

IN RE: PETITION FOR SPECIAL HEARING  
111 AND 122 EARLS ROAD  
c/l Earls Road, 889.99 -N  
of c/l Eastern Avenue  
  
15th Election District  
5th Councilmanic District  
  
JOHN BARNES, Petitioner

\* BEFORE THE  
\*  
\* ZONING COMMISSIONER  
\*  
\* OF  
\*  
\* BALTIMORE COUNTY  
\*  
\* CASE NO.: 96-459-SPH  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner of Baltimore County on a Petition for Special Hearing for the properties located at 111 and 121 Earls Road in Baltimore County. Special Hearing Relief is requested to amend the site plans previously approved in Case Nos. 79-87-XA and 86-96-SPH, to approve the proposed Contractors equipment storage yards/structures and all accessory structures on Parcels A and B; to confirm the tavern/living quarters non-conforming use previously approved in Case No.: 86-96-SPH and to confirm the lot line adjustment for Parcels A and B.

Appearing at the public hearing held for this case were John Barnes, Petitioner, and Leonard Bohager, Registered Surveyor for the Petitioner. The Petitioner was represented by J. Neil Lanzi, Esquire. There were no Protestants present.

The subject property, existing and proposed improvements thereto are more particularly shown on the Site Plan entered as Petitioner's Exhibit No. 1. The Site Plan and testimony indicate that the subject site consists of Parcel 1 and Parcel 2, both of which are to be redesignated as Parcel A and Parcel B. Parcel A is

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Date 7/16/96  
By [Signature]

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shown as 3.3899 acres and Parcel B is shown as 1.8056 acres. Both properties are zoned MH-IM. The subject property is further shown by several photographs entered as Petitioner's Exhibit 2(a)-(i). The existing building to be utilized as a contractors equipment storage yard is shown on Parcel B of Petitioner's Site Plan along with existing accessory structures utilized by the principal tavern use. Existing accessory structures are shown on Parcel A of the Site Plan along with the proposed location of the proposed contractors equipment storage yard.

The sketch map entered as Petitioner's Exhibit 3, reveals a variety of manufacturing, agricultural, retail, commercial and residential uses along Earls Road between Ebenezer Road and Eastern Avenue. Immediately adjacent to the subject property is a contractors equipment storage yard owned by Louis T. Birmingham. Testimony revealed there are several, similar equipment storage uses along Earls Road in addition to the two extensive Genstar Manufacturing Plants.

The subject property has been owned by John Barnes since 1991. As is the case with similar uses throughout Baltimore County, the property owner has rehabilitated the site in attempts to further upgrade the property. The Petitioner intends to continue with the existing boat storage and residential uses on Parcel A and to continue the tavern use on Parcel B. Petitioner further intends to continue utilizing the living quarters facility existing within the principal tavern structure located on Parcel B. The Petitioner testified his intentions to utilize mainly the interior of the

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Date \_\_\_\_\_  
By \_\_\_\_\_

proposed contractors equipment storage yard on Parcel B and both the interior and exterior of the proposed contractors equipment storage yard on Parcel A. The tavern business is presently operated by the Barnes family and Mr. Barnes intends to provide the day to day management for the contractors equipment storage yards.

The Petitioner presented significant testimony along with Len Bohager about the efforts expended to rehabilitate and upgrade the property since the Petitioner's purchase in 1991. The approximate cost of the improvements thus far and the improvements proposed is \$40,000.00. The Petitioner is familiar with the subject property and tavern operation prior to his purchase and testimony was presented regarding the continuous tavern and living quarter use of the subject property from the date of the 1986 zoning case through the date of his purchase. The Petitioner further testified of the continuous use of the subject property as a tavern with living quarters since 1991.

It is also of note that the subject Petition was reviewed by the reviewing agencies which comprised the Zoning Advisory Committee. The Development Plans Review Division requested that permits be subject to approval of a landscape plan. The Fire Department requested the site be made to comply with all applicable parts of the fire prevention code and that all buildings and structures comply with the requirements of the National Fire Prevention Association Life Safety Code. The State Highway Administration had no objection to the petition and both the Office

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Date 7/11/96  
By [Signature]

MAILED 10 1996

of Planning and the Department of Environmental Protection and Resource Management had no comment.

After considering all of the testimony and evidence presented, it is clear that the Petition should be granted. I am impressed with the efforts that this Petitioner has made to upgrade this property. Clearly, the improvements shown have upgraded the appearance of the property and additional landscaping along Earls Road will particularly upgrade the appearance of this area.

Based upon the testimony and evidence presented at the hearing, all of which is uncontradicted, it is the opinion of the Deputy Zoning Commissioner the relief in question sufficiently complies with the requirements of the Baltimore County Zoning Regulations as they relate to the Conditions for Special Hearing. The evidence presented indicated the continuation of the non-conforming tavern/living quarters use would not be inconsistent with the purposes of the property's zoning classification nor in any way be inconsistent with the spirit and intent of the Baltimore County Zoning Regulations. The evidence presented was persuasive that the proposed amendments to the previously-approved plans will not be detrimental to the health, safety or general welfare of the locale. Clearly, there will be no adverse impact on the surrounding locale and, therefore, the Special Hearing and all relief requested therein should be granted.

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

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Date 7/16/66  
By [Signature]

[Handwritten signature]

IT IS THEREFORE ORDERED, by the Deputy Zoning Commissioner for Baltimore County this 16<sup>th</sup> day of July, 1996, that, pursuant to the Petition for Special Hearing, the approval of the site plan filed as Petitioner's Exhibit 1 be and is hereby approved, amending the site plans previously approved in Case No.79-87-XA and 86-96-SPH; and


IT IS FURTHER ORDERED, that the proposed Contractor's Equipment Storage Yards/Structures and all accessory structures on Parcels A and B shown on Petitioner's Exhibit 1 be and are hereby approved; and,

IT IS FURTHER ORDERED, that the tavern/living quarters non-conforming use previously approved in Case No. 86-96-SPH is confirmed and,

IT IS FURTHER ORDERED, that the lot line adjustment for Parcels A and B as shown on Petitioner's Exhibit 1, be and is hereby approved, subject, however to the following restrictions which are conditions precedent to the relief granted herein:

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

2. The Petitioner shall provide a landscape plan for landscaping along Earls Road only, which landscape plan must be approved by the Baltimore County Office of Planning.

  
\_\_\_\_\_  
Timothy M. Kotroco  
Deputy Zoning Commissioner  
Baltimore County

(barnes.ord)

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Date 7/16/96  
By [Signature]

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 16, 1996

J. Neil Lanzi, Esquire  
300 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
E/S Earls Road, 889.99' N of the c/l of Eastern Avenue  
(111 & 121 Earls Road)  
15th Election District - 5th Councilmanic District  
John Barnes - Petitioner  
Case No. 96-459-SPH

Dear Mr. Lanzi:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. John Barnes  
12303 Philadelphia Road, Bradshaw, Md. 21021

People's Counsel

File

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# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

96-459

for the property located at 111 & 121 Earls Road

96-459-SPH

which is presently zoned MH-1M

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

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

See attached.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

J. Neil Lanzi  
(Type or Print Name)

Signature

300 Allegheny Avenue 410/337-9039  
Address Phone No.

Towson, MD 21204  
State Zipcode

Legal Owner(s):

John Barnes

(Type or Print Name)

Signature

(Type or Print Name)

Signature

12303 Philadelphia Road 410/538-7241  
Address Phone No.

Baltimore, MD 21021  
City State Zipcode

Name, Address and phone number of representative to be contacted.

J. Neil Lanzi

Name

300 Allegheny Avenue 410/337-9039  
Address Phone No.

Towson, MD 21204  
State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

7/4 - 7/15

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE 5-17-96

ORDER RECEIVED FOR FILING  
Date  
By

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458

Petitioner, John Barnes, for the properties known as 111 and 121 Earls Road, hereby petitions the Zoning Commissioner as follows:

1. To amend the Site Plans previously approved in Case Nos. 79-87XA and 86-96-SPH;
2. To approve the proposed contractor's equipment storage yards/structures and accessory structures on Parcels A and B;
3. To confirm the tavern/living quarters non-conforming use previously approved in Case No. 86-96-SPH; and
4. To confirm the lot line adjustment for Parcels A and B.

Petitioner states that the granting of the relief requested in its Petition for Special Hearing will provide substantial justice to the Petitioner and will allow for the observance of the spirit and intent of the Baltimore County Zoning Regulations while maintaining the security of the public safety and welfare.

458

(barnspet.hear)

RECORDED

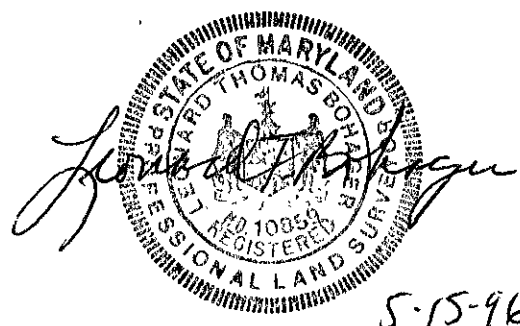


#458  
only 1 D. deed

DESCRIPTION TO ACCOMPANY  
PETITION FOR ZONING HEARING  
PARCEL "A" - 111 EARLS ROAD  
15th ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

96-459-SPH  
t

Beginning for the same in the center of Earls Road at a point located 889.99 feet, more or less, as measured northerly along the center of said road from the intersection with the center of Eastern Avenue, thence running in the center of Earls Road, 1.) North 09°47'00" East 410.01 feet, thence leaving Earls Road, 2.) South 86°35'50" East 446.25 feet, thence 3.) South 14°01'00" East 190.35 feet to the northwest right of way line of the Pennsylvania Railroad, thence binding thereon, 4.) by a line, not tangent with the previous line, curving to the left having a radius of 19,008.20 feet, an arc length of 593.50 feet and a chord of South 71°01'56" West 593.45 feet to the point of beginning. Containing 3.3899 acres of land, more or less.



