IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE

W/S Annapolis Road, 132 ft. S

of c/l Park Avenue * ZONING COMMISSIONER

4006-4008 Annapolis Road

13th Election District * OF BALTIMORE COUNTY

1st Councilmanic District

Benjamin P. Underwood * Case No. 97-561-SPH

Petitioner

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 4006-4008 Annapolis Road, (Md. Route 648) in the Baltimore Highland community of southwestern Baltimore County. The Petition was filed by Benjamin P. Underwood, property owner. Special hearing relief is requested to approve a nonconforming use of the subject property as a contractor's equipment storage yard. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the public hearing held for this case was Benjamin P. Underwood, property owner/Petitioner. Also present in support of the request was Charles E. Gladding, a former owner of the property. Also appearing on behalf of the Petitioner was Stephen K. Broyles, a professional engineer who prepared the site plan. The Petitioner was represented by Norman R. Stone, Jr., Esquire. Edmund J. Hohlbein and Margaret A. Hohlbein, neighbors, appeared as interested persons.

Testimony and evidence presented was that the subject site is approximately 1.09 net acres in area, split zoned B.L., R.O. and D.R.5.5. The predominant zoning of the property is B.L., which encompasses a roughly rectangular part of the site which fronts Annapolis Road. The rear portion of the site which tapers in a triangular fashion is partly zoned B.L. (.25 acres) which a small sliver (.01 acres) of D.R.5.5. The property is improved with a concrete masonry and frame garage building, a large park-

ONDETENE CHENTALON FOR BOAR

ing area, and several small structures which are used for offices and/or storage sheds.

The Petitioner seeks special hearing relief to approve the site as a nonconforming use for a contractor's equipment storage yard. A contractor's equipment storage yard is defined in Section 101 of the BCZR as, "The use of any space, whether inside or outside of a building, for the storage or keeping of contractor's equipment and machinery, including building materials, construction equipment storage, landscaping equipment and associated materials." A contractor's equipment storage yard is not permitted either by right or special exception in the three zones which encompass this property. The BCZR does, however, permit an otherwise improper use to remain if same is designated as a nonconforming use. term is also 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." In essence, a nonconforming use designation is utilized to grandfather an otherwise illegal use. Nonconforming uses are regulated by Section 104 of the BCZR. that section provides that if the use predates the adoption of the zoning regulation which prohibits same, in a particular zone, the use may continue for so long as same is not inappropriately enlarged, discontinued or abandoned.

Testimony in support of the Petition was produced from Charles E. Gladding, former owner of the property. Mr. Gladding testified that his father purchased the site in 1944 and he worked for the business which started at the site at that time for many years. That business was described as a contract hauling business. Specifically, contracting equipment was stored on the property. During the early morning hours, the equipment would leave to travel to jobsites during the course of the

working day. At the end of the day, equipment would be returned to the site and stored overnight. Mr. Gladding described the family business which operated on this site for many years. He indicated that the type of vehicles stored on the property including dump trucks, backhoes and front end loaders. Mr. Gladding testified that the property has been used continuously as a contractor's equipment storage yard since 1944.

Apparently, in the early 1980s, Mr. Gladding's business wound down its operations and ultimately the property was sold to Mr. Underwood. However, Mr. Gladding continues to maintain an office on the subject property at this time.

Mr. Underwood testified that he began a similar business on the property in the early 1980s. Apparently, the Gladding family business and Mr. Underwood's business co-existed on the property for the last 15 years. Mr. Underwood's business is similar to the Gladding family business. Mr. Underwood also stores dump trucks, backhoes, front end loaders and similar contracting equipment on the property. Occasionally, building materials are also maintained on the site. Mr. Underwood's business is to contract and haul material from building site to building site. A series of photographs were submitted of the property depicting the current use which were received into evidence collectively as Petitioner's Exhibit No. 5. Additionally, aerial photographs from the 1960s, 1970s and 1980s were submitted which show similar activity on the site. Finally, the Petitioner submitted a series of affidavits which corroborated the testimony offered by Mr. Gladding and Mr. Underwood.

