

1/4/99 - 10 AM - PM 407

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ASE # 99-208- Item # 208
SPH

CERTIFICATE OF POSTING

- 1) Posted _____ Hearing Date _____
2) Posted _____ Hearing Date _____

ADS

- 1) Paper/Data _____ Enc ☒
Paper/Data _____ Enc _____
2) Paper/Data _____ Enc _____
Paper/Data _____ Enc _____

PRA ECOS

- 1) _____
2) _____

C. WASTE

P. pending _____ Fire _____ Traffic _____
C. Hazard Area _____ SHA _____ EPA _____
H. other _____

As posted BR

Long Violation # _____

For Hearing(s) 98-260-SPHX

19990208
99-208-SPH

IN THE MATTER OF:
3600 Georgetown Road Property
3600 Georgetown Corporation,
Legal Owner/Appellant;
New England Motor Freight - Tenant
13th Election District;
1st Councilmatic District

* BEFORE THE
* COUNTY BOARD OF APPEALS OF
* BALTIMORE COUNTY
* Case No.: CBA-00-162

AUG 27

* * * * *
COMPROMISE AND SETTLEMENT AGREEMENT

Appellant, New England Motor Freight ("NEMF"), by and through its attorneys, G. Scott Barhight and Whiteford, Taylor & Preston, L.L.P., and Appellee, Baltimore County, Maryland, by and through its attorneys, Edward J. Gilliss, County Attorney, and C. Robert Loskot, Assistant County Attorney, agree upon and stipulate to the following facts which are not in dispute, and therefore have compromised and settled this subject appeal.

1. The subject 3600 Georgetown Road property is used as a Class I Trucking Facility, owned and operated by NEMF, which was granted Special Exception approval on October 11, 1961 in Case # 4890-RX.

See, Attachment 1 (Copy of Order in Case # 4890-RX)

2. On May 7, 1982, Zoning Supervisor James E. Dyer found this facility to have been existing prior to April 18, 1976 and to be in compliance with Baltimore County Bill No. 18-76.

See, Attachment 2 (Letter dated May 7, 1982 from James E. Dyer).

3. On February 25, 1998, in Case # 98-260-SPHX, the Zoning Commissioner granted a petition for Special Exception to amend the previously approved Class I Trucking Facility Plan.

See, Attachment 3

4. On January 15, 1999, in Case # 99-208-SPH, the Zoning Commissioner granted a petition for Special Hearing to extend the Special Exception granted in Case No. 98-260-SPHX.

See, Attachment 4.

5. On September 13, 2000, Code Enforcement Officers of the Division of Code Inspections and Enforcement investigated the site.

See, Attachment 5 (Copy of Code Enforcement Report).

6. On September 25, 2000, James H. Thompson, Code Inspections and Enforcement Supervisor, issued a letter wherein he stated that Arnold Jablon, Director of Permits and Development Management "elected to declare the February 25, 1998

decision no longer valid and in effect." The September 25, 2000 letter stated that Mr. Jablon's decision was based on NEMF's failure to 1) obtain an approved landscape plan, a condition of the Zoning Commissioner's Order in Case No. 98-260-SPHX; and 2) obtain permits for grading/paving and the erection of fencing.

See, Attachment 6.

7. The Division of Code Inspections and Enforcement issued Civil Case No. 00-7138, and a hearing on the citation was held before the Hearing Officer Stanley J. Schapiro on November 14, 2000. Mr. Schapiro's Order, dated November 20, 2000, found that NEMF "constructed the fence and graded the property under the mistaken belief that the Zoning Commissioner's Order in Case No. 98-260-SPHX authorized the construction of the fence and grading." Mr. Schapiro further found that NEMF "has removed all tractor-trailers from those proposed areas indicated on the site plan filed with said Order" and that "barriers have been positioned on site to prevent re-entry into those areas." Mr. Schapiro imposed a civil penalty in the amount of \$2,000.00.

See, Attachments 7 and 8 (Copy of Citation No. 00-7138 and Copy of Mr. Schapiro's Order dated November 20, 2000).

8. NEMF paid the \$2,000.00 penalty through its check no. 473754, dated November 28, 2000.

See, Attachment 9

9. NEMF submitted a final landscape screening plan for this site which was approved by the Department of Permits and Development Management on November 30, 2000.

See, Attachment 10 (copy of portion of Landscape Plan showing acceptance by County)

10. On December 1, 2000, G. Scott Barhight issued a letter to Arnold Jablon requesting that Mr. Jablon revisit his decision of September 25, 2000 wherein he declared NEMF's February 25, 1998 decision no longer valid and in effect.

See, Attachment 11

11. On April 27, 2001, James H. Thompson issued a letter to Mr. Barhight stating that Mr. Jablon :

is now willing to abate his decision of September 25, 2000, ...
However, this department will not permit the existing truck facility within 300 feet of any dwelling or residential zone, per Section 410.2 of the Baltimore County Zoning Regulations, without benefit

of appropriate variances/special exceptions being granted as well as compliance with all other county laws and regulations. Finally, no tractor-trailer rigs or cabs will be permitted standing, parking or stopping within this 300 foot setback requirement.

See, Attachment 12

12. On May 11, 2001, G. Scott Barhight issued a letter to Mr. Jablon explaining that Mr. Jablon's decision that the Department of Permits and Development Management will "not permit the existing truck facility within 300 foot of any residential dwelling or residential zone, per Section 410.2 of the Baltimore County Zoning Regulations" ("BCZR"), is inconsistent with Baltimore County law since BCZR Section 410.2 does not apply to the existing truck facility. Mr. Barhight further explained that BCZR Section 410.2 only applies to Class I Trucking Facilities established on or after the effective date of that section - March 15, 1976. The existing trucking facility was established prior to March 15, 1976. Mr. Barhight further explained that NEMF was fully aware that any expansion of the existing Class I Trucking Facility onto adjacent properties will be subject to BCZR Section 410.2.

See, Attachment 13 (Copy of Baltimore County Bill 18-76), and Attachment 1.

13. On May 14, 2001, Mr. Jablon, via a written note on Mr. Barhight's May 11, 2001 letter, questioned whether W. Carl Richards, Jr., Supervisor of the Zoning Review Office, agreed with Mr. Barhight's letter of May 11, 2001. On May 15, 2001, also via a written note on Mr. Barhight's May 11, 2001 letter, Mr. Richards and John C. Lewis, also of the Zoning Review Office, noted their agreement with Mr. Barhight's letter.

See, Attachment 14 (Copy of Mr. Barhight's May 11, 2001 letter from the Bureau of Code Enforcement's file in Case No. 00-7138, containing Mr. Jablon's and Mr. Richards' written notations).

14. The parties agree that Mr. Jablon's September 25, 2000 letter is void because it is based upon a mistaken construction of law, and that NEMF's 1998 Special Exception approval obtained in Case No. 98-260-SPHX remains in full force and effect.

Edward J. Gilliss
County Attorney



C. Robert Loskot
Assistant County Attorney
400 Washington Avenue, Room 219
Towson, MD 21204
410-887-4420

Attorneys for Baltimore County,
Maryland



G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave.
Suite 400
Towson, MD 21204
410-832-2050

Attorneys for Appellant
New England Motor Freight

It appears from the testimony presented that it would be highly impractical to expect the petitioner to build homes on the subject property. A large majority of the surrounding area is zoned commercial and is being used for commercial purposes. The testimony of Mr. Charles M. Bandiero, an admitted real estate expert, was to the effect that the "highest and best use" of the property would be "M-1". He felt that the commercial aspects of the area that surround the residential area to the southwest of the subject property made it impractical to expect the petitioner to develop his property for residential purposes. He pointed out the automobile junk yard, the gasoline stations on Washington Boulevard and the trucking establishments over the City line on Caton Avenue. His testimony was substantiated by Mr. Augustine J. Muller, Consulting Engineer, former Zoning Commissioner and County Commissioner of Baltimore County, appearing as an expert witness. His testimony also was to the effect that the property had been originally zoned in error and that it should have been zoned "M-1"—the same category which the land to the west of the subject tract had been zoned.



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

Attach 2

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 7, 1982

Mr. Archie L. Honbarrier, President
Colonial Motor Freight Line, Inc.
P.O. Box 7027
High Point, North Carolina 27264

RE: Wilson Freight Co.
(Case No. 77-139-TV)
3600 Georgetown Road -
13th Election District

Dear Mr. Honbarrier:

Your letter dated April 19, 1982, to Mr. William E. Hammond, Zoning Commissioner, has been referred to me for reply. You have requested information pertaining to whether or not you may use the above-referenced property for a trucking operation and whether or not the recent problems with the zoning have been cleared up.

Please be advised that I have reviewed the subject property site plans and case file and find that the zoning problems have been cleared up by way of the revised site plan approved by the writer on June 16, 1981 and by the Chairman of the County Trucking Facilities Development Officials on June 15, 1981. Subsequent to the approval of the site plan, the site was inspected by the Zoning Enforcement Section Inspector, Mr. Henry E. Phipps, and found to be in compliance with said approved plan (see copy of letter dated March 22, 1982, enclosed). As a result of this finding of compliance, Mr. Williams, Attorney for the Aetna Cartage Co., dismissed the pending Appeal before the Board of Appeals.

Based upon the above, I can advise you that the property may be used as a trucking operation and that there are no outstanding violations. It is suggested, however, that you make every effort to see that the trucking operation maintains compliance with the aforementioned approved site plan. The present owner of the company should have a copy of said plan in his files. If this is not the case, you may obtain a copy from this office.