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458

DESCRIPTION TO ACCOMPANY  
PETITION FOR ZONING HEARING  
PARCEL "B" - 127 EARLS ROAD  
15th ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

96-459-SPH

Beginning for the same in the center of Earls Road at a point located 1300 feet, more or less, as measured northerly along the center of said road from the intersection with the center of Eastern Avenue, thence running in the center of Earls Road, 1.) North  $09^{\circ}47'00''$  East 245.00 feet, thence leaving Earls Road, 2.) South  $80^{\circ}13'00''$  East 240.63 feet, thence 3.) South  $09^{\circ}47'00''$  West 117.07 feet, thence 3.) North  $71^{\circ}47'00''$  East 154.41 feet, thence 4.) South  $14^{\circ}01'00''$  East 164.84 feet, thence 5.) North  $86^{\circ}35'50''$  West 446.25 feet to the point of beginning. Containing 1.8056 acres of land, more or less.

*Leonard T. Boyer*  
STATE OF MARYLAND  
LEONARD THOMAS BOYER  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO 10859  
5-15-96

458

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**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland  
96-458-SPH

District: \_\_\_\_\_

Posted for: *Special Hearing*

Date of Posting: *6/8/96*

Petitioner: *John Boms*

Location of property: *111 + 131 Eads Rd*

Location of Sign: *Facing road by on property being zoned*

Remarks: \_\_\_\_\_

Posted by: \_\_\_\_\_

*[Signature]*  
Signature

Date of return: \_\_\_\_\_

Number of Signs: \_\_\_\_\_

*6/14/96*



**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: #96-459-SPH  
(Item 459)  
111 and 121 Eats Road  
of Eats Road, 889.99'  
N of of Eastern Avenue  
15th Election District  
5th Condemnantic  
Legal Owner(s):  
John Barnes

Special Hearing: to amend the site plans previously approved by case nos. 78-67-XA and 86-96-SPH, to approve the proposed contractor's equipment, storage, yards/structures and accessory structures on Parcels A and B, to confirm the taxer/wriving quarters non-conforming use previously approved in case no. 86-96-SPH; and to confirm the lot line adjustment for Parcels A and B.

Hearing: Thursday, June 27, 1996 at 2:00 p.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3333.

(2) For information regarding the file and/or hearing, please call 887-3391.

5/4/10 May 30 CSS9998

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 5/30, 1996

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 5/30, 1996.

**THE JEFFERSONIAN,**

*A. A. Emile*  
**LEGAL AD. - TOWSON**

UNRECORDED





Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

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

\_\_\_\_\_  
 ARNOLD JABLON, DIRECTOR

-----  
 For newspaper advertising:

Item No.: 458 Petitioner: John Barnes

Location: 111/121 EARLS ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: J NEIL GNZI

ADDRESS: 300 Allegheny Ave  
Towson MD 21204

PHONE NUMBER: 337-9039

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

May 24, 1996

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: 96-459-SPH (Item 458)  
111 and 121 Earls Road  
c/l Earls Road, 889.99' N of c/l Eastern Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): John Barnes

Special Hearing to amend the site plans previously approved in case nos. 78-87-XA and 86-96-SPH; to approve the proposed contractor's equipment storage yards/structures and accessory structures on Parcels A and B; to confirm the tavern/living quarters non-conforming use previously approved in case no. 86-96-SPH; and to confirm the lot line adjustment for Parcels A and B.

HEARING: THURSDAY, JUNE 27, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Arnold Jablon  
Director

cc: John Barnes  
J. Neil Lanzi, 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.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 20, 1996

J. Neil Lanzi, Esquire  
300 Allegheny Avenue  
Towson, MD 21204

RE: Item No.: 458  
Case No.: 96-459-SPH  
Petitioner: John Barnes


Dear Mr. Lanzi:

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 May 17, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,



W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: June 3, 1996

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

SUBJECT: Zoning Advisory Committee Meeting  
for June 3, 1996  
Item No. 458

The Development Plans Review Division has reviewed the subject zoning item. Release of permits subject to approval of Landscape Plan.

RWB:HJO:jrb

cc: File

ZONE11D

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Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410)887-4880

DATE: 05/30/96

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

RE: Property Owner: JOHN BARNES

Location: CENTERLINE EARLS RD. 889.99' N OF CENTERLINE EASTERN AVE.  
(111,121 EARLS RD.)

Item No.: 458

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.

MAY 31 1996

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

cc: File

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**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

6-11-96

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 458 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

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

BS

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

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

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Permits and Development  
Management

**DATE:** June 11, 1996

**FROM:** Pat Keller, Director  
Office of Planning

**SUBJECT:** Petitions from Zoning Advisory Committee

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

Item No. 458, 460, 462, 463, 464, 465, 466, 468 and 470

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 887-3495.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Carol L. Kerns*

PK/JL

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

TO: PDM DATE: 5-31-96  
FROM: R. Bruce Seeley *RMS*  
Permits and Development Review  
DEPRM  
SUBJECT: Zoning Advisory Committee  
Meeting Date: 5-28-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 439  
450  
453  
455  
456  
457  
458  
459

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED

RE: PETITION FOR SPECIAL HEARING  
111 and 121 Earls Road, c/l Earls Road,  
889.99' N of c/l Eastern Avenue, 15th  
Election District - 5th Councilmanic

John Barnes  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-459-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*

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) 887-2188

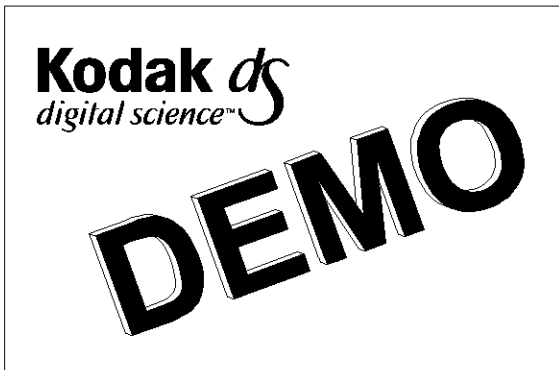
CERTIFICATE OF SERVICE

that on this 27<sup>th</sup> day of June, 1996, a copy of  
f Appearance was mailed to J. Neil Lanzi, Esquire,

300 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

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**J. NEIL LANZI**  
ATTORNEY AT LAW

300 Allegheny Avenue  
Towson, MD 21204  
Tel. (410) 337-9039  
Fax (410) 337-8932

3460 Ellicott Center Drive  
Suite 101  
Ellicott City, MD 21043

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

LEONARD T. BOHAGER, L.S.

2741 Ebbvale Rd. Manchester 21102

JOHN W. BARNES

12303 PHILADELPHIA RD 21021

Blank lined area for names.

Blank lined area for addresses.



96-459-SPH

458

NE 5-K

PARCEL "B"

PARCEL "A"