Based upon the testimony and evidence offered, it is clear that the Petition for Special Hearing should be granted. As is well settled, the first zoning regulations were adopted in Baltimore County in 1945. It is clear, based on the uncontradicted testimony and evidence offered that the

CHILLIAN BERGERING

property has been used as a contractor's equipment storage yard since prior to that date. Moreover, I find that the use has not been discontinued, abandoned or significantly altered. Thus, the Petition for Special Hearing shall be approved.

Testimony was also received from Mr. and Mrs. Hohlbein who reside immediately next door to the subject site. Apparently, the Hohlbein property has been in that family for many years. Although acknowledging existence of the nonconforming use, Mr. and Mrs. Hohlbein expressed con-They did acknowledge, however, cerns about the upkeep of the property. that the property has been cleaned up recently and expressed the hope that the property would continue to be well maintained. In this regard, the Petitioner indicated that efforts would be made to keep the property in order. It is to be emphasized that although the Petition for Special Hearing shall be approved, such approval does not allow use of the property as a dump or landfill. The Petitioner shall obey all applicable zoning and health codes in order to maintain the property in its present appearance. Additionally, the Petitioner, with the agreement of Mr. Holhbein, agreed to remove a tree in the rear of the property which apparently disrupts and directs the flow of storm water runoff into the Hohlbein site. Additionally, the Petitioner agreed to improve a portion of the berm in the rear portion of the property to further assist in controlling storm water runoff. Mr. and Mrs. Hohlbein indicated that these improvements would be appreciated and would help address their concerns.

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 for Baltimore County this Aday of August 1997 that approval of a nonconforming use

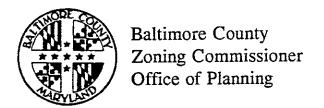
of the subject property as a contractor's equipment storage yard, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1. The Petitioner is hereby made aware that proceeding at this time is at his 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 remove a tree located on the side/rear property line adjacent to the Hohlbein property to improve drainage conditions. The Petitioner shall also improve the existing berm with clay or similar materials to prevent inappropriate storm water runoff onto the Hohlbein property.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn

-5-



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

August 8, 1997

Norman R. Stone, Jr., Esquire 6905 Dunmanway Dundalk, Maryland 21222

RE: Petition for Special Hearing

Case No. 97-561-SPH

Property: 4006-4008 Annapolis Road

Dear Mr. Stone:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has 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 887-3391.

de Nicola

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:mmn encl.

c: Mr. Benjamin P. Underwood 4006 Annapolis Road, Baltimore, Md. 21227

c: Mr. and Mrs. Edmund J. Hohlbein 4016 Oak Road

Baltimore, Maryland 21227

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
4006-4008 Annapolis Rd, W/S Annapolis Rd,		
132' S of c/l Park Avenue	*	ZONING COMMISSIONER
13th Election District, 1st Councilmanic		
	*	OF BALTIMORE COUNTY
Benjamin P. Underwood		
Petitioner	*	CASE NO. 97-561-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned 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 1740 day of July, 1997, a copy of the foregoing Entry of Appearance was mailed to Norman R. Stone, Jr., Esq., 6905 Dunmanway, Baltimore, MD 21222, attorney for Petitioners.

Fatar Mar Zimmerman



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

4006 - 4008 Annapolis Road Md. Route 648

which is presently zoned

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the

BL & RO &DR5.5

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 a contractor's equipment storage yard.

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 filling 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.

				regar owner(a) or the property which is	the applect or Billa Lept	ion.
Contract Purchaser/Lessee:				Legal Owner(s):		
				Benjamin P. Und	lerwood	
(Type or Print Name)		 		(Type or Print Name)		
			_	- Benjamin P.	? [[].	
Signature			-	Signature	<u> </u>	
Address				(Type or Print Name)		
City	State		Zipcode	Signature		<u> </u>
				4006 Annapolis	Road 410-	-636-2030
Attorney for Petitioner				Address		Phone No.
Norman R. Ston	e Jr.			Baltimore,	Md.	21227
(Type On Print Name)				City Name, Address and phone number of	State representative to be co	Zipcode ontacted.
Signature				Steven K. Broyl	es P.E.	
6905/Dunmanway	•	410-	288-5270	Name 4972 Ilche		
Dundalk,	Md.	Phone No.	21222	Ellicott City, Address	MQ. 21043	Phone No.
				OF	FICE USE ONLY	
City	State		Zipcode	ESTIMATED LENGTH OF HEARING		
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			April 1	the following dates		Next Two Months
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				REVIEWED BY:	DATE	
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BROYLES, HAYES AND ASSOCIATES, INC.

