Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

encl.

cc: Mr. Larry Kopp
Mr. John Roop





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

5501 McCormick Ave.

which is presently zoned D.R. 5.5.

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A non-conforming use for an equipment storage yard and garage and service garage.

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

John B. Contrum, Esquire

(Type or Print Name)

Romaeka Contrum & McLaughlin, P.A.

Signature

814 Eastern Blvd.

686-8274

Address

Phone No

Essex, Maryland 21221

City

State

Zipcode

DROP-OFF
No REVIEW
7/6/95
WCR



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):

Anna E. Kopp

(Type or Print Name)

By:

Signature Larry Kopp, Power of-Attorney

(Type or Print Name)

Signature

4920 Hazelwood Ave.

Address

Phone No.

Baltimore, MD 21206

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or 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 _____

MICROFILMED

JUN 30 1995

7

ZONING DESCRIPTION
Special Hearing for Non-Conforming Use
#5501 McCormick Avenue

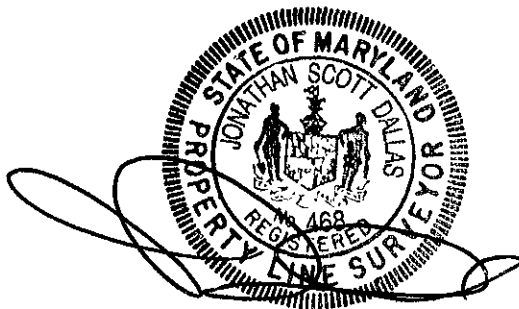
BEGINNING at a point in the center of McCormick Avenue at the distance of 33 feet, more or less north of the centerline of Daybreak Terrace which is 50 feet wide thence the following courses and distances: (1) along the centerline of said McCormick Avenue North 03 degrees 51 minutes 28 seconds West 255.00 feet (2) North 89 degrees 39 minutes 19 seconds East 163.19 feet (3) North 20 degrees 29 minutes 00 seconds East 125.00 feet (4) North 27 degrees 39 minutes 00 seconds East 60.00 feet (5) North 64 degrees 19 minutes 39 seconds West 22.95 feet (6) North 83 degrees 15 minutes 00 seconds West 31.00 feet (7) North 6 degrees 17 minutes 00 seconds East 75.00 feet (8) South 84 degrees 12 minutes 49 seconds East 76.75 feet (9) South 69 degrees 17 minutes 00 seconds East 110.00 feet (10) South 15 degrees 35 minutes 00 seconds East 114.21 feet and South 47 degrees 05 minutes 53 seconds West 524.60 feet to the beginning.

BEING a part of that parcel of land as recorded in Deed Liber 1101, Folio 569 etc.

CONTAINING 1.810 acres of land, more or less.

Also known as 5501 McCormick Avenue and located in the 14th Election District

(NOTE: Above description is for Zoning hearing purposes only, was developed from existing deeds, plats, and some recovered field evidence, and is not the result of a boundary survey.)



MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-5-SPH

District 14th

Date of Posting 7/13/95

Posted for: Special Hearing

Petitioner: Anne E. Kopp

Location of property: 5501 McCormick Ave, E/S

Location of Signs: Facing Roadway, on property being Zoned

Remarks:

Posted by [Signature]
Signature

Date of return: 7/28/95

Number of Signs: 1



CERTIFICATE OF PUBLICATION

TOWSON, MD.,

July 21, 1995

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 July 20, 1995.

THE JEFFERSONIAN,

A. Henrichsen
LEGAL AD. - TOWSON

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 108 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: W-20-95-001
(Item 7)

5801 McCormick Avenue
E/B McCormick Avenue
330 S of Gynthia Terrace

14th Election District

6th Councilmanic

Legal Owner(s):

Anna E. Kopp

Hearing: Wednesday

August 9, 1995 at 11:00

a.m. in Rm. 108, County Office Building

Special Hearing for a non-conforming use for an equipment storage yard and garage and service garage.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, Please Call 887-3363.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.
7/197 July 20,



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

receipt

Date 7/6/95

Account: R-001-6150

Number #7 (WCR)

DROP-OFF --- NO REVIEW
(Violations; No Planner)

#040 - SPECIAL HEARING ----- \$250.00
#080 - SIGN ----- 35.00
TOTAL ----- \$285.00

Anna E. Kopp
5501 McCormick Avenue
1.810 +/- acres
14th Election District
6th Councilmanic District
Zoned D.R.-5.5
Attorney: John B. Gontrum

Check from Romadka, Gontrum
& McLaughlin

RECEIVED

02A02H0227HTCHRC

\$285.00

BA CO11128AM07-07-95

Please Make Checks Payable To: Baltimore County

Cashier Validation



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

receipt

Date 7/6/95

Account: R-031-6150

Number #7 (WCR)

DROP-OFF ---- NO REVIEW
(Violations; No Planner)

#040 - SPECIAL HEARING -----	\$250.00
#080 - SIGN -----	35.00
TOTAL -----	\$285.00

Anna E. Kopp
5501 McCormick Avenue
1.810 +/- acres
14th Election District
6th Councilmanic District
Zoned D.R.-5.5
Attorney: John B. Gontrum

Check from Romadka, Gontrum
& McLaughlin

Please Make Checks Payable To: Baltimore County

Cashier Validation

LAW OFFICES/ROMADKA, GONTRUM & McLAUGHLIN

DATE

TRUST NAME

PAY TO

DESCRIPTION

AMOUNT

7/6/95

Anna E. Kopp
RE: 5501 McCormick Ave.
RCM# 95.3007

\$285.00

Filing Petition for Special Hearing - \$250.00
Signs - \$ 35.00

CHECK DATE

CHECK NO.

CHECK AMOUNT

TO: PUTUXENT PUBLISHING COMPANY
July 20, 1995 Issue - Jeffersonian

Please forward billing to:

John B. Gontrum, Esq.
814 Eastern Boulevard
Essex, MD 21221
686-8274

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: 96-5-SPH (Item 7)

5501 McCormick Avenue

E/S McCormick Avenue, 320' S of c/l Cynthia Terrace

14th Election District - 6th Councilmanic

Legal Owner(s): Anna E. Kopp

HEARING: WEDNESDAY, AUGUST 9, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Hearing for a non-conforming use for an equipment storage yard and garage and service garage.

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.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 17, 1995

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: 96-5-SPH (Item 7)

5501 McCormick Avenue

E/S McCormick Avenue, 320' S of c/l Cynthia Terrace

14th Election District - 6th Councilmanic

Legal Owner(s): Anna E. Kopp

HEARING: WEDNESDAY, AUGUST 9, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Hearing for a non-conforming use for an equipment storage yard and garage and service garage.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

cc: Larry Kopp
John B. Gontrum, Esq.

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

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 3, 1995

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Blvd.
Essex, Maryland 21221

RE: Item No.: 07
Case No.: 96-5-SPH
Petitioner: Anna E. Kopp

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 24, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for July 24, 1995
Item No. 007

The Development Plans Review Division has reviewed the subject zoning item. McCormick Avenue is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The commercial entrance to the site shall conform to Dept. of Public Works' Standard Plate R-32A, Road and Street Details.

The site should be required to conform to the Landscape Manual's screening and buffering requirements to the extent possible.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 07/17/95

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

RE: Property Owner: ANNA E. KOPP

LOCATION: E/S MCCORMICK AVE. 320' S OF CENTERLINE CYNTHIA TERR.
(5501 MCCORMICK AVE.)

Item No.: 007

Zoning Agenda: SPECIAL HEARING

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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

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



cc: File

Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kassoff
Administrator

7-12-95

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

Re: Baltimore County
Item No.: 007 (WCR)

Dear Ms. Watson:

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

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

MICROFILMED

96-5-SPM
8/9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 26, 1995

FROM: Pat Keller, Director 
Office of Planning and Zoning

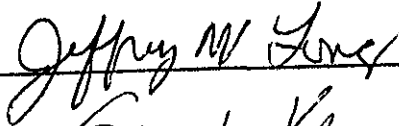
SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 483, 485, 5 and 7

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:



Division Chief:



PK/JL

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



January 23, 1996

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

John B. Gontrum, Esquire
Romadka, Gontrum and McLaughlin, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221

Case No. 96-5-SPH
Petition for Special Hearing
Anna E. Kopp, Petitioner
Your file No. 95.3007

Dear Mr. Gontrum:

This is in response to your letter dated October 11, 1995 regarding the above captioned matter.

The intent of my restriction as contained on page 5 of the Order is to prohibit any ongoing business from being operated on site, which utilizes refrigeration trucks or items not associated with the towing business. I am appreciative of the fact that your client may tow refrigerated trucks owned by others onto the site as part of the towing business. These trucks may remain on the property a short time until repaired or removed. My Order was not to prevent such practice. All aspects of the business incidental to the actual towing operation are permitted.

I have included a copy of this letter in the case file and trust that same satisfactorily addresses your concerns.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn



Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 21, 1995

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

RE: Preliminary Petition Review (Item #7)
Legal Owner
14th Election District
6th Council District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above-referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

Show parking area or note if vehicles are kept in buildings. Note any other non-conforming uses on property, i.e.; more than one residence on one lot, setback separations if other principal structure, etc. Label zoning demarkation line and property lines.

If you need further information or have any questions, please do not hesitate to contact me at 998-3391.

Sincerely,

A handwritten signature in dark ink, appearing to read "John R. Alexander".

John R. Alexander
Planner
Department of Permits and
Development Management

JRA:bb

MICROFILMED



RE: PETITION FOR SPECIAL HEARING
5501 McCormick Avenue, E/S McCormick
Avenue, 320' S of c/l Cynthia Terrace
14th Election District, 6th Councilmanic

Anna E. Kopp
Petitioner

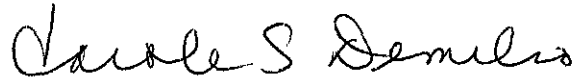
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-5-SPH
*
*
*
*
*
*
*
*
*

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, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to John G. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioner.



PETER MAX ZIMMERMAN



**Baltimore County
Zoning Commissioner**

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

November 29, 1999

Mr. John Roop
5401 McCormick Avenue
Baltimore, Maryland 21206

RE: PETITION FOR SPECIAL HEARING
(5501 McCormick Avenue)
Case No. 96-5-SPH

Dear Mr. Roop:

In response to your letter dated November 18, 1999 and the supporting material you recently delivered to my office concerning the above-captioned matter, the following comments are offered.

As you know, this matter came before me for consideration of a Petition for Special Hearing filed by the then owner of the subject property, Anna E. Kopp, on August 9, 1999. The Petitioner sought approval of a nonconforming use of the subject property as an equipment storage yard, garage and service garage, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.). The nonconforming use designation is a tool used to "grandfather" a pre-existing use of property. At the time of the hearing, the property was zoned D.R.5.5, which generally does not permit business or commercial uses. As my Opinion and Order dated September 22, 1999 sets out, sufficient testimony and evidence were presented to establish that the use in question had existed on the property for many years, well prior to the adoption of the D.R.5.5 zoning classification on that property. Thus, the use was allowed to continue.

As my Opinion further notes, the impacts of the use on adjacent properties are not relevant when considering a nonconforming use. By virtue of the fact that the Petitioner alleges a nonconforming use, it is assumed that the use of the property is impermissible under the zoning regulations and inconsistent with surrounding uses. Thus, the finding that I entered in this case was not that the towing business was in any way appropriate for the property and neighborhood, only that it could remain because it was grandfathered (i.e., nonconforming).

You have asked about a change in ownership of the towing business. Generally, a change in ownership will not impact a nonconforming use. For example, if the gasoline station is determined to be nonconforming, it would be permitted to remain whether the business was operated by Exxon, or sold and subsequently operated by Sunoco, Amoco, or any major oil company. The proprietor of the use is not relevant, rather, the use itself. Thus, if the use of the property has continued as described in my Order, I believe that it may remain, irrespective of a change in identity of the owner. However, a change in the use of the property would not be permitted. If the nature of the business has changed from what was described in my Order, the new business use would not be

Come visit the County's Website at www.co.ba.md.us

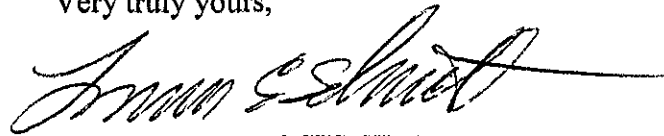


Mr. John Roop
November 29, 1999
Page 2

protected under the language of my Order. Thus, your contention that a landscaping business is operating from the site, if true, may very well constitute a zoning violation. In this regard, I am forwarding a copy of my response to Mr. Jerry Chen of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) for follow-up.

I trust that this letter has addressed your concerns and should you have any further questions regarding my original decision in this matter, please feel free to call me. However, should you require additional information concerning a possible zoning violation, it is suggested that you contact Mr. Chen directly at 887-3351.

Very truly yours,



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Jerry Chen, Code Enforcement Division (DPDM)
Case File



**Baltimore County
Zoning Commissioner**

March 22, 2000

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

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

Mr. John Roop
5401 McCormick Avenue
Baltimore, Maryland 21206

RE: PETITION FOR SPECIAL HEARING
(5501 McCormick Avenue)
Case No. 96-5-SPH

Dear Gentlemen:

This letter is in response to your respective letters of March 03, 2000 and March 10, 2000 concerning the above-captioned matter. In the future, I would ask that you each copy the other on any correspondence directed to me. As to the issues raised in your letters, the following comments are offered.

First, I understand that Anna E. Kopp is deceased and that her son, Larry Kopp, now owns the subject property. The original case was filed under the name of the then property owner, and the change of ownership through inheritance is of little practical significance insofar as the zoning issues are concerned. Second, as I mentioned to Mr. Roop by phone, the nonconforming use status was conferred upon this property as an equipment storage yard, garage, service garage, and more particularly, a towing operation. The fact that the proprietor of the towing operation has changed does not impact that nonconforming use. By analogy, a nonconforming status could be granted for an Exxon gasoline service station in a residential zone. The fact that the station may thereafter be owned by Shell, Amoco, or another oil company does not matter. It is the use thereof which drives and identifies the nonconforming use status. Any towing company similar to that described in the Order issued in the above-captioned matter would be permitted. However, other businesses (i.e., landscaping operation), would not be permitted by the nonconforming use status.

Lastly, Mr. Gontrum raises an interesting point regarding the garage. Indeed, Section 101 of the B.C.Z.R. defines a garage as a place where motor vehicles are stored, rented, repaired, etc. Storage of motor vehicles within the garage and not outside would seem to be a permitted use. Obviously, either party could file a Petition for Special Hearing on this issue and I would conduct a public hearing to consider the testimony and evidence offered at that time, but I suspect that the storage of vehicles within the garage would fall within the garage definition.

I trust that the above comments have addressed the concerns raised in your correspondence. However, should you have any further questions regarding this matter, please do not hesitate to call me.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs
cc: Mr. Jerry Chen, Code Enforcement Division (DPDM)
Case File



5401 McCormick Avenue
Baltimore, Maryland 21206
March 10, 2000

Lawrence E. Schmidt, Esq.
Baltimore County Zoning Commission
County Courts Building
401 Bosley Avenue
Baltimore, Maryland 21204

MAR 13

RE: Case No. 96-5-SPH
Anna E. Kopp

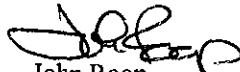
Dear Mr. Schmidt:

I am in receipt of Mr. Gonstrum's letter to you dated March 3, 2000. Several items seem to be misleading in his letter. They are as follows:

1. Mrs Anna E. Kopp has been deceased for a number of years, but Mr. Gonstrum continues to indicate her as the owner of the property and not her son, Mr. Larry Kopp.
2. Ted's Towing did use this property for years and may be grandfathered; however, the business was sold to Frankfort Towing who moved to a different location months ago. The property is now rented to Redel's Towing Service by Mr. Kopp
3. Perhaps Section 101 defines a service garage as stated in Mr. Gonstrum's letter, but would this use not be limited to the owner of the property and not any other person or company which Mr. Kopp desires to rent a portion of one of the buildings or property too.
4. You stated in your Findings of Fact & Conclusion that Ted's Towing has been in operation for years and a non-conforming use should be granted. Does this non conforming use apply to any company using the property, even Redels?

Sorry to bother you prior to a decision in this matter, but after receiving a courtesy copy of Mr. Gonstrum's letter to you, I felt certain points in his letter needed clarification.

Thank you for your time,


John Roop

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

MAR - 8

* Also Admitted In the District of Columbia

March 3, 2000

Lawrence E. Schmidt, Esq.
Baltimore County Zoning Commissioner
County Courts Building
401 Bosley Avenue
Baltimore, Maryland 21204

RE: Case No. 96-5-SPH
Anna E. Kopp

Dear Commissioner Schmidt:

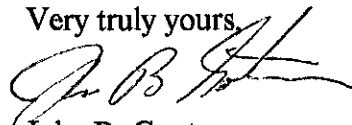
I have enclosed a copy of your order in the above-referenced case, which approved a non-conforming use for a service garage and equipment storage yard garage. Your order, however, also prohibited the storage of items associated with other businesses on the site. At issue was the non-conforming use of a towing company and service garage.

A violation case has arisen at the site over the storage of a pickup truck associated with a landscape business inside one of the garages. I am willing to concede that outside storage of landscaping equipment is precluded under the order as well as inside storage of items associated with the landscape business, for your order really only approved a towing company and a service garage and not a contractor's equipment storage yard except to the extent it was directly related to the towing and garage function. The issue of the inside storage, however, of motor vehicles seems to me to fall within the definition of a service garage.

Section 101 defines a service garage as : "A garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale." Although your order specifically precluded refrigeration trucks due to the noise of the refrigeration motors, it really did not seem to me to preclude inside storage of other motor vehicles. Please let me know whether such use is permitted under your order approving a service

garage or precluded under your restriction on the previous page as "items associated with other businesses" being stored on the site.

Very truly yours,

A handwritten signature in black ink, appearing to read "John B. Gontrum", written in a cursive style.

John B. Gontrum

enc.

cc. Stanley Shapiro, Esq.

John Roop



Alexander & Alexander Inc.
111 Market Place
Baltimore, Maryland 21202
Telephone 410 547-2800
FAX 410 547-2914

August 7, 1995

Mr. Lawrence Schmidt, ESQ.
Baltimore County Zoning Commission
Court House
Towson, Maryland. 21204

RE: Kopp Property-McCormick Avenue
Case No. 96-5-SPH

Dear Mr. Schmidt:

In 1952 I worked for my Father during the summer delivering Bid Bonds. One of our customers Mr. Pete Ewers lived on Westwood Ave off of Hazelwood Ave. I would stop by his house on the way home from the office. I drove up Pulaski Highway to McCormick Ave. Very often I would follow one of Ted's Tow Trucks down McCormick Ave until they turned in at the Kopp property. I remarked to my Father that the equipment looked in first class shape. After graduating from school I started soliciting Ted's business and finally succeeded in writing it in the late 50's and have written it since that time.