Very truly yours,

JAMES E. DYER
Zoning Supervisor

JED:nr

Enclosure

cc: Mr. William E. Hammond, Zoning Commissioner
Mrs. Jean M. H. Jung, Deputy Zoning Commissioner
Mr. Henry E. Phipps, Zoning Inspector

Attach 3

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
SPECIAL EXCEPTION
N/S Georgetown Road, 629.36 ft. * ZONING COMMISSIONER
SW of c/l Bloomfield Road
3600 Georgetown Road * OF BALTIMORE COUNTY
13th Election District
1st Councilmanic District * Case No. 98-260-SPHX
3600 Georgetown Corp., Petitioner

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Special Exception for the property located at 3600 Georgetown Road in Lansdowne. The Petitions were filed by 3600 Georgetown Corporation, property owner. Special Exception relief is requested, pursuant to Sections 410.1.F and 502.7 of the Baltimore County Zoning Regulations (BCZR), to amend the site plan for a previously approved Class 1 trucking facility dated June 16, 1981 (Trucking Facility 139). Special Hearing relief is requested to approve an amendment to a previously approved plan in case No. 48-90-RX. The subject property and requested relief are all more particularly shown on the amended plan to accompany the Petition for Special Hearing and Petition for Special Exception marked as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this case was Robert Walker, on behalf of New England Motor Freight Company, the business entity which operates the subject trucking facility. Also present was David L. Martin, a Landscape Architect with G.W. Stephens, Jr. and Associates, the preparers of the site plan. The Petitioner was represented by David Gildea, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property under consideration is a triangularly shaped parcel which straddles the Baltimore County/Baltimore City line in Lansdowne. The property, in its entirety, is approximately 9.523 acres in area. Approximately 6.25 acres are in Balti-

IN RE: PETITION FOR SPECIAL HEARING
W/S Old Georgetown Road, 150 ft. NW
Of c/l Hopkins Avenue
3600 Georgetown Road
13th Election District
1st Councilmanic District
3600 Georgetown Road, LLP
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-208-SPH

Attach 4

* * * * *

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 3600 Georgetown Road in Lansdowne. The Petition was filed by 3600 Georgetown Road, LLP, property owner. Special Hearing relief was requested to approve an extension of the special exception approved in case No. 98-260-SPHX, pursuant to Section 502.3 of the Baltimore County Zoning Regulations (BCZR). The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was David L. Martin, a Landscape Architect with G.W. Stephens, Jr. and Associates, Inc., the preparers of the site plan. The Petitioner was represented by David K. Gildea, Esquire. There were no Protestants or other interested persons present.

The subject property was the subject of a recent hearing before me under Petitions for Special Hearing and Special Exception filed in case No. 98-260-SPHX. Pursuant to an opinion and Order issued on February 25, 1998, the Petitions for Special Hearing and Special Exception were approved to amend the site plan for a previously approved Class I trucking facility dated June 16, 1981 and to amend the previously approved plan in case No. 48-90-RX.

The Petitioner comes before me under a Petition for Special Hearing, seeking to expand the timeframe wherein the Special Exception might be utilized. Section 502.3 of the BCZR provides that special exceptions may be utilized for a period of 2 years from the date of the grant of the Petition. However, that section further allows the Zoning Commissioner to increase that period of utilization up to 5 years from the date of the initial grant.

Testimony and evidence presented was that the Petitioner was negotiating to acquire an

DE ENFORCEMENT REP

Attach 5

DATE: 9/13/00 INTAKE BY: CHT CASE #: 00-7138 INSPEC: M. GAWE

COMPLAINT
LOCATION:

3600 Georgetown Road

ZIP CODE:

DIST:

13th

COMPLAINANT
NAME:

Theresa Lowry

PHONE #: (H)

(W)

ADDRESS:

2517 Hammonds Ferry Road

ZIP CODE:

21227

PROBLEM:

Expansion of truck facility into an
UN-APPROVED AREA on the site plan

OWNER/TENANT
INFORMATION:

3600 Georgetown Corporation

1-71 North Avenue Elizabeth, N.J. 07201

TAX ACCOUNT #:

13-13-01230000

ZONING:

MLR-IM

INSPECTION:

9-13-00

7 photos taken

expansion into an area - NW portion of
property adjacent to Sulphur Spring Rd - not

REINSPECTION:

Approved per site plan

Note: Prior Case - 77-139-TV

Comprehensive Zoning Request # 1-031

REINSPECTION:

No grading permits issued
No fence permits

REINSPECTION:

Attach 6



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

September 25, 2000

3600 Georgetown Corporation
1-71 North Avenue
Elizabeth, NJ 07201

Gentlemen:

RE: Case Number 00-7138, 3600 Georgetown Road

As a result of conversations between your company, George W. Stephens and Associates, and Whiteford, Taylor and Preston L.L.P. on September 18, 2000, the correspondence issued by the Baltimore County Bureau of Code Enforcement is not totally accurate. In our letter, we referenced a violation of the approved June 16, 1981 truck facility plan. What the enforcement division failed to verify was that an amended site plan had been prepared and accepted for filing in case number 98-260-SPHX, with Zoning Commissioner Lawrence E. Schmidt granting both the Petition for Special Hearing and Special Exception requests on February 25, 1998. This amended plan, in conjunction with the required approved landscape plan, would regulate the proposed changes to 3600 Georgetown Road. However, in this instance, while expansion of the truck facility did occur in areas approved by the zoning commissioner, your company failed to fully comply with his order by first obtaining an approved landscape plan as set forth in restriction number two of case number 98-260-SPHX, along with failing to obtain permits for grading/paving and the erection of the fencing.

Therefore, per Director Arnold Jablon, all tractor-trailer rigs currently parked in areas other than those originally designated on the approved June 16, 1981 truck facility plan, must be re-parked on site to conform with the 1981 plan within 24 hours. Failure to take this action will result in the immediate issuance of a citation imposing a fine of \$200.00 per day. In addition, a \$2,000.00 fine will be levied for both grading/paving without a permit and the fence erection. Further, by December 1, 2000, the entire facility must be returned to its original condition (1981 plan) - i.e., removal of all paving in expanded areas, reforestation of same area (per approved landscape plan), replacement of telephone pole wheel stops, and relocation of fencing.

Post-It* Fax Note	7671	9-25-00	# of pages 2
To DAVID		From	
Co./Dept GILDEA		Co. Jim Thompson	
Phone #		Phone #	
Fax # 410-832-2015		Fax #	

Census 2000

Census 2000

Attach 7

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION
SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. 00-7138	Property No. 13-01-230000	Zoning: MLR-IM
Name(s): 3600 GEORGETOWN CORPORATION		
Address: 1-71 North Ave E Elizabeth N.J. 07201-2936		
Violation Location: 3600 GEORGETOWN ROAD		
Violation Dates: 9-13-00 9-27-00		

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID
UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

102.1; 248; 500.6 B.C.Z.R

SECTION 107.0 - Public County Building Code

SECTIONS 1-2(a)(1)(c) - 17-36(b)(1);

7-36(b)(2); 26-121(a) B.C.C.

Non-compliance Case No. 99-260-SPHX -

**LANDSCAPE PLAN / tractor-trailer parking
GRADING / PAVING & FENCE Erection - No Permits**

Pursuant to Section 1-8, Baltimore County Code, a civil penalty
has been assessed, as a result of the violation cited herein, in
the amount indicated:

\$ **2400**

A quasi-judicial hearing has been pre-scheduled in Room 116,
111 West Chesapeake Avenue, Towson, Maryland, for:

Date: **11-14-00**

Time: **9:00 AM**

Citation must be served by:

Date: **10-14-00**

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true
and correct to the best of my knowledge, information, and belief.

Print Name: **MARK CAWEL**

Date: **9-29-00** Inspector's Signature: **Mark F. Gawe**

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:	Citation/Case No.: 00-7138
Address:	

Date: Defendant's Signature: **DAVID K. Gildea, Esq.** DEFENDANT

Attach 8

In the Matter of

Civil Citation No. 00-7138

3600 Georgetown Corporation

3600 Georgetown Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

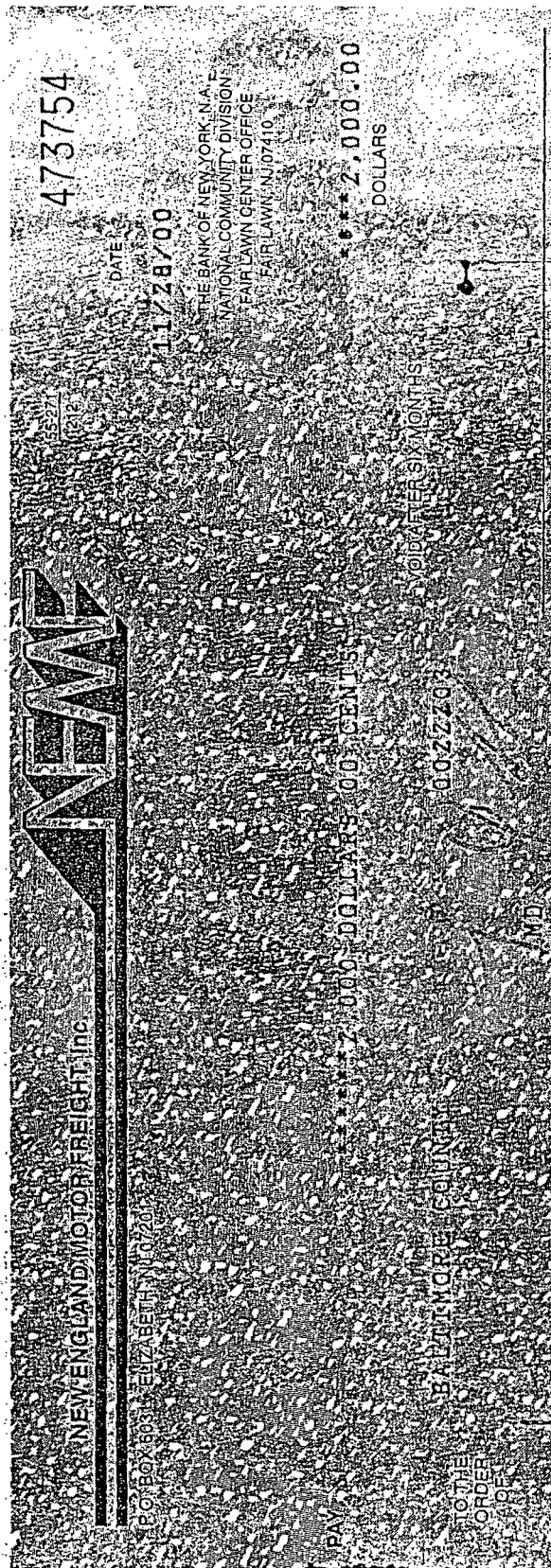
This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on 14 November 2000, for a hearing on a citation for violations under the Baltimore County Zoning Regulations and Baltimore County Code for failure to comply with a landscape plan, tractor-trailer parking, and for grading, paving and erecting a fence on property, zoned MLR-IM, located at 3600 Georgetown Road.

Mark F. Gawel, code enforcement inspector, stated that the County received a complaint concerning the use of the property. The property was inspected on 13 September 2000, and his findings indicate that grading and fencing were completed without permits. Also tractor-trailer parking in areas not approved on the site plan were observed.

On 15 September 2000, the inspector issued a written correction notice pursuant to §1-7(c), Baltimore County Code, which described with particularity the nature of the violation and the manner of correction. The correction notice was marked in evidence as PEx1 and was served on the Respondent. A revised notice was ultimately issued on 25 September 2000.

On 29 September 2000, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued. The citation was marked as PEx2 and was legally served on the Respondent.