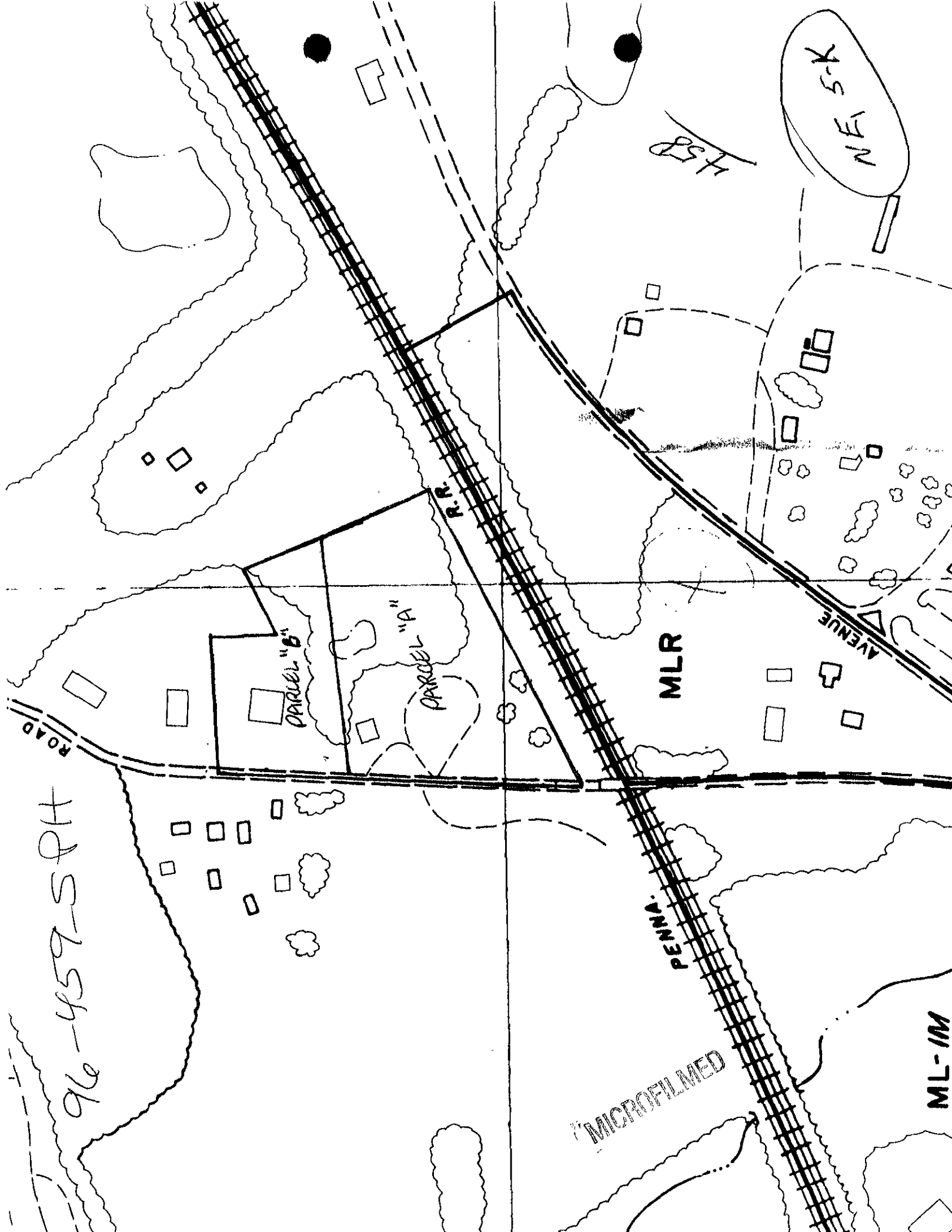
MLR

AVENUE

PENNA.

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ML-1M



EBENEZER ROAD

ST. JOHN'S CHURCH

EBENEZER METHODIST CHURCH

Equipment STORAGE

REDLAND GenSTAR masonry Products CHASE PLANT

meulin Bernhoff + Sons recycle facility

FARM

contractor equipment storage

vegetable stand

Used auto parts

Breezy Hill FARM

C.D. THOMAS Dump truck service + equipment storage

Kingdom Hall Jehovah witness

residences

EQUIPMENT TRANSPORT

GENSTAR CHASE PLANT

tree farm

BUILDING MATERIALS

residences

EBEL'S ROAD

Tom Casson's Nursery

woods

woods

used auto truck parts storage

residence

woods

woods

contractor equipment storage

residence

121 EARLS SUGAR SHACK Barnes

resid

111 EARLS residence Barnes

resid

BOAT YARD Barnes

empty lot

warehouse

warehouse

3  
PETITIONERS EXHIBIT

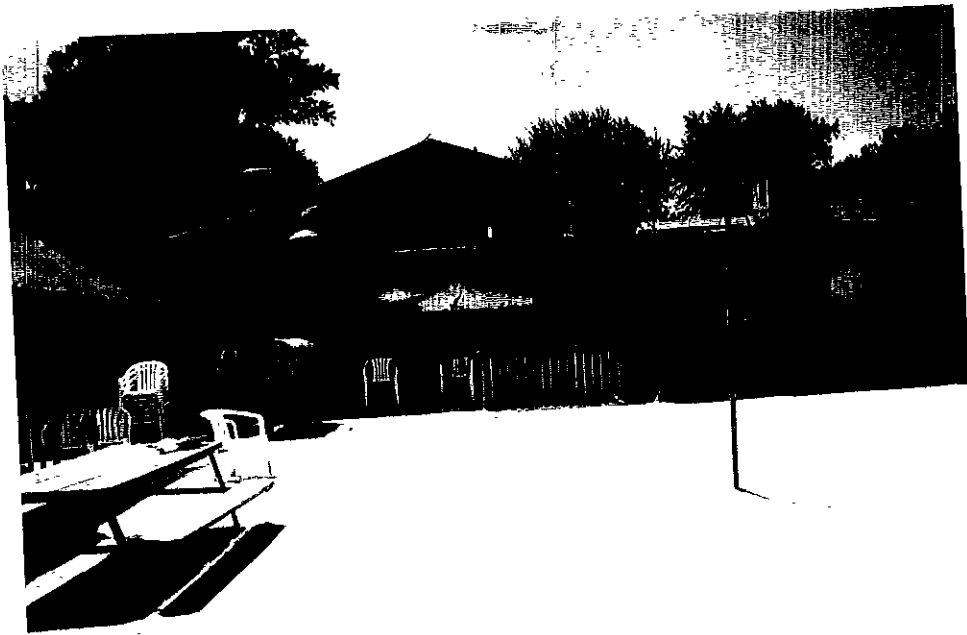
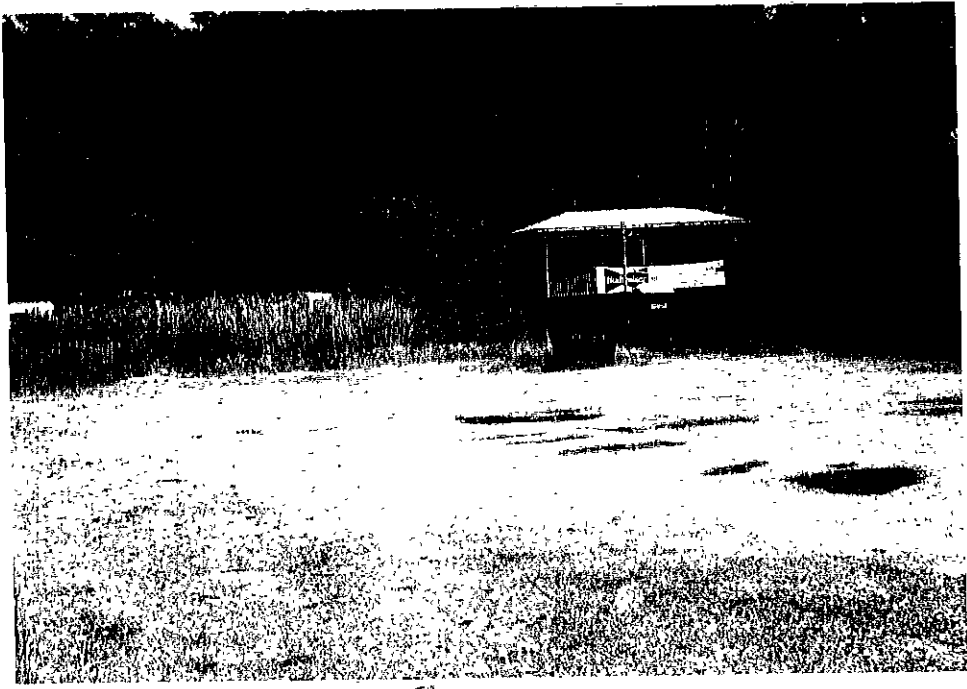
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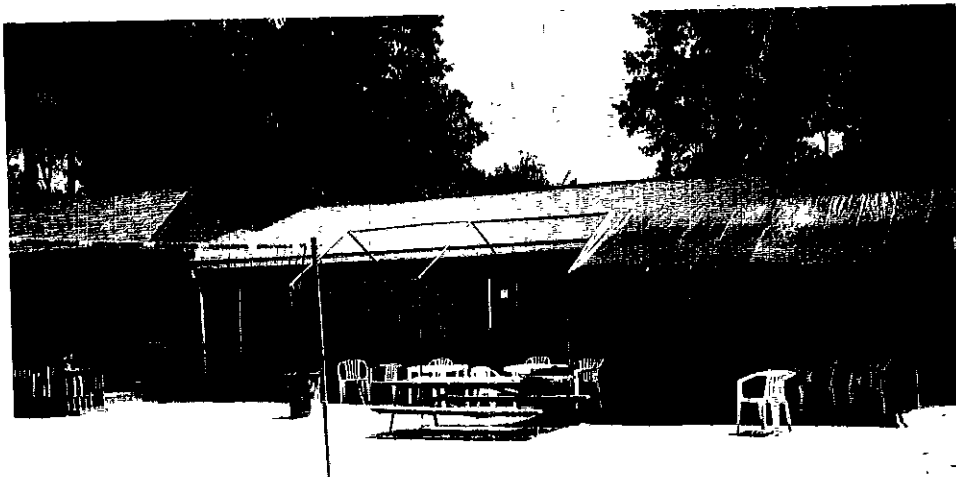
BFO Railroad