The Kopps have always used the property to store their tow trucks and for overnite storage facility for customers towed vehicles.

Very truly yours,

Francis S. Carnes, Jr.
Vice President

MICROFILMED

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

TELEPHONE: (410)686-8274
FAX# 686-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

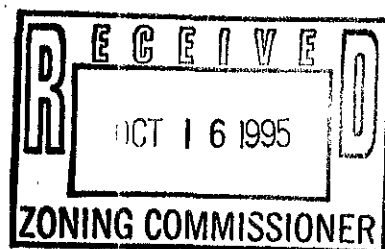
October 11, 1995

ELIZABETH A. VANNI

*ALSO ADMITTED IN D.C.

Lawrence E. Schmidt,
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
400 Washington Ave., Suite 112
Towson, MD 21204

Re: Case No.: 96-5-SPH
Petition for Special Hearing
Anna E. Kopp, Petitioner
RGM File No.: 95.3007

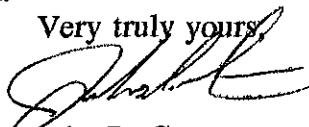


Dear Commissioner Schmidt:

I am writing to you to clarify a restriction contained in your Order of September 22, 1995 in the above referenced case. A copy of your Findings of Fact and Conclusions of Law is attached. The clarification pertains to a statement "lastly, no refrigeration trucks or items associated with other businesses may be stored on site". That statement is contained on page 5 among other restrictions contained in the body of the Order. As you may recall, my client is in the towing business and will have occasion to tow refrigerated vehicles and keep them on the site until they are collected. I read that statement to indicate that no refrigeration trucks may be stored on the site in connection with any other business. Obviously, if refrigeration trucks are towed they would be kept on site possibly overnight until they are collected or able to be further towed to a place of repair. This may even occur over a weekend. We are more than willing to acknowledge that no other business may be conducted on the site outside of that which the non-conforming use was granted. Consequently, no refrigeration trucks should be stored on the site in connection with another business. My client did however, want to have this point clarified to know whether or not he can still tow refrigeration trucks to the site and possibly store them overnight or weekends.

Thank you for your consideration.

Very truly yours,



John B. Gontrum

JBG/bjb
Enclosure
cc: Larry Kopp

668 1/16 1995

3290-95
7/17/95
TO ST

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

TELEPHONE: (410)686-8274
FAX# 686-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

July 12, 1995

ELIZABETH A. VANNI

*ALSO ADMITTED IN D.C.

The Honorable, John H. Garmer
District Court for Baltimore County
111 Allegheny Avenue
Towson, MD 21204

Re: Baltimore County, Maryland
vs.
Anna E. Kopp
Civil Case No.: 0804-SP01480-95
Merit Trial Date: 7/19/95 @ 1:30 p.m.
RGM File No.: 95.3007

Dear Judge Garmer:

Please postpone the above reference trial date of July 19, 1995 as the client has filed a Petition for Special Hearing for non-conforming use with the Office of Zoning Administration. After a discussion with Jim Thompson of the Department of Permits and Development Management, he indicated that they have no objection to this request and Mr. Thompson also indicated that he spoke to Lee C. Thomson, Assistant County Attorney, and he also had no objection to this request.

If you have any questions, please do not hesitate to contact me.

Thank you for your anticipated prompt attention to this matter.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: Larry A. Kopp
Jim Thompson, Department of Permits and Development Management
Lee C. Thomson, Asst. County Attorney

MICROFILMED

RECEIVED

JUL 14 1995

ZADM



Ted's Towing Service, Inc.

4920 HAZELWOOD AVENUE BALTIMORE, MARYLAND 21206
() 325-6700

August 8, 1995

Put 4A

Hazelwood-Park East
Civic Association, Inc.
5602 Daybreak Terrace
Baltimore, MD 21206

ATTN: Robert Evans

Dear Mr. Evans;

At our meeting on Monday, August 7, some of the residents expressed concern about the dust coming from the dirt road at 5501 McCormick Ave., and the noise from running refrigerator units that have been towed into the lot.

Please advise the residents that in an effort to cooperate with the community, I will make repairs to the road to try to eliminate the dust, and will no longer store refrigerator units at this location.

Sincerely,

Larry Kopp
Larry Kopp
President

MICROFILMED

5401 McCormick Avenue
Baltimore, Maryland 21206
December 14, 1999

File
Case #
96-5-584

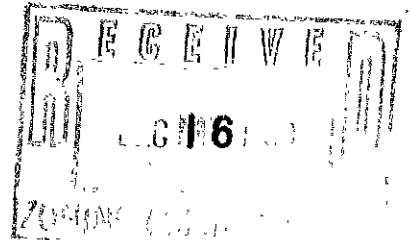
Mr. Jerry Chen
Baltimore County Department of Permits and Development Management
Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr Chen:

Enclosed are pictures which show Brutally Handsome's trucks and equipment parked and leaving 5501 McCormick Avenue. The doors which Mr. Larry Kopp, the owner of the property, had constructed across the front of sheds blocks the neighborhood from seeing what is parked inside. Also, I would like to know if Mr. Kopp had a permit to construct the doors. Thank you for your time.


John Roop

cc: Lawrence Schmidt



August 3, 1995

Lawrence Schmidt, Esq.
Baltimore County Zoning Commissioner
Court House
Towson, MD 21204

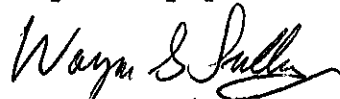
Re: Kopp property - McCormick Avenue
Case No.: 96-5-SPH

Dear Mr. Schmidt:

I have been familiar with the property of Ted and Anna Kopp on McCormick Avenue and have had the opportunity to review the site plan filed in the above case. In 1956 I was trying to start up my own business. I went to look at some used tow trucks at Ted's Towing on McCormick Avenue. At that time he was the person to see as he had been in business for some time. The old trucks were modified in Baltimore for heavy towing, and he had a number of older vehicles as well as more modern trucks. Ted had his office in on Harford Road, but for as long as I have been in the business he stored his vehicles, maintained his vehicles and overnighted towed vehicles at McCormick Avenue.

I have been in the towing business continuously since the early 1950's and have had occasion to pick up towed vehicles from the Kopp property and have known the family since I started in business. To the best of my knowledge that property on McCormick Avenue has been used continuously as depicted on the plan. Ted's business has been kept up by his son. The office address has changed but not the service yard.

Very truly yours,



Wayne Sullivan, Sr.

SULLIVAN'S GARAGE
7318 GOLDEN RING RD
BALTO., MD. 21221
686-8536

MICROFILMED

August 8, 1995

Robert J. Evans
President
Hazelwood - Park East Civic Association, Inc.
5602 Daybreak Terrace
Baltimore, MD 21206

Mr. Larry Kopp
President
Ted's Towing Service, Inc.
4920 Hazelwood Avenue
Baltimore, MD 21206

Ref 4B

Dear Mr. Kopp:

Thank you for meeting with me and other members of our community concerning our inquiries to your zoning request.

As you know, some neighbors are opposed to your zoning request for fear of the increased dust due to increased traffic in and out of your driveway, the noise of refrigerated trucks and trailers, and the use of more than the requested 1.81+/- acres for more business use.

Although we do not want the property zoned commercial, after your assurances that you will attempt to do something to reduce the dust coming from the driveway, and that you will not store refrigerated trucks and trailers, we believe the zoning exception on the property described in your request is reasonable.

Sincerely,

Robert J. Evans

Robert J. Evans

RECEIVED

August , 1995

To whom it may concern:

My name is ROBERT EVANS , and I reside at 5602 DAYBREAK TERR . I have been familiar with the Kopp family since 1994 . For as long as I can rember tow trucks have been stored and serviced at the rear of the property. Occasionally, disabled vehicles have been brought to the site and stored overnight. This activity has been continuous and uninterrupted for as long as I have lived here.

Robert Evans

10/10/95 10:00:00

August 7, 1995

To whom it may concern:

My name is Jim LOHRMANN, and I reside at 5117 M^SFAULRD.
I have been familiar with the Kopp family since 1965. For as long as I can remember tow trucks have been stored and serviced at the rear of the property. Occasionally, disabled vehicles have been brought to the site and stored overnight. This activity has been continuous and uninterrupted for as long as I have lived here.



August , 1995

To whom it may concern:

My name is Jack Jones , and I reside at 5110 Mc Faul Rd
I have been familiar with the Kopp family
since 1962 . For as long as I can rember tow trucks have been
stored and serviced at the rear of the property. Occasionally,
disabled vehicles have been brought to the site and stored
overnight. This activity has been continuous and uninterrupted for
as long as I have lived here.

Jack Jones

NOT RECORDED

August 7th, 1995

To whom it may concern:

My name is *DEBORAH A. VOIR*, and I reside at *5512 McCormick Ave.* I have been familiar with the Kopp family since 1986. For as long as I can remember tow trucks have been stored and serviced at the rear of the property. Occasionally, disabled vehicles have been brought to the site and stored overnight. This activity has been continuous and uninterrupted for as long as I have lived here.

Deborah A. Voir

August 8 , 1995

To whom it may concern:

My name is *Dale Edmunds* , and I reside at *5514 McCormick*
I have been familiar with the Kopp family
since 1982 . For as long as I can rember tow trucks have been
stored and serviced at the rear of the property. Occasionally,
disabled vehicles have been brought to the site and stored
overnight. This activity has been continuous and uninterrupted for
as long as I have lived here.

Dale Edmunds

August 7, 1995

To whom it may concern:

My name is

Herman D. Hooper and I reside at
5414 McComick Ave.
since 1985. I have been familiar with the Kopp family
stored and serviced at the rear of the property. Occasionally,
disabled vehicles have been brought to the site and stored
overnight. This activity has been continuous and uninterrupted for
as long as I have lived here.

Herman D. Hooper

MICROFILMED

August 7, 1995

To whom it may concern:

My name is *James Zajack*, and I reside at *5410 McDermick Ave*. I have been familiar with the Kopp family since 1986. For as long as I can remember tow trucks have been stored and serviced at the rear of the property. Occasionally, disabled vehicles have been brought to the site and stored overnight. This activity has been continuous and uninterrupted for as long as I have lived here.

James Zajack

August , 1995

To whom it may concern:

My name is *MARVIN A. CONER*, and I reside at *123*
MONTROSE AV Bkto 21221 I have been familiar with the Kopp family
since 1945. For as long as I can rember tow trucks have been
stored and serviced at the rear of the property. Occasionally,
disabled vehicles have been brought to the site and stored
overnight. This activity has been continuous and uninterrupted for
as long as I have lived here.

CONER Co
Marvin A Coner

August 8 , 1995

To whom it may concern:

My name is *ROBERT J. TERRILL* , and I reside at *5601*
MECONICK PVE 23487. I have been familiar with the Kopp family
since 1973 . For as long as I can rember tow trucks have been
stored and serviced at the rear of the property. Occasionally,
disabled vehicles have been brought to the site and stored
overnight. This activity has been continuous and uninterrupted for
as long as I have lived here.

Robert J. Terrill

August 4, 1995

To whom it may concern:

My name is *CHARLES DEINLEIN*, and I reside at *5004 HAZELWOOD AVE*. I have been familiar with the Kopp family since 19*68*. For as long as I can remember tow trucks have been stored and serviced at the rear of the property. Occasionally, disabled vehicles have been brought to the site and stored overnight. This activity has been continuous and uninterrupted for as long as I have lived here. *AND WORKED THERE AND*

PICKED UP MY TRUCK AT THAT LOCATION

Charles Deinlein

AUGUST 14/1995

August 4, 1995

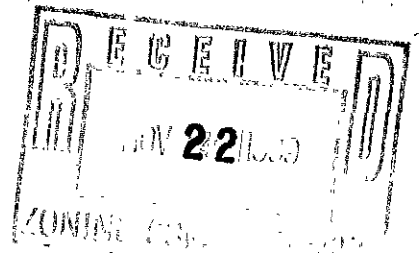
To whom it may concern:

My name is BRUCE RETOWSKY, and I reside at 5666 WHITBY RD. I have been familiar with the Kopp family since 1961. For as long as I can remember tow trucks have been stored and serviced at the rear of the property. Occasionally, disabled vehicles have been brought to the site and stored overnight. This activity has been continuous and uninterrupted for as long as I have lived here. I ALSO WORKED FOR TED'S TOWING & P/U MY TOW TRUCK AT 5501 MCCORMICK AVE SINCE 1961. I CURRENTLY STILL WORK FOR TED'S TOWING.

Bruce H Retowsky
8-4-95

5401 McCormick Avenue
Baltimore, Maryland 21206
November 18, 1999

Mr. Lawrence E. Schmidt
Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Baltimore, Maryland 21204



Case No. 96-5-SPH

Dear Mr. Schmidt:

In your letter dated January 23, 1996 to Mr. John B. Gonstrum regarding this case, you indicated that your Order was to prohibit any ongoing business from being operated on site, which utilizes refrigeration trucks or items not associated with the towing business. Please be advised that Ted's Towing Company was sold to Frankfort Towing and that they have relocated all of the trucks and tractor/trailers to another location. However, Mr. Larry Kopp who inherited this business from his father and sold the business to Frankfort Towing is now allowing Redel's Towing Company to park a diesel tow truck, a diesel roll-off unit, diesel tractors, and a flat bed at this site. Not only are they parking these diesel vehicles and apparatus at this site, but they are backed up to our fence within 100 feet of my 76 year old mother's house.

Everyday this equipment is left running for at least **15 MINUTES** with the **EXHAUST FUMES** surrounding her house and my house, as well as, filling our houses with fumes when our windows or doors are open. In addition, Brutally Handsome is still keeping one of their unmarked trucks at this location at night and other vehicles (a tow truck and roll-off unit) belonging to Redel's Towing are hidden behind the sliding doors which were recently installed on what used to be opened fronted sheds to hide these vehicles and whatever else is hidden inside. All of this is shown in the pictures which I left in your office.

My main question is how is Mr. Kopp allowed to sell the Towing Business which you previously decided was **GRANDFATHERED** and then rent the same property to **OTHER BUSINESSES** which have not utilized this property since the 1940's as Ted's Towing Company had done? In addition, do we have to put up with these fumes for the rest of our lives? **WOULD YOU LIKE LIVING NEXT TO THESE CONDITIONS?**

Your response to this letter would be greatly appreciated prior to spending money on a lawyer.

A handwritten signature in black ink, appearing to read "John Roop". The signature is stylized with a large, looped "J" and a cursive "R".

John Roop

111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

NAME OF PERSON(S) CHARGED: ANNA E. KOPP

CURRENT ADDRESS IN FULL: 5501 MCCORMICK AVENUE BALTIMORE, MARYLAND 21206

OWNER (X) OR OCCUPANT () RELATED CITATIONS :

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID VIOLATE THE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS AND/OR THE BALTIMORE COUNTY CODE AS FOLLOWS:

SECTION NUMBER(S) VIOLATED: 101 "SERVICE GARAGE", "COMMERCIAL VEHICLES", "TRUCK TERMINAL CLASS II"; 102.1; 1B01.1A AND 431

NATURE OF VIOLATION: USE OF PROPERTY ZONED D.R.5.5 TO COMMIT THE FOLLOWING:

1. OPERATING SERVICE GARAGE IN A RESIDENTIAL ZONE
2. STORAGE OF COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY
3. OPERATING CLASS II TRUCK FACILITY ON RESIDENTIALLY ZONED PROPERTY

LOCATION AND DATE(S) OF VIOLATION: 5501 MCCORMICK AVENUE BALTIMORE, MARYLAND 21206
MARCH 8, 1995 AND MARCH 30, 1995

TO RESPOND TO THE ABOVE CHARGE(S) LODGED AGAINST YOU, YOU MUST CHOOSE ONE OF THE OPTIONS BELOW:

1) YOU MAY PAY A FINE OF \$1200 (\$600 FOR EACH ADDITIONAL DAY) BY CHECK OR MONEY ORDER PAYABLE TO THE DIRECTOR OF FINANCE, BALTIMORE COUNTY, MARYLAND, BY RETURNING A COPY OF THIS FORM ALONG WITH PAYMENT TO: DIRECTOR OF FINANCE, 1ST FLOOR, COURT HOUSE, TOWSON, MD 21204. THE PENALTY MUST BE PAID ON OR BEFORE THE 25TH DAY OF APRIL, 1995.

2). YOU MAY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND. TO DO THIS, YOU MUST NOTIFY THE BALTIMORE COUNTY OFFICE OF ZONING ADMINISTRATION BY FILLING IN THE ATTACHED PORTION OF THIS CITATION AND RETURNING IT TO THE ZONING ADMINISTRATION OFFICE AT LEAST FIVE (5) DAYS BEFORE THE PAYMENT DUE DATE AS SET FORTH IN THE FINE PAYMENT SECTION ABOVE. THE DISTRICT COURT WILL NOTIFY YOU OF THE DATE AND TIME OF TRIAL.

IF THE FINE REMAINS UNPAID AT THE EXPIRATION OF THE THIRTY-FIVE (35) DAYS FROM THE DATE OF THE CITATION, THE ZONING ADMINISTRATOR MAY REQUEST ADJUDICATION OF THE CASE IN DISTRICT COURT, AT WHICH TIME THE PERSON IS LIABLE FOR AN ADDITIONAL FINE NOT TO EXCEED TWICE THE ORIGINAL FINE. IF YOU FAIL TO APPEAR AT THE TRIAL, A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

I DO SOLEMNLY AFFIRM THAT THE CONTENTS STATED ABOVE ARE CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

4-5-95
DATE

Gary C. Freund
OFFICE OF ZONING ADMINISTRATION REPRESENTATIVE

BASED ON THE STATEMENT OF GARY C. FREUND, THIS CITATION IS HEREBY ISSUED THIS 5TH DAY OF APRIL, 1995.

[Signature]
DIRECTOR OF ZONING ADMINISTRATION

ACKNOWLEDGEMENT

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS CITATION AND HEREBY PROMISE TO PAY THE FINE OR REQUEST A TRIAL DATE AS REQUIRED BY LAW. I UNDERSTAND THAT THE ACCEPTANCE OF THIS CITATION IS NOT AN ADMISSION OF GUILT.