The citation described the violations as follows: BCZR, §102.1; 248; 500.6, §107.0. Baltimore County Building Code, §1-8(a)(b)(c); §7-36(b)(1); §7-36(b)(2); §26-121(a), BCC, non-compliance case No. 98-260-SPX, landscape plan/tractor trailer parking, grading/paving and fence erection without permits. Further, the citation proposed a civil penalty of \$2400 to be assessed. A code enforcement hearing date was scheduled for 14 November 2000.



Attach 9

000473754 1:0212027191 6100226365

18
n the building & 1 rest room in dock area

7) = 0.078 < 0.60 Permitted
placed as shown. Installation to be
to be placed in the entire chain link fence so as to

5.
re perimeter of the property.
with SHA standard details & specs.

- approval on October 11, 1998 in Case # 98-260-SPHX to permit a Trucking Facility.
2. Property was re-zoned in the 1976 Comprehensive Zoning Map process from ML to MLR-IM.
 3. Truck Facilities Plan approved by the Baltimore County Zoning Commissioner on 6/16/81.
 4. On May 7, 1982, James E. Dyer, Zoning Supervisor, found this facility as existing prior to the April 18, 1976 and to be in compliance with Bill No. 18-76.
 5. Special Exception to amend a previously approved Class I Trucking Facility Plan, Case # 98-260-SPHX, granted February 25, 1998.

ZONING RELIEF REQUESTED:

1. Special Hearing to extend the Special Exception approved on case no. 98-260-SPHX.

FINAL LANDSCAPE SCREENING PLAN
TO ACCOMPANY ZONING PLAT FOR AN
AMENDMENT TO A CLASS I TRUCKING
FACILITIES PLAN

NEW ENGLAND
MOTOR FREIGHT COMPANY
AT
3600 GEORGETOWN ROAD

ELECTION DISTRICT 13
COUNCILMANIC DISTRICT 1
SCALE: 1" = 40'

BALTIMORE COUNTY, MD.
OCTOBER 3, 2000
REVISED: NOVEMBER 3, 2000

REMARKS

full crown
full crown
full crown
full crown
matched crowns
multi-stem
matched crowns
sheared
full to base
full to base

BALTIMORE COUNTY
DEPT. OF PERMITS & DEV. MGMT.
LANDSCAPE PLAN APPROVED

11-30-00

BY

DATE

Attach 10

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

Attach 11

December 1, 2000

Via Hand Delivery

Mr. Arnold Jablon, Director
Permits and Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Mail Stop 1105
Towson, Maryland 21204

Re: New England Motor Freight
3600 Georgetown Road
Zoning Violation Case No.: 00-7138
Our File No.: 48237/00131

Dear Mr. Jablon:

Enclosed please find the following items for your review:

1. The final landscape screening plan for the above referenced property approved by Baltimore County Department of Permits and Development Management on November 30, 2000.
2. The Findings of Fact and Conclusions of Law of Code Enforcement Hearing Office Stanley J. Shapiro dated November 20, 2000.
3. NEMF's check number 473754, dated November 28, 2000, payable to Baltimore County as a full and final payment of the fine issued by Hearing Officer Shapiro pursuant to the Findings of Fact and Conclusions of Law dated November 20, 2000.

It is my understanding that after the County approval of the final landscape screening plan and after the disposition of the zoning violation case and the



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdinspect@co.ba.md.us

April 27, 2001

Attach 12

G. Scott Barhight, Esquire
Whiteford, Taylor and Preston, LLP
210 West Pennsylvania Avenue
Towson, Maryland 2104-4515

Dear Mr. Barhight:

Re: Case No. 00-7138, 3600 Georgetown Road

In response to your December 1, 2000 letter to Director Arnold Jablon, I have had the opportunity to discuss this matter with him. He is now willing to abate his decision of September 25, 2000, wherein, he elected to declare the February 25, 1998 decision of Zoning Commissioner Lawrence E. Schmidt in Case No. 98-260-SPHX no longer valid and in effect. However, this department will not permit the existing truck facility within 300 foot of any dwelling or residential zone, per Section 410.2 of the Baltimore County Zoning Regulations, without benefit of appropriate variances/special exceptions being granted as well as compliance with all other county laws and regulations. Finally, no tractor-trailer rigs or cabs will be permitted standing, parking or stopping within this 300 foot setback requirement.

As always, if additional questions remain, please contact this office at 410-887-3352.

Sincerely,

James H. Thompson
Code Inspections and
Enforcement Supervisor

JHT/hek

c: Councilman S.G. Samuel Moxley
Kathleen A. Lewis, Director
Business Development
Inspector Mark Gawel
Theresa Lowery, 2517 Hammonds Ferry Rd., Baltimore, MD 21227
Brenda Armstrong, 3416 Hopkins Ave., Baltimore, MD 21227



Census 2000



For You, For Baltimore County



Census 2000



BILL NO. 18-76

Mr. O'Rourke, Councilman
By Request of County Executive

Attach 13

By the County Council, March 15, 1976

A BILL
ENTITLED

AN ACT to amend the Baltimore County Zoning Regulations to regulate truck-oriented uses of property in Baltimore County, to designate the zoning classifications under which such uses shall be permitted as of right, allowed by special exception or prohibited both in terms of control over the development of new facilities as well as remedial measures applicable to existing ones, by adding certain definitions to Section 101 of said zoning regulations and revising certain existing ones, by repealing and re-enacting with amendments Section 104 thereof, by redesignating the subtitle "Statement of Purpose" under Article 4 thereof, by repealing and re-enacting with amendments subsections 233.2, 236.4, 241.1, 253.2A, 256.2, 256.4, 409.2b and 500.7 thereof and by adding new sections B400, 410 and 410A to said zoning regulations.

1. SECTION 1. Be it enacted by the County Council of Baltimore
2. County, Maryland, that the following definitions be and they are hereby
3. added, in alphabetical order, to Section 101 of the Baltimore County
zoning regulations:

4. Section 101 - Definitions

5. Collector street, major: A street, or part of one, that: is in-
6. tended for travel between neighborhoods or between neighborhoods and
7. other places, but not for travel within neighborhoods; is not an
8. arterial street; and has been designated as a major collector street
9. by the Planning Board by the same method used to designate freeways,
10. expressways, and arterial streets.

11. ~~County trucking facilities development officials; The Directors~~
12. ~~of Planning, Public Works, and Traffic Engineering and of the Industrial~~
13. ~~Development Commission;~~ COUNTY TRUCKING-FACILITIES-DEVELOPMENT
14. OFFICIALS: A COMMITTEE CONSISTING OF THE COUNTY ADMINISTRATIVE OFFICER,
15. AS CHAIRMAN; THE DIRECTORS OF PLANNING, PUBLIC WORKS, PERMITS AND
16. LICENSES, AND TRAFFIC ENGINEERING; AND THE DIRECTOR OF THE INDUSTRIAL
17. DEVELOPMENT COMMISSION; OR THEIR RESPECTIVE DESIGNEES.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

HITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

May 11, 2001

5/14/01
do you
agree?
Yes
wct+ju
5/15/01

Attach 14

Via Hand Delivery

Mr. Arnold Jablon, Director
Permits and Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: New England Motor Freight
3600 Georgetown Road
Zoning Violation Case No.: 00-7138

Dear Mr. Jablon:

Please accept this letter in response to James H. Thompson's letter dated April 27, 2001, a copy of which is attached hereto. Preliminarily, thank you for abating your decision of September 25, 2000. Nevertheless, with regard to your assertion that the Department of Permits & Development Management will "not permit the existing truck facility within 300 foot of any dwelling or residential zone, per Section 410.2 of the Baltimore County Zoning Regulations", I respectfully submit that your request is inconsistent with Baltimore County law since Section 410.2 of the BCZR does not apply to the existing trucking facility at this site. Specifically Section 410.2 of the BCZR only applies to Class I trucking facilities established on or after the effective of that section. The existing trucking facility at this site was established prior to the effective date of that section.

We are fully aware that any expansion of the area of the existing Class I trucking facility on to adjacent properties will be subject to Section 410.2 of the BCZR. The plans which are being prepared by our engineers are in compliance with this section.

IN RE: PETITION FOR SPECIAL HEARING
W/S Old Georgetown Road, 150 ft. NW
Of c/l Hopkins Avenue
3600 Georgetown Road
13th Election District
1st Councilmanic District
3600 Georgetown Road, LLP
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-208-SPH

* * * * *

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 3600 Georgetown Road in Lansdowne. The Petition was filed by 3600 Georgetown Road, LLP, property owner. Special Hearing relief was requested to approve an extension of the special exception approved in case No. 98-260-SPHX, pursuant to Section 502.3 of the Baltimore County Zoning Regulations (BCZR). The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was David L. Martin, a Landscape Architect with G.W. Stephens, Jr. and Associates, Inc., the preparers of the site plan. The Petitioner was represented by David K. Gildea, Esquire. There were no Protestants or other interested persons present.

The subject property was the subject of a recent hearing before me under Petitions for Special Hearing and Special Exception filed in case No. 98-260-SPHX. Pursuant to an opinion and Order issued on February 25, 1998, the Petitions for Special Hearing and Special Exception were approved to amend the site plan for a previously approved Class I trucking facility dated June 16, 1981 and to amend the previously approved plan in case No. 48-90-RX.

The Petitioner comes before me under a Petition for Special Hearing, seeking to expand the timeframe wherein the Special Exception might be utilized. Section 502.3 of the BCZR provides that special exceptions may be utilized for a period of 2 years from the date of the grant of the Petition. However, that section further allows the Zoning Commissioner to increase that period of utilization up to 5 years from the date of the initial grant.

Testimony and evidence presented was that the Petitioner was negotiating to acquire an

ORDER RECEIVED FOR FILING

Date

By

1/10/99
M. J. [Signature]

adjacent tract for the purpose of expanding its business operations thereon. However, the adjacent tract needs to be re-zoned to accommodate that plan. The re-zoning might occur during the County Council's next quadrennial zoning process in the year 2000. Under the circumstances, the Petitioner has sought relief to extend the period for the utilization of the special exception granted in case No. 98-260-SPHX to a period of five years. In that the prior Order was issued on February 25, 1998, the expansion will allow utilization up to February 25, 2003.

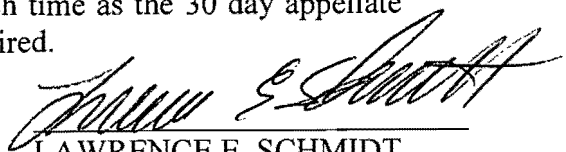
In addition to the Petition under consideration, it is of note that there was recently a zoning violation case opened for this property. However, a review of that file indicates that the alleged violation may relate to a neighboring property. In any event, the proposed special exception use is appropriate, subject to compliance with all relevant governmental standards.