Bridge

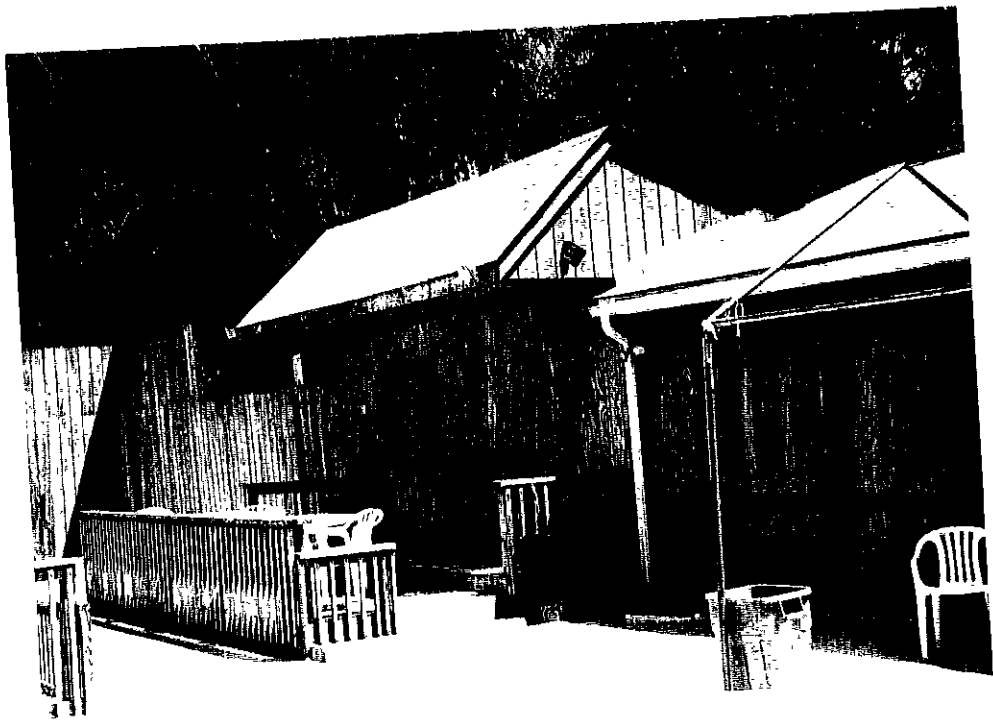
EASTERN AVENUE











Petitioner's  
Exhibits 2A -  
2I

96-459-5PH  
photograph

MICROFILMED



IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
111 AND 122 EARLS ROAD \* ZONING COMMISSIONER  
c/1 Earls Road, 889.99' N \* OF  
of c/1 Eastern Avenue \* OF  
15th Election District \* BALTIMORE COUNTY  
5th Councilmanic District \*  
JOHN BARNES, Petitioner \* CASE NO.: 96-459-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner of Baltimore County on a Petition for Special Hearing for the properties located at 111 and 121 Earls Road in Baltimore County. Special Hearing Relief is requested to amend the site plans previously approved in Case Nos. 79-87-XA and 86-96-SPH, to approve the proposed Contractors equipment storage yards/structures and all accessory structures on Parcels A and B; to confirm the tavern/living quarters non-conforming use previously approved in Case No. 86-96-SPH and to confirm the lot line adjustment for Parcels A and B.

Appearing at the public hearing held for this case were John Barnes, Petitioner, and Leonard Bohager, Registered Surveyor for the Petitioner. The Petitioner was represented by J. Neil Lanzi, Esquire. There were no Protestants present.

The subject property, existing and proposed improvements thereto are more particularly shown on the Site Plan entered as Petitioner's Exhibit No. 1. The Site Plan and testimony indicate that the subject site consists of Parcel 1 and Parcel 2, both of which are to be redesignated as Parcel A and Parcel B. Parcel A is

shown as 3.3899 acres and Parcel B is shown as 1.8056 acres. Both properties are zoned MH-1M. The subject property is further shown by several photographs entered as Petitioner's Exhibit 2(a)-(d). The existing building to be utilized as a contractors equipment storage yard is shown on Parcel B of Petitioner's Site Plan along with existing accessory structures utilized by the principal tavern use. Existing accessory structures are shown on Parcel A of the Site Plan along with the proposed location of the proposed contractors equipment storage yard.

The sketch map entered as Petitioner's Exhibit 3, reveals a variety of manufacturing, agricultural, retail, commercial and residential uses along Earls Road between Ebenezer Road and Eastern Avenue. Immediately adjacent to the subject property is a contractors equipment storage yard owned by Louis T. Birmingham. Testimony revealed there are several, similar equipment storage uses along Earls Road in addition to the two extensive Genstar Manufacturing Plants.

The subject property has been owned by John Barnes since 1991. As is the case with similar uses throughout Baltimore County, the property owner has rehabilitated the site in attempts to further upgrade the property. The Petitioner intends to continue with the existing boat storage and residential uses on Parcel A and to continue the tavern use on Parcel B. Petitioner further intends to continue utilizing the living quarters facility existing within the principal tavern structure located on Parcel B. The Petitioner testified his intentions to utilize mainly the interior of the

proposed contractors equipment storage yard on Parcel B and both the interior and exterior of the proposed contractors equipment storage yard on Parcel A. The tavern business is presently operated by the Barnes family and Mr. Barnes intends to provide the day to day management for the contractors equipment storage yards.

The Petitioner presented significant testimony along with Len Bohager about the efforts expended to rehabilitate and upgrade the property since the Petitioner's purchase in 1991. The approximate cost of the improvements thus far and the improvements proposed is \$40,000.00. The Petitioner is familiar with the subject property and tavern operation prior to his purchase and testimony was presented regarding the continuous tavern and living quarter use of the subject property from the date of the 1986 zoning case through the date of his purchase. The Petitioner further testified of the continuous use of the subject property as a tavern with living quarters since 1991.

It is also of note that the subject Petition was reviewed by the reviewing agencies which comprised the Zoning Advisory Committee. The Development Plans Review Division requested that permits be subject to approval of a landscape plan. The Fire Department requested the site be made to comply with all applicable parts of the fire prevention code and that all buildings and structures comply with the requirements of the National Fire Prevention Association Life Safety Code. The State Highway Administration had no objection to the petition and both the Office

of Planning and the Department of Environmental Protection and Resource Management had no comment.

After considering all of the testimony and evidence presented, it is clear that the Petition should be granted. I am impressed with the efforts that this Petitioner has made to upgrade this property. Clearly, the improvements shown have upgraded the appearance of the property and additional landscaping along Earls Road will particularly upgrade the appearance of this area.

Based upon the testimony and evidence presented at the hearing, all of which is uncontradicted, it is the opinion of the Deputy Zoning Commissioner the relief in question sufficiently complies with the requirements of the Baltimore County Zoning Regulations as they relate to the Conditions for Special Hearing. The evidence presented indicated the continuation of the non-conforming tavern/living quarters use would not be inconsistent with the purposes of the property's zoning classification nor in any way be inconsistent with the spirit and intent of the Baltimore County Zoning Regulations. The evidence presented was persuasive that the proposed amendments to the previously-approved plans will not be detrimental to the health, safety or general welfare of the locale. Clearly, there will be no adverse impact on the surrounding locale and, therefore, the Special Hearing and all relief requested therein should be granted.

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

ORDER RECEIVED FOR FILING  
Date  
By

1

ORDER RECEIVED FOR FILING  
Date  
By

2

ORDER RECEIVED FOR FILING  
Date  
By

3

ORDER RECEIVED FOR FILING  
Date  
By

4

IT IS THEREFORE ORDERED, by the Deputy Zoning Commissioner for Baltimore County this 16<sup>th</sup> day of July, 1996, that, pursuant to the Petition for Special Hearing, the approval of the site plan filed as Petitioner's Exhibit 1 be and is hereby approved, amending the site plans previously approved in Case No. 79-87-XA and 86-96-SPH; and

IT IS FURTHER ORDERED, that the proposed Contractor's Equipment Storage Yards/Structures and all accessory structures on Parcels A and B shown on Petitioner's Exhibit 1 be and are hereby approved; and,

IT IS FURTHER ORDERED, that the tavern/living quarters non-conforming use previously approved in Case No. 86-96-SPH is confirmed and,

IT IS FURTHER ORDERED, that the lot line adjustment for Parcels A and B as shown on Petitioner's Exhibit 1, be and is hereby approved, subject, however to the following restrictions which are conditions precedent to the relief granted herein:

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

2. The Petitioner shall provide a landscape plan for landscaping along Earls Road only, which landscape plan must be approved by the Baltimore County Office of Planning.

Timothy M. Kotroco  
Deputy Zoning Commissioner  
Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 16, 1996

J. Neil Lanzi, Esquire  
300 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
2 1/2 Earls Road, 889.99' N of the c/1 of Eastern Avenue  
(111 & 121 Earls Road)  
15th Election District - 5th Councilmanic District  
John Barnes - Petitioner  
Case No. 96-459-SPH

Dear Mr. Lanzi:

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

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

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

TMK:bjs

cc: Mr. John Barnes  
12363 Philadelphia Road, Bradshaw, Md. 21021

People's Counsel

File

Printed with Soybean Ink  
on Recycled Paper

5

Petition for Special Hearing  
to the Zoning Commissioner of Baltimore County

for the property located at 111 & 121 Earls Road  
which is presently zoned MH-1M

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

See attached.

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

Legal Owner(s)  
Name: John Barnes  
Address: 12303 Philadelphia Road  
City: Baltimore, MD  
State: MD  
Zip: 21021

Attorney for Petitioner  
Name: J. Neil Lanzi  
Address: 300 Allegheny Avenue  
City: Towson, MD  
State: MD  
Zip: 21204

ESTIMATED LENGTH OF HEARING  
the following date: 7/14-7/15  
REVIEWED BY: [Signature] DATE: 5-17-96

ORDER RECEIVED FOR FILING  
Date  
By

PETITION FOR SPECIAL HEARING  
96-459-SPH

Petitioner, John Barnes, for the properties known as 111 and 121 Earls Road, hereby petitions the Zoning Commissioner as follows:

- To amend the Site Plans previously approved in Case Nos. 79-87XA and 86-96-SPH;
- To approve the proposed contractor's equipment storage yards/structures and accessory structures on Parcels A and B;
- To confirm the tavern/living quarters non-conforming use previously approved in Case No. 86-96-SPH; and
- To confirm the lot line adjustment for Parcels A and B.