DATE

SIGNATURE

BALTIMORE COUNTY, MARYLAND
CITATION FOR CIVIL ZONING VIOLATION
111 W. CHESAPEAKE AVENUE.
TOWSON, MARYLAND 21204

CITATION NO. 91- 95-209

NAME OF PERSON(S) CHARGED: ANNA E. KOPP

CURRENT ADDRESS IN FULL: 5501 McCORMICK AVE. BALTO. 21206

OWNER (✓) OR OCCUPANT () RELATED CITATIONS :

IT IS FORMALLY CHARGED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID VIOLATE
THE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS AS FOLLOWS:

01 SERVICE GARAGE, COMMERCIAL VEHICLE
SECTION NUMBER(S) VIOLATED: TRUCK TERMINAL CLASS 2 ; 102.1 ; 11301.1A ; 431

NATURE OF VIOLATION: USE OF PROPERTY ZONED TO COMMIT THE FOLLOWING:

OPERATE SERVICE GARAGE IN DR5.5
RESIDENTIAL ZONE ② STORE COMMERCIAL VEHICLES ③ OPERATE CLASS 2 TRUCK
ON RESID. PROP. FACILITY ON RESID. PROP.

LOCATION AND DATE(S) OF VIOLATION:

3-8-95 & 3-30-95 @ 5501 McCORMICK AVE.

TO RESPOND TO THE ABOVE CHARGE(S) LODGED AGAINST YOU, YOU MUST CHOOSE ONE OF THE OPTIONS BELOW:

1) YOU MAY PAY A FINE OF \$ (\$ FOR EACH ADDITIONAL DAY) BY CHECK OR MONEY ORDER PAYABLE TO THE DIRECTOR OF
FINANCE, BALTIMORE COUNTY, MARYLAND, BY RETURNING A COPY OF THIS FORM ALONG WITH PAYMENT TO: DIRECTOR OF FINANCE,
1ST FLOOR, COURT HOUSE, TOWSON, MD 21204. THE PENALTY MUST BE PAID ON OR BEFORE THE DAY OF , 1991.

2). YOU MAY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND. TO DO THIS, YOU MUST NOTIFY THE BALTIMORE
COUNTY ZONING COMMISSIONER BY FILLING IN THE ATTACHED PORTION OF THIS CITATION AND RETURNING IT TO THE ZONING
COMMISSIONER'S OFFICE AT LEAST FIVE (5) DAYS BEFORE THE PAYMENT DUE DATE AS SET FORTH IN THE FINE PAYMENT SECTION
ABOVE. THE DISTRICT COURT WILL NOTIFY YOU OF THE DATE AND TIME OF TRIAL.

IF THE FINE REMAINS UNPAID AT THE EXPIRATION OF THE THIRTY-FIVE (35) DAYS FROM THE DATE OF THE CITATION , THE
ZONING COMMISSIONER MAY REQUEST ADJUDICATION OF THE CASE IN DISTRICT COURT, AT WHICH TIME THE PERSON IS LIABLE FOR
AN ADDITIONAL FINE NOT TO EXCEED TWICE THE ORIGINAL FINE. IF YOU FAIL TO APPEAR AT THE TRIAL, A BENCH WARRANT
WILL BE ISSUED FOR YOUR ARREST.

I DO SOLEMNLY AFFIRM THAT THE CONTENTS STATED ABOVE ARE CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND
BELIEF.

DATE

OFFICE OF ZONING ADMINISTRATION REPRESENTATIVE

BASED ON THE STATEMENT OF , THIS CITATION IS HEREBY ISSUED THIS DAY OF , 1991.

DIRECTOR OF ZONING ADMINISTRATION

ACKNOWLEDGEMENT

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS CITATION AND HEREBY PROMISE TO PAY THE FINE OR REQUEST A TRIAL DATE AS
REQUIRED BY LAW. I UNDERSTAND THAT THE ACCEPTANCE OF THIS CITATION IS NOT AN ADMISSION OF GUILT.

DATE

SIGNATURE

Commercial Vehicles on Resid Prop.

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

WAYNE F SULLIVAN
GEORGE HEFFNER
BURTON E. GREENWOOD, SR.
LARRY KOPP

8922 PHILADEL BULT 21237
6911 MT. VISTA RD 21087
608 WILTON ROAD 21286
5511 M^C CORMICK AVE. 21206



Protestants

NAME

NAME
W. S. S. S.

5401 McCormick Ave



Printed with Soybean Ink
on Recycled Paper

D.R. 10.5

AVE.

(CYNTHIA)
TERRACE

(D.R. 5.5)

MCCORMICK
(AVE.)

S
E
P.O.B. COORDS
POB 19335
021126320

DAYBREAK
WAY

MC FAUL
RD

TERRACE

SHEILA
RD

GARTH
DES

RADECKE

PART OF BALT. CO. O.R.Z.

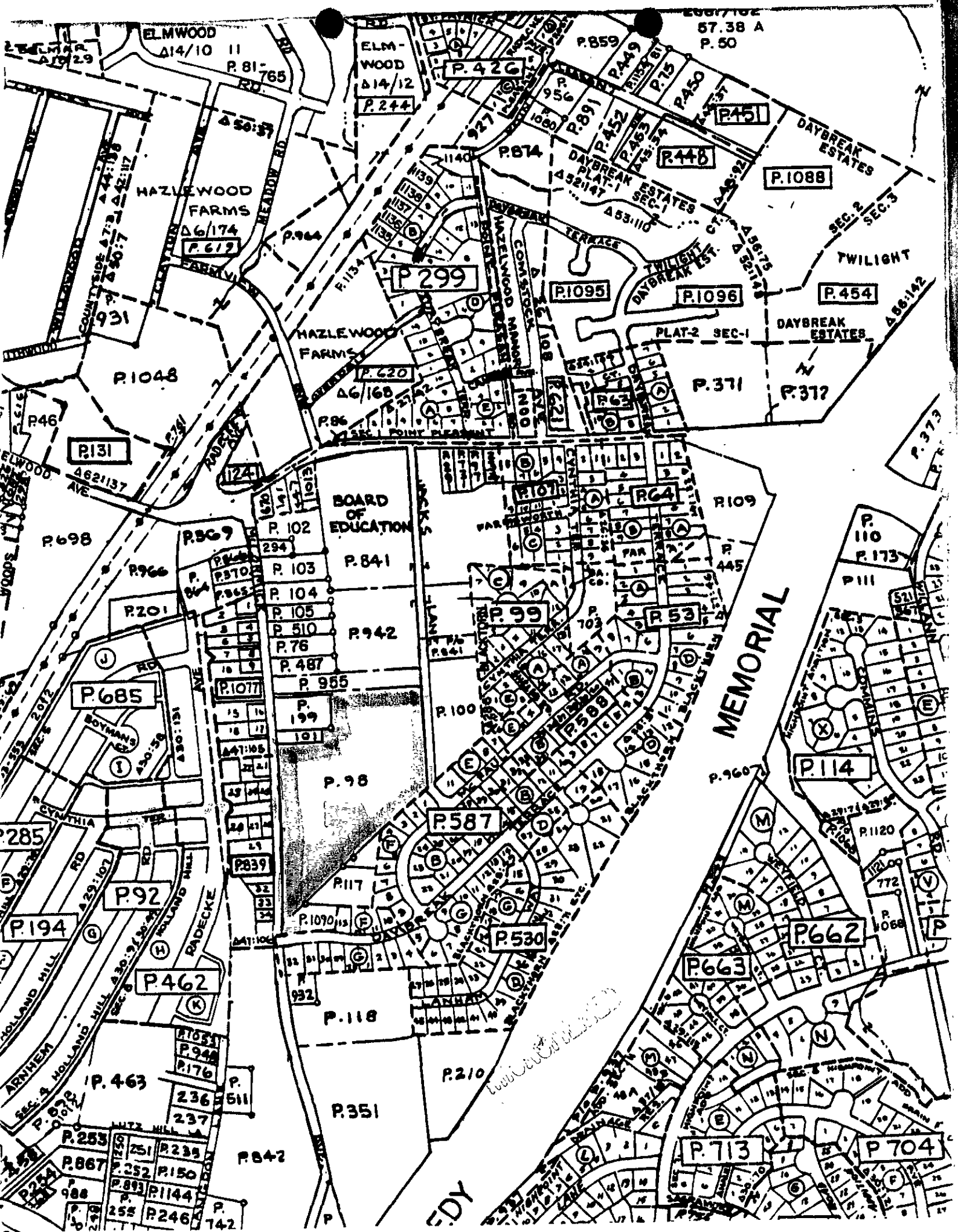
OFFICIAL ZONING MAP

N.E. 4-E 1"=200'

#5501 MCCORMICK AVE.

MAY, 1995

7



John Roop
HM 866 4115
WK 9625688

- 8

Your letter dated January 23, ~~1996~~ 1996
regarding case #96-5-SPH
specifically states that items
not associated with the towing &
business cannot be stored on-
site. Rodal's Towing is owned
by individuals who are located
at the corner of White Ave &
Hazelwood Ave. Brutally Handson
cop located on Hazelwood Ave
Ted's Towing 5501 McCormick Ave
Owner of property Larry Kopp - Not
Anna Kopp (deceased) Larry's mother

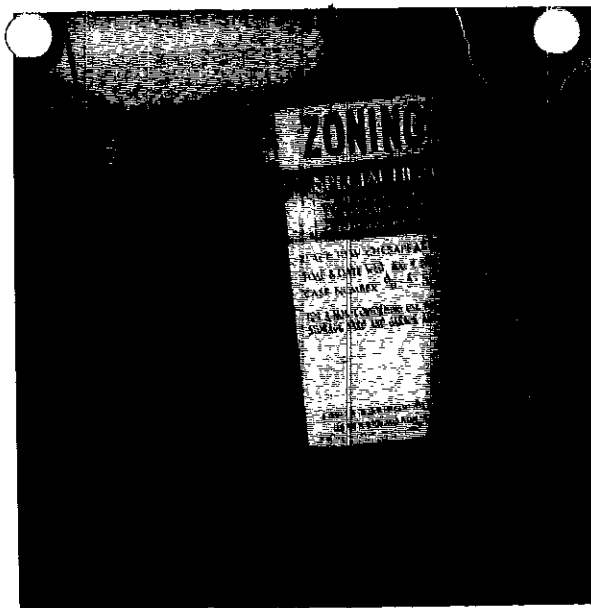
"Thank you for trusting your memories to Wolf Camera. As
the Nation's Premier Photography Store, we are committed to
exceeding your expectations by offering friendly professional
service, unparalleled quality, and unbeatable value. We're
America's photography experts ... in fact, our expertise is free!

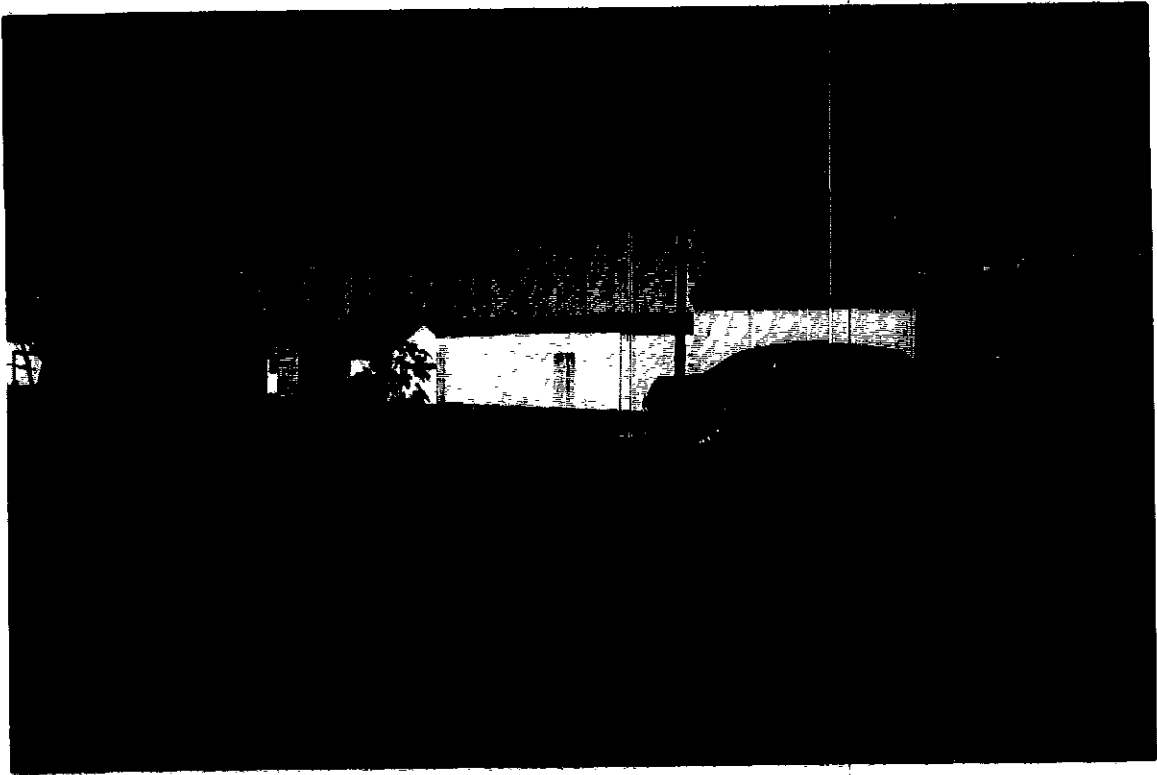
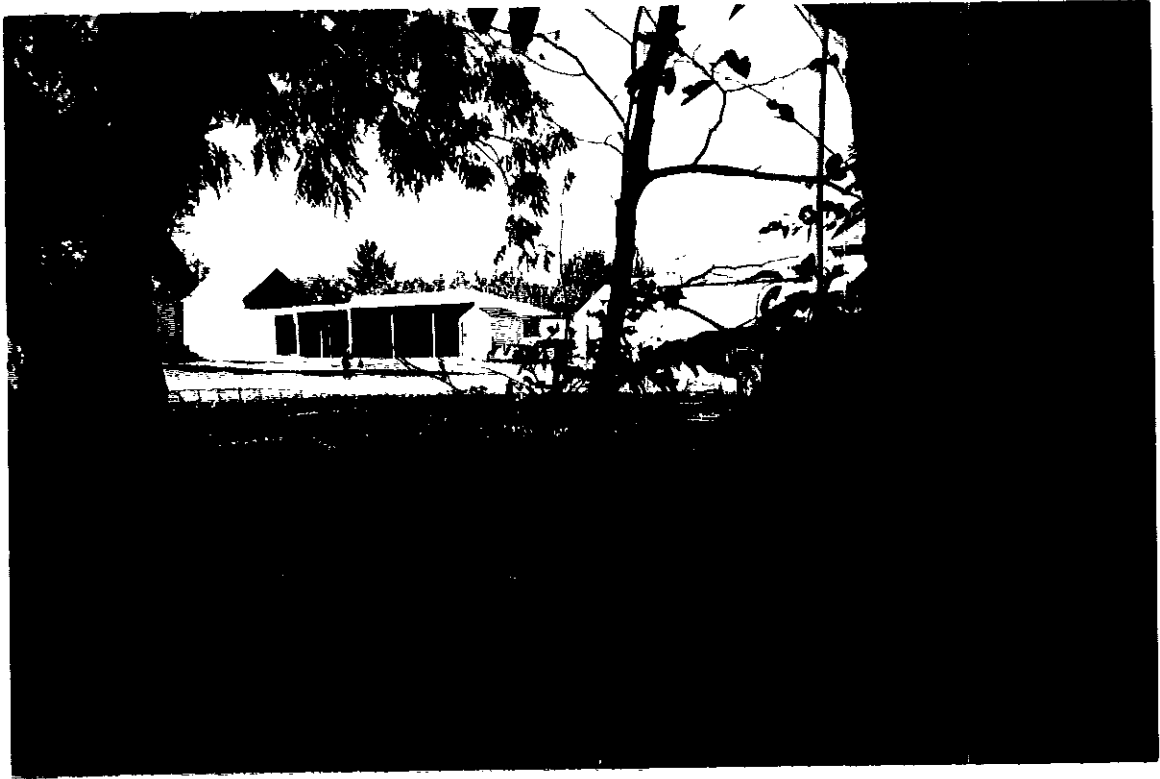
Chuck Wolf

President & CEO

CAMERA
OUR EXPERTISE IS FREE

Kodak
Royal
SALES
Kodak is a registered trademark of Eastman Kodak Company.