Based upon the uncontradicted testimony and evidence offered, I am persuaded to grant the Petition. As noted above, there were no Protestants or other interested persons at this hearing, nor did anyone appear in opposition at the hearing held in case No. 98-260-SPHX. Moreover, there are no adverse Zoning Plans Advisory Committee (ZAC) comments. In my judgment, an expansion of the timeframe to utilize the Petition for Special Exception is appropriate. The proposed land use will not cause detrimental impact to the health, safety or general welfare of the locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of January 1999 that the Petition for Special Hearing to allow utilization to February 25, 2003, be and is hereby GRANTED, subject, however, to the following restriction:

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.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER

ORDER RECEIVED FOR FILING
Date 1/15/99
By M. M. M. M.



Baltimore County
Zoning Commissioner
Office of Planning

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

January 15, 1999

David K. Gildea, Esquire
Whiteford Taylor and Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 99-208-SPH
3600 Georgetown Road, LLP, Petitioner

Dear Mr. Gildea:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,

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

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
Encl.
Copy
Mr. David A. Martin
G.W. Stephens and Associates, Inc.
658 Kenilworth Drive, Suite 100
Towson, Maryland 21286





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3600 Georgetown Road

which is presently zoned

MLR - IM

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

An extension of the Special Exception approved in case number 98-260-SPHX.

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: G. Scott Barhight, David K. Gildea, Whiteford, Taylor & Preston LLP

(Type or Print Name)

Signature

210 W. Pennsylvania Ave., 4th Fl.

Address

Phone No.

Towson, MD 21204

(410)832-2000

City

State

Zipcode

Legal Owner(s):

3600 Georgetown Road, LLP

(Type or Print Name)

Signature

Myron P. Shevell, President

(Type or Print Name)

Signature

1-71 North Avenue, East (908)355-3919

Address

Phone No.

Elizabeth, New Jersey 07201

City

State

Zipcode

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

David K. Gildea

Name

410-583-1443 night

210 W. Pennsylvania Ave.

Address

410-832-2000 day

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: BK DATE 11/17/98



99-208-SPH

#208

Zoning Description
November 17, 1998

Description to accompany a Special Exception & Special Hearing to Amend an
Approved Trucking Facilities Plan

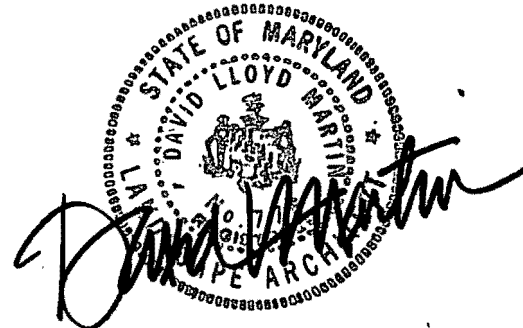
3600 Georgetown Road
Baltimore County, Maryland
Election District 13, Councilmanic District 1
Tax Map 102 – Parcel 121

Beginning at a point located at the centerline intersections of Joh Avenue, 80' wide, and Bloomfield Road, 50' wide at the said intersection, thence S 32 degrees 39' minutes 43 seconds W to a Point of Beginning at the intersection of the right of way of Old Georgetown Road and the Baltimore City municipal boundary, thence the following property courses:

S 38 degrees 49 minutes 10 seconds W, 133.21 feet, thence S 34 degrees 19 minutes 10 seconds W, 292.04 feet, thence N 32 degrees 40 minutes 50 seconds W, 125.00 feet, thence S 34 degrees 19 minutes 10 seconds W, 51.60 feet, thence N 45 degrees, 09 minutes 57" E, 687.67, thence N 77 degrees 14 minutes 59 seconds E, 411.24 feet, thence S 60 degrees 20' minutes 24 seconds E, 533.07 feet, concurrent with the Baltimore County / Baltimore City municipal boundary, back to the point of beginning.

**Containing 6.25 acres (272,250) square feet of land more or less, located in
Baltimore County, Maryland**

NOTE: the above description is for zoning purposes only and is not intended to be used for conveyances or agreements.



CERTIFICATE OF PUBLICATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-208-SPH
3600 Georgetown Road
W/S Old Georgetown Road,
150' NW of centerline
Hopkins Avenue
13th Election District
1st Councilmanic District
Legal Owner(s):

3600 Georgetown Road, LLP.
Special Hearing: to approve
an extension of the special
hearing approved in case
number 98-260-SPHX.

Hearing: Monday, January 4,
1999 at 10:00 a.m., in Room
407, County Courts Bldg.,
401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.

(2) For information concern-
ing the File and/or Hearing,
Please Call (410) 887-3391.

12/154 Dec. 17 C279396

TOWSON, MD.,

12/17/, 1998

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 12/17/, 1998.

THE JEFFERSONIAN,

A. Henderson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 060747

DATE 11/17/98 ACCOUNT R001-6150

AMOUNT \$ 250.00

RECEIVED FROM: Whiteford, Taylor & Preston

FOR: code 040 Special Hearing

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 208

PAID RECEIPT

PROCESS ACTUAL TIME
11/18/1998 11/17/1998 14:35:22

RECEIPT NO. 070684 CASHIER JRIC JHR DRAWER 2

5 MISCELLANEOUS CASH RECEIPT

Receipt # 070684

CR NO. 060747

250.00 CHECK

Baltimore County, Maryland

99-208-SPH

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 99-208-SPH
Petitioner/Developer:
(3600 Georgetown Road LLP)
Date of Hearing/~~Closing~~:
(Jan 4, 1999)

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

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

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 _____

3600 Georgetown Road Baltimore, Maryland 21227 _____

The sign(s) were posted on _____ Dec. 21, 1998
(Month, Day, Year)

Sincerely,

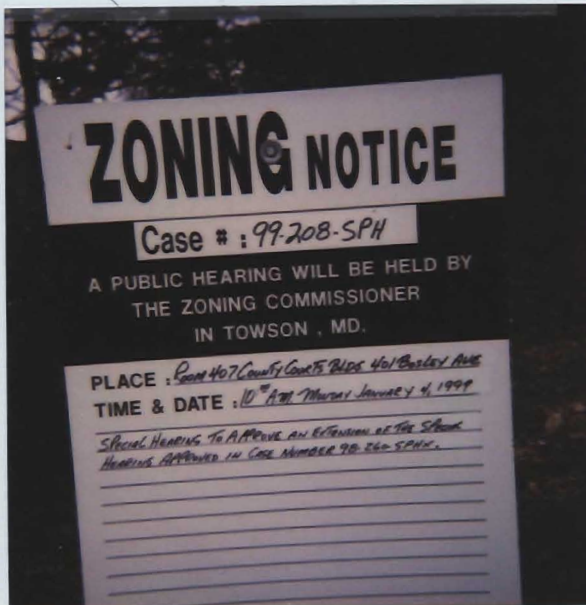

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 1, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-208-SPH
3600 Georgetown Road
W/S Old Georgetown Road, 150' NW of centerline Hopkins Avenue
13th Election District – 1st Councilmanic District
Legal Owner: 3600 Georgetown Road, LLP

Special Hearing to approve an extension of the special hearing approved in case number 98-260-SPHX.

HEARING: Monday, January 4, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with a small mark below it.

Arnold Jablon
Director

c: G. Scott Barhight/David K. Gildea, Esquires
3600 Georgetown Road, LLP

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 21, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

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



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
December 17, 1998 Issue – Jeffersonian

Please forward billing to:

David K. Gildea, Esquire 410-832-2000
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

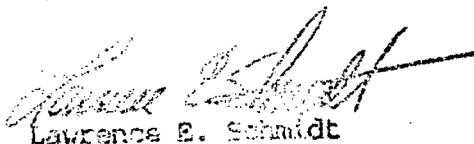
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CASE NUMBER: 99-208-SPH
3600 Georgetown Road
W/S Old Georgetown Road, 150' NW of centerline Hopkins Avenue
13th Election District – 1st Councilmanic District
Legal Owner: 3600 Georgetown Road, LLP

Special Hearing to approve an extension of the special hearing approved in case number 98-260-SPHX.

HEARING: Monday, January 4, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

scj

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 208
Petitioner: 3600 Georgetown Road LLP
Address or Location: 3600 Georgetown Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: David H. Fisher Whitefish, Taylor + Preston
Address: 210 W. Penn. Ave
Towson, Md. 21204
Telephone Number: (410) 832-2000

Revised 2/20/98 - SCJ

99-208-SPH

#208

Request for Zoning: Variance, 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.: 99-208-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to request an extension of the
Special Exception granted in Case # 98-260-SPHX.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

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

HANDICAPPED ACCESSIBLE

RE: PETITION FOR SPECIAL HEARING
3600 Georgetown Road, W/S Old Georgetown Rd,
150' NW of c/l Hopkins Ave, 13th Election District,
1st Councilmanic

Legal Owners: 3600 Georgetown Road, LLC

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-208-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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of December, 1998, a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: December 10, 1998

FROM: R. Bruce Seeley *RB/JP*
Permits & Development Review
DEPRM

SUBJECT: Zoning Advisory Committee

Meeting for: October 26, 1998

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

Item #'s: 206
208
209
212
213
214
CR 99-185-XA

hs
1/24

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

Date: December 9, 1998

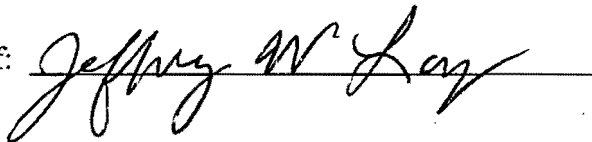
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 196, 198, 201, and 208

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 11-27-97

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

RE: Baltimore County
Item No. 208

BR

Dear Ms Stephens:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

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
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

November 30, 1998

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

RE: Property Owner: 3600 GEORGETOWN ROAD, LLP - 208

Location: DISTRIBUTION MEETING OF November 30, 1998

Item No.: 208

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
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", 1994 edition prior to occupancy.