Petitioner states that the granting of the relief requested in its Petition for Special Hearing will provide substantial justice to the Petitioner and will allow for the observance of the spirit and intent of the Baltimore County Zoning Regulations while maintaining the security of the public safety and welfare.

(barnespet.hoa)

ORDER RECEIVED FOR FILING  
Date  
By

(barnes.cord)

DESCRIPTION TO ACCOMPANY  
PETITION FOR ZONING HEARING  
PARCEL "A" - 111 EARLS ROAD  
15th ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

#458  
96-459-SPH

Beginning for the same in the center of Earls Road at a point located 829.99 feet, more or less, as measured northerly along the center of said road from the intersection with the center of Eastern Avenue, thence running in the center of Earls Road, 1.) North 09°47'00" East 410.01 feet, thence leaving Earls Road, 2.) South 86°35'50" East 446.25 feet, thence 3.) South 14°01'00" East 190.35 feet to the northwest right of way line of the Pennsylvania Railroad, thence binding thereon, 4.) by a line, not tangent with the previous line, curving to the left having a radius of 19,008.20 feet, an arc length of 593.50 feet and a chord of South 71°01'56" West 593.45 feet to the point of beginning. Containing 3.3899 acres of land, more or less.

*Arnold Jablon*  
5-15-96  
458

DESCRIPTION TO ACCOMPANY  
PETITION FOR ZONING HEARING  
PARCEL "B" - 127 EARLS ROAD  
15th ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

96-459-SPH

Beginning for the same in the center of Earls Road at a point located 1300 feet, more or less, as measured northerly along the center of said road from the intersection with the center of Eastern Avenue, thence running in the center of Earls Road, 1.) North 09°47'00" East 245.00 feet, thence leaving Earls Road, 2.) South 80°13'00" East 240.63 feet, thence 3.) South 09°47'00" West 117.07 feet, thence 3.) North 71°47'00" East 154.41 feet, thence 4.) South 14°01'00" East 164.84 feet, thence 5.) North 86°35'50" West 446.25 feet to the point of beginning. Containing 1.8056 acres of land, more or less.

*Arnold Jablon*  
5-15-96  
458

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: \_\_\_\_\_ Date of Posting: 4/11/96  
Posted for: *Arnold Jablon*  
Petitioner: *John Barnes*  
Location of property: *111 & 127 Earls Rd*  
Location of Sign: *Posting 7/11/96 - 200 Pennsylvania Avenue*  
Remarks: \_\_\_\_\_  
Posted by: *Arnold Jablon* Date of return: 4/11/96  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/30, 1996  
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 5/30, 1996.

THE JEFFERSONIAN,  
*U. H. Hennessey*  
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 proposed amendments to the Zoning Ordinance on the following date and at the following location:  
Case 96-459-SPH  
Item 458  
111 and 127 Earls Road  
15th Election District  
15th Election District - 5th Councilmatic  
Legal Owner: John Barnes  
Special Hearing to amend the site plans previously approved in case nos. 78-87-VA and 86-94-SPH; to approve the proposed contractor's equipment storage yards/structures and accessory structures on Parcels A and B; to confirm the tavern/living quarters non-conforming use previously approved in case no. 86-96-SPH; and to confirm the lot line adjustment for Parcels A and B.  
HEARING: THURSDAY, JUNE 27, 1996 at 2:00 p.m. in Room 118, Old Courthouse.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTICE: (1) Hearing not handicapped accessible. For special accommodations, please call 807-3303.  
(2) No advertising allowed in the hearing room.  
5/15/96

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE, REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE: 5-15-96 ACCOUNT: *Arnold Jablon*  
AMOUNT: \$ 788.00  
RECEIVED FROM: *Arnold Jablon, Esq.*  
FOR: *Posting 7/11/96 - 200 Pennsylvania Avenue*  
TOTAL \$ 285.00  
96-459-SPH



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 458 Petitioner: *John Barnes*  
Location: *111/127 Earls Road*  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: *J. Neil Lanzi*  
ADDRESS: *300 Allegheny Ave*  
*Towson MD 21204*  
PHONE NUMBER: *337-9039*



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

May 24, 1996

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: 96-459-SPH (Item 458)  
111 and 127 Earls Road  
c/o Earls Road, 889.99' S of c/o Eastern Avenue  
15th Election District - 5th Councilmatic  
Legal Owner(s): John Barnes

Special Hearing to amend the site plans previously approved in case nos. 78-87-VA and 86-94-SPH; to approve the proposed contractor's equipment storage yards/structures and accessory structures on Parcels A and B; to confirm the tavern/living quarters non-conforming use previously approved in case no. 86-96-SPH; and to confirm the lot line adjustment for Parcels A and B.

HEARING: THURSDAY, JUNE 27, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

*Arnold Jablon*

Arnold Jablon  
Director

cc: John Barnes  
J. Neil Lanzi, 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 807-3303.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 807-3303.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 20, 1996

J. Neil Lanzi, Esquire  
300 Allegheny Avenue  
Towson, MD 21204

RE: Item No.: 458  
Case No.: 96-459-SPH  
Petitioner: John Barnes

Dear Mr. Lanzi:

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 (PEM), Zoning Review, on May 17, 1996.

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 Roslyn Subanks in the zoning office (807-3391).

Sincerely,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

MCR/vc  
Attachment(s)

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Date: June 3, 1996  
Department of Permits & Development Management  
FROM: Robert W. Bowling, Chief  
Development Plans Review Division  
SUBJECT: Zoning Advisory Committee Meeting  
For June 3, 1996  
Item No. 458

The Development Plans Review Division has reviewed the subject zoning item. Release of permits subject to approval of Landscape Plan.

RWB/HJO:jre

cc: File

ZONE11D

700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410)857-4330



DATE: 05/30/96

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

RE: Property Owner: JOHN BARNES

Location: CENTERLINE EARLS RD. 889.99' N OF CENTERLINE EASTERN AVE.  
(111.121 EARLS RD.)

Item No.: 458 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 867-4881, MS-1102F

cc: File

Printed with Sustara Ink  
an Holografed Paper



David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 458 (573)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

*Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

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

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P. O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: June 11, 1996

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item No. 458, 460, 462, 463, 464, 465, 466, 468 and 470

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 887-3495.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol L. Kero*

PK/JL

ITEMS/PZONE/TXT/JNL

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

TO: PDM

DATE: 5-31-96

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: 4-28-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

- Item #'s: 439
- 450
- 453
- 455
- 456
- 457
- 458
- 459

RBS:sp

BRUCE2/DEPRM/TXTS/P

RE: PETITION FOR SPECIAL HEARING  
111 and 121 Earls Road, c/l Earls Road,  
889.99' N of c/l Eastern Avenue, 15th  
Election District - 5th Councilmanic  
John Barnes  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 96-459-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*  
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) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 300 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