Engineers • Land Planners • Surveyors
4972 ILCHESTER ROAD • ELLICOTT CITY, MD 21043-6838
PHONE (410) 747-5500 • FAX (410) 747-2952

ZONING DESCRIPTION OF 4006 - 4008 ANNAPOLIS ROAD UNDERWOOD PROPERTY

MARCH 14, 1997

97-561-5PH

BEGINNING for the first at a point on the west side of Annapolis Road, Md. Route 648 right-of-way 43.75' wide, at a distance of 132'± south of the centerline of Park Drive right-of-way 40' wide, thence leaving said Annapolis Road right-of-way for the following courses and distances:

north 82 1/4 degrees west 204 feet,

south 07 1/2 degrees west 177.5 feet,

3. south 82 1/4 degrees east 204 feet, thence running and binding on the west side of said Annapolis Road right-of-way

4. north 07 1/2 degrees east 177.5, to the point of beginning. Containing 0.83 acres more of less as recorded in the Land records of Baltimore County in Deed Liber 11354, folio 729.

BEGINNING for the second at a point on the west side of a Glenrose Avenue right-of-way 50' wide and a unimproved paper road 170' south, of the center line of Park Drive right-of-way 40 feet wide.

BEING Lot numbers 1, 2 and 3 in the "ALDERWOOD PARK", recorded in Baltimore County Plat Book Number 8, folio 62, containing 0.26 acres more or less, of land.

TOTAL ACREAGE = 1.09 acres more or less of land. This description does not constitute a boundary or field survey and is only for the purposes of a zoning hearing.



NOTICE OF HEARING

The Zoning Constructions of Balances County by authority of the Zoning Het and Regulations of Balances County and hold a public Hearing in Terry on Mandard on the son. Maryland on the property identified herein as follows:

Case: #97-561-SPH Case #97-561-SPH
4006-4008 Annapolis Road
WS Anjapolis Plead 132 S
of of Park Appropri
13th Flaction District
13th Flaction District
Legal Districts
Legal Districts
Benjama P. Andersood

Special Hearing: to approve a non-conforming use for a contractor's equipment storage yard. Hearing: Monday, July 28, 1997 at 2:00 p.m., Room 407 Courts Bldg., 401 Bosley

Zoning Coronis Societies, Salinanes Coronis Coronis Coronis Coronis (1987) Honores are Handicapper, Accessible, for special accommodators: Please Call (410) 887-3353. rease tall. (410) 887-3353. (2) For information concerning the File and/or Hearing. Please Call (410) 887-3391.

7/**056 July** 3. C155207

CERTIFICATE OF PUBLICATION

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	TOWSON, MD.,		3	_, 19 <u>4 /</u>
THIS IS	S TO CERTIFY, that	the annexed	d advertise	ement was
published in 1	THE JEFFERSONIAN	I, a weekly r	newspaper	published
	dtimore County, Md.			
weeks, the firs	st publication appea	ring on	1/3	_, 1997.
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LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT ACCOUNT ACCOUNT ACCOUNT SAN (MAMOUNT \$ 250.00)	PAID RECEIPT PROCESS ACTUAL TIME V13/1997 6/13/1997 11:30:14 REG WSO4 CASHIER LSWI LXS DRAWER 4 MISCELLANDUS CASH RECEIPT RECEIPT 009179 CR NO. 038197 \$250.00 CHECK: FNB
FOR: SPH 4006-4008 ANNAPOLIS Rd	Baltimore County∙ Maryland
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

C/O STEVE BROYLES

Date of Hearing/Closing: 7/28/97

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 4006 ANNAPOLIS RD The sign(s) were posted on (Month, Day, Year)

Sincerely.