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: December 18, 1998

FROM:  Robert W. Bowling, Supervisor
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for December 7, 1998
Item Nos. 206, 208, 209, 211, 212,
and 213

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE1207.NOC

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

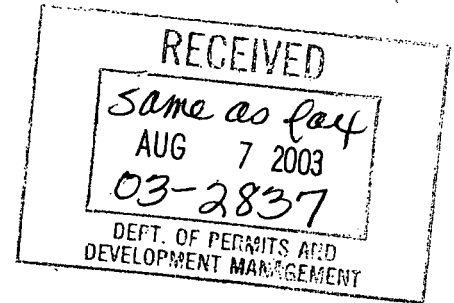
JENNIFER R. BUSSE

DIRECT NUMBER
410 832-2077
jbusse@wtplaw.com

August 6, 2003

Via Facsimile - 410-887-2824 and First Class Mail

Mr. James H. Thompson
Supervisor, Bureau of Code Enforcement
111 W. Chesapeake Ave.
Towson, Maryland 21204



Re: 3600 Georgetown Road
New England Motor Freight Trucking Facility ("NEMF")
Your Reference: Case No. 00-7138
1998 Case No. 98-260-SPHX

Dear Mr. Thompson:

Per your request during our telephone conference last Friday, August 1st, and on behalf of our client, NEMF, I am submitting this second letter requesting the following:

- 1) The release of any necessary permits to proceed with the simultaneous removal of the fence on the Weiner parcel and installation of new fence along the property line between the NEMF and Weiner parcels; and
- 2) The release of any necessary permits to proceed with the restoration of the Weiner parcel.

The reason for this second letter requesting the above items is your request that NEMF specifically agree to the following:

- 1) Removal by NEMF of the weeds growing along the side of the existing fence on the Weiner parcel which is closest to the NEMF parcel; and
- 2) The release of the above requested permits does not equate to a consent on behalf of Baltimore County Department of Permits & Development Management that NEMF's 1998 Plan is fully vested.

Mr. James Thompson
August 6, 2003
Page 2

NEMF is willing to agree to these terms. Therefore, please contact me as soon as possible so that we may finally resolve NEMF's requests for the release of the above referenced permits. Thank you for your attention to this matter.

Sincerely,



Jennifer R. Busse

JRB:j

cc: Mr. Myron Shevell
Mr. Robert Walker
Mr. Peter Filipowicz
Bruce Blakeman, Esq.
G. Scott Barhight, Esq.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1525
TELEPHONE 410 347-8700
FAX 410 752-7092

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 359 8800
FAX 202 331 1571

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 336-5742
FAX 703 836-1361

JENNIFER R. BUSSE

DIRECT NUMBER
410 832-2077
jbusse@wtplaw.com

August 6, 2003

Via Facsimile - 410-887-2824 and First Class Mail

Mr. James H. Thompson
Supervisor, Bureau of Code Enforcement
111 W. Chesapeake Ave.
Towson, Maryland 21204

JENNIFER
REVIEWED LETTER
with Director Timothy
Katraco, A.O.K. to
obtain permits!
HT
8-6-03

Re: 3600 Georgetown Road
New England Motor Freight Trucking Facility ("NEMF")
Your Reference: Case No. 00-7138
1998 Case No. 98-260-SPHX

Dear Mr. Thompson:

Per your request during our telephone conference last Friday, August 1st, and on behalf of our client, NEMF, I am submitting this second letter requesting the following:

1) The release of any necessary permits to proceed with the simultaneous removal of the fence on the Weiner parcel and installation of new fence along the property line between the NEMF and Weiner parcels; and

2) The release of any necessary permits to proceed with the restoration of the Weiner parcel.

The reason for this second letter requesting the above items is your request that NEMF specifically agree to the following:

1) Removal by NEMF of the weeds growing along the side of the existing fence on the Weiner parcel which is closest to the NEMF parcel; and

2) The release of the above requested permits does not equate to a consent on behalf of Baltimore County Department of Permits & Development Management that NEMF's 1998 Plan is fully vested.

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

January 22, 2003

TRANSMISSION BY FAX - (410) 887-2824

Stanley J. Schapiro, Esq.
Zoning Enforcement Hearing Officer
111 W. Chesapeake Ave.
Towson, Maryland 21204

Re: Citation/Case No. 03-0294 and 03-0295
New England Motor Freight - 3600 Georgetown Road

Dear Mr. Schapiro:

This office represents New England Motor Freight with regard to the above-referenced citations. I am committed to attend a Board of Appeals on March 4, 2003 on behalf of another client. Therefore, I have a scheduling conflict with regard to the hearing date that has been scheduled for the above-referenced citations.

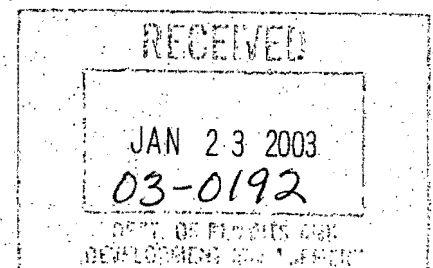
I respectfully request this matter be rescheduled for another date. Please feel free to contact me with any questions or concerns.

Sincerely,

G. Scott Barhight
G. Scott Barhight

GSB:sll

cc: Mr. Jeff Baker
Mr. James H. Thompson
Mr. Myron P. Shevell
Bruce A. Blakeman, Esquire
Mr. Robert F. (Nob) Walker
Mr. Peter J. Filipowicz
David L. Martin, L.A.
Paul M. Nussbaum, Esquire



99-208-SFH

Lower case - of x. relief
granted

potential expansion
next door

(2000) need opening next year

extension to

98-260-SFH X

2/25/98-

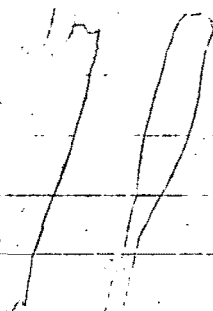
Special hearing & special

ordered to 2/25/98

Maximum five year

zoning violation - different
property

Violation - adjacent
property?



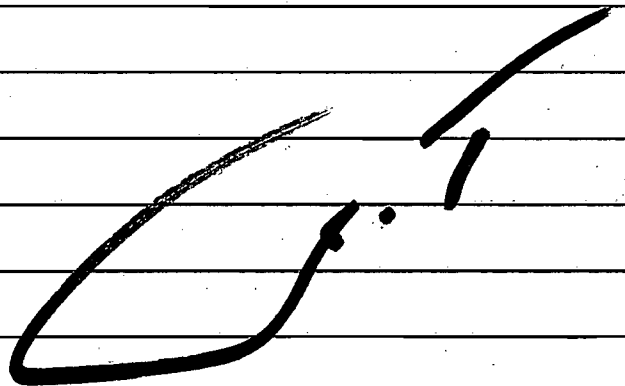
2-21-03

Doug

AN ATTEMPT
WILL BE MADE TO
OBTAIN A PERMIT
FOR A SILENT ALARM
FENCE FOR 3600
GEORGETOWN ROAD.
THIS ELECTRICAL PERMIT
APPLICATION CAN BE
ACCEPTED BUT ARNOLD

DOES NOT WANT
THE PERMIT ISSUED.
WE HAVE AN
ACTIVE VIOLATION
CASE AGAINST THE
PROPERTY OWNER...

"NEW ENGLAND MOTOR
FREIGHT"



APPEAL
Of Letter from Code Inspections and Enforcement

3600 Georgetown Road
Legal Owner: 3600 Georgetown Corporation
Tenant: New England Motor Freight

Zoning Enforcement Case Number 00-7138
Zoning Case Number 98-260-SPHX
Trucking Facility File Number 139

Letter from James H. Thompson, Code Inspections and Enforcement Supervisor, dated September 25, 2000 to 3600 Georgetown Corporation.

Zoning Commissioner Lawrence Schmidt's Order dated February 25, 1998 (Granted, with restrictions).

Notice of Appeal received on October 25, 2000 from G. Scott Barhight, Esquire, on behalf of 3600 Georgetown Corporation.

C: G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, LLP, 210 West
Pennsylvania Avenue, Towson, MD 21204
3600 Georgetown Corporation, 1-71 North Avenue, Elizabeth, NJ 07201
Larry E. Shepherd, Terminal Manager, New England Motor Freight, 3600
Georgetown Road, Baltimore, MD 21227
James H. Thompson, Code Enforcement
Mark Gawel, Code Enforcement
Virginia Barnhart, County Attorney, MS #2209
Lawrence Schmidt, Zoning Commissioner, MS #2112
People's Counsel of Baltimore County, MS #2010
Arnold Jablon, Director of PDM
Zoning Enforcement Case Number 00-7138
Zoning Hearing Case Number 98-260-SPHX



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

October 27, 2000

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston, LLP
210 West Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Barhight:

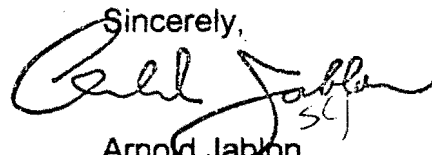
RE: 3600 Georgetown Road

Please be advised that your appeal of the above-referenced case was filed in this office on October 25, 2000. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,



Arnold Jablon
Director

AJ:scj

C: 3600 Georgetown Corporation, 1-71 North Avenue, Elizabeth, NJ 07201
Larry E. Shepherd, Terminal Manager, New England Motor Freight, 3600
Georgetown Road, Baltimore, MD 21227
James H. Thompson, Code Enforcement
Mark Gawel, Code Enforcement
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Arnold Jablon, Director of PDM
Zoning Enforcement Case Number 00-7138
Zoning Hearing Case Number 98-260-SPHX
Trucking Facility File Number 139



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdinspect@co.ba.md.us

September 25, 2000

3600 Georgetown Corporation
1-71 North Avenue
Elizabeth, NJ 07201

Gentlemen:

RE: Case Number 00-7138, 3600 Georgetown Road

As a result of conversations between your company, George W. Stephens and Associates, and Whiteford, Taylor and Preston L.L.P. on September 18, 2000, the correspondence issued by the Baltimore County Bureau of Code Enforcement is not totally accurate. In our letter, we referenced a violation of the approved June 16, 1981 truck facility plan. What the enforcement division failed to verify was that an amended site plan had been prepared and accepted for filing in case number 98-260-SPHX, with Zoning Commissioner Lawrence E. Schmidt granting both the Petition for Special Hearing and Special Exception requests on February 25, 1998. This amended plan, in conjunction with the required approved landscape plan, would regulate the proposed changes to 3600 Georgetown Road. However, in this instance, while expansion of the truck facility did occur in areas approved by the zoning commissioner, your company failed to fully comply with his order by first obtaining an approved landscape plan as set forth in restriction number two of case number 98-260-SPHX, along with failing to obtain permits for grading/paving and the erection of the fencing.

Therefore, per Director Arnold Jablon, all tractor-trailer rigs currently parked in areas other than those originally designated on the approved June 16, 1981 truck facility plan, must be re-parked on site to conform with the 1981 plan within 24 hours. Failure to take this action will result in the immediate issuance of a citation imposing a fine of \$200.00 per day. In addition, a \$2,000.00 fine will be levied for both grading/paving without a permit and the fence erection. Further, by December 1, 2000, the entire facility must be returned to its original condition (1981 plan) - i.e., removal of all paving in expended areas, reforestation of same area (per approved landscape plan), replacement of telephone pole wheel stops, and relocation of fencing.