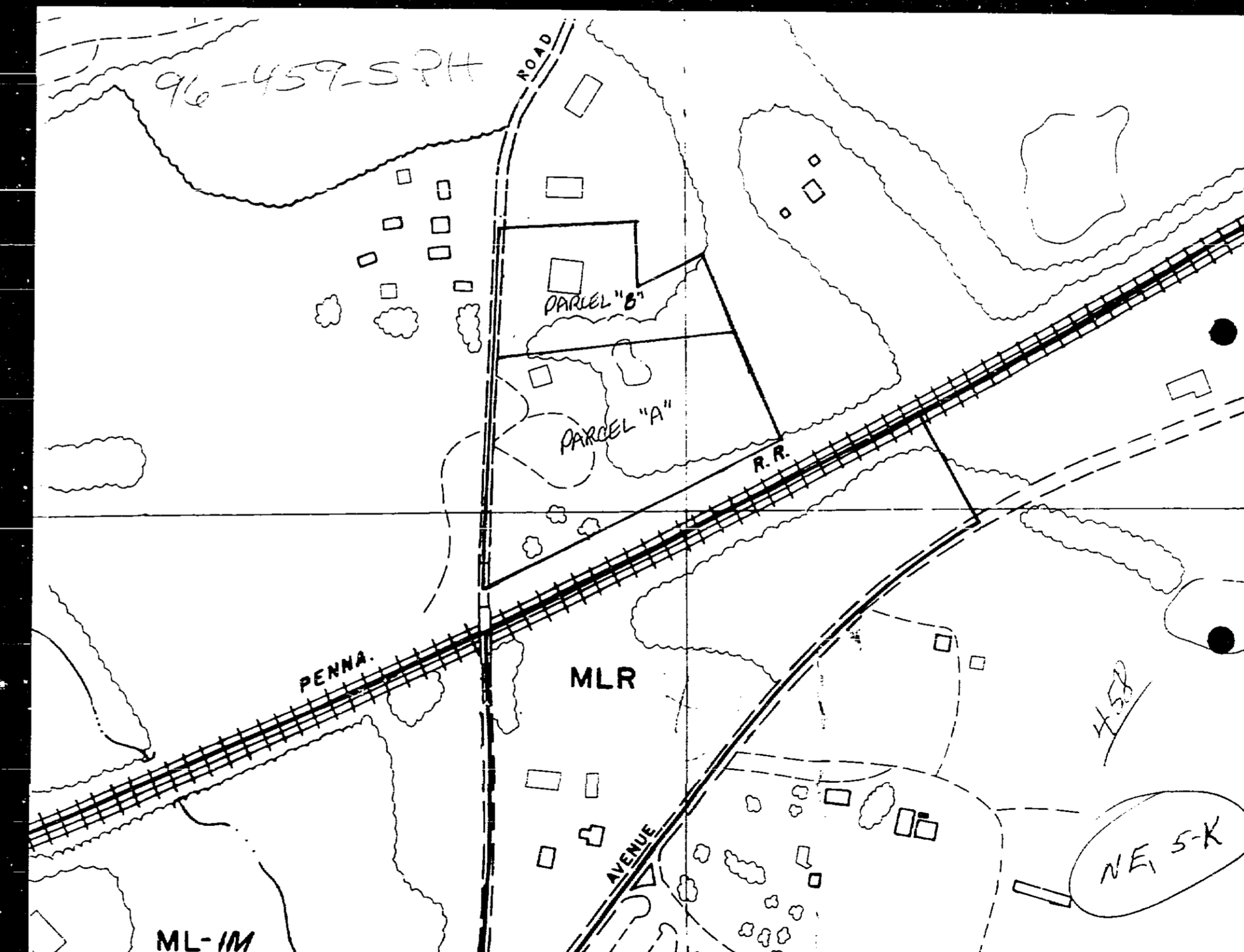
PETITIONER(S) SIGN-IN SHEET

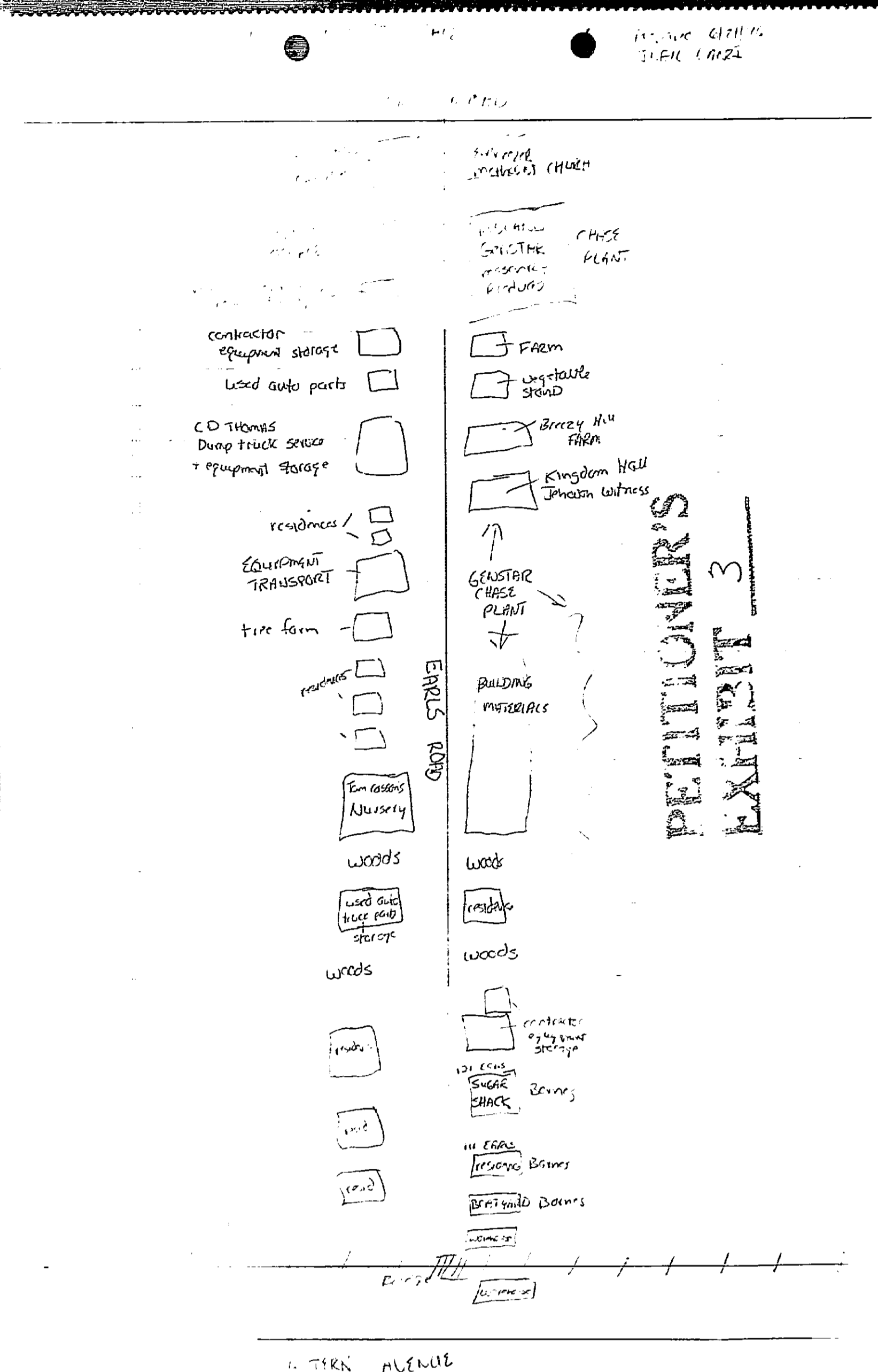
NAME ADDRESS  
LEONARD T. BECHTOLD, L.S. 2741 Ebbw Vale Rd Manchester 21022  
JOHN W. BACUS 12303 Pennwood Park Rd 21024