VIEW SHOWING what shed with ①
doors looked like PRIOR to
doors being constructed

WOOD DOORS PLACED ACROSS ②
SHED HOUSING REBEL'S TOWING
SERVICE & BRUTALLY HANDSOME
TREE SERVICE



DOOR PARTIALLY OPEN REVEALING ③
ONE OF BRUTALLY HANDSOME'S TRUCKS

~~VIEW OF SECOND SHED~~

④

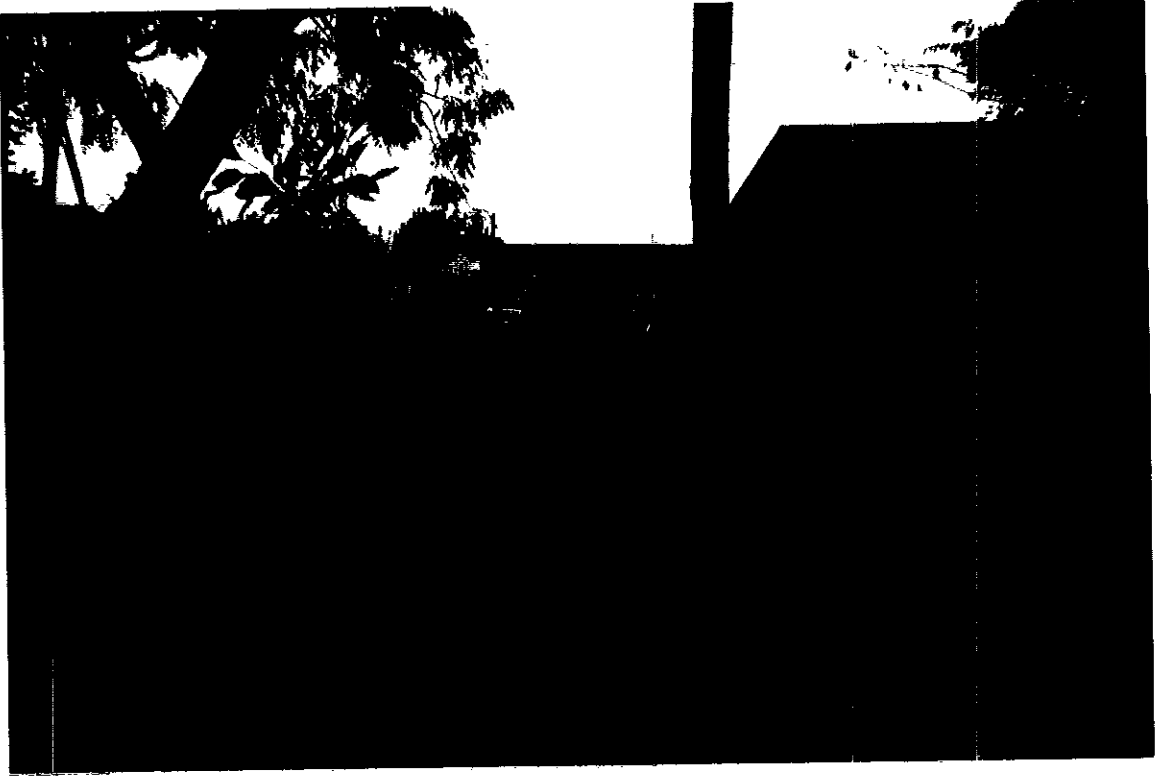
VIEW OF SECOND SHED WITH
BRUTALLY HANDSOME'S TRUCK
PARKED IN IT. TRUCK IS
DIFFERENT FROM TRUCK SHOWN IN
PHOTO 3



5

GARAGE ON F
FAR RIGHT IS
BEING USED BY
REDEL'S TOWING
SERVICE

VIEWS OF TWO TRUCKS WHICH COME ⑥
AFTER 4 O'CLOCK & ON WEEKENDS
TO PERFORM CONSTRUCTION ON
THE SHEDS. ALSO, REDEL'S TOWING
SERVICE'S TRACTOR & FLAT BED
IN FOREGROUND



VIEW OF SHED DOORS BEFORE
PAINTING BY OWNERS OF RED
TRUCKS PARKED IN FRONT OF
SHED

⑦

TRAILER BEING STORED ON
PROPERTY

⑧



Redel's Trucks

b

One of ~~Brutally~~ Handsome's
trucks parked along ^{opposite} side
of garage used by Redel's

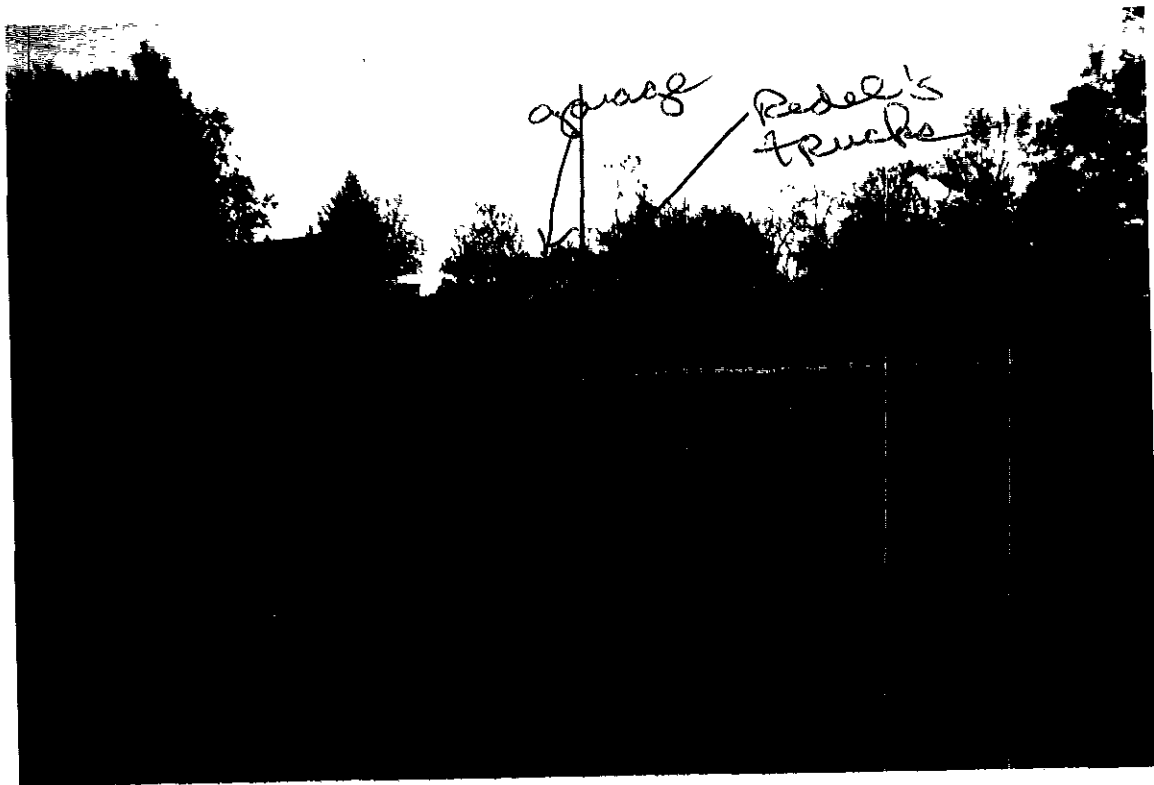


19

Same as 19

18

View of Redels trailer / fat
bed, tow truck & no. 100



View from McCormick Ave¹⁷

View of Redel's truck
& Brutally Hanson's
truck

16



Same as 14

15

Same as 13

14



Buttally handsome 13
Boating in morning
Trailer & small boat
also stored in one of
the buildings

11
Redel's tow truck and
tractor/flat bed

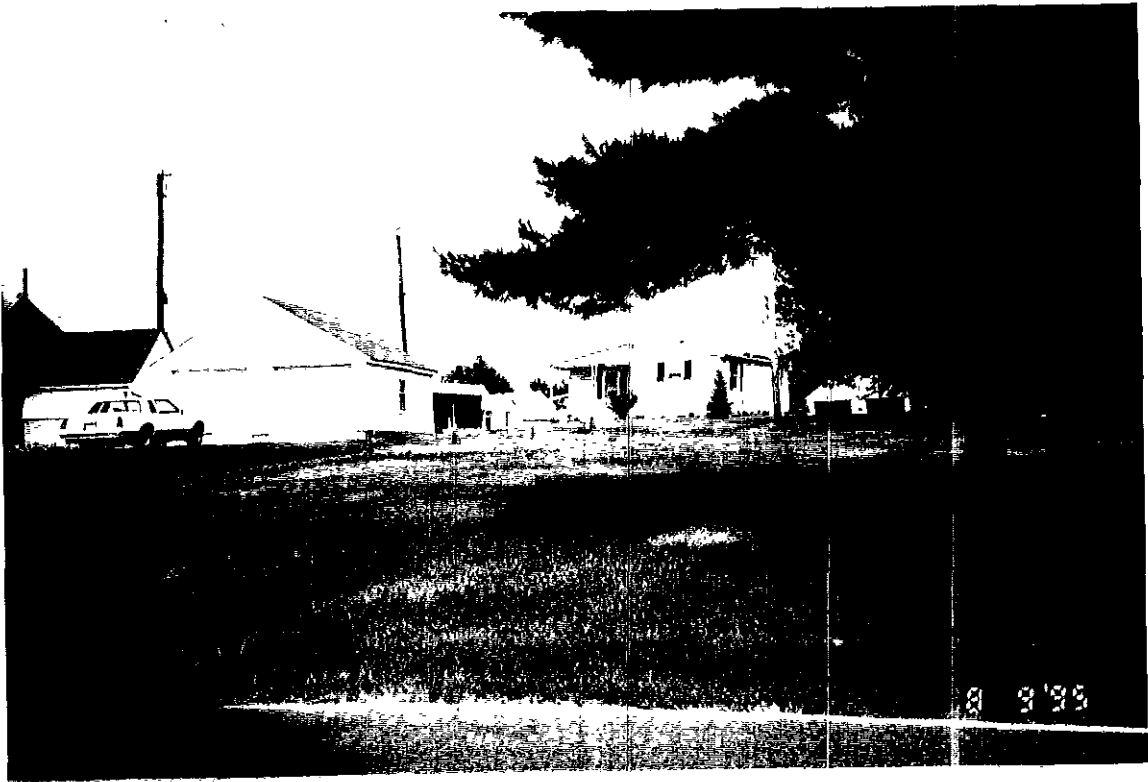


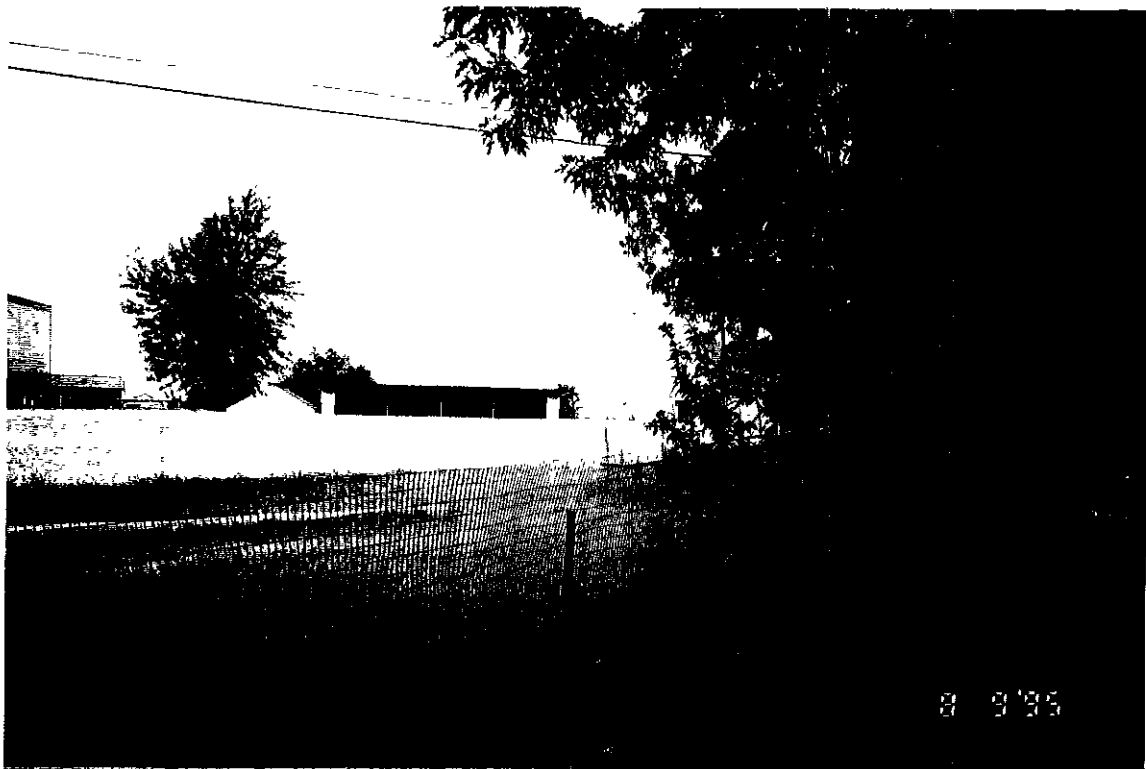
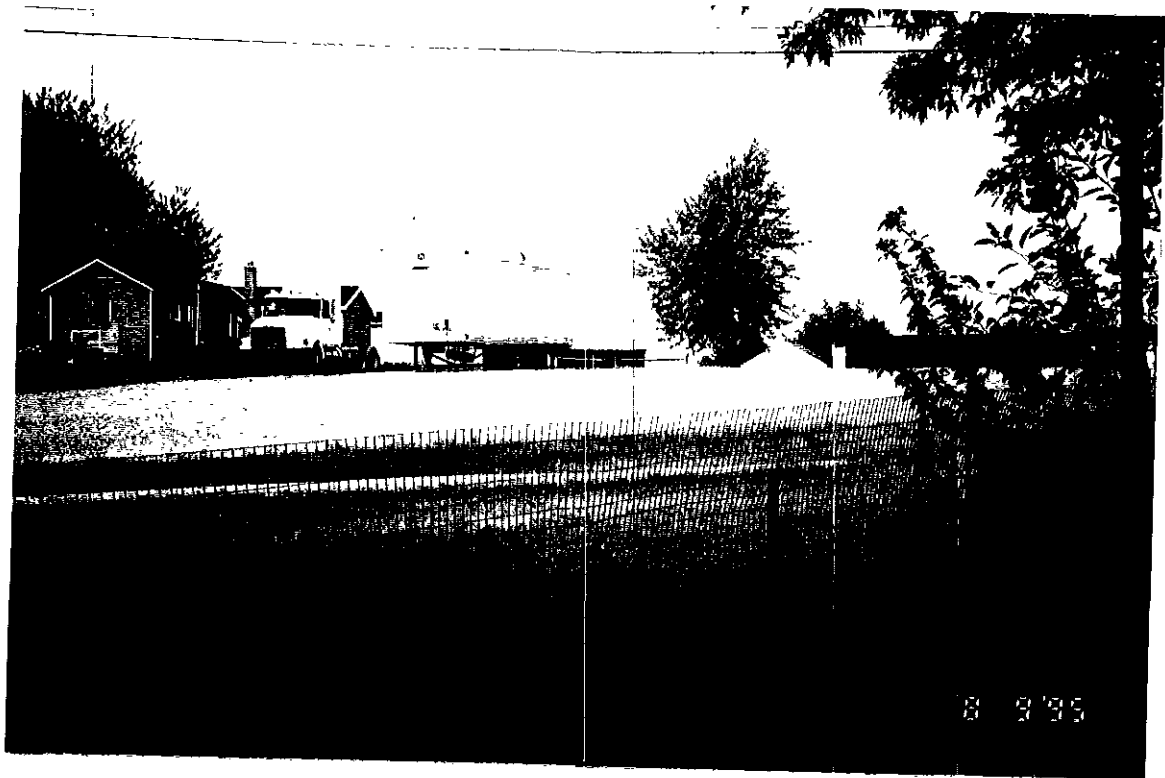
12