Patrick M. O'Keefe

(Printed Name)

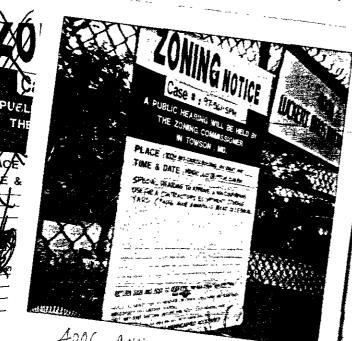
523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

[410] 666-5366 Pager (410) 646-8354 (Telephone Number)



Request for Zoning: Variable Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than

*
Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-561-5PH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

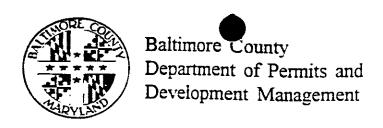
PLACE: *	
DATE AND TIME: *	
REQUEST: Special Hearing to ESTABLISH A Non	
REQUEST: Special Hearing to ESTABLISH A Non Conforming Contrador's equipment storage year	_
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESS TO CONFIRM HEARING CALL 887-3391.	AF

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.



Development Processing :
County Office Building
111 West Chesapeake Avenu
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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 561
Petitioner: Benjamin P. UNDERWOOD
Location: 4006-4008 ANNAPOLLS RA.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Benjamin P. UNDER WOOD
ADDRESS: 4006 ANNAPOLLS RD.
BALTO. MP., 21227
PHONE NUMBER: 410 - 636 - 2030
AJ:ggs

Printed with Sovbean thk

(Revised 09/24/96)

TO: PUTUXENT PUBLISHING COMPANY
July 3, 1997 Issue - Jeffersonian

Please foward billing to:

Benjamin P. Underwood 4006 Annapolis Road Baltimore, MD 21227 410-636-2030

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 in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-561-SPH
4006-4008 Annapolis Road
W/S Annapolis Road, 132' S of c/l Park Avenue
13th Election District - 1st Councilmanic
Legal Owner(s): Benjamin P. Underwood

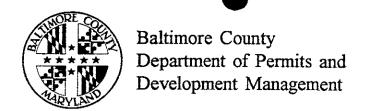
Special Hearing to approve a non-conforming use for a contractor's equipment storage yard.

HEARING: MONDAY, JULY 28, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

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.



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

June 24, 1997

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 in <u>Towson, Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-561-SPH
4006-4008 Annapolis Road
W/S Annapolis Road, 132' S of c/l Park Avenue
13th Election District - 1st Councilmanic
Legal Owner(s): Benjamin P. Underwood

Special Hearing to approve a non-conforming use for a contractor's equipment storage yard.

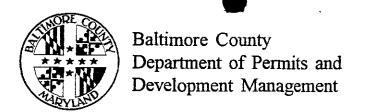
HEARING: MONDAY, JULY 28, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

Arnold Jablon Director

cc: Benjamin P. Underwood Norman R. Stone, Jr., Esq. Steven K. Broyles, P.E.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 13, 1997.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



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

July 24, 1997

Norman R. Stone, Jr., Esquire 6905 Dunmanway Dundalk, MD 21222

RE: Item No.: 561

Case No.: 97-561-SPH

Petitioner: Benjamin P. Underwood

Dear Mr. Stone:

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 June 13, 1997.

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 (410-887-3391).

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

WCR/re .
Attachment(s)



97-3653 Mor

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: July 21, 1997

FROM: Arnold F. "Pat" Keller, III, Director Office of Planning

SUBJECT: 4006-4008 Annapolis Road

INFORMATION

Item Number:

561

Petitioner:

Underwood Property

Zoning:

BL, RO and DR-5.5

Requested Action:

Special Hearing

Summary of Recommendations:

The petitioner has requested a special hearing to determine that the property located at 4006-4008 Annapolis Road enjoys a non-conforming use as a contractor's storage equipment storage yard.

Planning staff has met with the petitioner's representatives. After a review of documentation of the zoning history of the property, this office concludes that it appears that a non-conforming use does exist on the subject site.

Should the applicant's request be granted, the Office of Planning recommends that a board-on-board fence be installed along the perimeter of the property in order to provide adequate screening for the adjacent residential properties, as well as ensuring a more secure site for the applicant. Based upon our discussions with the petitioner's representatives, the installation of the fence is possible provided that the expected completion of the improvement is done within one year. A note on the plan accompanying this request should indicate the proposed installation of the fence, and such plan should meet the approval of the County's Landscape Architect.