J. NEIL LANZI  
ATTORNEY AT LAW

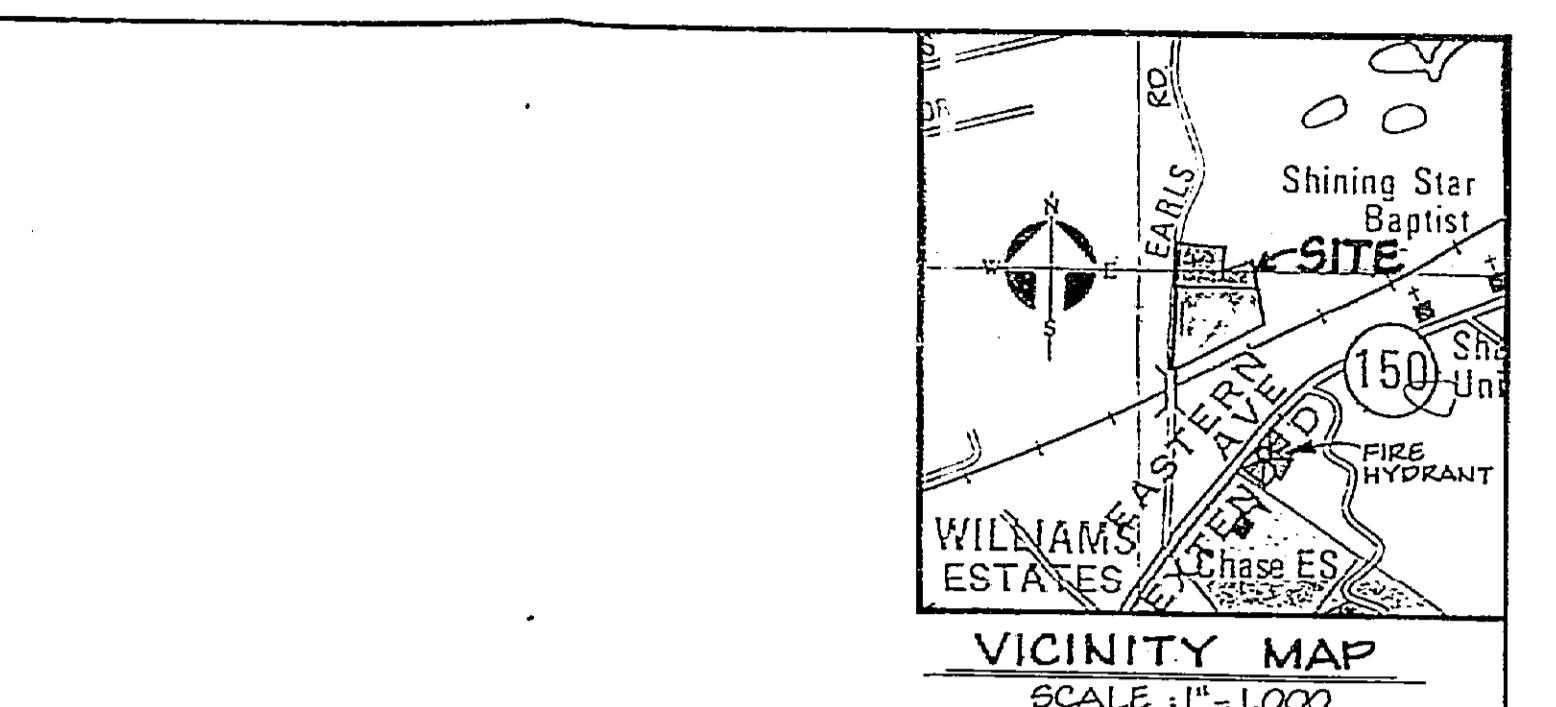
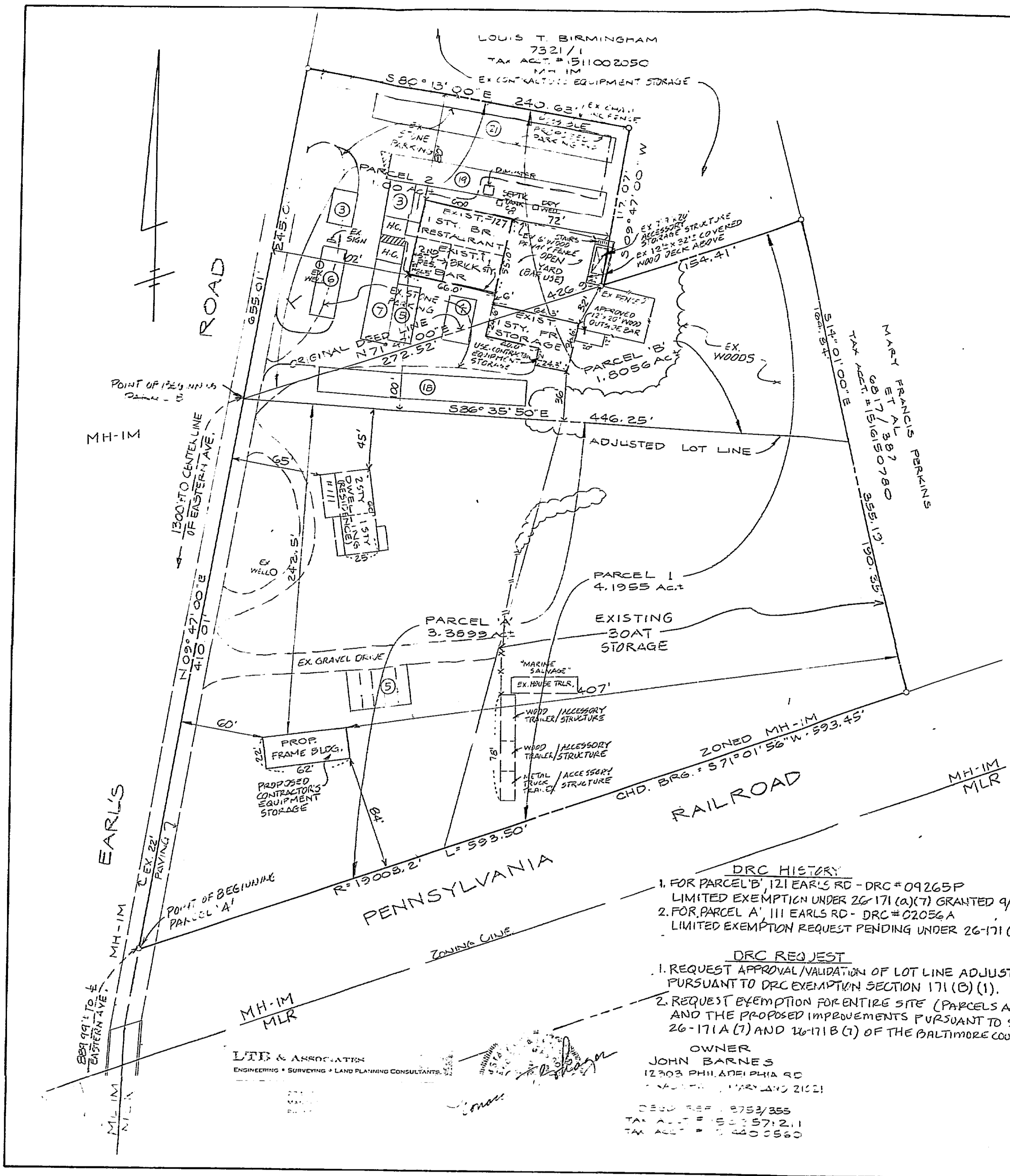
300 Allegheny Avenue  
Towson, MD 21204  
Tel: (410) 337-9029  
Fax: (410) 337-8922

1460 Elliott Center Drive  
Suite 101  
Elliott City, MD 21043





*Petitioner's Exhibits 2A - LI*  
*96-459-5PH*  
*photographs*



- GENERAL NOTES**
- TOTAL AREA OF TRACT: 5.1955 AC. OR 226,316 S.F.
  - DEED REFERENCE: 0753/555
  - TAX ACCT. NO.: 1522571211 & 1514400560
  - EXISTING USES: BAR/RESTAURANT RESIDENCE, BOAT STORAGE
  - THERE ARE NO UTILITIES IN EARLS ROAD
  - FLOOR AREA RATIO: 0.07
  - FIRE HYDRANT LOCATION IS SHOWN ON THE VICINITY MAP
  - PARKING REQUIRED: 16 SP \* 1000 SQ. FT. 5455 SQ. FT. (FL. AREA) = 68 SP
  - PARKING PROVIDED: 68 SP WITH 2 H.C.
  - EXISTING AND SURROUNDING ZONING: MH-1M
  - PARKING SPACES = 6.5' x 15'
  - PROPOSED USES:
    - PARCEL 'A': RESIDENCE, BOAT STORAGE, CONTRACTOR'S STORAGE YARD
    - PARCEL 'B': BAR/RESTAURANT, CONTRACTOR'S STORAGE YARD
  - LOT LINE ADJUSTMENT, PARCELS A & B SUBDIVIDED BY DEED L. F.

- BUILDING PERMITS**
- B-086371 - BAR/RESTAURANT ALTERATIONS/REMODELING - APPROVED
  - B-251300 - TO BUILD 22' x 22' ST. BLDG ON PARCEL 'A' - APPLIED
  - B-193416 - TO BUILD STOR. BLDG ON PARCEL 'B' (1ST FRY) - APPLIED

- ZONING HISTORY**
- CASE # 71-87XA - SPECIAL EXCEPTION FOR TURKEY SHOOT & VARIANCE FOR OFF STREET PARKING GRANTED 1/14/81
  - CASE # 86-96SPH - SPECIAL HEARING TO CONFIRM NON-CONFORMING USE AS A TAVERN WITH LIVING QUARTERS GRANTED 9/9/85.

- ZONING REQUESTS**
- PETITION FOR SPECIAL HEARING TO:
    - AMEND SITE PLAN PREVIOUSLY APPROVED IN CASE N#5 74-87XA & 86-96-SPH,
    - TO APPROVE CONTRACTOR'S EQUIPMENT STORAGE YARD/BUILD -66' & ACCESSORY STRUCTURES ON PARCELS A & B,
    - TO CONFIRM NON CONFORMING USE PREVIOUSLY APPROVED IN CASE N: 86-96-SPH,
    - TO CONFIRM LOT LINE ADJUSTMENT,

**DRC HISTORY**

- FOR PARCEL 'B', 121 EARLS RD - DRC #09265P LIMITED EXEMPTION UNDER 26-171 (a)(7) GRANTED 9/29/95
- FOR PARCEL 'A', 111 EARLS RD - DRC #02056A LIMITED EXEMPTION REQUEST PENDING UNDER 26-171 (a)(7)