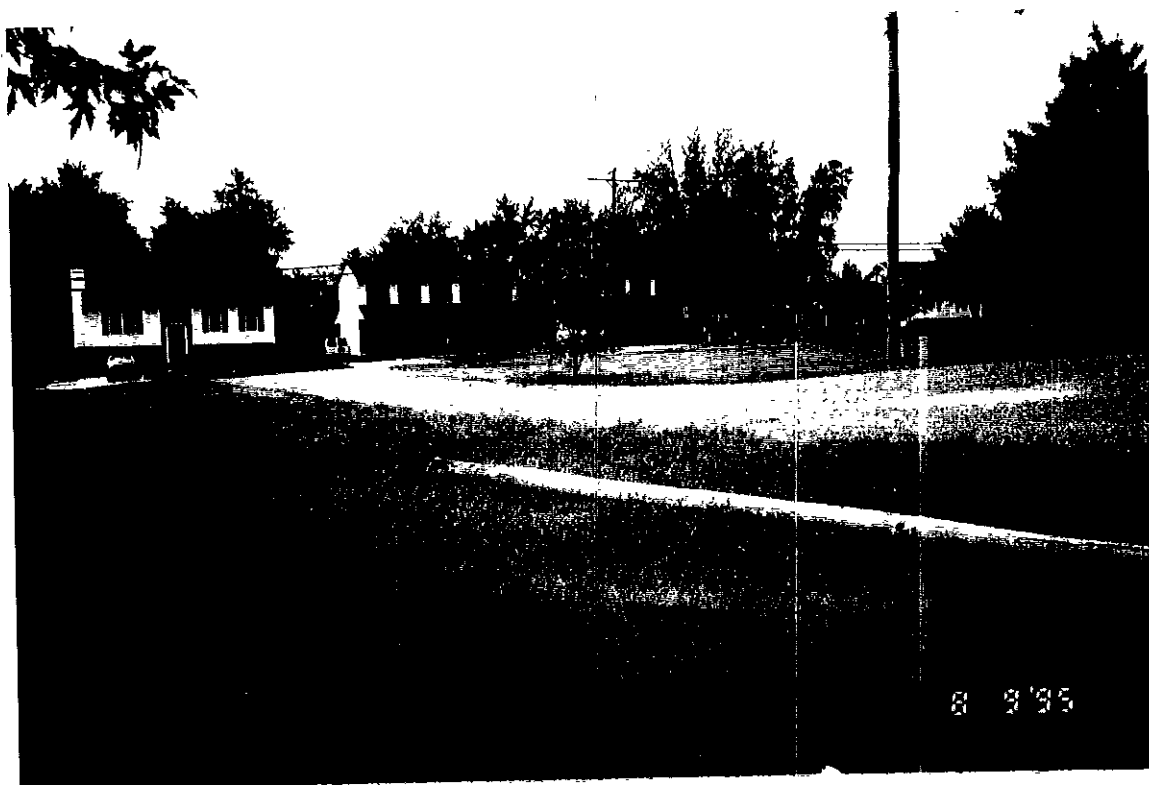














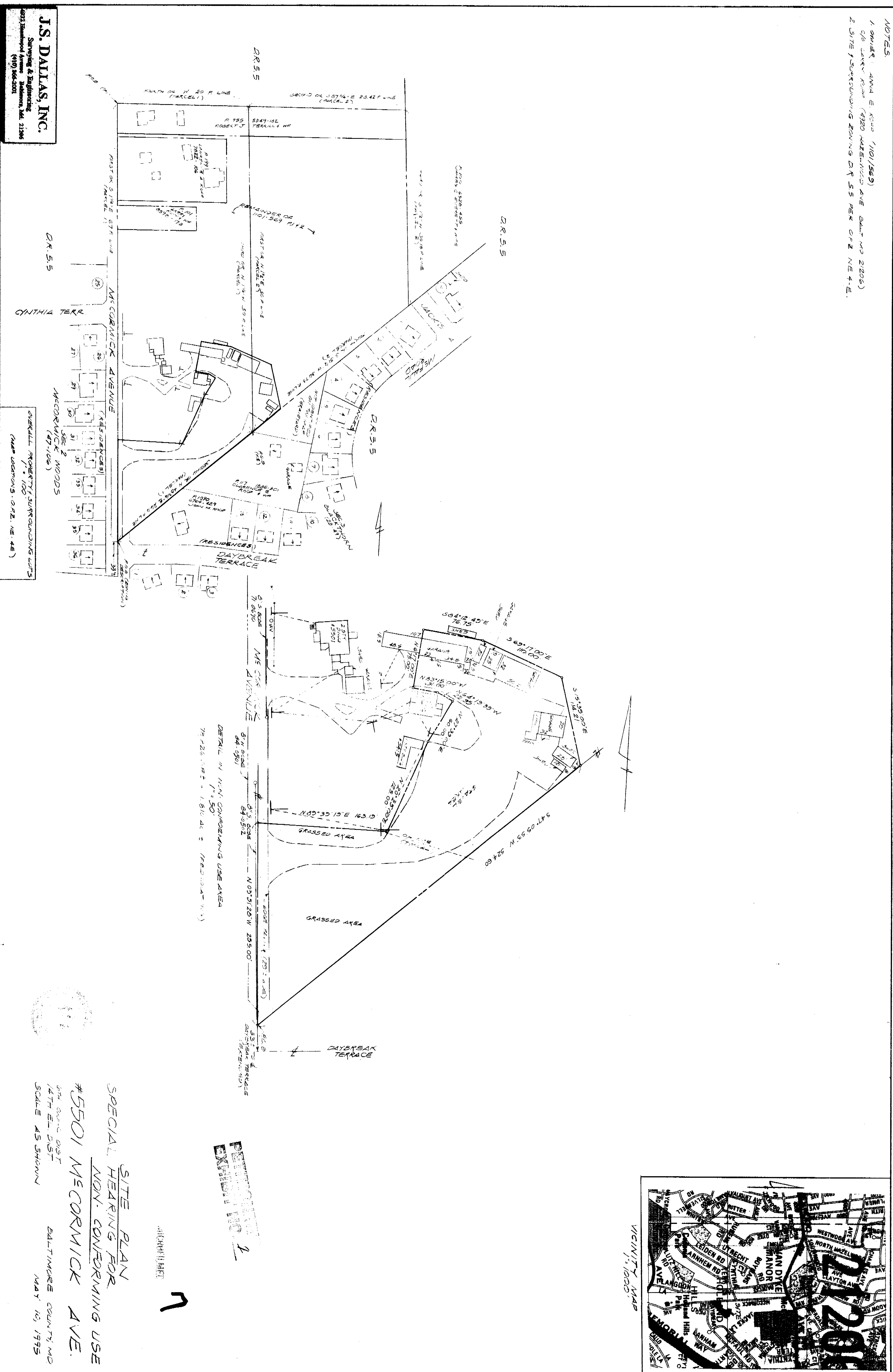


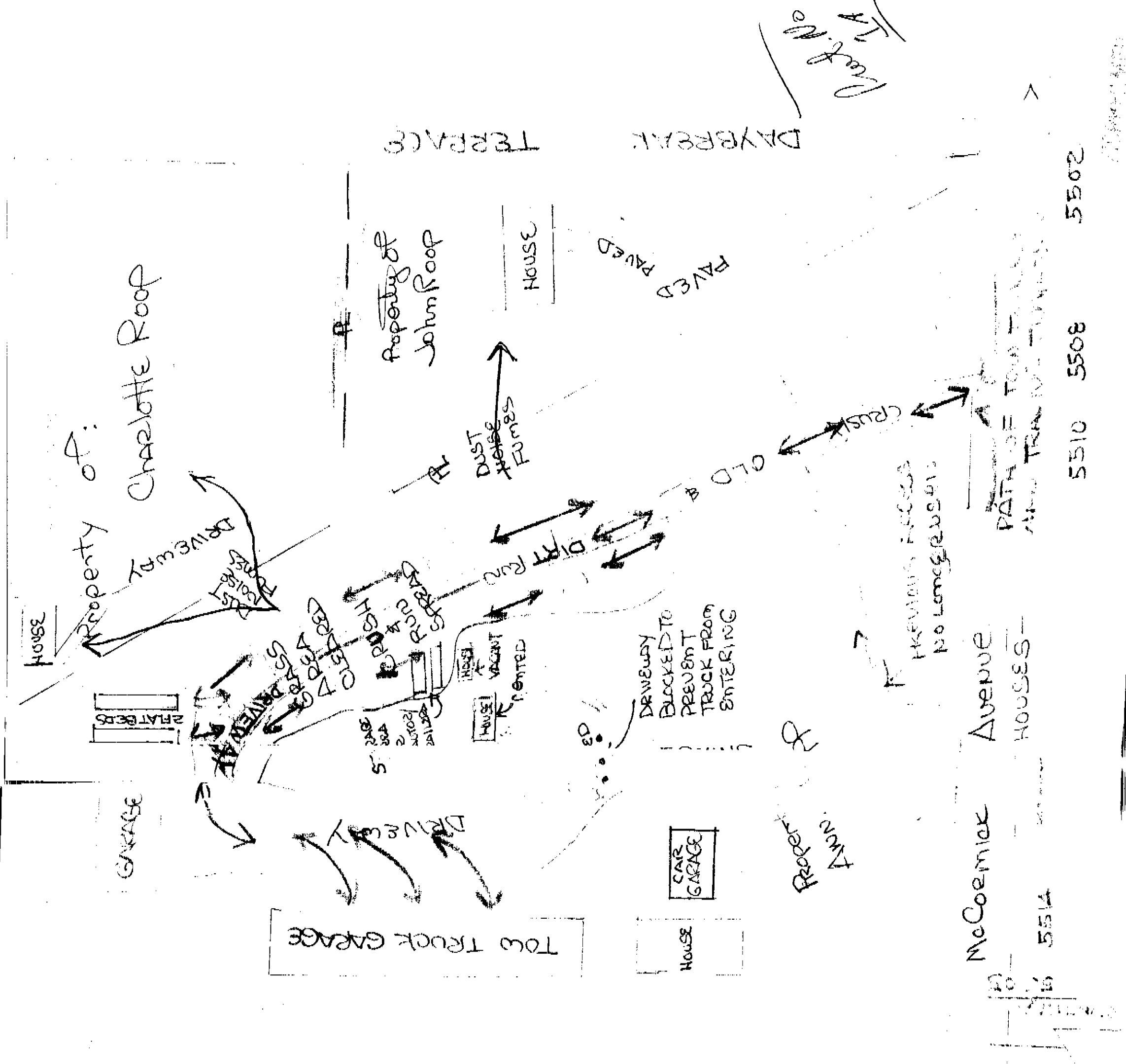
NOTES.

1. OWNER: ANNA E. KENN (1101/569)

2. SITE FURTHER DRAINING D.R. 55 PER OF 2 NE 4-E
C/O JERRY KUBER (4920 HAZELWOOD AVE BALT MD 21206)

2. SITE SURROUNDING ZONING D.R. 55 PER OPZ NE-4-E





Korr

EXHIBIT NO. 3

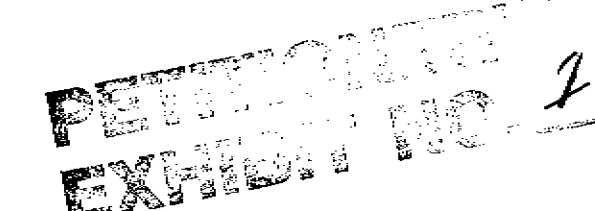
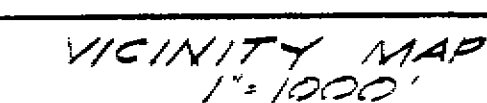
6

2-47 19-14





1. OWNER: ANNA E. KOPP (1101/569)
C/O LARRY KOPP (4720 HAZENHOLM AVE BALTIMORE MD 21206)
2. SITE & SURROUNDING ZONING D.R. 5.5 PER OF Z NE 4-E

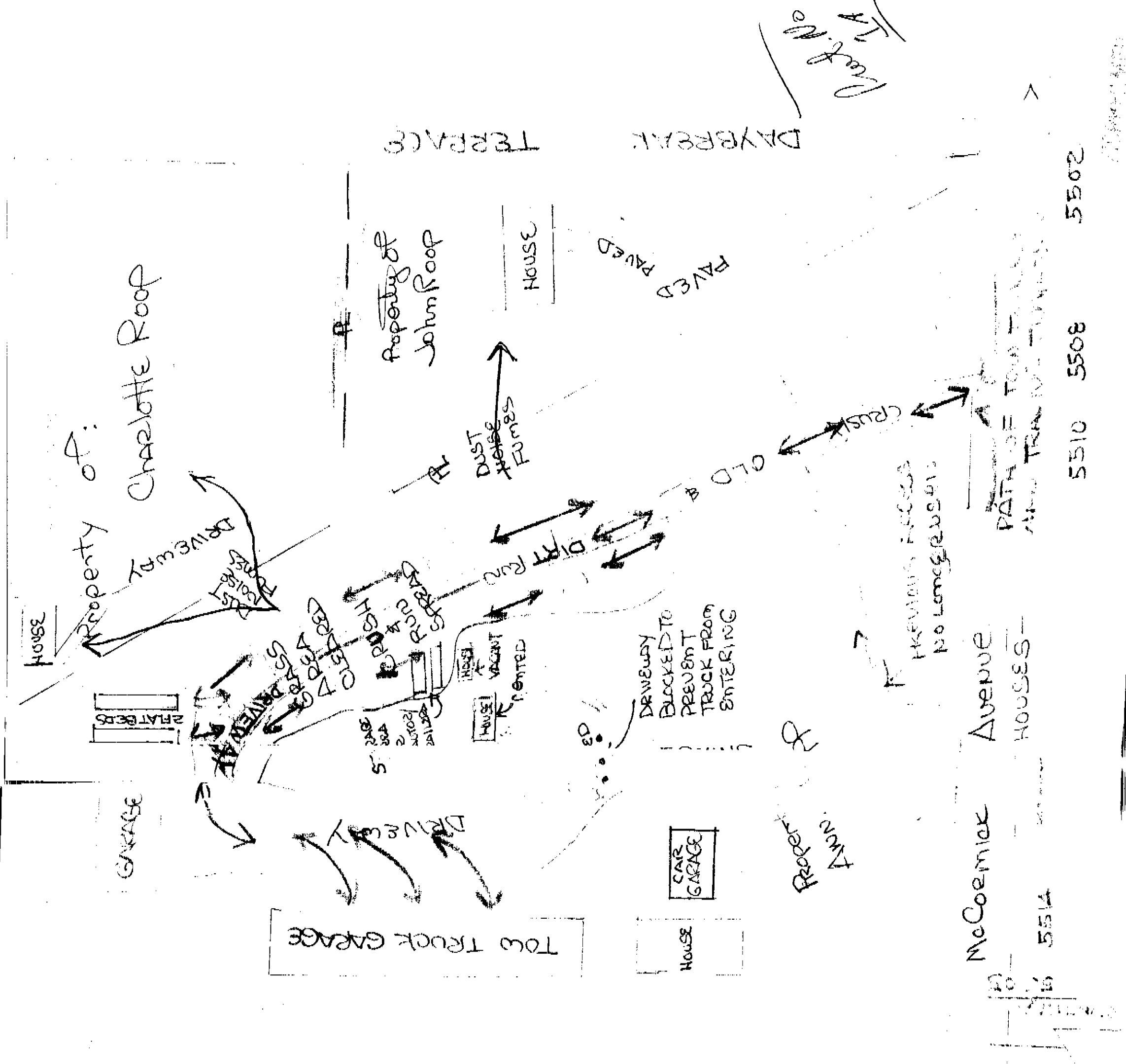


MICROFILM REF.

6TH GROUND DIST.
14TH EL. DIST.
SCALE AS SHOWN

BALTIMORE COUNTY, MD
MAY 10, 1995

UO # 95-647



Truck No. 1

5510

Korr

EXHIBIT NO. 3

6

2-47 19-14



IN RE: PETITION FOR SPECIAL HEARING
E/S McCormick Avenue, 320 ft. S
of c/1 Cynthia Terrace
5501 McCormick Avenue
14th Election District
6th Councilmanic District
Anna E. Kopp
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-5-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property located at 5501 McCormick Avenue in the Highland Hills section of eastern Baltimore County. The Petition was filed by Anna E. Kopp, property owner. Special Hearing relief is required to approve a nonconforming use of the subject property for an equipment storage yard, garage and service garage. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held for this case was Larry Kopp, son of Anna E. Kopp and proprietor of the business which is located on the subject property. Also appearing and testifying in support of the Petition for Special Hearing was Burton E. Greenwood, Sr., George Heffner and Wayne G. Sullivan. The Petitioner was represented by John B. Gontrum, Esquire. John Roop, adjoining property owner appeared in opposition to the request.

Examination of the site plan indicates that the subject property is zoned D.R.5.5 and that the nonconforming use area thereof is 1.810 acres in size. The nonconforming use area is part of a larger tract owned by Anna Kopp. The balance of the tract is improved by two dwellings, known as 5501 and 5417 McCormick Avenue, as well as several sheds, a garage and outbuildings. The area of the special hearing, clearly illustrated on the site plan, is improved with a large gravel parking and driveway area

as well as numerous garages and sheds. This portion of the tract is used for the proprietor's business known as Ted's Towing. A significant amount of testimony was offered regarding the history of that use.

Burton E. Greenwood, the owner of Greenwood Towing and Garage testified about the history of the site. He indicated that his company has been in business since the mid 1920s and was originally operated by his father. He became involved in the business during the 1940s and testified that the business known as Ted's Towing was in operation at that time. Mr. Greenwood had a vivid memory of the business. He indicated that Ted Kopp, now deceased, had a location in Baltimore City as well as a towing operation based at the subject site. He described the towing business during those years as one in which tow operators frequently cooperated and worked with one another. Frequently, one operator would call another to request extra tow trucks during periods of inclement weather or in the event of serious vehicular accidents.

Mr. Burton also testified in detail regarding the use of the subject property. He advised that tow trucks were kept at that location on a continuous basis and that buildings were maintained on the site to store and service the tow trucks owned and operated by Mr. Kopp. Moreover, he testified that the business had continuously been operated on the subject site even after Mr. Kopp passed away and the business was operated by the present owner. Particularly, Mr. Greenwood testified that there were no gaps in the use of the subject site to support this business.

This testimony was corroborated by Mr. Wayne Sullivan owner of Sullivan's Garage. Mr. Sullivan testified that he had been in business since the early 1950s. Ted's Towing business was a well known operation to all towers in that era including Mr. Sullivan. He described in detail the towing business operated on the site and stated that several barns and

- 2 -

garage buildings were located on the subject premises during those years. The towing equipment, car storage and other maintenance vehicles were maintained on the property.

Lastly, testimony was received from George Heffner, original owner of a similar business on Putty Hill Avenue. He has recollection of Ted's Towing business since 1941. He specifically recalls Ted's business being active during the war years and indicated that he bought his first tow truck from the elder Mr. Kopp during that time. In his opinion, the business has not changed or altered its operation for many years.

Testimony was also received from Larry Kopp, Ted Kopp's son and the current proprietor of the business. Mr. Kopp testified that he had worked in the family business since a child and that his father had gone into business since, at least, 1941.

Testimony was also received from John Roop, a neighbor who resides at 5401 McCormick Avenue. He primarily complained of the noise, dust and other effects of the business as they impact his property. He opposes the ongoing use of the subject site to support the business in that he feels that same is incompatible with the surrounding locale.

In addition to the site plan submitted, numerous photographs were submitted of the subject property. These photographs show the condition of the site presently and the improvements thereon. Also, letters were received in support of the Petition describing the history and present use of the site.

A nonconforming use is defined in Section 101 of the BCZR as "a legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use".

Nonconforming uses are regulated within Section 104 of the BCZR. Nonconforming uses are inherently illegal uses, which are prohibited under

- 3 -

the property's zoning classification or by other regulation. In this instance, equipment storage yard, garage and service garage are not permissible in a D.R.5.5 zone by right or by special exception. However, same may be approved as a nonconforming use. In effect, the nonconforming use designation is utilized to grandfather an otherwise illegal use. That is, if the use existed prior to the enactment of the statute which prohibits the use, the use may remain. Moreover, pursuant to the provisions of Section 104 of the BCZR, a nonconforming use cannot be abandoned or altered. If such an abandonment or alteration occurs, the right to utilize a nonconforming use is forfeited.

Unlike Petitions for Variance and Special Exception, the effect of the nonconforming use on neighboring properties is not relevant. A nonconforming use can detrimentally impact surrounding properties, however, same is legitimate and permissible if it meets the standards and requirements set out in Section 104 of the BCZR.

In this case, the testimony was overwhelming and convincing that the business known as Ted's Towing has been in operation at this site for many years. It is clear that the business existed since the adoption of the first zoning regulations enacted in Baltimore County, in 1945. Moreover, testimony established that the operation has continued unabated and uninterrupted since that date. Thus, the proposed use must be considered nonconforming and the special hearing should be granted. The only significant question raised related to the actual area of the nonconforming use. In this respect, it is clear that the property has been in the Kopp family for many years and has been utilized by them for both residential and business purposes. Although an area to the rear of the existing dwellings has apparently been devoted to supporting the business for many years,

- 4 -

ORDER RECEIVED FOR FILING

Date 9/23/95 By M. H. H.

ORDER RECEIVED FOR FILING

Date 9/23/95 By M. H. H.

ORDER RECEIVED FOR FILING

Date 9/23/95 By M. H. H.

exclusively, the entrance/driveway to that portion of the tract may have shifted.

Based on the testimony and the evidence presented, it is the opinion of this Zoning Commissioner that, although the nonconforming use should be designated, the site plan depicting the area of same must be amended. Specifically, it is clear that that portion of the nonconforming use area designate on the tract as "grassed" area was not a portion of the original business operation. Thus, the plan should be amended to relocate the use line so that same is parallel and immediately abutting the south side of the driveway which leads into the subject property. In addition to reducing the area of the nonconforming use, this also provides an increased buffer to the neighboring property owned by the Roop family.

Moreover, pursuant to the authority extended to this Zoning Commissioner with Section 500 of the BCZR, I shall order that the nonconforming use be restricted. Specifically, the Petitioner shall install a durable and dust free surface over top of the existing driveway area from the access of McCormick Road to a point at least below the overhead wires, as shown on the plan. This will, likewise, reduce the amount of dust and annoyance to neighboring properties. Installation of such a surface shall be in accordance with the standards of the Department of Public Works, Dept. of Environmental Protection and Resource Management and other appropriate County agencies.

Lastly, no refrigeration trucks or items associated with other businesses may be stored on site.

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 granted.

- 5 -

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of September, 1995 that, pursuant to the Petition for Special Hearing, approval for a nonconforming use of the subject property for an equipment storage yard garage and service garage, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:mmn

ORDER RECEIVED FOR FILING

Date 9/23/95 By M. H. H.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 22, 1995

John Gontrum, Esquire
Romadka, Gontrum and McLaughlin, P.A.
814 Eastern Boulevard
Essex, Maryland 21221

RE: Case No. 96-5-SPH
Petition for Special Hearing
Anna E. Kopp, Petitioner

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing and Variance been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered 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 Appeals Clerk at 887-3353.

Very truly yours,

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

LES:mmn

cc: Mr. Larry Kopp
Mr. John Roop



Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at 5501 McCormick Ave.

which is presently zoned D.R. 5.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A non-conforming use for an equipment storage yard and garage and service garage.

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

I, or we, agree to pay expenses of above Special Hearing advertisement, 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.