Prepared by:

Division Chief:

My W- Loy Day L. Lenn

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 1, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

SYMPD: ROBERT W. BOWLING

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for June 30, 1997 Item No. 561

The Development Plans Review Division has reviewed the subject zoning item. An existing 8" diameter public sanitary sewer runs through the site. Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement or County right-of-way.

This office recommends that a landscape plan be required that buffers the site from adjacent properties.

RWB:HJO:jrb

cc: File



David L. Winstead Secretary Parker F. Williams Administrator

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

RE: Baltimore County 6.2.97 Item No. 541 Com

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 648 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

f. J. J. J. Loll-

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

FROM:

R. Bruce Seeley.

Permits and Development Review

DEPRM

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

Item #'s:

550

551

558

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: July 21, 1997

Jun 1/28

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: 4006-4008 Annapolis Road

INFORMATION

Item Number:

561

Petitioner:

Underwood Property

Zoning:

BL, RO and DR-5.5

Requested Action:

Special Hearing

Summary of Recommendations:

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Prepared by:

Division Chief:

Jeffry W. Loy Ody L. Cens

AFK/JL

Baltimore County Department of Permits & Development Management til West Chesapeake Avenue Towson Maryland 21204 (410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE:

July 2, 1997

TO:

Larry E. Schmidt

Zoning Commissioner

FROM:

James H. Thompson - DJP

Code Enforcement Supervisor

SUBJECT: ITEM NO .:

561

PETITIONER:

Benjamin P. Underwood

VIOLATION CASE NO.:

C-96/5851

LOCATION OF VIOLATION:

4006-4008 Annapolis Road

13th Election District

DEFENDANTS:

Benjamin P. Underwood

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

Norman R. Stone, Esq.

6905 Dunmanway Baltimore, MD 21222

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/DJP/hek

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Telephone:	· 78 9	-4120		
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DEPRM

887-3226

State of Maryland Department of the Environment Hazardous and Solid Waste Management Administration 2500 Broening Highway, Baltimore, Maryland 21224

	Sequence #	
Report of Observations		
Type of Inspection/Observations: Facility Name: Luckert Trucking Co., Remarks	Date Time in: Time out:	9/19/95 11:50

NOTE: No large piles of dirt were observed, only a few piles that were less than 7 feet high.

NOTE: The dirt is only stock piled and is moved out on a regular basis.

(NOTE of B. P. Underwood: My copy of this report was a carbon copy on yellow paper which produces a poor photocopy per attached. This typed copy was prepared from my original copy for clarity. The copy which was handwritten is in my file for whom so ever might wish to see it.)

Observer: Russell Bassett MDE/WAS Person Interviewed: B. P. Underwood

MDE 111

REV. 1/11/88

State of Maryland Department of the Environment Hazardous and Solid Waste Management Administration 2500 Broening Highway, Baltimore, Maryland 21224

Sequence	#	
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Report of Observations

Type of Inspection/Observations: Erosion & Sediment Date 9/19/95 Facility Name: Luckert Trucking Co., Time in: 11:50 Facility Location: 4006 Annapolis Rd, Balt Md. Time out:

Weather: Sunny 75

I went to the facility listed above in response to a complaint that was called in to this Department by a nearby resident. The resident (Home owner) explained that Luckert Trucking had dug a large hole and then filled it back up to the point where it was level with the garage. The resident also complained of severe run off into her back yard that supposedly came from Luckert's.

Upon arrival, I met with Mr. Ben Underwood (Manager) and I explained the complaint to him. Next, we took a walk to the back part of the property. In the corner of the back lot, there was a small amount of water located in a self made sediment & runoff basin. Note: This structure was present on 6/2/95 when I inspected this facility for a solid waste/tire incident.

It was apparent to one that the basin was adequate enough to handle small amounts of rain. I suggested to Mr. Underwood that due to the steep grade of this back lot, he should try and bu(ild?) it the basin higher using material already present on site. I asked Mr. Underwood if he could use the near by stone and dirt to build up the basin and he agreed.

Mr. Underwood expressed his concern to me that because of the steep grade of the yard there will always be a potential problem of run-off during heavy rains.

I will stop back at this facility in a few weeks to check on their progress.