Post-it® Fax Note	7671	9-25-00	# of pages 2
To DAVID	From		
Co./Dept. GILDER	CC Jim Thompson		
Phone #	Phone #		
Fax # 410-832-2015	Fax #		

Census 2000

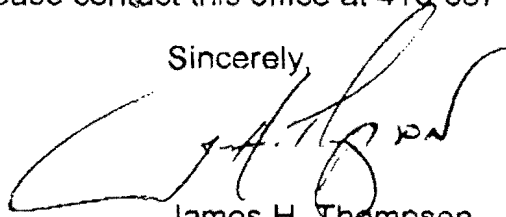
Census 2000

3600 Georgetown Corporation
September 25, 2000
Page 2

In summary, because of actions of your company in failing to comply with the one major restriction in public hearing case number 98-260-SPHX, to wit: failure to submit a landscaping plan for approval, this department has elected to declare the February 25, 1998 decision no longer valid and in effect.

If additional questions do exist, please contact this office at 410-887-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "J.H. Thompson", written over a horizontal line.

James H. Thompson
Code Inspections and
Enforcement Supervisor

JHT:scj

C: Larry E. Shepherd, Terminal Manager, New England Motor Freight
David K. Gildea, Esquire, Whiteford, Taylor & Preston, LLP
Kathleen A. Lewis, Economic Development
Mark Gawel, Code Enforcement
Zoning Case 98-260-SPHX

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 867

DATE 10/26/00 ACCOUNT 001-6150

AMOUNT \$ 75.00

RECEIVED FROM: Whiteford, Taylor & Preston

FOR: Appeal - Letter of 9/25/00

3600 Georgetown Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 547-8700
FAX 410 752-7092

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
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FAX 410 884-0719

1517 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT

DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

October 25, 2000

Via Hand Delivery

Arnold Jablon, Esquire, Director
Mr. James H. Thompson, Code Inspections and Enforcement Supervisor
Baltimore County Department of Permits
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: NEMF/3600 Georgetown Corporation
Appeal of Decision dated September 25, 2000
3600 Georgetown Road
Case No.: 00-7138
Our File No.: 48237/00131

Gentlemen:

Appellant/Petitioner, 3600 Georgetown Corporation, by and through its attorneys, Whiteford, Taylor & Preston L.L.P., hereby notes this appeal pursuant to Baltimore County Code Section 26-132, from the decision of the Department of Permits and Development Management dated September 25, 2000 (attached).

Please find a check enclosed in the amount of \$75.00 to cover the fees for processing this appeal.

Should you have any questions or comments, please contact me.

Sincerely yours,

G. Scott Barhight

GSB:bhb

cc: Baltimore County Board of Appeals
The Honorable C.A. Dutch Ruppertsberger, County Executive
The Honorable S.G. Samuel Moxley, Councilman for First Councilmanic District
Mr. Robert J. Barrett, Special Assistant to the County Executive
Virginia W. Barnhart, Esquire, County Attorney
Mr. Robert L. Hannon, Executive Director, Economic Development
Ms. Kathleen A. Lewis, Business Development Director, Economic Development
Mr. Myron P. Shevell, President, New England Motor Freight
Bruce A. Blakeman, Esquire, New England Motor Freight
Mr. Robert F. "Nob" Walker, New England Motor Freight
Mr. David Martin, GW Stephens
David K. Gildea, Esquire, Whiteford, Taylor & Preston
Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
SPECIAL EXCEPTION
N/S Georgetown Road, 629.36 ft. * ZONING COMMISSIONER
SW of c/l Bloomfield Road
3600 Georgetown Road * OF BALTIMORE COUNTY
13th Election District
1st Councilmanic District * Case No. 98-260-SPHX
3600 Georgetown Corp., Petitioner

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Special Exception for the property located at 3600 Georgetown Road in Lansdowne. The Petitions were filed by 3600 Georgetown Corporation, property owner. Special Exception relief is requested, pursuant to Sections 410.1.F and 502.7 of the Baltimore County Zoning Regulations (BCZR), to amend the site plan for a previously approved Class 1 trucking facility dated June 16, 1981 (Trucking Facility 139). Special Hearing relief is requested to approve an amendment to a previously approved plan in case No. 48-90-RX. The subject property and requested relief are all more particularly shown on the amended plan to accompany the Petition for Special Hearing and Petition for Special Exception marked as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this case was Robert Walker, on behalf of New England Motor Freight Company, the business entity which operates the subject trucking facility. Also present was David L. Martin, a Landscape Architect with G.W. Stephens, Jr. and Associates, the preparers of the site plan. The Petitioner was represented by David Gildea, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property under consideration is a triangularly shaped parcel which straddles the Baltimore County/Baltimore City line in Lansdowne. The property, in its entirety, is approximately 9.523 acres in area. Approximately 6.25 acres are in Balti-

623 A.2d 1296

Roby HUFFMAN

v.

KOPPERS COMPANY, INC. et al.

No. 20, Sept. Term, 1993.

Court of Appeals of Maryland.

May 6, 1993.

R. Roger Drechsler and Norman Hochberg, Baltimore,
for petitioner.

Stan Haynes, Semmes, Bowen, & Semmes, Baltimore, for
respondent.

Submitted to MURPHY, C.J., and ELDRIDGE,
RODOWSKY, McAULIFFE, CHASANOW, KARWACKI
and ROBERT M. BELL, JJ.

PER CURIAM.

For reasons stated by Judge Glenn T. Harrell, Jr. for the
Court of Special Appeals in *Huffman v. Koppers Co.*, 94
Md.App. 180, 616 A.2d 451 (1992), the judgment is affirmed.

JUDGMENT AFFIRMED, WITH COSTS.

1

623 A.2d 1296

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND

v.

Sheila Brooks TAHIR.

Misc. (Subtitle BV) No. 15, September Term, 1993.

Court of Appeals of Maryland.

May 7, 1993.

ORDER

Upon consideration of the Petition for Reprimand by
Consent filed herein, it is this 7th day of May, 1993,

ORDERED, that the Respondent, Sheila Brooks Tahir,
be, and she is hereby, REPRIMANDED for her violation of
Rules 1.1 and 1.3 of the Maryland Rules of Professional
Conduct.

2

623 A.2d 1296

PRINCE GEORGE'S COUNTY, MARYLAND

v.

SUNRISE DEVELOPMENT LIMITED PARTNERSHIP et al.

No. 81, Sept. Term, 1992.

Court of Appeals of Maryland.

April 22, 1993.

Reconsideration Denied June 4, 1993.

Developer of proposed high-rise apartment building pe-
titioned for judicial review of decision of county board of
administrative appeals refusing to vacate stop work order,
which had been issued after building site was rezoned. The

80-2695
Nick

DEC 18 1980

☐ Ans.
☐ Rec.
☐ Re
PEALS
☐ Chkd

ZONING DEPT

By

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS
TOWSON, MD.

Joint Exhibit 1

D. M. GANTZ and PAUL DAYHOFF : BEFORE THE
Alleged Truck Violation: : BOARD OF APPEALS
Property being utilized as :
Trucking Facility, Class I : OF
1600 Georgetown Road : BALTIMORE COUNTY
13th District :

CASE NO. 77-139-TV

: : : : : : : : : : : : :

AGREED STATEMENT OF FACTS

Baltimore County, Maryland and the Respondents, D. M. Gantz, Paul Dayhoff and Wilson Freight Forwarding Company, the Lessee, and Aetna Cartage Company, the property owner and Lessor (and the use of the term "Wilson Freight" shall include both the corporate owner Aetna Cartage Company and the corporate Lessee, Wilson Freight Company, unless otherwise indicated), agree upon and stipulate to the following facts which are not in dispute.

1. That the Wilson Freight Company site, owned by Aetna Cartage Company, at 3600 Georgetown Road, which lies partially in Baltimore County and partially in Baltimore City, comprises in all 9.525 acres, with 3.2 acres and the entrance and mailing address lying in Baltimore City, while 6.25 acres of the site lies in Baltimore County.

2. That a portion of the Wilson Freight Company site lying in Baltimore County was the subject of a reclassification and special exception for truck terminal case, and in Case No. 4890RX, by the Opinion and Order of the County Board of Appeals dated October 11, 1961, the property was reclassified from an R-6 zone to an M.L. zone, and granted a special exception for truck terminal and warehouse usage.

3. That pursuant to this reclassification and special exception case, Wilson Freight Company and Aetna Cartage Company duly and timely constructed various site improvements, including a one-story metal warehouse terminal with attached office area, a

Joint Exhibit
1

RE: PETITION FOR RECLASSIFICATION	:	BEFORE
from an "R-6" Zone to an	:	
"M-L" Zone and SPECIAL	:	COUNTY BOARD OF APPEALS
EXCEPTION for Truck Terminal	:	
and Warehouse - N.W. Old	:	OF
Georgetown Rd. and S.W.	:	
Baltimore City-Baltimore	:	BALTIMORE COUNTY
County boundary- 13th Dist.	:	
Wilson Forwarding Freight Co.,	:	No. 4890-RX
Petitioner	:	
	:	
	:	

: : : : : : : : : : :

This is a petition for Reclassification from and "R-6" Zone to an "M-L" Zone and a Special Exception for a truck terminal and warehouse on a tract of land 4.74 acres located Northwest of Old Georgetown Road and Southwest of Baltimore County--BaltimoreCity boundary; subject property being located in the 13th District of Baltimore County.

This petition has been before the Board of Appeals since the original hearing date of October 6, 1960. An additional hearing was held on January 26, 1961, and still a third hearing on May 11, 1961. Since that time the Board, at the request of attorneys for petitioner and protestants have held the matter sub curia waiting for memorandums to be filed.

It appears from the testimony presented that it would be highly impractical to expect the petitioner to build homes on the subject property. A large majority of the surrounding area is zoned commercially and is being used for commercial purposes. The testimony of Mr. Charles M. Bandiere, an admitted real estate expert, was to the effect that the "highest and best use" of the property would be "M-L". He felt that the commercial aspects of the area that surround the residential area to the southwest of the subject property made it impractical to expect the petitioner to develop his property for residential purposes. He pointed out the automobile junk yard, the gasoline stations on Washington Boulevard and the trucking establishments over the City line on Caton Avenue. His testimony was substantiated by Mr. Augustine J. Muller, Consulting Engineer, former Zoning Commissioner and County Commissioner of Baltimore County appearing as an expert witness. His testimony also was to the effect that the property had been originally zoned in error and that it should have been zoned "M-L"--the same category which the land to the west of the subject tract had been zoned.