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

Contract Purchaser/Lessee

Legal Owner(s)

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

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Signature

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Signature

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Signature

ZONING DESCRIPTION
Special Hearing for Non-Conforming Use
#5501 McCormick Avenue

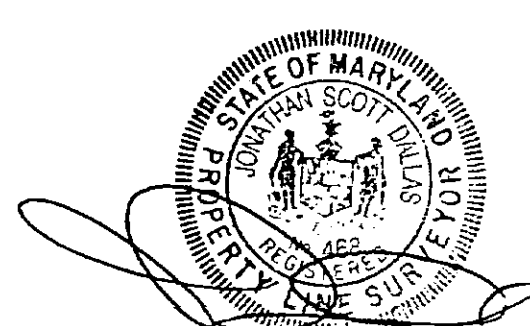
BEGINNING at a point in the center of McCormick Avenue at the distance of 33 feet, more or less north of the centerline of Daybreak Terrace which is 50 feet wide thence the following courses and distances: (1) along the centerline of said McCormick Avenue North 03 degrees 51 minutes 28 seconds West 295.00 feet (2) North 89 degrees 39 minutes 19 seconds East 163.19 feet (3) North 20 degrees 29 minutes 00 seconds East 125.00 feet (4) North 27 degrees 39 minutes 00 seconds East 60.00 feet (5) North 64 degrees 19 minutes 39 seconds West 22.95 feet (6) North 83 degrees 15 minutes 00 seconds West 31.00 feet (7) North 6 degrees 17 minutes 00 seconds East 75.00 feet (8) South 84 degrees 12 minutes 49 seconds East 76.75 feet (9) South 69 degrees 17 minutes 00 seconds East 110.00 feet (10) South 15 degrees 35 minutes 00 seconds East 114.21 feet and South 47 degrees 05 minutes 53 seconds West 524.60 feet to the beginning.

BEING a part of that parcel of land as recorded in Deed Liber 1101, Folio 569 etc.

CONTAINING 1.810 acres of land, more or less.

Also known as 5501 McCormick Avenue and located in the 14th Election District

(NOTE: Above description is for Zoning hearing purposes only, was developed from existing deeds, plats, and some recovered field evidence, and is not the result of a boundary survey.)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 7/13/95
Posted for: Special Hearing
Petitioner: Anna E. Kopp
Location of property: 5501 McCormick Ave., 14th
Location of Sign: Being, 14th & Joppa, on property being there
Remarks:
Posted by: W. Carl Richards, Jr. Date of return: 7/28/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 21, 1995
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 July 21, 1995.

THE JEFFERSONIAN,
A. H. HENRIKSON
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission 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, at 11:00 a.m. on Wednesday, August 9, 1995 at 11:00 a.m. in Room 106, County Office Building.
Case: 96-5-SPH (Item 7)
5501 McCormick Avenue, 320' S of c/l Cynthia Terrace, 14th Election District - 6th Councilmanic Legal Owner(s): Anna E. Kopp
Special Hearing for a non-conforming use for an equipment storage yard and garage and service garage.
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. 7/19/95 July 20.



Date: 7/6/95

#040 - SPECIAL HEARING \$250.00
#080 - SIGN 35.00
TOTAL \$285.00

Anna E. Kopp
5501 McCormick Avenue
1.810 +/- acres
14th Election District
6th Councilmanic District
Zoned D.R.-3.5
Attorney: John B. Contrum

Check from Romadka, Contrum & McLaughlin

Please Make Checks Payable To: Baltimore County
CASHIER VALIDATION

DATE	TRUST NAME	PAY TO	DESCRIPTION	AMOUNT
7/6/95	Anna E. Kopp RE: 5501 McCormick Ave. RMP# 95.3007	\$250.00		
	Filing Petition for Special Hearing -	\$250.00		
	Signs -	\$ 35.00		
CHECK DATE	CHECK NO.	CHECK AMOUNT		

TO: POTENTIAL PUBLISHING COMPANY
July 20, 1995 Issue - Jeffersonian

Please forward billing to:

John B. Contrum, Esq.
614 Eastern Boulevard
Essex, MD 21221
686-3274

NOTICE OF HEARING

The Zoning Commission 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, at 11:00 a.m. on Wednesday, August 9, 1995 at 11:00 a.m. in Room 106, County Office Building.

CASE NUMBER: 96-5-SPH (Item 7)

5501 McCormick Avenue
E/S McCormick Avenue, 320' S of c/l Cynthia Terrace
14th Election District - 6th Councilmanic
Legal Owner(s): Anna E. Kopp

HEARING: WEDNESDAY, AUGUST 9, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Hearing for a non-conforming use for an equipment storage yard and garage and service garage.

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.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission 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, at 11:00 a.m. on Wednesday, August 9, 1995 at 11:00 a.m. in Room 106, County Office Building.

CASE NUMBER: 96-5-SPH (Item 7)

5501 McCormick Avenue
E/S McCormick Avenue, 320' S of c/l Cynthia Terrace
14th Election District - 6th Councilmanic
Legal Owner(s): Anna E. Kopp

HEARING: WEDNESDAY, AUGUST 9, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Hearing for a non-conforming use for an equipment storage yard and garage and service garage.

Arnold Jablon
Director
Department of Permits and Development Management

cc: Larry Kopp
John B. Contrum, Esq.

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 3, 1995

John B. Contrum, Esquire
Romadka, Contrum & McLaughlin, P.A.
814 Eastern Blvd.
Essex, Maryland 21221

RE: Item No.: 07
Case No.: 96-5-SPH
Petitioner: Anna E. Kopp

Dear Mr. Contrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: July 24, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for July 24, 1995
Item No. 007

The Development Plans Review Division has reviewed the subject zoning item. McCormick Avenue is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The commercial entrance to the site shall conform to Dept. of Public Works' Standard Plate R-32A, Road and Street Details.

The site should be required to conform to the Landscape Manual's screening and buffering requirements to the extent possible.

PWB:sw

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 07/17/95

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

RE: Property Owner: ANNA E. KOPP

LOCATION: E/S MCCORMICK AVE. 320' S OF CENTERLINE CYNTHIA TERR.
(5501 MCCORMICK AVE.)

Item No.: 007 Zoning Agenda: SPECIAL HEARING

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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

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

cc: File



Maryland Department of Transportation
State Highway Administration

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

Dear Ms. Watson:

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 Smith at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Smith
for *Bob Smith*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 26, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 483, 485, 5 and 7

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 897-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol K. Kenna*

PK/JL

ITEM485/PZONE/ZAC1

NAME OF PERSON(S) CHARGED: ANNA E. KOPP

CURRENT ADDRESS IN FULL: 5501 MCCORMICK AVENUE, BALTIMORE, MARYLAND 21204

OWNER (X) OR OCCUPANT () RELATED CITATIONS:

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID VIOLATE THE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS AND/OR THE BALTIMORE COUNTY CODE AS FOLLOWS:

SECTION NUMBER(S) VIOLATED: 101 "SERVICE GARAGE", "COMMERCIAL VEHICLES", "TRUCK TERMINAL CLASS 1", 102.1, 180.1A AND 93.

NATURE OF VIOLATION: USE OF PROPERTY ZONED D.B.5.3 TO COMMIT THE FOLLOWING:

1. OPERATING SERVICE GARAGE IN A RESIDENTIAL ZONE. 2. STORAGE OF COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY. 3. OPERATING CLASS 1 TRUCK FACILITY ON RESIDENTIALLY ZONED PROPERTY.

LOCATION AND DATE(S) OF VIOLATION: 5501 MCCORMICK AVENUE, BALTIMORE, MARYLAND 21204
MARCH 8, 1995 AND MARCH 30, 1995

TO RESPOND TO THE ABOVE CHARGE(S) LOANED AGAINST YOU, YOU MUST CHOOSE ONE OF THE OPTIONS BELOW:

1) YOU MAY PAY A FINE OF \$1200 (\$600 FOR EACH ADDITIONAL DAY) BY CHECK OR MONEY ORDER PAYABLE TO THE DIRECTOR OF FINANCE, BALTIMORE COUNTY, MARYLAND, BY RETURNING A COPY OF THIS FORM ALONG WITH PAYMENT TO: DIRECTOR OF FINANCE, 1ST FLOOR, COURT HOUSE, TOWSON, MD 21204. THE PENALTY MUST BE PAID ON OR BEFORE THE 25TH DAY OF APRIL, 1995.

2) YOU MAY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND. TO DO THIS, YOU MUST NOTIFY THE BALTIMORE COUNTY OFFICE OF ZONING ADMINISTRATION BY FILING IN THE ATTACHED PORTION OF THIS CITATION AND RETURNING IT TO THE ZONING ADMINISTRATION OFFICE AT LEAST FIVE (5) DAYS BEFORE THE PAYMENT DUE DATE AS SET FORTH IN THE FINE PAYMENT SECTION ABOVE. THE DISTRICT COURT WILL NOTIFY YOU OF THE DATE AND TIME OF TRIAL.

IF THE FINE REMAINS UNPAID AT THE EXPIRATION OF THE THIRTY-FIVE (35) DAYS FROM THE DATE OF THE CITATION, THE ZONING ADMINISTRATION MAY REQUEST ADJUDICATION OF THE CASE IN DISTRICT COURT, AT WHICH TIME THE PERSON IS LIABLE FOR AN ADDITIONAL FINE NOT TO EXCEED TWICE THE ORIGINAL FINE. IF YOU FAIL TO APPEAR AT THE TRIAL, A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

I DO SOLEMNLY AFFIRM THAT THE CONTENTS STATED ABOVE ARE CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATE: 4-5-95

SIGNATURE: *Gary C. Freund*
OFFICE OF ZONING ADMINISTRATION REPRESENTATIVE

BASED ON THE STATEMENT OF GARY C. FREUND, THIS CITATION IS HEREBY ISSUED THIS 5TH DAY OF APRIL, 1995.

SIGNATURE: *Pat Keller*
DIRECTOR OF ZONING ADMINISTRATION

ACKNOWLEDGMENT
I ACKNOWLEDGE RECEIPT OF A COPY OF THIS CITATION AND HEREBY PROMISE TO PAY THE FINE OR REQUEST A TRIAL DATE AS REQUIRED BY LAW. I UNDERSTAND THAT THE ACCEPTANCE OF THIS CITATION IS NOT AN ADMISSION OF GUILT.

DATE

SIGNATURE

BALTIMORE COUNTY, MARYLAND
CITATION FOR CIVIL ZONING VIOLATION
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CITATION NO. 91- 95-209

NAME OF PERSON(S) CHARGED: ANNA E. KOPP

CURRENT ADDRESS IN FULL: 5501 MCCORMICK AVE. BALTO. 21206

OWNER (X) OR OCCUPANT () RELATED CITATIONS:

IT IS FORMALLY CHARGED BY THE ZONING COMMISSIONERS OF BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID VIOLATE THE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS AS FOLLOWS:

101 SERVICE GARAGE, COMMERCIAL VEHICLES
SECTION NUMBER(S) VIOLATED: THIRTY-FIVE (35) DAYS FROM THE DATE OF THE CITATION, THE ZONING COMMISSIONER MAY REQUEST ADJUDICATION OF THE CASE IN DISTRICT COURT, AT WHICH TIME THE PERSON IS LIABLE FOR AN ADDITIONAL FINE NOT TO EXCEED TWICE THE ORIGINAL FINE. IF YOU FAIL TO APPEAR AT THE TRIAL, A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

NATURE OF VIOLATION: USE OF PROPERTY ZONED TO COMMIT THE FOLLOWING:

DATE SERVICE GARAGE IN D.B.5.3 COMMERCIAL VEHICLES 3. GARAGE CLASS 2 TRUCK FACILITY ON RESID. PROP.

LOCATION AND DATE(S) OF VIOLATION: 5501 MCCORMICK AVE. BALTO. 21206

TO RESPOND TO THE ABOVE CHARGE(S) LOANED AGAINST YOU, YOU MUST CHOOSE ONE OF THE OPTIONS BELOW:

1) YOU MAY PAY A FINE OF \$1200 (\$600 FOR EACH ADDITIONAL DAY) BY CHECK OR MONEY ORDER PAYABLE TO THE DIRECTOR OF FINANCE, BALTIMORE COUNTY, MARYLAND, BY RETURNING A COPY OF THIS FORM ALONG WITH PAYMENT TO: DIRECTOR OF FINANCE, 1ST FLOOR, COURT HOUSE, TOWSON, MD 21204. THE PENALTY MUST BE PAID ON OR BEFORE THE DATE OF, 1991.

2) YOU MAY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND. TO DO THIS, YOU MUST NOTIFY THE BALTIMORE COUNTY ZONING COMMISSIONER BY FILING IN THE ATTACHED PORTION OF THIS CITATION AND RETURNING IT TO THE ZONING COMMISSIONER'S OFFICE AT LEAST FIVE (5) DAYS BEFORE THE PAYMENT DUE DATE AS SET FORTH IN THE FINE PAYMENT SECTION ABOVE. THE DISTRICT COURT WILL NOTIFY YOU OF THE DATE AND TIME OF TRIAL.

IF THE FINE REMAINS UNPAID AT THE EXPIRATION OF THE THIRTY-FIVE (35) DAYS FROM THE DATE OF THE CITATION, THE ZONING COMMISSIONER MAY REQUEST ADJUDICATION OF THE CASE IN DISTRICT COURT, AT WHICH TIME THE PERSON IS LIABLE FOR AN ADDITIONAL FINE NOT TO EXCEED TWICE THE ORIGINAL FINE. IF YOU FAIL TO APPEAR AT THE TRIAL, A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

I DO SOLEMNLY AFFIRM THAT THE CONTENTS STATED ABOVE ARE CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATE: _____ OFFICE OF ZONING ADMINISTRATION REPRESENTATIVE

BASED ON THE STATEMENT OF, THIS CITATION IS HEREBY ISSUED THIS DAY OF, 1991.

SIGNATURE: _____ DIRECTOR OF ZONING ADMINISTRATION

ACKNOWLEDGMENT
I ACKNOWLEDGE RECEIPT OF A COPY OF THIS CITATION AND HEREBY PROMISE TO PAY THE FINE OR REQUEST A TRIAL DATE AS REQUIRED BY LAW. I UNDERSTAND THAT THE ACCEPTANCE OF THIS CITATION IS NOT AN ADMISSION OF GUILT.

DATE: _____ SIGNATURE: _____

Commercial Vehicles on Residential Prop

111 West Chesapeake Avenue
Towson, MD 21204

July 21, 1995

(410) 887-3353

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

RE: Preliminary Petition Review (Item #7)
Legal Owner
14th Election District
6th Council District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above-referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

Show parking area or note if vehicles are kept in buildings. Note any other non-conforming uses on property, i.e.: more than one residence on one lot, setback separations if other principal structure, etc. Label zoning demarkation line and property lines.

If you need further information or have any questions, please do not hesitate to contact me at 938-3391.

Sincerely,

John R. Alexander
John R. Alexander
Planner
Department of Permits and
Development Management

JRA:bb



Printed on Recycled Paper

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

January 23, 1996

(410) 887-4386

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221

Case No. 96-5-SPH
Petition for Special Hearing
Anna E. Kopp, Petitioner
Your file No. 95.3007

Dear Mr. Gontrum:

This is in response to your letter dated October 11, 1995 regarding the above captioned matter.

The intent of my restriction as contained on page 5 of the Order is to prohibit any ongoing business from being operated on site, which utilizes refrigeration trucks or items not associated with the towing business. I am appreciative of the fact that your client may tow refrigerated trucks owned by others onto the site as part of the towing business. These trucks may remain on the property a short time until repaired or removed. My Order was not to prevent such practice. All aspects of the business incidental to the actual towing operation are permitted.

I have included a copy of this letter in the case file and trust that same satisfactorily addresses your concerns.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:amw



Printed with Soybean Ink on Recycled Paper

RE: PETITION FOR SPECIAL HEARING
5501 McCormick Avenue, E/S McCormick
Avenue, 320' S of c/1 Cynthia Terrace
14th Election District, 6th Councilmanic
Anna E. Kopp
Petitioner
* * * * *

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carol S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to John G. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Alexander & Alexander

Alexander & Alexander Inc.
111 Market Place
Baltimore, Maryland 21202
Telephone 410 547-2800
FAX 410 547-2914

August 7, 1995

Mr. Lawrence Schmidt, ESQ.
Baltimore County Zoning Commission
Court House
Towson, Maryland. 21204

RE: Kopp Property-McCormick Avenue
Case No. 96-5-SPH

Dear Mr. Schmidt:

In 1952 I worked for my Father during the summer delivering Bid Bonds. One of our customers Mr. Peter Evers lived on Westwood Ave off of Hazelwood Ave. I would stop by his house on the way home from the office. I drove up Pulaski Highway to McCormick Ave. Very often I would follow one of Ted's Tow Trucks down McCormick Ave until they turned in at the Kopp property. I remarked to my father that the equipment looked in first class shape. After graduating from school I started soliciting Ted's business and finally succeeded in writing it in the late 50's and have written it since that time.

The Kopp's have always used the property to store their tow trucks and for overnight storage facility for customers towed vehicles.

Very truly yours,

Francis S. Carnes, Jr.
Francis S. Carnes, Jr.
Vice President

August 3, 1995

Lawrence Schmidt, Esq.
Baltimore County Zoning Commissioner
Court House
Towson, MD 21204

Re: Kopp property - McCormick Avenue
Case No.: 96-5-SPH

Dear Mr. Schmidt:

I have been familiar with the property of Ted and Anna Kopp on McCormick Avenue and have had the opportunity to review the site plan filed in the above case. In 1956 I was trying to start up my own business. I went to look at some used tow trucks at Ted's Towing on McCormick Avenue. At that time he was the person to see as he had been in business for some time. The old trucks were modified in Baltimore for heavy towing, and he had a number of older vehicles as well as more modern trucks. Ted had his office in on Hartford Road, but for as long as I have been in the business he stored his vehicles, maintained his vehicles and overnighted towed vehicles at McCormick Avenue.

I have been in the towing business continuously since the early 1950's and have had occasion to pick up towed vehicles from the Kopp property and have known the family since I started in business. To the best of my knowledge that property on McCormick Avenue has been used continuously as depicted on the plan. Ted's business has been kept up by his son. The office address has changed but not the service yard.

Very truly yours,

Wayne Sullivan, Sr.
Wayne Sullivan, Sr.

SULLIVAN'S GARAGE
7318 GOLDEN RING RD.
BALTO, MD. 21221
386-8536

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

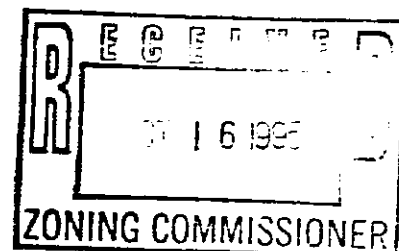
814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410) 686-8274
FAX: (410) 686-8118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.

ELIZABETH A. VANNI
*ALSO ADMITTED IN D.C.