Observer: Russell Bassett MDE/WAS Person Interviewed: B. P. Underwood

MDE 111 REV. 1/11/88



Observer

MDE 111 REV. 1/11/88

State of Maryland Department of the Environment nazardous and Solid Waste Management Administration 2500 Broening Highway, Baltimore, Maryland 21224

Report of Observations

Person interviewed:

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State of Maryland Department of the Environment Lardous and Solid Waste Management Administration 2500 Broening Highway, Baitimore, Maryland 21224

Report of Observations

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September 14, 1977

Mr. Charles Gladding c/o John W. Gladding 5018 Edmondson Avenue Baltimore, Maryland 21229

RE: 4006-08 Annapolis Road

Case 77-107-TV

Dear Mr. Gladding:

I have this date passed my Order in the above captioned matter.

Copy of said Order is attached.

Very traly yours,

GEORGE JUMARTINAK

Deputy Zoning/Commissioner

GJM:tk

Enclosure

cc: File



Mr. Charles Gladding
c/o John W. Gladding
5018 Edmondon Avenue
Baltimore, Maryland 21229
Defendant

COMMISSIONER

OF

BALTIMORE COUNTY

77-107-TV

ORDER OF DISMISSAL

TRUCKING FACILITY - CLASS II

A complaint has been filed with the Zoning Office concerning an alleged violation of the Baltimore County Zoning Regulations at the above captioned location in Baltimore County.

The following Baltimore County Zoning Regulations are involved:

Section 101 - Definitions

Trucking facility, Class II: A trucking facility other than a Class I trucking facility, including a truck yard (the primary purpose of which is to accommodate the parking or storage of trucks, or truck trailers, OR TRUCK TRACTORS).

Warehouse: A building or part of a building used or intended to be used primarily for the storage of goods or chattels that are to be sold retail or wholesale from other premises or sold wholesale from the same premises; for the storage of goods or chartels to be shipped on mail order; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes. (The term 'warehouse' does not include a retail establishment whose primary purpose is for the sale of goods or chattels stored on the premises; however, nothing in this definition is meant to exclude purely incidential retail sales in warehouses. Further, the term does not include a truck terminal, at which any storage is minor, transitory, and merely incidental to the purpose of facilitating transportation of goods or chattels.)

As there appeared no apparent violation of the Baltimore County Zoning Regulations at the present time, the matter is DISMISSED.

Deputy Zoning Commissioner of

Date: September 14, 1977

This Deed, MADE THIS

day of November

in the year one thousand mine hundred and ninety-five

by and between

CHARLES GLADDING, INCORPORATED

granter, party of the first part, and

BENJAMIN PRESTON UNDERWOOD and DOROTHY M. UNDERWOOD, husband and wife, as tenants by the entirety, grantees of the second part.

WITNESSETH, That in consideration of the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)

the said CHARLES GLADDING, INCORPORATED

grant and convey to the said BENJAMIN PRESTON UNDERWOOD and DOROTHY M. UNDERWOOD, husband and wife, as tenants by the entirety

personal representatives/successors and assigns

, in fee simple, all

of ground situate in the thirteenth District, Baltimore, lot and described as follows, that is to say: County, Maryland

Described on attached Schedule A

RECEIVED FOR TRANSFER State Department of Assessments & Taxation Bultimore County

AGRICULTURAL TRANSFER TAX NOT APPLICABL

SCHEDULE A

Parcel One

BEGINNING for the first thereof on the west side of the Annapolis Road at the northeast corner of a lot of ground, which by deed dated March 2, 1927, and recorded in Liber W.P.C. No. 641, folio 394, was conveyed by John W. Hauck and wife to Jesse Jackson; thence on the west side of said road north seven and one-half degrees east one hundred feet to the northern outline of the whole lot conveyed by Joseph T. Hauck and wife to John W. Hauck; thence on the outline thereof north eighty-two and one-half degrees west two hundred and four feet to a twenty foot road; thence on said road south seven and one-half degrees west one hundred feet to Jackson's lot aforesaid, and thence on the same south eighty-two and one-half degrees east two hundred and four feet to the place of