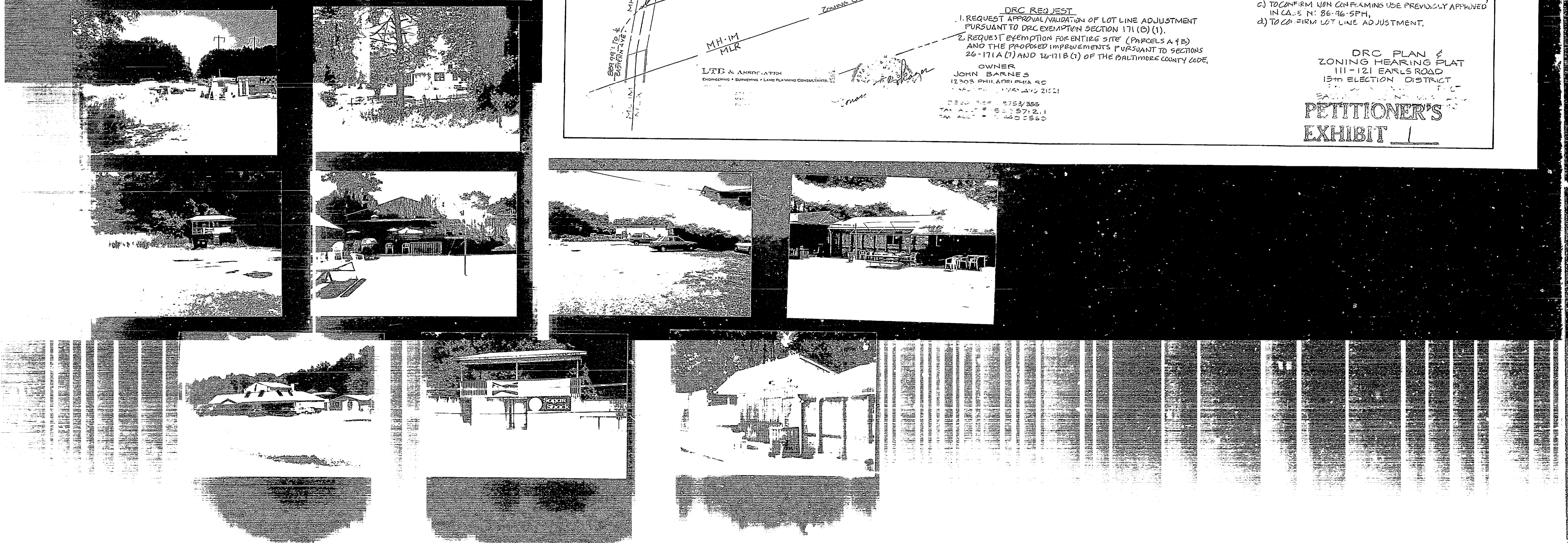
**DRC REQUEST**

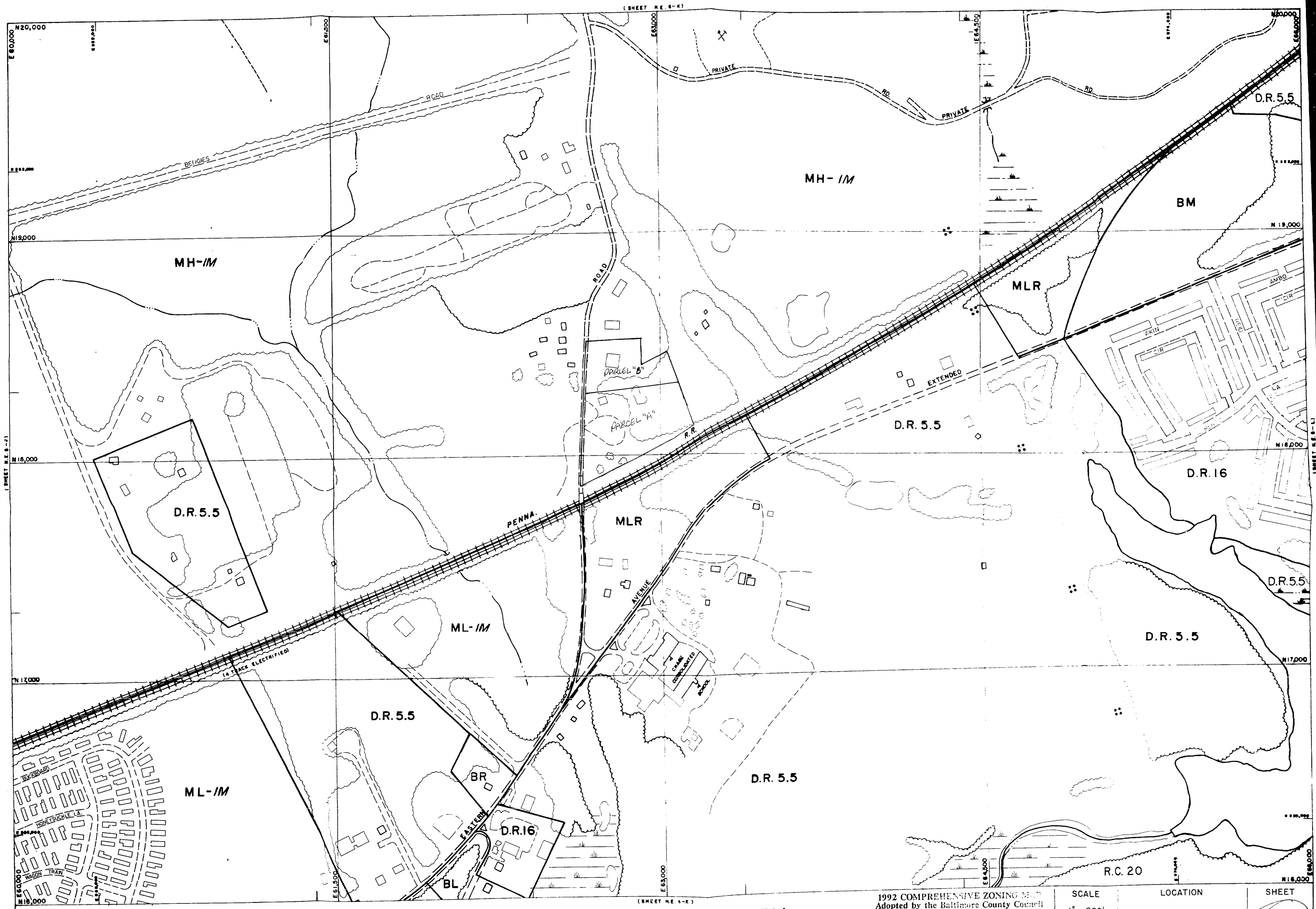
- REQUEST APPROVAL/VALIDATION OF LOT LINE ADJUSTMENT PURSUANT TO DRC EXEMPTION SECTION 171 (D) (1).
- REQUEST EXEMPTION FOR ENTIRE SITE (PARCELS A & B) AND THE PROPOSED IMPROVEMENTS PURSUANT TO SECTIONS 26-171(A)(1) AND 26-171(B)(1) OF THE BALTIMORE COUNTY CODE.

**OWNER**  
 JOHN BARNES  
 12303 PHILADELPHIA RD  
 BALTIMORE, MD 21221

DEED REF: 0753/555  
 TAX ACCT: 1522571211  
 TAX ACCT: 1514400560

**DRC PLAN & ZONING HEARING PLAN**  
 111-121 EARLS ROAD  
 13TH ELECTION DISTRICT  
**PETITIONER'S EXHIBIT 1**





I-NE Z-NW  
M-SE MM-SW

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

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

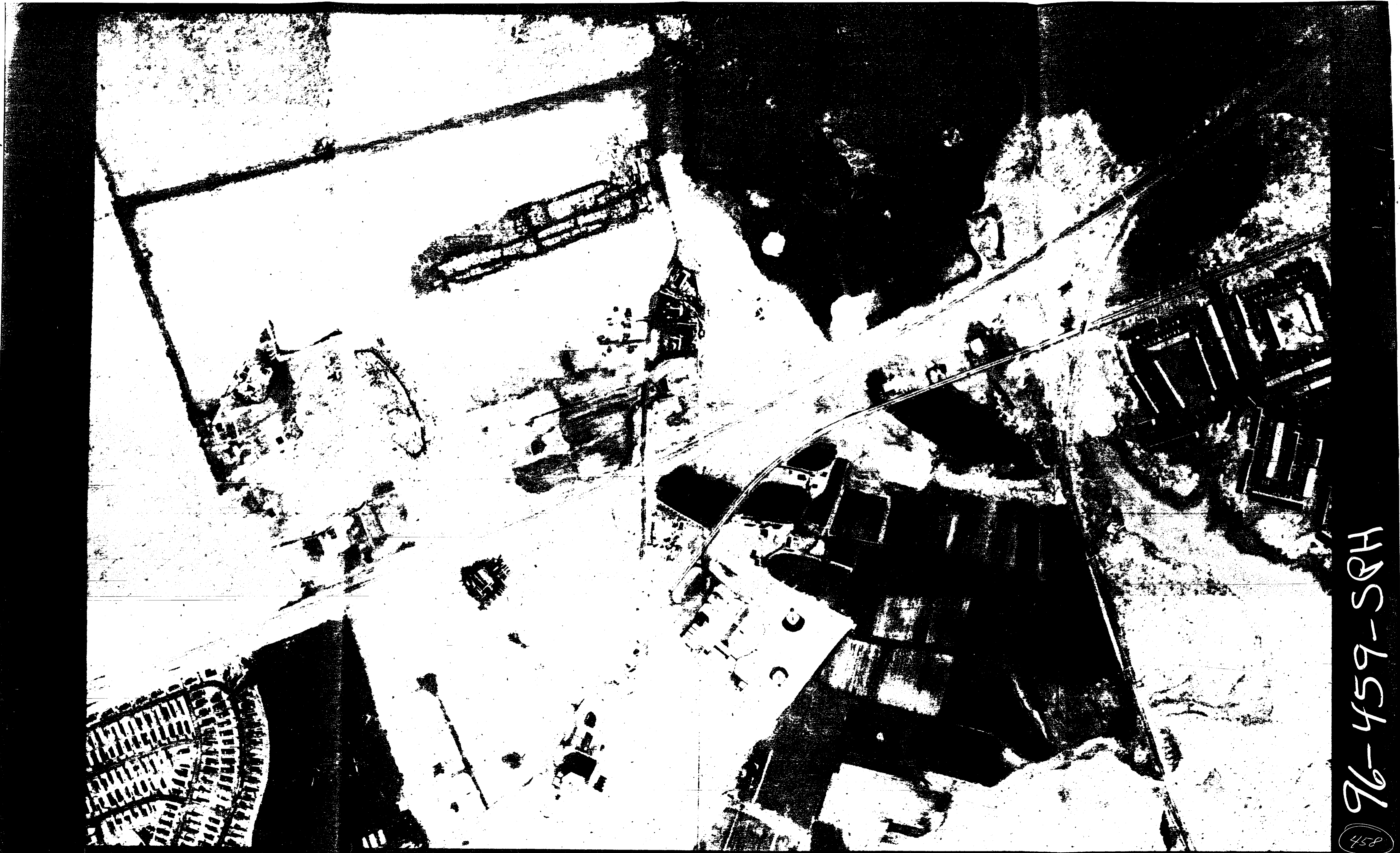
1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

*William L. Howard*  
Chairman, County Council

SCALE 1" = 200'	LOCATION BENGIES	SHEET N.E. 5-K
DATE OF PHOTOGRAPHY JANUARY 1986		

96-459-SPH

458



HSS-654-96  
458

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

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

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
BENGIES

SHEET  
N.E.  
5-K