Lawrence E. Schmidt,
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
400 Washington Ave., Suite 112
Towson, MD 21204

October 11, 1995



Re: Case No.: 96-5-SPH
Petition for Special Hearing
Anna E. Kopp, Petitioner
RGM File No.: 95.3007

Dear Commissioner Schmidt:

I am writing to you to clarify a restriction contained in your Order of September 22, 1995 in the above referenced case. A copy of your Findings of Fact and Conclusions of Law is attached. The clarification pertains to a statement "lastly, no refrigeration trucks or items associated with other businesses may be stored on site". That statement is contained on page 5 among other restrictions contained in the body of the Order. As you may recall, my client is in the towing business and will have occasion to tow refrigerated vehicles and keep them on the site until they are collected. I read that statement to indicate that no refrigeration trucks may be stored on the site in connection with any other business. Obviously, if refrigeration trucks are towed they would be kept on site possibly overnight until they are collected or able to be further towed to a place of repair. This may even occur over a weekend. We are more than willing to acknowledge that no other business may be conducted on the site outside of that which the non-conforming use was granted. Consequently, no refrigeration trucks should be stored on the site in connection with another business. My client did however, want to have this point clarified to know whether or not he can still tow refrigeration trucks to the site and possibly store them overnight or weekends.

Thank you for your consideration.

Very truly yours,
John B. Gontrum
John B. Gontrum

JBG/bjb
Enclosure
cc: Larry Kopp

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410) 686-8274
FAX: (410) 686-8118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.

ELIZABETH A. VANNI
*ALSO ADMITTED IN D.C.

The Honorable, John H. Garmer
District Court for Baltimore County
111 Allegheny Avenue
Towson, MD 21204

July 12, 1995

Re: Baltimore County, Maryland
vs.
Anna E. Kopp
Civil Case No.: 0804-SP01480-95
Merit Trial Date: 7/19/95 @ 1:30 p.m.
RGM File No.: 95.3007

Dear Judge Garmer:

Please postpone the above reference trial date of July 19, 1995 as the client has filed a Petition for Special Hearing for non-conforming use with the Office of Zoning Administration. After a discussion with Jim Thompson of the Department of Permits and Development Management, he indicated that they have no objection to this request and Mr. Thompson also indicated that he spoke to Lee C. Thomson, Assistant County Attorney, and he also had no objection to this request.

If you have any questions, please do not hesitate to contact me.

Thank you for your anticipated prompt attention to this matter.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: Larry A. Kopp
Jim Thompson, Department of Permits and Development Management
Lee C. Thomson, Asst. County Attorney

RECEIVED
JUL 14 1995
ZADM

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
WAYNE SULLIVAN	8722 PHA RD Balt 21237
GEORGE HEFFNER	6911 MT. VISTA RD 21087
BURTON E. GREENWOOD, SR.	608 WILTON ROAD 21286
LARRY KOPP	5511 McCORMICK AVE 21206

PLEASE PRINT CLEARLY

Robert J. Evans

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JQ Sopp	5401 McCormick Ave

August 6, 1995

To whom it may concern:

My name is *Deke Edwards*, and I reside at 5511 McCormick Ave. I have been familiar with the Kopp family since 1962. For as long as I can remember tow trucks have been stored and serviced at the rear of the property. Occasionally, disabled vehicles have been brought to the site and stored overnight. This activity has been continuous and uninterrupted for as long as I have lived here.

Deke Edwards

August 7, 1995

To whom it may concern:

My name is *Jim L. Edwards*, and I reside at 5401 McCormick Ave. I have been familiar with the Kopp family since 1965. For as long as I can remember tow trucks have been stored and serviced at the rear of the property. Occasionally, disabled vehicles have been brought to the site and stored overnight. This activity has been continuous and uninterrupted for as long as I have lived here.

Jim L. Edwards

August 7th, 1995

To whom it may concern:

My name is *Robert Evans*, and I reside at 5602 Daybreak Terrace. I have been familiar with the Kopp family since 1964. For as long as I can remember tow trucks have been stored and serviced at the rear of the property. Occasionally, disabled vehicles have been brought to the site and stored overnight. This activity has been continuous and uninterrupted for as long as I have lived here.

Robert Evans

August 7, 1995

To whom it may concern:

My name is *Robert Evans*, and I reside at 5602 Daybreak Terrace. I have been familiar with the Kopp family since 1964. For as long as I can remember tow trucks have been stored and serviced at the rear of the property. Occasionally, disabled vehicles have been brought to the site and stored overnight. This activity has been continuous and uninterrupted for as long as I have lived here.

Robert Evans

August 7, 1995

To whom it may concern:

My name is *Jack Jones*, and I reside at 5401 McCormick Ave. I have been familiar with the Kopp family since 1962. For as long as I can remember tow trucks have been stored and serviced at the rear of the property. Occasionally, disabled vehicles have been brought to the site and stored overnight. This activity has been continuous and uninterrupted for as long as I have lived here.

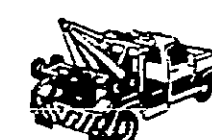
Jack Jones

August 7, 1995

To whom it may concern:

My name is *Robert Evans*, and I reside at 5401 McCormick Ave. I have been familiar with the Kopp family since 1965. For as long as I can remember tow trucks have been stored and serviced at the rear of the property. Occasionally, disabled vehicles have been brought to the site and stored overnight. This activity has been continuous and uninterrupted for as long as I have lived here.

Robert Evans



Ted's Towing Service, Inc.

4920 HAZELWOOD AVENUE BALTIMORE, MARYLAND 21206
(410) 325-6700

August 8, 1995

Hazelwood-Park East
Civic Association, Inc.
5602 Daybreak Terrace
Baltimore, MD 21206

ATTN: Robert Evans

Dear Mr. Evans;

At our meeting on Monday, August 7, some of the residents expressed concern about the dust coming from the dirt road at 5501 McCormick Ave., and the noise from running refrigerator units that have been towed into the lot.

Please advise the residents that in an effort to cooperate with the community, I will make repairs to the road to try to eliminate the dust, and will no longer store refrigerator units at this location.

Sincerely,

Larry Kopp
Larry Kopp
President

August 8, 1995

Robert J. Evans
President
Hazelwood - Park East Civic Association, Inc.
5602 Daybreak Terrace
Baltimore, MD 21206

Mr. Larry Kopp
President
Ted's Towing Service, Inc.
4920 Hazelwood Avenue
Baltimore, MD 21206

Dear Mr. Kopp:

Thank you for meeting with me and other members of our community concerning our inquiries to your zoning request.

As you know, some neighbors are opposed to your zoning request for fear of the increased dust due to increased traffic in and out of your driveway, the noise of refrigerated trucks and trailers, and the use of more than the requested 1.81+/- acres for more business use.

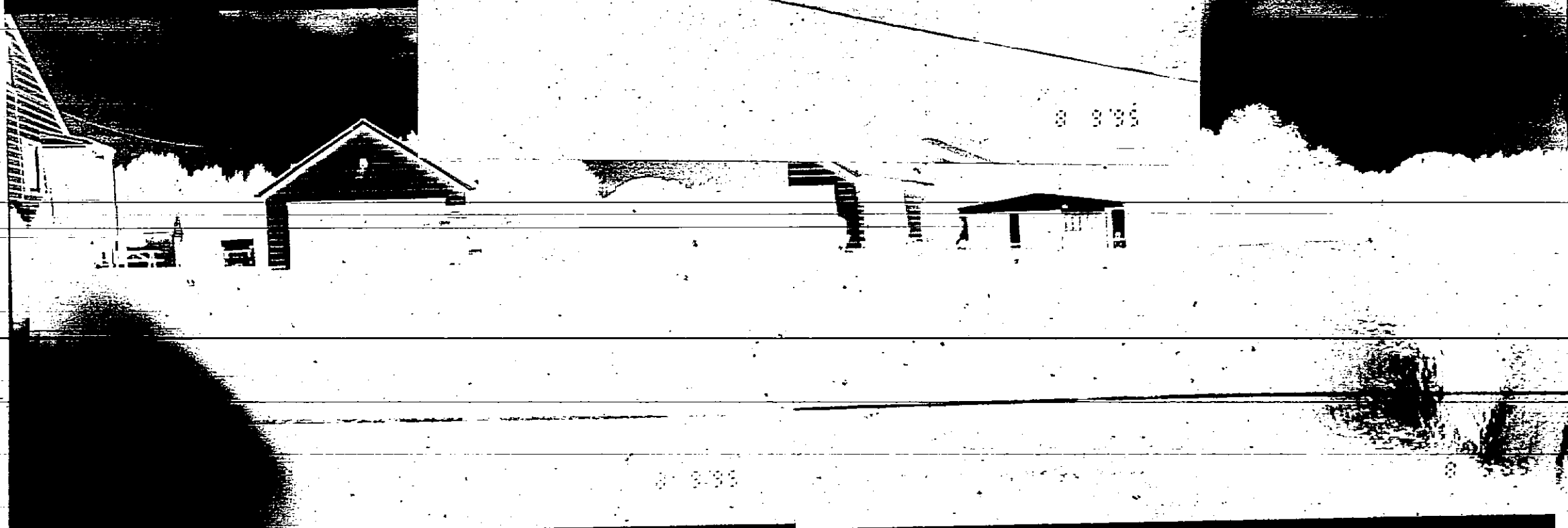
Although we do not want the property zoned commercial, after your assurances that you will attempt to do something to reduce the dust coming from the driveway, and that you will not store refrigerated trucks and trailers, we believe the zoning exception on the property described in your request is reasonable.

Sincerely,

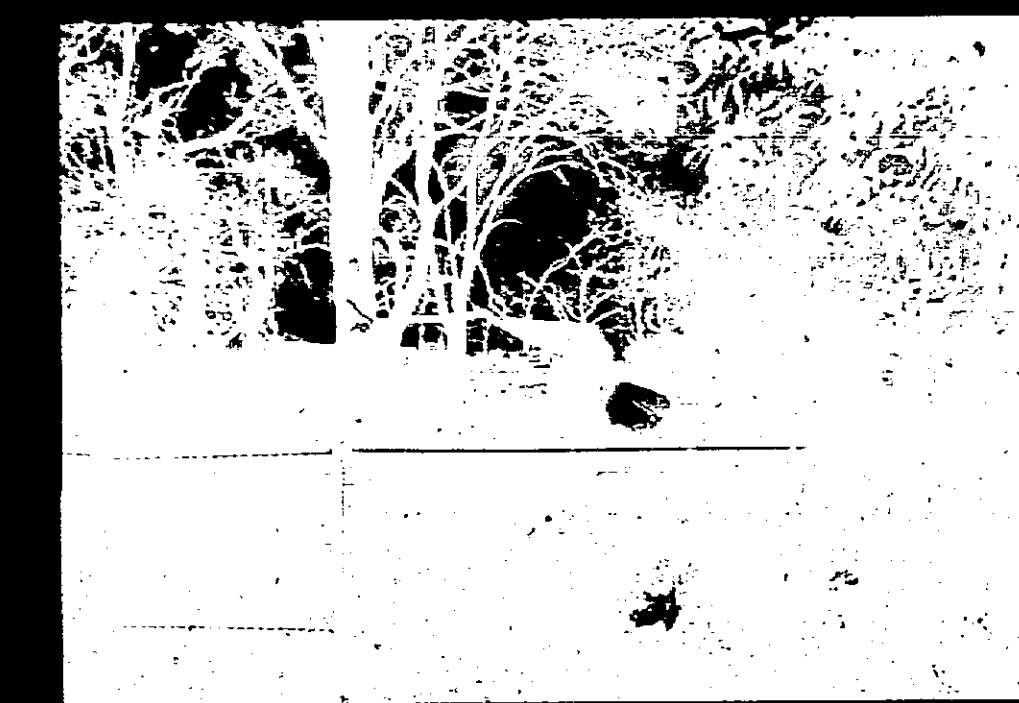
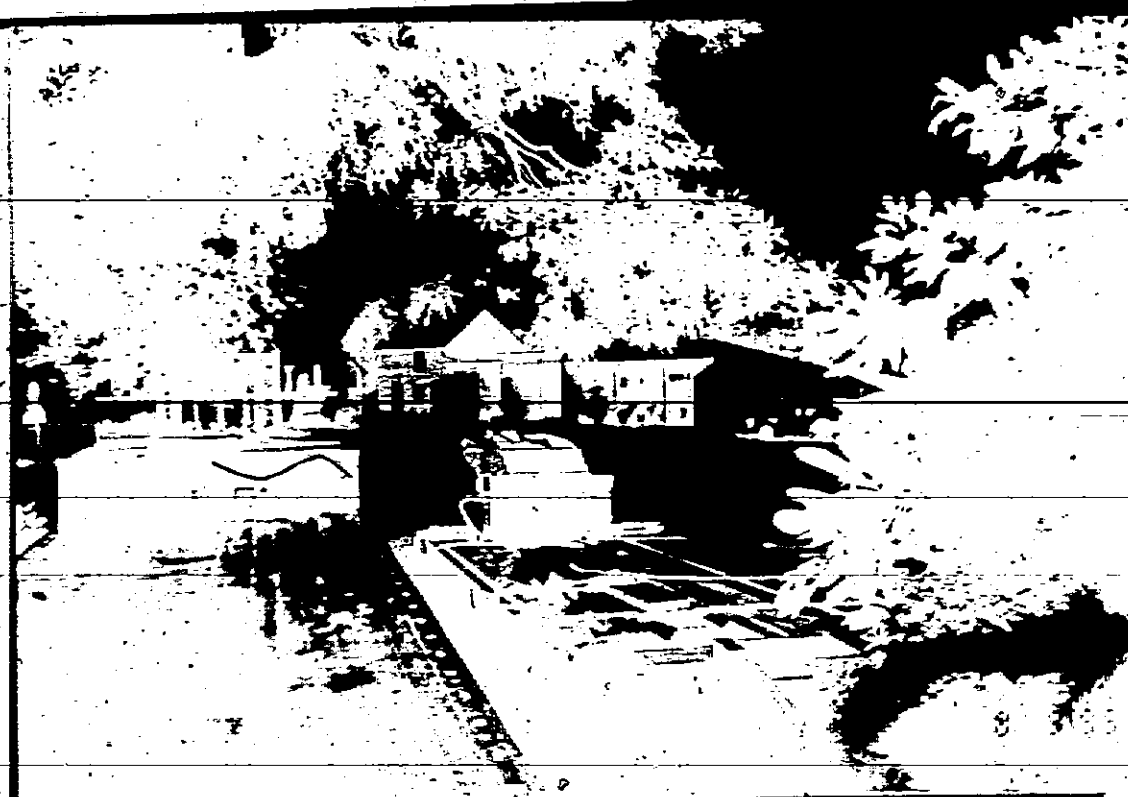
Robert J. Evans
Robert J. Evans



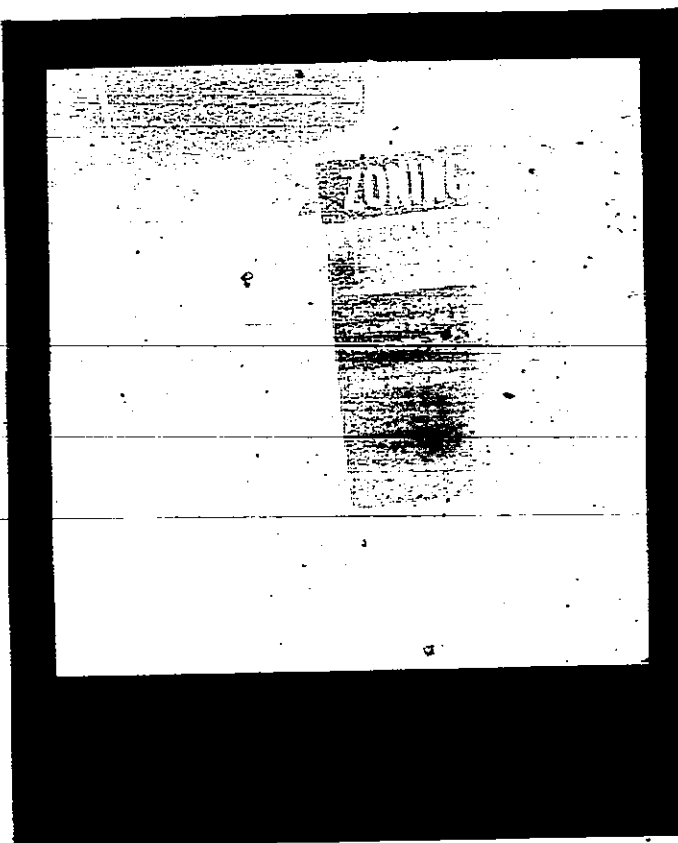
Prot 2A



Prot 2B



Prot No 3



ZONING HEARING CHECKLIST

The following is a checklist of items to be completed prior to a zoning hearing. It is intended to assist the applicant in preparing for the hearing and to ensure that all necessary information is provided to the hearing body.