Parcel Two

BEGINNING for the second thereof on the west side of the Annapolis Road at a point twelve and one-half feet northerly from the end of the first line of a parcel of land, which be deed dated September 3, 1924, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 605 folio 130, was conveyed by John W. Hauck and wife to Jesse Jackson, and running thence on the west side of the said Annapolis Road north seven and one-half degrees east fifteen feet to the end of the first line of a parcel of ground, which by deed dated March 2, 1927, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 641, folio 394, was conveyed by John W. Hauck and wife to Jesse Jackson and wife, and to the southerly line of a lot of ground which by deed dated September 9, 1935, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 959 folio 503, was granted and conveyed by Elizabeth R. Hauck, widow, to James H. Zackman, thence north eighty-two and one-half degrees west and along the southerly line of said Zackman lot two hundred four feet to the east side of a road twenty feet wide; thence on said road south seven and one-half degrees west fifteen feet, and thence south eighty-two and one-half degrees east two hundred four feet to the place of beginning.

BEING the same two parcels that were conveyed from Erastus Charles Gladding and Mildred M. Gladding, his wife, to Charles Gladding, Incorporated, by Deed dated December 3, 1947, and recorded in Liber 1633, folio 369 of the Land Records of Baltimore County. FUR ASSESSMUNT PURPOSES KIND THESE 2 PARISHS TUGETHER AS ONE TAX ACCOUNT

Parcel Three

All those lots of ground fronting on the westernmost side of Glenrose Avenue, known as Lots numbered one (1), two (2) and three (3), Section B, as shown on the Plat of Alderwood Park recorded

Schedule A (Continued) Page 2

among the Plat Records of Baltimore County in Plat Book No. 8, folio 62. Also all of the right, title and interest of said grantor in and to any land owned by him between the lot of ground which by deed dated November 3, 1944, and recorded among the Land Records of Baltimore County in Liber No. 1370, folio 123, was granted and conveyed by James H. Zachman to Erastus Charles Gladding and wife, and the easternmost side of said Glenrose Avenue.

BEING the lots that were conveyed from Charles A. Hauck, unmarried, to Charles Gladding, Incorporated, by Deed dated December 10, 1949, and recorded in Liber 1806, folio 368 of the Land Record of Baltimore County, Maryland.

Parcel Four

BEGINNING for the first therein on the west side of the Annapolis Road at the beginning of said whole parcel of ground and running thence on the west side of said road north 7½ degrees East 50 feet, thence north 82½ degrees West 204 feet to a road 20 feet wide thence on said road south 7½ degrees West 50 feet to the southwest corner of said whole parcel of ground and thence along the outline thereof south 82½ degrees East 204 feet to the beginning.

BEGINNING for the second thereof on the west side of the Annapolis Road at the end of the first line of a parcel of ground which by deed dated September 3, 1924 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 605, folio 103 was conveyed by John W. Hauck and wife to Jesse Jackson and Bertha Lee Jackson, his wife, and running thence on the west side of the said road north 7½ degrees East 27½ feet, thence north 82½ degrees West 204 feet to the east side of a road 20 feet wide, thence on said road south 7½ degrees west 27½ feet to Jackson's lot aforesaid and thence on the same south 82½ feet east 204 feet to the beginning.

SAVING AND EXCEPTING therefrom all that let of ground described in a Deed from Elizabeth R. Hawak, Widow, to James H. Zackman dated March 8, 1939 and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 1062, folio 146.

BEING the property that was conveyed from Elizabeth R. Hauck Faulkner, unmarried, to Charles Gladding, Incorporated, by Deed dated August 4, 1966, and recorded in Liber 4655, folio 406 of the Land Records of Baltimore County.

PUR ASSESS MENT PURPOSES ILLED THUSE TWO PARKULS TUBETHER AS

TOGETHER with the buildings thereupon, and the rights, alleys, w waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot of ground and premises to the said BENJAMIN PRESTON UNDERWOOD and DOROTHY M. UNDERWOOD, husband and wife, as tenants by the entirety

his personal representatives/

and assigns

, in fee simple.

AND the said part of the first part hereby covenant that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

Witness the name and corporate seal of said body corporate and the signature of Charles Gladding, the Secretary and Treasurer of the Corporation and John Gladding, President.