MICROFILMED

It was made clearly evident at the hearing before me, by the parties in attendance, that regardless of my decision on these Motions, an appeal will be filed to the Board of Appeals for Baltimore County. The hearing before the Board shall be a *de novo* hearing, at which the participating parties shall be permitted to reassert their respective positions and have this matter once again ruled upon by this Board.

Once an appeal is filed to the Baltimore County Board of Appeals, the Department of Permits and Development Management (DPDM) should consider withholding the issuance of grading and building permits to this Petitioner until such time as this matter may be fully litigated before the County Board of Appeals. This would preserve the property in its present condition while allowing the Petitioner to continue to operate its business in its current fashion until a decision is rendered by the Board of Appeals. Allowing the Petitioner to proceed with the construction of the retaining wall in question and the amount of grading necessary for this project would be difficult to reverse. It may not be possible to return this property to its original condition once those improvements are made in the event the County Board of Appeals should issue a decision denying the Petitioner's expansion plans. This, of course, is within the discretion of DPDM and this paragraph should be considered as advisory in nature only.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of April, 2002, that Restrictions 1 through 4 of my Order, dated October 12, 2001, shall be RESCINDED, and as such, the Motion for Reconsideration filed by the New England Motor Freight Company and the 3600 Georgetown Corporation, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner shall submit to Avery Harden, Landscape Architect for Baltimore County, a landscape plan for review and approval, prior to the issuance of any permits.

IT IS FURTHER ORDERED that all other conditions and restrictions of my previous decision dated October 12, 2001, shall remain in full force and effect; and,

X492-1001-244

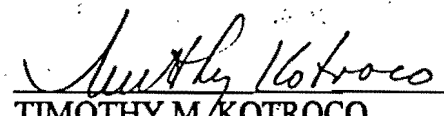
9280

IT IS FURTHER ORDERED that the Motion for Reconsideration filed by the Office of People's Counsel, the Greater Bloomfield Association, and the Maryland Citizens for the Environment, Inc., be and are hereby DENIED.

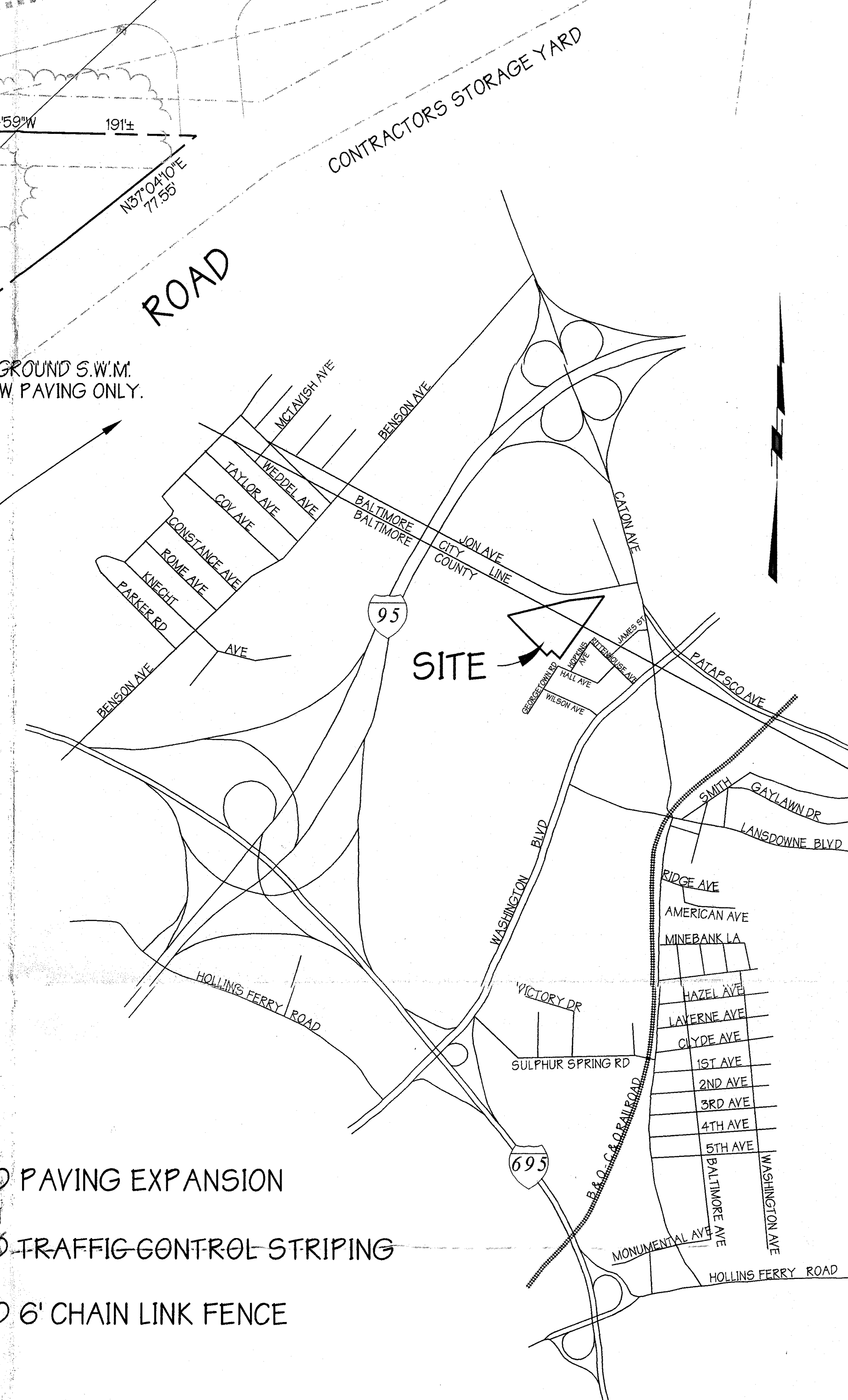
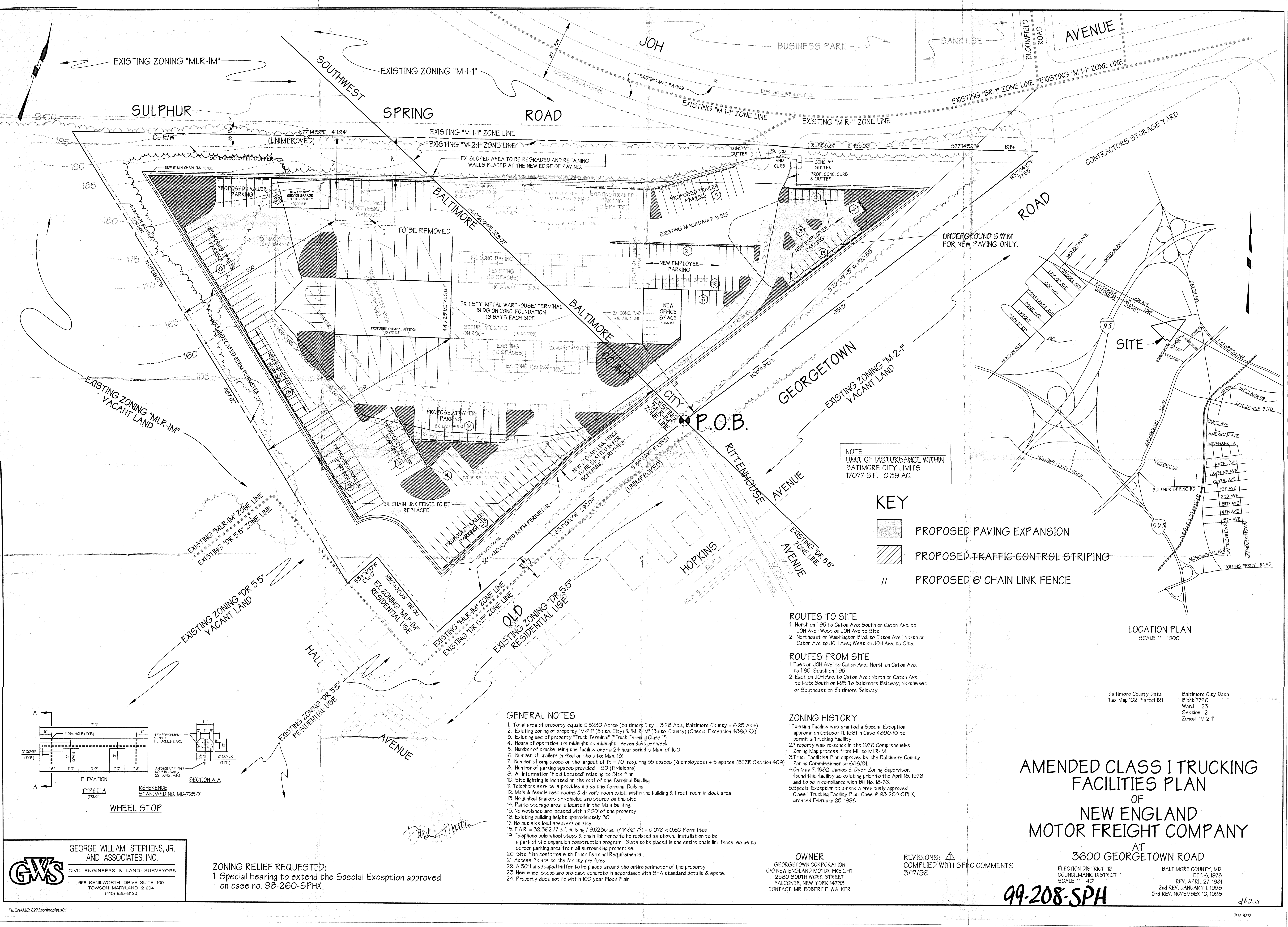
Any appeal of this decision must be filed within thirty (30) days from the date of this

Order.