1. Complete and submit the following documents to the hearing body:

- Application for Zoning Change
- Site Plan
- Survey Map
- Environmental Impact Statement (if applicable)
- Other relevant documents

2. Attend the hearing and present your case.

3. Receive the decision of the hearing body.

Non-Residential Properties

Variances
Special Exceptions
Use Permits
Special Hearings

0 6 1

72-47

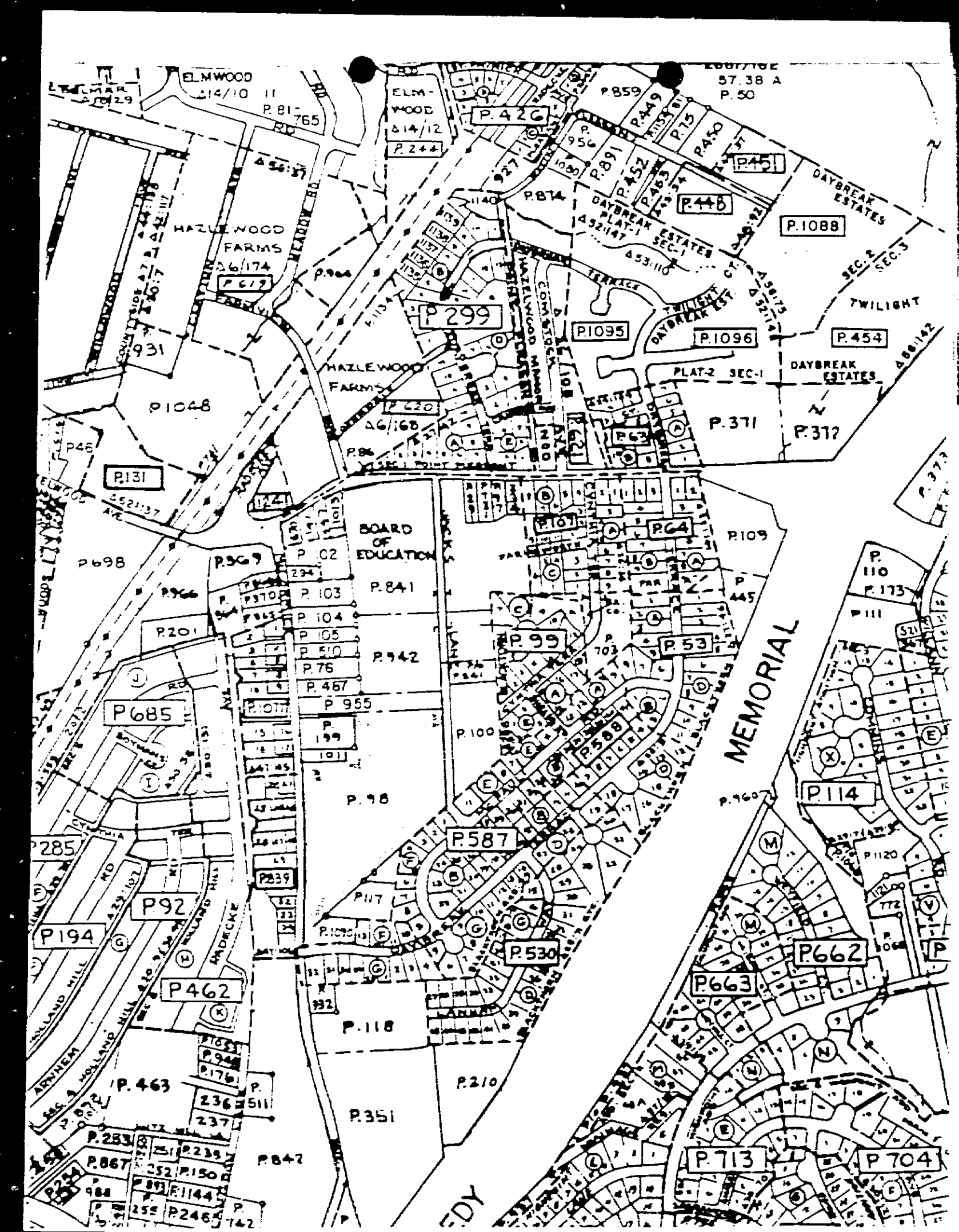
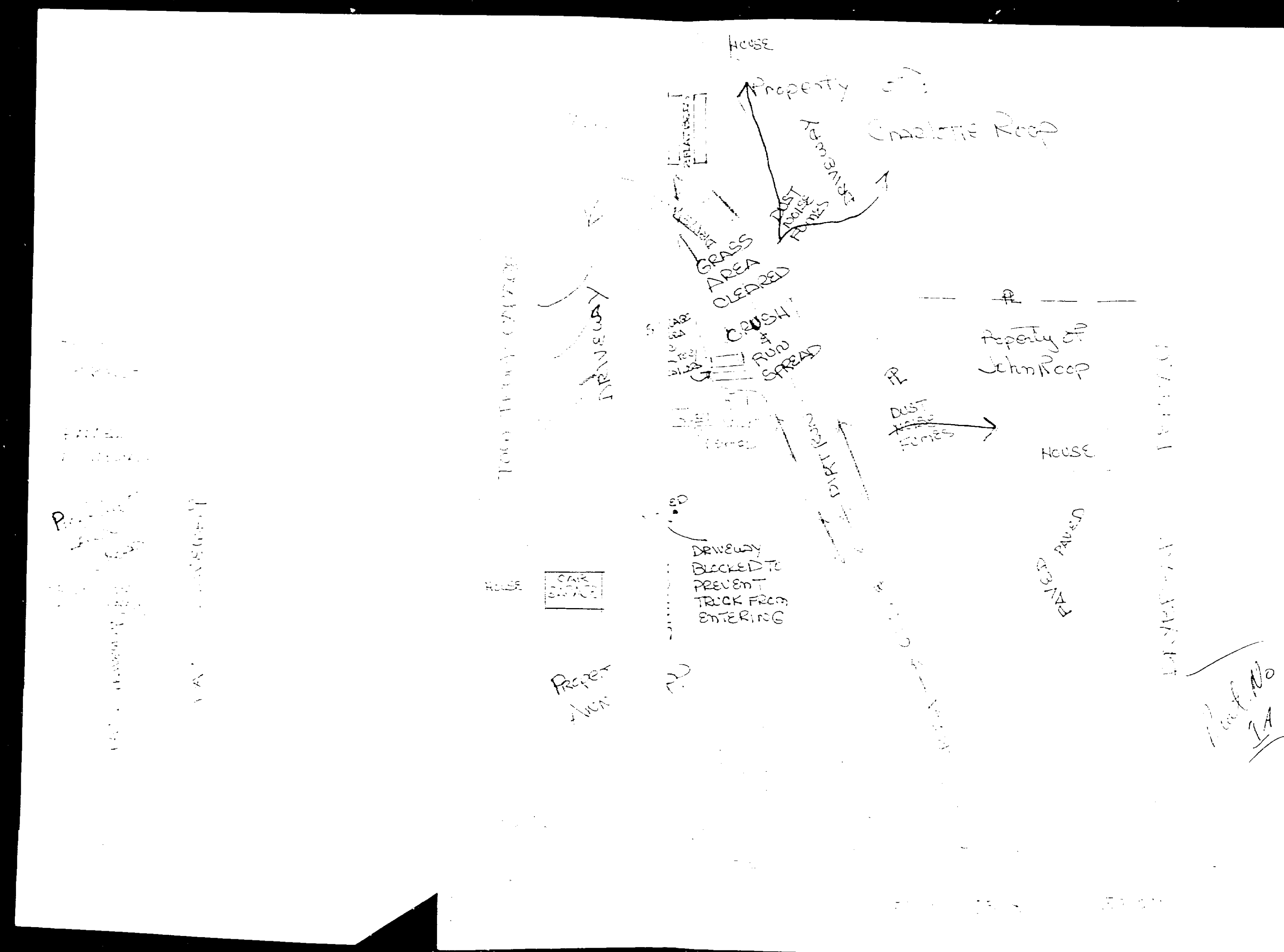
19-14



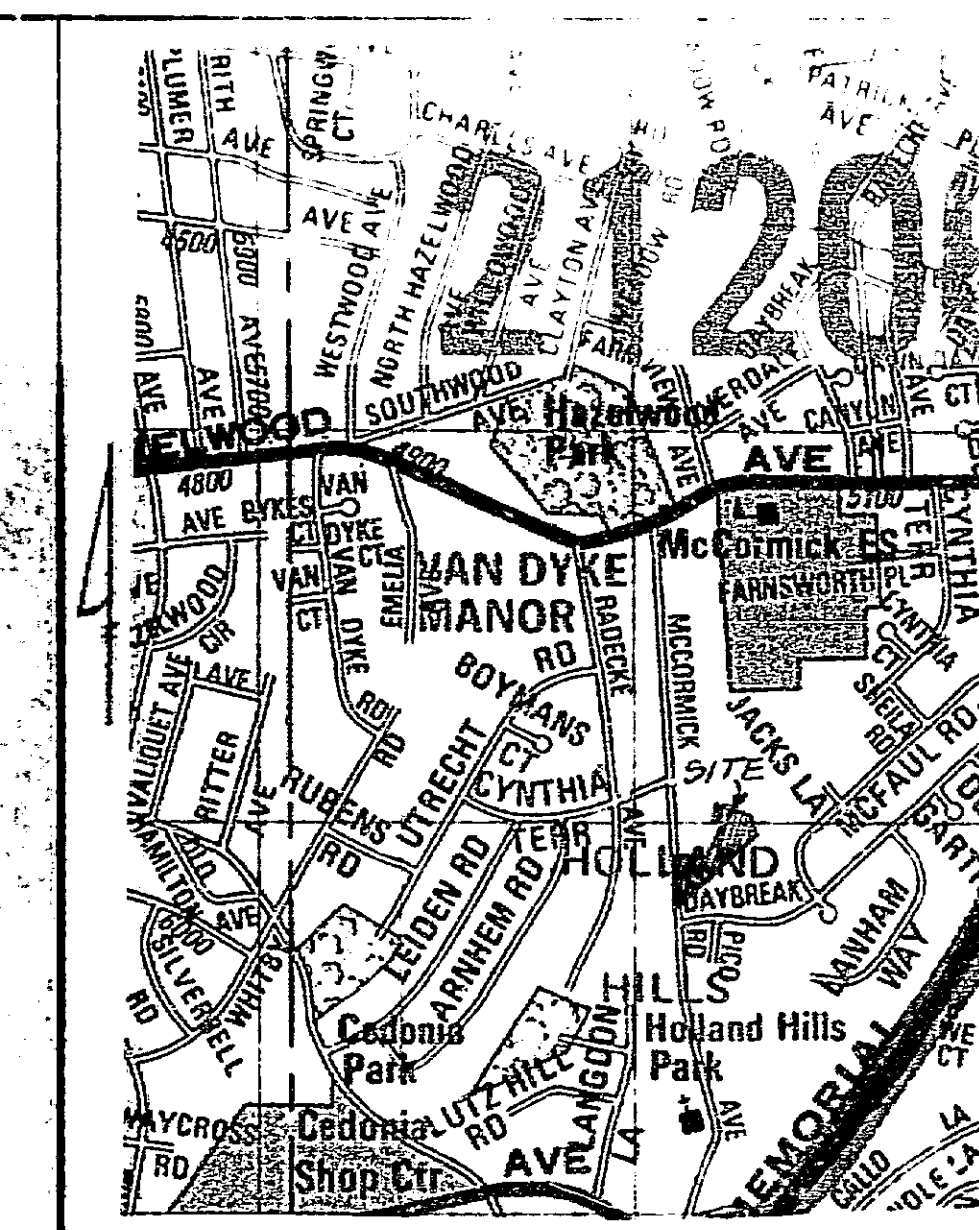
D.R.
10.5

A hand-drawn sketch of a building corner. A diagonal line runs from the bottom left towards the top right. To the right of this line, the text "P.O. BOX COORDS" is written, followed by "N 15935" and "E 26320" on separate lines. The sketch is drawn with dark, bold lines on a light background.

PART OF BUILT. CO. O.P.E.
OFFICIAL ZONING MAP
N.E. 4-E 1"=200'
*5501 McCORMICK AVE.
MAY, 1995



200 40000 1.1E 227 12 2.206,
1.200 1.50 55 250 20Z 11E 4.



11/11/54

PETROBRAS
EXHIBIT NO. 7

SITE PLAN
SPECIAL HEARING FOR
NON-CONFORMING USE
#5501 MCCORMICK AVE
BUILT MORE OR LESS
SHEETS 1-10

J.S. DALLAS, INC.
Surveying & Engineering
112 Rossmore Avenue Baltimore, Md. 21206
(410) 368-2651

OVERALL PROPERTY SURROUNDING LOT
1 = 100
(MAP LOCATIONS OF E. NE. 4E)

100-15647

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th Date of Posting 9/29/95
Posted for: Special Exception & Variance
Petitioner: Rampart Partnership - Club 101
Location of property: 8819 Orchard Tree Lane
Location of Sign: Being made by the property owner
Remarks:
Posted by: [Signature] Date of return: 10/6/95
Number of Signs: 1

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
8819 Orchard Tree Lane (Club 101), W/S
Orchard Tree Ln, 514.42' +/- N of c/l Jeppa
Rd, 9th Election Dist., 4th Councilmanic
Legal Owner: Rampart Partnership
Contract Purchaser: Club 101, Inc.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-60-XA

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
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, MD 21204
(410) 897-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 1995, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

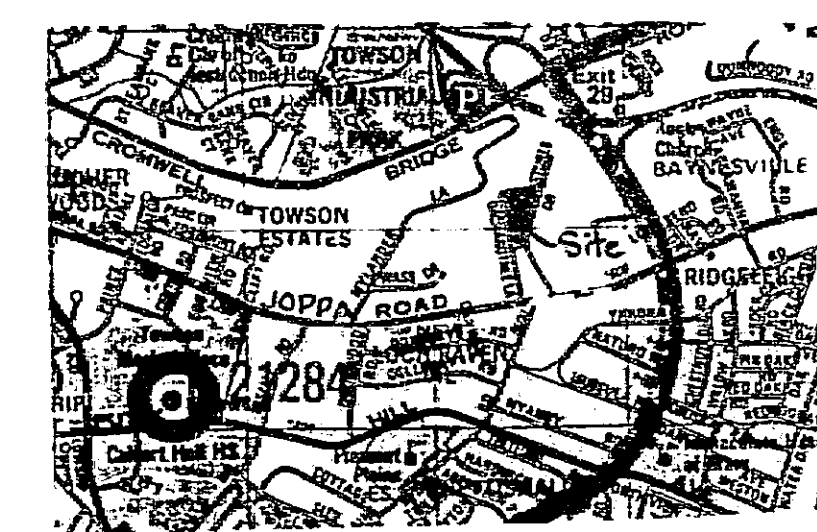
SHARED PARKING CALCULATIONS

TYPE OF USE	SPACES REQUIRED	50 FT	SPA
KUNG FU INSTITUTE	10 PER 1000 sq ft	2340	23
MUSIC RETAIL STORE	5 PER 1000 sq ft	7488	15
AUTOMOTIVE SERVICE	3 PER BAY	8 BAYS	24
TANNING SALON	3.3 PER 1000 sq ft	2187	6
ORCHARD RESTURANT	20 PER 1000 sq ft	2187	10
CLUB 101	20 PER 1000 sq ft	8094	16
GAEGLERS SERVICES	3.3 PER 1000 sq ft	2180	6
CMC REPRODUCTIONS	3.3 PER 1000 sq ft	2625	5
RETAIL STORE	5 PER 1000 sq ft	2625	13
GLENCROFT OFFICE	3.3 PER 1000 sq ft	2625	9
LEADTEC SERVICES	3.5 PER 1000 sq ft	2625	9
SKATE LAND	5 PER 1000 sq ft	20224	101

WEEKDAY	EVENING	WEEKEND	EVENING	NIGHT TIME
DAYTIME	6 AM	6 PM	6 AM	6 PM
6 AM	12 AM	6 PM	12 AM	6 AM

KUNG FU INSTITUTE	26	26	26	26
MUSIC RETAIL STORE	22	33	37	26
AUTOMOTIVE SERVICE	24	24	24	24
TANNING SALON	7	7	7	7
ORCHARD RESTURANT	22	44	33	33
CLUB 101	0	0	0	162
GAEGLERS SERVICES	9	1	1	1
CMC REPRODUCTIONS	9	1	1	1
RETAIL STORE	9	1	1	1
GLENCROFT OFFICE	9	1	1	1
LEADTEC SERVICES	9	1	1	1
SKATE LAND	41	101	81	101
TOTAL	184	251	225	230

TOTAL PARKING SPACES REQUIRED: 251
PARKING SPACES SHOWN: 311



VICINITY MAP
SCALE 1" = 2000'

NOTES

1. SITE: CLUB 101
8819 ORCHARD TREE LANE
BALTIMORE, MD. 21236
2. BUSINESS OWNER: 101 INC.
P.O. BOX 43365
BALTIMORE, MD. 21236
3. CURRENT SITE USE: AFTER HOURS CLUB
HOURS OF OPERATION 11:00 PM TO 5:00 AM
4. CURRENT PROPERTY OWNER: OLD CARRIAGE ASSOCIATES
5. DEED REFERENCE: 7365/301
6. PROPERTY ZONED B.R.
200 SCALE MAP REFERENCE N.E. 10-C
7. AREA OF SITE WITHIN PROPERTY LINES 8094 SQ. FT. +/-
8. F.A.R.: NO CHANGE.
9. PARKING CALCULATIONS: 20 SPACES PER 1000 SQ. FT. (TYP. 8.5' x 18')
162 HANDICAPPED PARKING SPACES REQUIRED
311 SHARED PARKING SPACES SHOWN
6 HANDICAPPED PARKING SPACES REQUIRED
8 HANDICAPPED PARKING SPACES SHOWN
(TYP. 12' x 18')
10. ALL PARKING AISLES ARE TWO WAY AND 22' WIDE.
11. TWO WOOD 4' x 4' SIGNS ARE ATTACHED TO THE FRONT OF THE BUILDING. EACH SIGN SAYS "CLUB 101".
12. ALL RESIDENCE DWELLINGS WITHIN 1000' OF THE SUBJECT PROPERTY ARE SHOWN AND LABELED.
13. PRIOR ZONING CASES
CASE 33295 DOES NOT PERTAIN TO THIS SITE
CASE 4610. DOES NOT PERTAIN TO THIS SITE
CASE 77-147A. DOES NOT PERTAIN TO THIS SITE
CASE 77-235A. DOES NOT PERTAIN TO THIS SITE
CASE V-95-211 SPH. DETERMINED THAT 8819 ORCHARD TREE LANE, KNOWN AS "CLUB 101" IS AN AFTER HOURS CLUB.
CASE V-95-537 SPH. CASE DISMISSED.
14. THIS PLAN SHOWS THE EXISTING CONDITIONS OF THE PROPERTY. NO NEW CONSTRUCTION IS PLANNED AT THIS TIME.
15. ALL COORDINATES SHOWN ON THIS PLAT ARE BASED ON THE FOLLOWING BALTIMORE COUNTY TRAVERSE STATIONS:
14553 N 35088 66 E 13522 29
7020 N 36166 25 E 14070 75
16. A BOUNDARY SURVEY WAS NOT PERFORMED
17. THE BOUNDARY SHOWN IS TAKEN FROM "THE PLAT OF PROPERTY OF PAUL MCL PARDEW" PLAT NO 53-106
18. SEEKING VARIANCE FROM SECTION 236.4, TO PERMIT THE USE OF THE SUBJECT PREMISES AS AN "AFTER HOURS CLUB" WITHIN 95' OF A RESIDENTIALLY USED DWELLING IN "EU OF THE 1000 REQUIREMENT."
19. REQUEST FOR A SPECIAL EXCEPTION TO USE THE SUBJECT PROPERTY FOR AN AFTER HOURS CLUB PURSUANT TO SECTION 236.4 OF THE ZONING REGULATIONS OF BALTIMORE COUNTY.

96-60-XA
Line J Hastings NO. 503

ITEM #59

SITE PLAN OF
8819 ORCHARD TREE LANE
FOR B.C.Z.A. VARIANCE
AND SPECIAL EXCEPTION

HASTINGS SURVEYING
41 EASTSHIP ROAD
BALTIMORE, MD 21222
(410) 288-5663



DATE	REVISION	CHK
8-4-95	SHARED PARKING CALC	BD
8-28-95	ADD VARIANCE	BD