Attest:

CHARLES GLADDING, INCORPORATED

STATE OF Maryland

County of Howard

, to wit:

I HEREBY CERTIFY, That on this 10th

day of November

, 1995 ,

before me, the subscriber, a Notary Public of the State aforesaid, personally appeared

CHARLES GLADDING and John Gladding

who acknowledged him self to be the Secretary/Treasurer and President, Respectively of Charles Gladding, Incorporated

a corporation, and that he as such Secretary/Treasurer and President being authorized so to do, executed the aforegoing instrument for the purposes therein contained, by signing in my presence, the name of the corporation by them RxM self as such Secretary/Treasurer,

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

and President

My Commission expires:

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Calcult Milioney

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CONTROL OF THE PROPERTY OF THE

I Johns F. Savaustia am the owner/resident of the property (name)
at 4007 Annasous Noss, I am aware of Baltimore County (address)
Zoning Case No. 97-561-SPH for a Special Hearing to establish a
non-conforming use for the existing contractors storage yard at 4006-4008
Annapolis Road, owned by Benjamin Underwood.
6 0 ~

I have been aware of the use for 25 years. I have no objection to this non-conforming use being granted.

MALAMA gnature)

(date)

Pet 4A

I RICHARD GARY LE COMPTE am the owner/resident of the property (name)
at 4015 ANNAPOLIS 720 21227, I am aware of Baltimore County (address)
Zoning Case No. 97-561-SPH for a Special Hearing to establish a
non-conforming use for the existing contractors storage yard at 4006-4008
Annapolis Road, owned by Benjamin Underwood.

I have been aware of the use for _____ years. I have no objection to this non-conforming use being granted.

Richard Aary 15 Compto 7-19-97
(signature) (date)

Pet 4B

I am the owner am the property
` /namo\
at 4017 ANNAPOUS R), I am aware of Baltimore County (address)
Zoning Case No. 97-561-SPH for a Special Hearing to establish a
non-conforming use for the existing contractors storage yard at 4006-4008
MON-Contorning use for the existing contractors storage yard at 4000 1000
Annapolis Road, owned by Benjamin Underwood.
I have been aware of the use for years. I have no objection to
this non-conforming use being granted.
X King
(signature) (date)

pd 40

N. M. Sandan Sandari

(name)	the owner/resident of the property
at 4016 Annapolis fed , I (address)	am aware of Baltimore County
Zoning Case No. 97-561-SPH for a Special	Hearing to establish a
non-conforming use for the existing cont	cractors storage yard at 4006-4008
Annapolis Road, owned by Benjamin Underw	ood.
I have been aware of the use for \underline{l}	years. I have no objection to
this non-conforming use being granted.	
Edward fot to	7118/87
(silgháturé)	(date)

Sum

Pet YD

I Melin Musqual am the owner/resident of the property
at <u>40/8 ANNAPOL'S AS.</u> , I am aware of Baltimore County (address)
Zoning Case No. 97-561-SPH for a Special Hearing to establish a
non-conforming use for the existing contractors storage yard at 4006-4008
Annapolis Road, owned by Benjamin Underwood.
I have been aware of the use for years. I have no objection to

this non-conforming use being granted.

at 1843 Louisianua AJ2 21237, I am aware of Baltimore County (address)

Zoning Case No. 97-561-SPH for a Special Hearing to establish a non-conforming use for the existing contractors storage yard at 4006-4008 Annapolis Road, owned by Benjamin Underwood.

I have been aware of the use for 34 years. I have no objection to this non-conforming use being granted.

Type & Back - - AVG- 21-97 (date)

Ret 4F

I Muchael D Mayne So am the owner/resident of the property (name)
at 2804 Pennsylvania Que, I am aware of Baltimore County (address)
Zoning Case No. 97-561-SPH for a Special Hearing to establish a
non-conforming use for the existing contractors storage yard at 4006-4008
Annanolis Road, owned by Benjamin Underwood.

I have been aware of the use for /2 years. I have no objection to this non-conforming use being granted.

Michael David Magne Sz 7-20-97 (date)

48

PETITIONER(S) SIGN-IN SHEET

NAME (ADDRESS
B. P. Underwood	4006 anno Polis RS
CHARLES E. GLAPDING	3402 HOXORY NRIVE
STEUE BROYLES	4972 ILCHESTER RP.
STEUE BROYLES MORMAN R STONE OR	6907 DUWMANWAY 2122

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS 0.1127
EDMUND J. HOHIBEIN	4016 OAK ROAD BALTO, MD.
Margaet a Depeter	
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