TMK:bjs



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



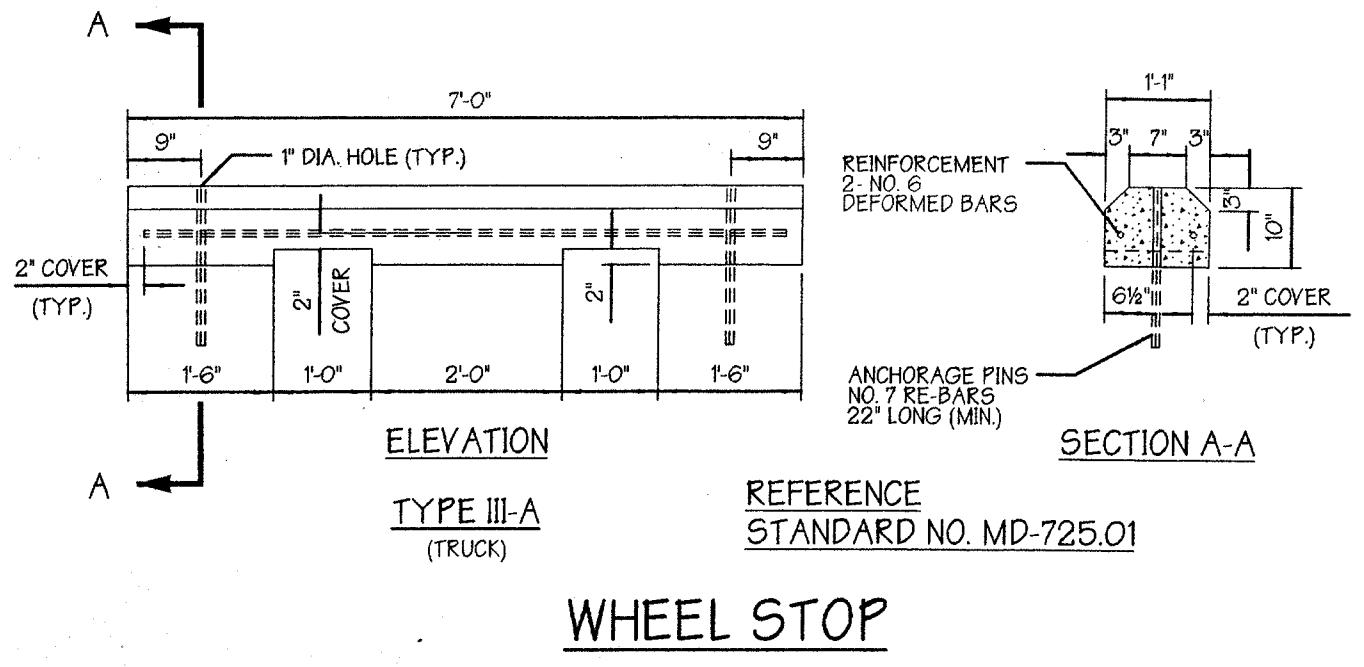
NOTE
LIMIT OF DISTURBANCE WITHIN
BALTIMORE CITY LIMITS
17077 S.F. 0.39 AC.

- KEY**
- PROPOSED PAVING EXPANSION
 - PROPOSED TRAFFIC CONTROL STRIPING
 - PROPOSED 6' CHAIN LINK FENCE

- ROUTES TO SITE**
- North on I-95 to Caton Ave; South on Caton Ave. to JOH Ave; West on JOH Ave to Site
 - Northeast on Washington Blvd. to Caton Ave; North on Caton Ave to JOH Ave; West on JOH Ave to Site.
- ROUTES FROM SITE**
- East on JOH Ave. to Caton Ave; North on Caton Ave. to I-95; South on I-95
 - East on JOH Ave. to Caton Ave; North on Caton Ave. to I-95; South on I-95 To Baltimore Beltway; Northwest or Southeast on Baltimore Beltway

- ZONING HISTORY**
- Existing Facility was granted a Special Exception approval on October 11, 1981 in Case 4890-RX to permit a Trucking Facility.
 - Property was re-zoned in the 1976 Comprehensive Zoning Map process from ML to MLR-1M.
 - Truck Facilities Plan approved by the Baltimore County Zoning Commissioner on 6/16/81.
 - On May 7, 1982, James E. Dyer, Zoning Supervisor, found this facility as existing prior to the April 18, 1976 and to be in compliance with Bill No. 18-76.
 - Special Exception to amend a previously approved Class I Trucking Facility Plan, Case # 98-260-SPHX, granted February 25, 1998.

- GENERAL NOTES**
- Total area of property equals 9.5230 Acres (Baltimore City = 3.28 Ac.±, Baltimore County = 6.25 Ac.±)
 - Existing zoning of property "M-2.1" (Balto. City) & "MLR-1M" (Balto. County) (Special Exception 4890-RX)
 - Existing use of property "Truck Terminal" ("Truck Terminal Class I")
 - Hours of operation are midnight to midnight - seven days per week
 - Number of trucks using the facility over a 24 hour period is Max. of 100
 - Number of trailers parked on the site: Max. 131
 - Number of employees on the largest shift = 70 requiring 35 spaces (1/2 employees) + 5 spaces (BCZR Section 409)
 - Number of parking spaces provided = 90 (11 visitors)
 - All Information "Field Located" relating to Site Plan
 - Site lighting is located on the roof of the Terminal Building
 - Telephone service is provided inside the Terminal Building
 - Male & female rest rooms & driver's room exists within the building & 1 rest room in dock area
 - No junked trailers or vehicles are stored on the site
 - Parts storage area is located in the Main Building
 - No wetlands are located within 200' of the property
 - Existing building height approximately 30'
 - No out side loud speakers on site
 - F.A.R. = 32,562.77 s.f. building / 9.5230 ac. (41482177) = 0.078 < 0.60 Permitted
 - Telephone pole wheel stops & chain link fence to be replaced as shown. Installation to be a part of the expansion construction program. Signs to be placed in the entire chain link fence so as to screen parking area from all surrounding properties.
 - Site Plan conforms with Truck Terminal Requirements.
 - Access Points to the facility are fixed.
 - A 50' Landscaped buffer to be placed around the entire perimeter of the property.
 - New wheel stops are pre-cast concrete in accordance with SHA standard details & specs.
 - Property does not lie within 100 year Flood Plain.



GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

ZONING RELIEF REQUESTED:
1. Special Hearing to extend the Special Exception approved on case no. 98-260-SPHX.

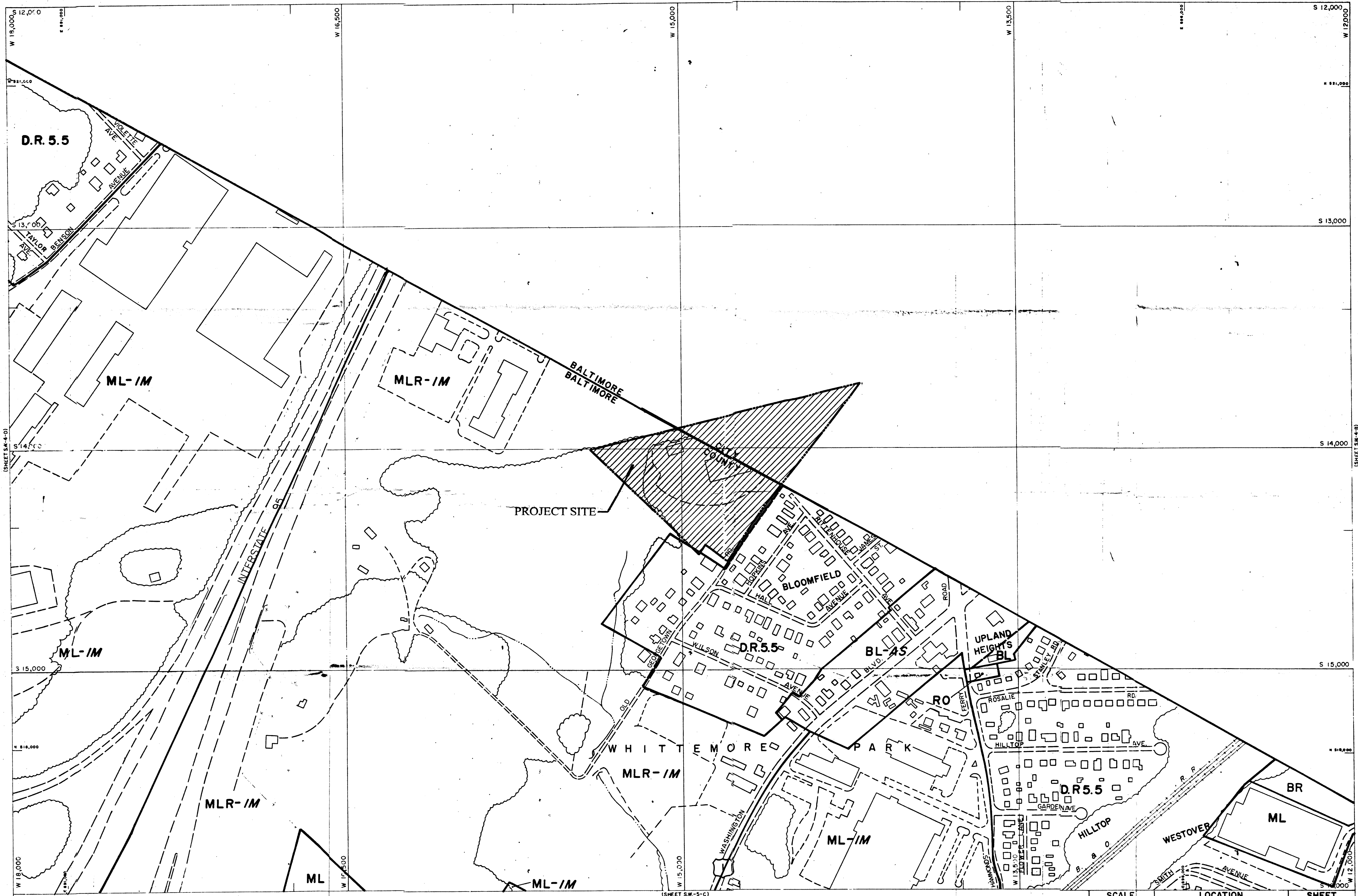
OWNER
GEORGETOWN CORPORATION
C/O NEW ENGLAND MOTOR FREIGHT
2560 SOUTH WORK STREET
FALCONER, NEW YORK 14733
CONTACT: MR. ROBERT F. WALKER

REVISIONS:
COMPLIED WITH SPRC COMMENTS
3/17/98

**AMENDED CLASS I TRUCKING FACILITIES PLAN
OF
NEW ENGLAND
MOTOR FREIGHT COMPANY
AT
3600 GEORGETOWN ROAD**

ELECTION DISTRICT 13
COUNCILMANIC DISTRICT 1
SCALE: 1" = 40'
BALTIMORE COUNTY, MD.
DEC 6, 1978
REV. APRIL 27, 1981
2nd REV. JANUARY 1, 1998
3rd REV. NOVEMBER 10, 1998

99-208-SPH



G-SW G-SE

1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

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

Kevin Kamenev
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

LANDSDOWNE

SHEET

S.W.
4-C

99-208-SPH #208

